FLORIDA

JOURNAL

OF THE

SENATE

VOLUME I

ORGANIZATION SESSION
November 18, 2008

SPECIAL SESSION A
January 5 - 14, 2009

REGULAR SESSION
March 3
through
May 8, 2009

Available on
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Journal

of the

S E N A T E

State of Florida

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JOURNAL OF THE SENATE

R. Philip Twogood
Secretary of the Senate

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Journal

of the

S E N A T E

State of Florida

ORGANIZATION SESSION

November 18, 2008

At an Organization Session of the Florida Legislature convened under the Constitution of the State, as revised in 1968

MEMBERS OF THE SENATE

(26 Republicans, 14 Democrats)

ORGANIZATION SESSION

November 18, 2008

District 1: Anthony C. "Tony" Hill, Sr. (D), Jacksonville**
Parts of Duval, Flagler, Putnam, St. Johns and Volusia

District 2: Durell Peaden, Jr. (R), Crestview*
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 3: Charles S. "Charlie" Dean, Sr. (R), Inverness**
Baker, Dixie, Hamilton, Lafayette, Suwannee, Taylor and parts of Citrus, Columbia, Jefferson, Leon, Levy, Madison and Marion

District 4: Don Gaetz (R), Niceville*
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 5: Stephen R. Wise (R), Jacksonville**
Parts of Clay, Duval, Nassau and St. Johns

District 6: Alfred "Al" Lawson, Jr. (D), Tallahassee*
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 7: Evelyn J. Lynn (R), Ormond Beach**
Parts of Clay, Marion, Putnam and Volusia

District 8: James E. "Jim" King, Jr. (R), Jacksonville*
Parts of Duval, Flagler, Nassau, St. Johns and Volusia

District 9: Andy Gardiner (R), Orlando**
Parts of Orange, Osceola and Seminole

District 10: Ronda Storms (R), Valrico*
Parts of Hillsborough, Pasco and Polk

District 11: Mike Fasano (R), New Port Richey**
Parts of Citrus, Hernando, Pasco and Pinellas

District 12: Victor D. Crist (R), Tampa*
Parts of Hillsborough and Pasco

District 13: Dennis L. Jones, D.C. (R), Seminole**
Part of Pinellas

District 14: Steve Oelrich (R), Gainesville*
Alachua, Bradford, Gilchrist, Union and parts of Columbia, Levy, Marion and Putnam

District 15: Paula Dockery (R), Lakeland**
Parts of Hernando, Lake, Osceola, Polk and Sumter

District 16: Charlie Justice (D), St. Petersburg*
Parts of Hillsborough and Pinellas

District 17: JD Alexander (R), Lake Wales**
Hardee, Highlands, and parts of DeSoto, Glades, Okeechobee, Polk and St. Lucie

District 18: Arthenia L. Joyner (D), Tampa*
Parts of Hillsborough, Manatee and Pinellas

District 19: Gary Siplin (D), Orlando**
Parts of Orange and Osceola

District 20: Carey Baker (R), Eustis*
Parts of Lake, Marion, Seminole, Sumter and Volusia

District 21: Michael S. "Mike" Bennett (R), Bradenton**
Parts of Charlotte, DeSoto, Lee, Manatee and Sarasota

District 22: Lee Constantine (R), Altamonte Springs*
Parts of Orange and Seminole

District 23: Nancy C. Detert (R), Venice**
Parts of Charlotte, Manatee and Sarasota

District 24: Thad Altman (R), Viera***
Parts of Brevard, Orange and Seminole

District 25: Jeff Atwater (R), North Palm Beach**
Parts of Broward and Palm Beach

District 26: Mike Haridopolos (R), Melbourne*
Parts of Brevard, Indian River, Osceola and St. Lucie

District 27: Dave Aronberg (D), Greenacres**
Parts of Charlotte, Glades, Hendry, Lee and Palm Beach

District 28: Ken Pruitt (R), Port St. Lucie*
Martin and parts of Indian River, Okeechobee, Palm Beach and St. Lucie

District 29: Christopher L. "Chris" Smith (D), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 30: Ted Deutch (D), Boca Raton*
Parts of Broward and Palm Beach

District 31: Eleanor Sobel (D), Hollywood**
Part of Broward

District 32: Jeremy Ring (D), Margate*
Part of Broward

District 33: Frederica S. Wilson (D), Miami**
Part of Miami-Dade

District 34: Nan H. Rich (D), Weston*
Parts of Broward and Miami-Dade

District 35: Dan Gelber (D), Miami Beach**
Parts of Broward and Miami-Dade

District 36: Alex Diaz de la Portilla (R), Miami*
Part of Miami-Dade

District 37: Garrett S. Richter (R), Naples**
Parts of Collier and Lee

District 38: J. Alex Villalobos (R), Miami*
Part of Miami-Dade

District 39: Larcenia J. Bullard (D), Miami**
Monroe and parts of Broward, Collier, Hendry, Miami-Dade and Palm Beach

District 40: Rudy Garcia (R), Hialeah*
Part of Miami-Dade

* Holdovers
** Elected General Election November 4, 2008, for a term of 4 years
*** Elected General Election November 4, 2008, for a term of 2 years

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OFFICERS OF THE SENATE

Jeff Atwater, *President*
Mike Fasano, *President Pro Tempore*
Alex Diaz de la Portilla, *Majority (Republican) Leader*
Alfred "Al" Lawson, Jr., *Minority (Democratic) Leader*

Non-member Elected Officer

R. Philip Twogood, *Secretary of the Senate*

MEMBERS AND OFFICERS OF THE SENATE
THE 2008-2010 FLORIDA SENATE

President

Jeff Atwater (R)
North Palm Beach
District 25

President Pro Tempore

Mike Fasano (R)
New Port Richey
District 11

Majority (Republican) Leader

Alex Diaz de la Portilla (R)
Miami
District 36

Minority (Democratic) Leader

Alfred "Al" Lawson, Jr. (D)
Tallahassee
District 6

JD Alexander (R)
Lake Wales
District 17

Thad Altman (R)
Viera
District 24

Dave Aronberg (D)
Greenacres
District 27

Carey Baker (R)
Eustis
District 20

Michael S. "Mike"
Bennett (R)
Bradenton
District 21

Larcenia J. Bullard (D)
Miami
District 39

Lee Constantine (R)
Altamonte Springs
District 22

Victor D. Crist (R)
Tampa
District 12

Charles S. "Charlie"
Dean, Sr. (R)
Inverness
District 3

Nancy C. Detert (R)
Venice
District 23

Ted Deutch (D)
Boca Raton
District 30

Paula Dockery (R)
Lakeland
District 15

Don Gaetz (R)
Niceville
District 4

Rudy Garcia (R)
Hialeah
District 40

Andy Gardiner (R)
Orlando
District 9

Dan Gelber (D)
Miami Beach
District 35

Mike Haridopolos (R)
Melbourne
District 26

Anthony C. "Tony" Hill,
Sr. (D)
Jacksonville
District 1

Dennis L. Jones, D.C. (R)
Seminole
District 13

Arthenia L. Joyner (D)
Tampa
District 18

MEMBERS AND OFFICERS OF THE SENATE
THE 2008-2010 FLORIDA SENATE

Charlie Justice (D)
St. Petersburg
District 16

James E. "Jim" King, Jr. (R)
Jacksonville
District 8

Evelyn J. Lynn (R)
Ormond Beach
District 7

Steve Oelrich (R)
Gainesville
District 14

Durell Peaden, Jr. (R)
Crestview
District 2

Ken Pruitt (R)
Port St. Lucie
District 28

Nan H. Rich (D)
Weston
District 34

Garrett S. Richter (R)
Naples
District 37

Jeremy Ring (D)
Margate
District 32

Gary Siplin (D)
Orlando
District 19

Christopher L. "Chris" Smith (D)
Ft. Lauderdale
District 29

Eleanor Sobel (D)
Hollywood
District 31

Ronda Storms (R)
Valrico
District 10

J. Alex Villalobos (R)
Miami
District 38

Frederica S. Wilson (D)
Miami
District 33

Stephen R. Wise (R)
Jacksonville
District 5

Non-member Elected Officer

R. Philip Twogood
Secretary of the Senate

Sergeant at Arms

Donald Severance

Journal of the Senate

ORGANIZATION SESSION **Tuesday, November 18, 2008**

Journal of the Senate for the Organization Session of the Twenty-first Legislature to be convened under the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, November 18, 2008, being the day fixed by the Constitution for this purpose.

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CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m.

PRAYER

The following prayer was offered by Bishop Thomas Masters, The New Macedonia Baptist Church, and also Mayor, Riviera Beach:

Our Father, our God, we come today to say thank you. Thank you for life, health and pursuit of happiness. We thank you for our great nation — the land of the free, and the home of the brave. We thank you for our awesome state, the Sunshine State. We ask you to permit the rays of your sustaining power and presence to shine down upon us all.

God, we ask you to bless our new President, Jeff Atwater; continue to guide and strengthen him, endow him with power and wisdom from on high, that he will unify this body and lead with vision, faith, purpose, reason, fairness and truth. All will come to realize that brother Jeff Atwater is a true servant of all the people, always seeking: right over wrong; faith over fear; hope over despair; and strength over weakness.

We ask your blessings upon this great chamber, one that seeks to do your will, uplift humanity, improve the quality of life for all and never forget the least of these: guide our feet; hold our hands; tame our tongues; purify our hearts; convict our conscience; stir up our spirit; empower our minds; and move us with compassion.

Broaden our horizon that we will see ourselves, not as Democrats or Republicans, but Americans, one nation under God, indivisible with liberty and justice for all. We must all understand that in our deliberations that we will always put people first and ensure democracy.

Pray that the words of our mouths and the meditations of our hearts will always be acceptable in thy sight, and all the people said, Amen.

PLEDGE

At the request of Senator Baker, all the children in the chamber led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Daniel Higgins of West Palm Beach, sponsored by Senator Atwater, as doctor of the day. Dr. Higgins specializes in Surgery and currently serves as President of the Palm Beach Medical Society.

CERTIFICATE RECEIVED

Philip Twogood, of the Office of Senate Secretary, announced that The Honorable Kurt S. Browning, Secretary of State, had certified to the election of 21 Senators as follows:

STATE OF FLORIDA
DEPARTMENT OF STATE

I, **KURT S. BROWNING**, Secretary of State of the State of Florida, do hereby certify that the following candidates were duly elected at the General Election held on the Fourth day of November, A.D., 2008, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT	ELECTED SENATOR
1	Anthony C. "Tony" Hill, Sr.
3	Charles S. "Charlie" Dean, Sr.
5	Stephen R. Wise
7	Evelyn J. Lynn
9	Andy Gardiner
11	Mike Fasano
13	Dennis L. Jones, D.C.
15	Paula Dockery
17	JD Alexander
19	Gary Siplin
21	Michael S. "Mike" Bennett
23	Nancy C. Detert
24	Thad Altman
25	Jeff Atwater
27	Dave Aronberg
29	Christopher L. "Chris" Smith
31	Eleanor Sobel
33	Frederica S. Wilson
35	Dan Gelber
37	Garrett Richter
39	Larcenia J. Bullard

GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capitol, this the 17th day of November, A.D., 2008

Kurt S. Browning
SECRETARY OF STATE

OATH OF OFFICE ADMINISTERED

The oath of office was administered by the Honorable Peggy Quince, Chief Justice, Florida Supreme Court, to the recently elected Senators.

ROLL CALL

The roll of the Senate, as then constituted by the 21 newly elected members and the 19 holdover members, was called by Philip Twogood, of the Office of Senate Secretary, in alphabetical order and the following members of the Senate were recorded present:

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

SPECIAL GUESTS

President Pruitt introduced the following guests: Governor Charlie Crist, former Senator; Lieutenant Governor Jeff Kottkamp, former Representative; and former Governor Reubin Askew, former Senator and Representative.

President Pruitt recognized the following Supreme Court Justices: Chief Justice Peggy Quince; and Justices Harry Lee Anstead and Barbara Pariente.

President Pruitt announced that in addition to former Senate President Jim King, who still serves in the Senate, the Senate was honored by the presence of the following former Senate Presidents: Mallory Horne; Phil Lewis and his son, Dan; and James Scott. Senator King was accompanied by his wife, Linda.

President Pruitt also recognized former Senators Ron Silver, Paul Steinberg, Van Poole and Curt Kiser.

ORGANIZATION

The Senate proceeded to the organization of the body.

NOMINATIONS FOR PRESIDENT

President Pruitt announced that nominations would be received for President of the Senate, pursuant to Article III, Section 2 of the Constitution, for a term of two years.

President Pruitt recognized Senator King who placed in nomination the name of Senator Jeff Atwater of the 25th Senatorial District.

Senator King: Senators, honored guests, friends and family in the gallery. Today's ceremony across our great state, is being watched by Floridians on television and listened to on the radio as we come together to nominate and swear in the 83rd President of the Florida Senate.

Having been in the Legislature for over 22 years, I have witnessed and participated in many of these ceremonies. I have watched as numerous men and women, Republicans and Democrats, have taken the oath of office and pledged to make a difference and work with both sides of the aisle to accomplish the difficult tasks at hand.

Each year, each new President faced unique challenges and uphill battles – some seemingly more difficult than others. In the end, they all did the best they could with the challenges that history gave them.

This year, regardless of the past performances, will go down as one of the most challenging and difficult for presiding officers and budget writers. Today, it is no secret, we face enormous problems:

We have a crippling budget crisis.

We have declining state revenues.

We have a troubled and faltering housing market.

And we must solve numerous policy issues that demand sound reform and real and significant change.

And yes, we must approach these problems in the shadow of a national economic crisis, the likes of which have not been realized by Americans since the market crash of 1929!

While these may seem daunting to any representative body and insurmountable to some aspiring leaders, we have the opportunity today to nominate a Senator whose commitment, drive and ability is as deeply rooted in his character as his personal history and heritage are rooted in Florida.

A "leader," by definition, is a person who has commanding authority and influence, who guides, and is the first or principal performer of a group. Senators, I know you will agree with me that this definition speaks to the integrity and aptitude of our friend, Jeff Atwater.

In these difficult seas on which our "ship of state" currently sails, we need a leader who will provide a calm and steady hand on the wheel. We need someone who sees the shore on the horizon beyond the storm and who can lead us there with confidence, strength and foresight.

To fill that role, I proudly stand before you to nominate Senator Jeff Atwater as President of the Florida Senate. Senator Atwater's family history in Florida is well known. His great-grandfather, Napoleon Bonaparte Broward, was Governor in the 1900s and his mother's cousin, Cary Hardee, was Governor later in the 1920s. Both took their place in our history and left their mark on Florida. As an interesting sidebar to this, the first piece of legislation I passed when I was elected in 1986, was the naming of a giant bridge crossing the St. Johns River, the Napoleon Bonaparte Broward Bridge. Tell me it's not a small world. Senator Atwater, now it is your time, and your day to make a lasting impression on our state's future. You have been given a challenge, and have accepted it without any kind of reservation. I know you will rise to the occasion and that in the end, your name, much like your ancestors', will bear witness in our state's history as a leader who helped turn the tide during difficult times.

As I close, I'd ask my fellow Senators to join me in nominating Senator Atwater for President of the Senate. I finish with one final thought. Senator Atwater's storied and distinguished family background already has a significant place in our state's history. Now, history once again opens its door and beckons all of us in. Senator, we have no idea what the future holds for you or for this chamber, but we face that future with the confidence that with you at the helm, our journey together will lead us to better days for all of Florida and for all Floridians.

Senator Atwater, I look forward to serving with you and I am proud and honored to nominate you as our 83rd President of the Florida Senate.

President Pruitt recognized Senator Lynn who seconded the nomination of Senator Atwater.

Senator Lynn: I rise to second the nomination of Jeff Atwater for Senate President. With him today is his lovely wife, Carole, and their four children: Amy Leigh, John, Amanda, and Courtney.

You have all played a major role in getting to the point where we are today. Senator Atwater's love for his family is evident This story has been told before, but I think it bears telling again. Every morning, since first elected to go to Tallahassee, Jeff ties his shoelaces in a double-knot, the way we teach our young children to do. He does this to remember his children throughout the day. They are his priorities and he puts them first. However, some of us consider this a major sign that Jeff leaves nothing to chance. We know that is going to serve you well during the next two years.

Seriously, if you watch Jeff, whenever he speaks of his family, you can see the love and affection. It is clearly evident.

I also want to thank someone else in his family, particularly, and that is Carole Atwater. I welcome you, Carole Atwater, as our new First Lady. And Carole Atwater, you will be an incredible First Lady of the Florida Senate!

On a daily basis, Carole has faced the challenge of being a working woman, a mother of four, and wife to a husband who is, with your support, taking on a major state leadership role at a time when our state, like our nation, is facing problems of historic proportion. Carole, the journey you and Jeff have undertaken has been long, and, I am sure filled with success and sometimes disappointment. I know that your support was vital, particularly during the tough times. Jeff will especially need your continued love and support during the next two demanding years.

Also here today is Jeff's mother, Patricia Hardee Atwater. Mrs. Atwater, thank you for the role you have played in shaping your son, Jeff. He is a man of integrity, and has a deep sense of family, as well as a strong commitment to his community and to his state.

Jeff Atwater also recognizes the legislative role is both time consuming and demanding. He often works late into the evening to ensure that he listens and understands the concerns of Floridians from every walk of life and works to solve the many problems that they face.

Among the many constituents served by Senator Atwater is Tami Wise-Thrash for whom he sponsored a bill which addressed a serious problem. The "Robert A. Wise Military Protection Act," named after Mrs. Wise's son who, not only served in Iraq, but gave his life for our nation. The bill prohibits the commercialization of the name or image of a member of the armed forces. It is one that many of us could have sponsored and believed in. Jeff led the way in it. Tami Wise-Thrash is here with us today. We are honored by her presence and we thank you and your son for all you have contributed to making this wonderful state better than it ever was and our nation a leading nation in the world.

Senator Atwater, bolstered by his family, community, and friends, has demonstrated his commitment to serving the public good. He is the man of the hour. He has broad shoulders and he is the man who can lead us through these difficult two years that he will face with us and with our support.

Therefore, it is my pleasure to second the nomination of Senator Jeff Atwater for Senate President.

President Pruitt recognized Senator Deutch who further seconded the nomination of Senator Atwater.

Senator Deutch: Mr. President, I rise to further second the nomination of Senator Jeff Atwater from the 25th District to be President of the Florida Senate.

Mr. President, to some it might seem odd that I stand before this chamber to second the nomination of Senator Atwater as Senate President.

I am a member of the minority party; one whose views sometimes differ from those of our incoming president, and I am not hesitant to engage in a good debate with members of the other party when I feel that debate is warranted.

But I stand here today in support of Senator Atwater because, for him, good policy comes before politics, and he is willing to cross the aisle to pass legislation that is good for our state and our citizens.

Make no mistake; Senator Atwater ardently pursues the principles of his party. He is firm in his beliefs, but he does not dismiss the ideas of others.

Senator Atwater is a Republican, but he recognizes that we are Americans first, Floridians second, and particularly now at this difficult time, we are partisan Republicans and Democrats last.

And he knows when to set aside the political battles in order to unite and effectively serve our citizens together.

Senator Atwater's commitment to principles is evident in his policymaking.

I worked closely with the Senator on the Protecting Florida's Investments Act, legislation which, since its passage last year, has led to the divestment of over $1 billion in state pension money previously invested in companies which put profits ahead of principles by contributing to the genocide in Darfur and by making it easier for Iran to develop nuclear weapons.

Senator Atwater stepped forward to lead this effort, displaying throughout the legislative battle his commitment to the principles of democracy, dignity, integrity, and freedom. He spoke eloquently on and off of the Senate floor about the need for this state to take action to protect our troops and ensure our national security, and he placed our efforts in a historical context that helped strengthen the case. That was principled leadership.

His passion for public policy is evident in his willingness to dedicate the time necessary to grasp and understand technical issues. He studies the issues and always considers how the policies that we debate will impact Floridians' daily lives. And when he believes in a policy, he perseveres until he builds consensus.

Florida is a diverse state, and our Senate is equally diverse. From the Gulf shores of the Panhandle to the beaches of the Keys, and including Broward and Palm Beach Counties, the areas Senator Atwater and I are honored to represent, the citizens of our state have a set of distinct yet varied interests and passions; it is our challenge to represent our constituents well. It will be President Atwater's challenge to ensure that we face each day with an eye toward the common good for our Florida citizens, permitting important debate, yet forging consensus necessary to move us ahead.

Despite the challenges that face our state and this Senate, I am confident that Senator Atwater has the patience, the understanding, the dedication to good public policy, and the determination to lead this great body at this difficult time.

For these reasons, it is my honor to second Senator Atwater's nomination for Senate President.

On motion by Senator Alexander, nominations for President were closed.

ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Jeff Atwater."

The vote was:

Yeas—39

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

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Diaz de la Portilla that a committee be appointed to escort Senator Atwater and his wife, Carole, and their children to the rostrum, President Pruitt appointed Senators Diaz de la Portilla, Aronberg, Bennett, Garcia, Jones, Hill and Wilson. Senator

Atwater was escorted to the rostrum of the Senate where the oath of office was administered by The Honorable Peggy Quince, Chief Justice, Florida Supreme Court.

President Pruitt presented the gavel to President Atwater, the 83rd President of the Florida Senate since statehood.

PRESIDENT ATWATER PRESIDING

President Atwater: President Pruitt, this Senate, and I assure you, this President is not finished with you yet, sir. There is so much more that you will give; there is so much more that you will offer.

Ken Pruitt has been a one-man optimist club. He tells you it is morning in America every day. You have all heard him give the phrase, "Even in our toughest day, chin up, shoulders back, we press on." Even in his longest day, he carried us on his back.

Members, it is an honor to hand back to this man, for this family to now hold forever and a day, a gavel that was made by our own Sergeant at Arms' family. To the man who carried it well with all of its weight but offered it with all of the grace. Members, please join me in expressing our gratitude to this man, our President, Ken Pruitt.

Mr. President, there is one more the thing we wanted to provide you. We know you are a deep lover of Florida history. That must express your genuine desire to shape its future. We want to present you with a map of 1822 drafted for Florida as we began our entry into the United States as a United States territory. The map has changed much, and because of your presence, it will change much more in the future. This is yours, Mr. President, the map of Florida of 1822.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Rivera, Evers, Culp, Brandenberg, Llorente, Galvano and Gibson was received and informed the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the chamber.

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would be received for President Pro Tempore of the Senate for a term of two years and recognized Senator Haridopolos who placed in nomination the name of Senator Mike Fasano of the 11th Senatorial District.

Senator Haridopolos: I rise to place into nomination the name of the Senator from the 11th District, Senator Fasano.

He loves his New York Mets. He loves his Tampa Bay Lightning. Every day he shows his dedication to his family. He is a man of action. He is a man of faith and determination. Our friend, Mike Fasano, is truly dedicated to this state and to his community. Seniors and Savers, is not just a cliché with Mike Fasano; it's the very people that he represents every single day here in the Florida Senate.

He is a man of integrity and intensity. Those of us in the 2000 Class in the Florida House know very well his intensity. Senator Atwater, Senator Baker, Senator Bennett, Senator Gelber, Senator Gardiner, Senator Joyner, Senator Justice, Senator Rich, Senator Siplin and I all had the opportunity to come to the Florida Legislature in 2000. He led us that first year. Now times have changed as we have our own presiding officer in Jeff Atwater.

That intensity comes from pure love for this state and his community. He is the first man to arrive every single day in the Florida Senate. He is also probably the first guy to go to sleep the night before. Though he is in the Capitol early in the morning, his heart is truly in his community. I know Mike Fasano best because of the notes that always follow up our business. I think if you ever walk in his office, he's answering emails personally, he's writing notes personally, and he's personally responding to the constituents that called his office that day to make sure that their needs were fulfilled.

As his good friend and former roommate would say, who sat in that very chair just last year, he's a servant leader. That is what separates Mike Fasano from others. I'm absolutely confident that you have made the right selection, Mr. President, in selecting Mike Fasano as your President Pro Tempore because he is a loyal person to you and, most importantly, to this incredible state that we live in each and every day.

It is my pleasure to nominate our great friend and a wonderful Senator who cares about his community every single morning, throughout the day, and goes to sleep every night making sure that he serves them better the next. I nominate our friend, Senator Mike Fasano.

The President recognized Senator Storms who seconded the nomination of Senator Fasano.

Senator Storms: Mr. President, I am honored to second the nomination of Senator Mike Fasano as President Pro Tempore. During our time working together in the Florida Senate and in our co-districts which are side-by-side, I believe we have a mutual admiration for the issues we advocate and believe. My good friend, Senator Fasano, has been a strong conservative voice during his many years in the Legislature, yet he has the unique ability to bring two sides together to come to a common understanding on complex issues that face all Floridians. As President Pro Tempore he will work long and hard to help unite our chamber yet remain faithful to his own principles and vision for our state as he leads us on your behalf, Mr. President.

As your voice, Mr. President, Senator Fasano will stand ready to assist in any way that he can to advance your policies and priorities and will do so with enthusiasm and professionalism. Senator Fasano is a tireless worker and will do all that he can to ensure that Floridians are treated fairly and with compassion, yet understanding that the role of government in people's lives is and should be, a limited one. He subscribes to President Ronald Reagan's belief that "Government's first duty is to protect the people, not run their lives." His legislative career is a testament to that maxim.

Mr. President, in seconding the nomination of Senator Fasano as President Pro Tempore, I am affirming that he is uniquely qualified to assist in carrying out the goals you have set for the next two years. We will face many challenges in the coming months and need someone who can help bring us together so we can act as one. Senator Fasano is that individual. I am pleased to ask for this chamber's confirmation of the nomination of Senator Fasano as President Pro Tempore. Thank you, Mr. President.

On motion by Senator Storms, nominations for President Pro Tempore were closed.

ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying "Mike Fasano."

The vote was:

Yeas—39

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

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Wise that a committee be appointed to escort Senator Fasano to the bar of the Senate and to the rostrum, the Pre-

sident appointed Senators Wise, Gaetz, Joyner, Justice and Oelrich. Senator Fasano was escorted to the bar of the Senate where the oath of office was administered by The Honorable Peggy Quince, Chief Justice, Florida Supreme Court, and then to the rostrum where he was received by the President and seated.

President Atwater: Senator Fasano, thank you for accepting our call to serve as the President Pro Tempore of the Florida Senate.

Life has offered you no easy road. Tragically, time with your father was far too abbreviated. Yet the quality of his common touch in his honest work and the love and determination of a mother's heart have shown to be an enduring gift which is evident in the urgent nature of your work and the tenaciousness under which you take your call to public service. You have among so many Floridians, friends who support you this day because of how much you have given and invested in them.

I thank you once again for saying yes to this call to service. Members, I present to you your President Pro Tempore, Senator Mike Fasano.

ADDRESS BY PRESIDENT PRO TEMPORE

Senator Fasano: Governor, Lieutenant Governor, members of the Cabinet, Chief Justice, Mr. President, Senator Haridopolos, Senator Storms, and fellow Senators, thank you very, very much.

Senators, words could never describe how honored I am to be standing before you today as your Senate President Pro Tempore. I had asked my staff if I should include the line "would someone please slap me, this can't be real," but then it occurred to me that some of you may actually take me up on that!

First and foremost let me thank President Atwater for the opportunity to serve as President Pro Tempore. President Atwater, you have already proven that you are a man of unshakable faith and character and who has never been afraid to do what is right for not only the people of your district but for the people of Florida. I am honored and humbled at the great privilege you have offered me to serve. I pledge to you Mr. President, and to my fellow Senators, that I will be loyal to this body and will serve each of you to the very best of my abilities.

Let me also thank President Pruitt. President Pruitt, you have been an unbelievably stable force for the Senate. Your caring and selfless ability to lead this chamber with pure humility is a testament not only to what kind of elected official you are, but what kind of man you are. I look forward to continuing my service beside you, Mr. President, and am so incredibly honored, as are many others here today, to be able to call Ken Pruitt my friend.

What a wonderful day it is for Florida's democracy. Just 14 days ago, citizens across this great state of ours were given the chance to participate in the greatest process known to mankind. This process is so sacred that men and women alike have protected, fought and died to keep it. Even more humbling is the stark reality that while I stand here this very moment, there are Americans -*FLORIDIANS*- who've left their families, spouses, young children, and are sacrificing their own safety, so that millions and millions of people, whom they will never know, can live with *pure* liberty. It is these men and women who make America so great. May we never, *ever* forget that which allows us the ability to organize here today—DEMOCRACY. And may the men and women of our Armed Forces, both here at home and overseas, always remain in our prayers and receive the utmost respect and the unlimited gratitude they deserve from each of us.

It's this democracy, my fellow Senators, that is the lifeblood that keeps the heart of our nation's soul pulsating, and gives everyone a chance to succeed. I, maybe more than anyone in this chamber, am a perfect example of how someone, with no formal education, no college degree, a high school dropout, was given the chance to succeed. I was elected to the Florida House of Representatives in 1994 and served eight years. I've spent the last six years in this great body, the Florida Senate, where now, unbelievably, I am being given the honor of serving as President Pro Tempore.

I love our country because there are thousands of stories like this heralding what can happen when someone works hard, embraces personal responsibility, and believes that they are no better *or* worse than their neighbor. America affords anyone the chance to make a difference in our communities. No one can take away our God given rights as Americans to succeed if we work hard and do what is right. These are traits that I learned from my mother, a WWII war bride and who is here today. May I introduce her, she's in the gallery. My dad was a butcher from New York. I will never be able to express how grateful I am at the opportunities I have been given just because I am an American.

Fellow senators, we are here today for one reason and one reason only, to do the people's work. Let us never lose sight of this and embrace the simple reality that our place in this chamber is only temporary, that the title of "Senator" is granted to us from the people, the people who expect and depend on us to come here each and every day and act in their best interest, making sure that the decisions we make will have a positive impact on their lives. The very same people that, while we sit inside this chamber, are the ones that are out there making Florida a better place to live, and a better place to work, and a better place to raise our families. While we may walk these halls of our storied Capitol for 60 days out of the year, it is the teacher, the policeman, the landscaper, the nurse or the senior citizen that we were sent here to fight for. Most Floridians don't have time to come see us or have the means to pay a lobbyist to represent their interest; that is what WE are sent here to do. And may we always remind ourselves of this great, great responsibility that we have accepted on their behalf.

So today, despite all the big speeches, the important visitors, the pretty flowers and vast formalities, we must realize that when those doors close for 60 days next year there will be 18 million Floridians *depending* on us, "the Florida Senate," to do what is right and in their best interest.

Yet the task at hand is a serious one. We have been sent here by our constituents to find the answers and act in their best interest. And while it is *NOT* government's responsibility to secure the well-being of all its citizens, it is our *moral* duty as humans and our *binding* responsibility as Senators to utilize the power granted to us by the people to ensure that those who sent us here are well represented. Ladies and gentlemen, we are obliged by the oath we take to protect and make Florida a better place to live for her people. And while we all come from different backgrounds, different districts, with different constituents, we are still bound by the same task at hand and we must work together as Senators, as one, to address the needs of this great state.

Ladies and gentlemen, we must utilize everything that is good about this Senate to solve the challenges. The Senate is a grand body. It is a body that functions not out of politics nor process. The Senate is not a tool for the advancement of political agendas or grandstanding. It has never been a political chessboard that plays out rival agendas. Nor is the Senate a body that operates out of fear or arrogance. Our state Senate operates out of principle and necessity, embracing a collegial pragmatism that is meant to produce sound policy for the people of Florida. We are loyal to our process and understand that we all hold very dear our own guiding principles while respecting our colleague's voices. We will not always agree in this chamber. We will not always support one another. But most especially during the months ahead, we must realize that no one person, Senator or agenda is more important than another's. That we are all in this together and as a body we MUST find the best solutions for our state. This, my fellow Senators, is why we MUST remember why we are here. We must have an unwavering commitment to the people of Florida. This body, the Florida Senate - made up of average Floridians convening for a single set of purposes - has always responded to the challenges and I know, beyond a shadow of a doubt, that we will do so again under the leadership of President Atwater.

For the months ahead and for 60 very important days in 2009, may God bless us with sound judgment, limitless patience, and ultimate clarity in addressing the work on behalf of the people of Florida.

President Atwater, thank you again for this privilege and thank you fellow Senators for the opportunity to serve this body. It is my hope that I will serve you, this body and the people of Florida as is deserved, and I pledge that I will always work to never lose sight of my responsibility. You see sadly, sometimes government forgets who it represents – let's make a pledge we never will!

May God bless you, your families, and the great State of Florida.

CERTIFICATE RECEIVED

By direction of the President, Philip Twogood, of the Office of Senate Secretary, read a certificate from the Minority (Democratic) Party certifying the name of Senator Alfred "Al" Lawson, Jr. as Minority Leader and Senator Charlie Justice as the Minority Leader Pro Tempore for the 2008-2010 term.

Senator Lawson: Thank you, Mr. President. It is an honor to serve with you and Senator Fasano. I'm also very honored to serve with Senator Justice. This morning in the comments about you, we heard about the upcoming two years and how hard it is going to be. But I am thinking about a year ago when we were in Philadelphia. You took me on that historic tour that I will never forget.

I will say to you that one of the great presidents of all time stated, "People will little notice, nor long remember, what we say here. But they will never forget what we did here." I truly believe that with your leadership that the people in the State of Florida will never forget what we are going to do the next two years.

I also would like to recall what one great philosopher and religious leader, Dr. Robert H. Schuller, stated, "Tough times never last but tough people do." I think we have that caliber of tough people in the Florida Senate, especially in the Democratic Caucus. I pledge, along with the caucus, to work extremely hard over these next two years to make sure that we serve the people of the State of Florida the best that we can.

In my 26 years of serving the people of this state, I recognize the fact that we have some of the best talent in the Democratic Caucus that I have ever seen. They are anxious, ready, and willing to go to work and to help you, and our colleagues across the aisle, to be successful.

To the Governor of the great state and the Lieutenant Governor, whom I consider to be very good friends, the Supreme Court Justices, and former Governor Reuben Askew, we look forward to working with you on those issues. Governor, I almost endorsed you. My wife really likes you! I guess in a way I did endorse you. I would like to say that we, in the caucus, look forward to working with you and the Lieutenant Governor on all of the major issues we will confront in the coming years.

I would like to thank my colleagues for electing me as Democratic Leader. Mr. President, I would like to thank you. I look forward to working with you.

ELECTION OF SECRETARY

The President announced that nominations would be received for Secretary of the Senate for a term of two years and recognized Senator Lawson who placed in nomination the name of Robert Philip Twogood.

Senator Lawson: Mr. President, I rise to nominate Robert Philip Twogood as Secretary of the Senate.

It's not every day that you get the opportunity to say that someone is too good, but this is truly a great opportunity because we have run across one that is too good to serve as Secretary. And this is Dr. Twogood. I would just like to give some brief remarks, Mr. President.

During the last 17 years, Phil Twogood has held a variety of positions with the Florida Senate and the House of Representatives. Some of these positions included Senior Staff Director of the Senate Rules Committee; Policy Advisor to the Senate President, Deputy Chief of Staff for the Senate, Senior Staff Director of the House Rules and Calendar Committee, House Rules Ethics and Elections Committee, and Executive Director for the House Governmental Responsibility Council.

Prior to coming to work for the Legislature, Dr. Twogood was Assistant Professor of Public Administration at both the University of North Florida and the University of Texas at San Antonio, (that was a school I couldn't get into), where he taught graduate studies and public management, and public policy analysis.

He is a graduate of New College in Sarasota, and holds a Master's degree and a Doctorate from the University of Virginia.

Members of the Legislature, I've had the opportunity to work with him both in the House and in the Senate and had the opportunity to call on him many times. I've never seen an individual who never gets excited during debate, during hard economic times, with members throwing things at him from all angles, but is willing to grasp whatever is going on to make a difference. This is the best choice that you could ever make, and many of you will find out how important the Secretary's office is in the Senate, to have someone that you can depend on. But more than that, he is a scholar in his own right, a real scholar, someone who you can depend on, someone who knows everything that is going on all the time. The Senate President will be rewarded by such an appointment. I am honored to enter his name in nomination for Secretary of the Senate.

The President recognized Senator King who seconded the nomination of Secretary Twogood.

Senator King: Phil Twogood and I came across each other in 1986 when I was running for the House of Representatives and he was teaching at the University of North Florida. It's ironic how many times our paths crossed as he came into the Legislature after I got elected. He was staffed in the Minority Office when I was there. He came over to the Senate before I did. He then became my Chief of Staff when I became Rules Chair. Throughout those 17 years we have developed a bond of friendship and a bond of reliance.

I cannot tell you, as the past Rules Chair, how many times Phil stepped in and saved my bacon. I will tell you we are indeed very lucky to have him as our Secretary. Secretary Blanton left big shoes but I will guarantee you we are about to select a person who can readily and ably fill them.

One of the things people need to recognize about Phil is that he is a great husband and an outstanding father. His wife, Vicki, and his son, Sean, are here today in the gallery and I want to recognize them.

On motion by Senator King, nominations for Secretary were closed.

By unanimous consent of the membership, Robert Philip Twogood was elected Secretary of the Senate for the 2008-2010 term.

OATH OF OFFICE ADMINISTERED

Secretary Twogood was administered the oath of office by The Honorable Peggy Quince, Chief Justice, Florida Supreme Court.

RECOGNITION OF SERGEANT AT ARMS

The President recognized Senator Pruitt who thanked Donald Severance, Senate Sergeant at Arms, for his dedication and service to the Florida Senate.

Senator Pruitt: Senators, there are a lot of traditions around the Senate. One of our most proud ones is the position of Sergeant at Arms. He and his professional staff do a great job. You can't say, "Sergeant at Arms" without mentioning the name "Donald Severance."

As the new Senators can attest, first impressions are the most lasting ones. When we are elected, we have the most interaction in the beginning with the Sergeant at Arms' office. I can say that, not only are they consummate professionals, but they also have a great leader as well.

Donald Severance has been with the Sergeant's Office for 33 years. He is a distinguished member of the Florida Highway Patrol. He is a veteran of Desert Storm, protecting our nation. Along with the many accolades he has, he has saved a life along with a nurse from the clinic. We are very thankful that he was there to make that happen.

It is said that there is no one person who is bigger than the institution but, literally and figuratively, if there is one that is the exception to that, it would be our very own Donald Severance.

Senators, we know that there is no finer southern gentleman than our very own Sergeant at Arms, Donald Severance.

COMMITTEE APPOINTED

On motion by Senator Gardiner that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Altman,

Bullard, Dean, Detert, Richter, Smith, Sobel and Gardiner. The committee was excused.

ADDRESS BY PRESIDENT

This is truly a moment where I stand before you with a servant's heart and the deepest of gratitude.

I am honored by the trust and confidence you have shown in selecting me as the 83rd President of the Florida Senate.

The portraits of those men and women who encircle this room bear witness to the service and commitment of those who have preceded me, and are a constant reminder of the significance and gravity of this post.

I want to thank Senator King, Senator Lynn and Senator Deutch for their kind words offered before the Senate this day and for their willingness to place my name in nomination to serve as your Senate President.

Chief Justice Quince, thank you again for being here today and for administering the oath for the Senators and myself.

I must say a special word about my good friend Ken Pruitt. Ken has been a stalwart friend and a public servant of the highest integrity and honor.

I have learned from him, laughed with him, fought the good fights on issues he cares deeply about in the Florida Senate.

Ken is the very model of how a Senate President should lead: with honor, integrity and a complete commitment to the needs of the people of Florida.

His shoes are going to be hard to fill, but I want Ken and every member of this chamber to know of my sincere admiration for his leadership and his courage.

I will still seek his counsel, his wisdom and his friendship in the months and years to come.

It was a true honor to accept this gavel from you, Ken, and to present you with the gavel you have used in your distinguished tenure as Senate President.

President Pro Tempore, Senator Mike Fasano, thank you again for accepting our call to serve as the President Pro Tem. Friends, please join me in once again thanking our President Pro Tempore, Senator Mike Fasano.

Serving as Senate President will afford me the distinct pleasure of working with two of the finest public servants our State has produced in its distinguished history.

Governor Crist, your unfailing work ethic and bold commitment to open, inclusive leadership is truly inspirational and raises the bar for all elected representatives of the people. You are truly the People's Governor.

To Speaker Sansom: I could not have wished for a better counterpart in the Florida House of Representatives. In times like these, it is good to know the individual across the rotunda is a sincere, calm, intelligent and decent human being, genuinely dedicated to building a better Florida.

Before I go further, I must acknowledge my inspiration, my heart, the foundation of my service and the core of my life: my wife, Carole, and our children Amy Leigh, John Broward, Amanda Marie and Courtney Anne.

You have filled my life with so much joy and pride, made me a better man and shown me that there is no higher calling than being a husband and a father.

Any success I may attain...any recognition given to me... any note in history that bears my name is a reflection of what you have helped me become.

I can never adequately thank you for your sacrifice and love.

I wish to extend a word of gratitude to my brothers and sisters (Mike, Enid, Patti, Doug and Broward, who is unable to be with us today) and my wonderful mother, Patricia Hardee of Jacksonville.

We grew up, six kids...mom and dad...a three bedroom, one-bath home.

To mother, life is lived in the context of poetry.

For dad, life was defined by duty, service, discipline and punctuality. Dad was an Eagle Scout, a Notre Dame man, a WWII fighter pilot and a Special Agent in the FBI who lived by the motto, "Never let the rising sun catch you in bed."

Sunday mornings before dawn belonged to dad. He prepared breakfast. We got one egg, two strips of bacon, slice of toast and grits...lots of grits.

He lined us up in the kitchen, conducted a review of our church attire (and then he usually sent Patti and Enid back to their rooms to try again).

He called our names, held out our plates and thundered the words: "Grab it and growl." Such was the way we began each new week at sunrise.

The lesson from dad, was not about grabbing our plate before it got cold, the lesson was far deeper, far more profound. We were to accept responsibility for making things around us just a little bit better and we were to seize that task with certainty, determination and enthusiasm.

We were to assess the challenge before us, and we were to "grab it and growl."

Mother spent some time in the kitchen as well. Her specialty was a peanut butter and banana sandwich. She called it a "Southern Dish."

But to earn this treat we had to first recite one of her favorite poems from memory: "Casey at the Bat" by Ernest Thayer or "The Children's Hour" by Longfellow.

But I knew her heart was with Rudyard Kipling so to win her favor and to earn my lunch I would drop on her a little of Kipling's legendary poem: "If".

"If you can fill the unforgiving minute

With sixty seconds' worth of distance run–

Yours is the Earth and everything that's in it,

And–which is more–you'll be a Man, my son!"

Mother, for poetry, and all that you and Dad offered the six of us with unending devotion, thank you.

To all of my family, here is what I do know: Not only have I placed my name on the ballot to be tested, scrutinized, weighed and measured, I put your last name on the ballot as well. By my assessment of these contests, any goodwill I have been extended by the good people of Palm Beach and Broward County, any benefit of the doubt I may have been granted is a far greater reflection of your noble and generous service to our hometown than it is mine.

For bearing the burden of the path I have walked and never leaving me to walk it alone, for being with me today, as you always have, I say thank you. Know that I love you.

Members, I would also like to recognize my friend, Senator Al Lawson. Senator Lawson and members of the Democratic Caucus, I look forward to working with you, and thank you for your show of support.

When the polls closed on November 4th, the election season ended.

Today, we begin anew. I pledge to lead with the respect that defines this institution and preside with an open mind and an open door – and I know that you are committed do the same. Senator Lawson, we thank you for your leadership.

In September of 1806, thirty-two men of undaunted courage were led by the remarkable Meriwether Lewis and William Clark in their historic survey and mapping of the western territories of North America.

The Lewis and Clark expedition was a venture into an unknown vastness, full of unimaginable danger and incalculable risk, requiring a courage and commitment possessed by a very special few.

The secret of the expedition's success, the number one human lesson we must take away from their endeavor, is what can be accomplished by a team of disciplined individuals who are dedicated to a common purpose.

That spirit of exploration and courage has defined the American character for over 200 years. Their example inspires me as I stand before you today.

In Florida's long history we have faced many challenges, in war and in peace.

Florida's sons and daughters have fought to defend this nation in conflicts around the world, from the beaches of Normandy to the skies over Germany... from the frozen hills of Korea to the jungles of Vietnam... and even today in the streets of Baghdad and in the mountains of Afghanistan.

We have launched men and women into space from our shores…and we have welcomed to these shores those who took the dangerous journey to escape oppression in search of freedom.

Floridians are a people eager to embrace the challenge of the future. Our energy, our enthusiasm and drive create a state of boundless opportunity. We are a people restless to build a future for the world to envy.

We have borne burdens, faced challenges and grown and prospered in ways that surely show the blessings of the Almighty.

Today, I want to speak to you directly about the most important issue of our time: Florida's economy.

As Senate President, my goal will be to help Florida emerge from this economic challenge with an economy – and government – structured for growth, focused on job creation and retention, resilient in times of crisis and responsible to the people of Florida.

Today, and for the coming years, we face unprecedented economic obstacles. These times call for action – our work to confront these challenges cannot be deferred and cannot be delayed.

Floridians are hurting. They have seen secure jobs disappear and a stock market collapse that has hit our seniors the hardest.

The people of this great state have the potential to overcome the current economic challenges...I have no doubt of their ability and desire to work hard and to grow this economy again. We have seen their drive and spirit too many times to doubt it.

We must build a government that honors their hard work...and a government that plays its part in this recovery.

As Florida families have been forced to tighten their belts to the point of pain, so must their government.

From tax policy to regulation, Florida government – at the state, county and local level – is increasingly seen as spending too much, taxing too much and holding back the growth of our economy in a tangle of regulation and bureaucracy.

Our Government must encourage entrepreneurship, not impede it. It must serve not as an anchor, but as a sail.

Our work in the Senate can serve as an example to government at every level, and that work must begin today.

To that point, my first act as Senate President will be to appoint a select bi-partisan panel of Senators who will assist me in an independent, thorough analysis of the strengths and weaknesses of Florida's financial infrastructure. We will identify immediate steps to help jump-start Florida's economy.

This panel will call upon business leaders, small-business entrepreneurs, academic and economic experts and the local employers who drive our economy to participate in the discussion. We will seek their immediate input, ideas and recommendations.

This is not a government panel with an open-ended calendar and vague mandates. This is a crisis, and will be treated as such: the work of this panel is vitally important and will begin immediately. It must complete its first and urgent phase of work prior to the opening of the regular session.

We will quickly offer their recommendations as a package for the consideration of the Senate. Some of these recommendations may require more than legislative action and as such may be considered as future Constitutional initiatives.

While we do not take Constitutional changes lightly, let no one doubt our seriousness and determination to structure these reforms in a lasting manner.

Each of you have at your desks a map of Florida from our entry as an official US Territory in 1822. It was a time when strength and courage was demanded of Florida's pioneers.

As we face the challenges ahead, I would like each of you to look to this map and take heart, reminding yourselves of the courage and foresight of those who came before us.

Senators, it is during periods of adversity and hardship that great leaders emerge. As I survey this room, I am more confident than ever that time and history have blessed us with the team of leaders we need to succeed.

And succeed we shall.

The challenges Florida faces today present us with the opportunity to define a bold new future.

Education is the cornerstone of human potential and economic vitality. Florida's commitment to education has shown remarkable progress in the past decade under the leadership of Governor Bush, Governor Crist and the Legislature. But the real heroes remain the hard working teachers all across Florida.

Yet our work remains incomplete. We must commit our brightest minds to developing a system that engages our children and families from early childhood through graduation, promoting a seamless delivery of intellectual capital to a vibrant economy.

In this, I am reminded of Abraham Lincoln's explanation of government, "… the leading objective of government … (is to) … elevate the condition of men – to lift artificial weight from all shoulders; to clear the path of laudable pursuits for all; to afford all an unfettered start and fair chance at life."

Our educational system must reach all children, produce consequential results and create schools that lead the nation in graduation rates, college entrance exam performance and alternative career paths that offer real opportunities for Florida's youth.

Senators, we will also work to continue and expand Florida's vital preservation of the Everglades and other threatened ecosystems.

Men and women of far greater poetry than I can muster have spoken eloquently about the profound beauty and irreplaceable role of the River of Grass, and my commitment to saving the Everglades, protecting its habitat, its waters and its role as a unique ecosystem is unshakable.

Senators, Florida must become a national leader in managing competing land use, water conservation demands and ecosystem protections.

Unless we meet this challenge, we will be left with nothing but memories and regrets about the lost beauty of Florida.

I envision a future when people from across the globe will come here to study, research and learn from us how best to balance the equally le-

gitimate demands of economic vitality that comes from responsible growth and conservation initiatives that ensure long term sustainability.

Senators, let us come together to draft the new map of Florida's future.

The bold explorer Magellan, may have best described our duties of the day: "The sea is dangerous and its storms terrible, but these obstacles have never been sufficient reason to remain ashore... Unlike the mediocre, the intrepid spirit seeks victory over those things that seem impossible... It is with an iron will that they embark on the most daring of all endeavors... to meet the shadowy future without fear and conquer the unknown."

We too must chart a new course. There are no maps to guide us, save for those we create together...and even the map we create will never be completed...that is the work of future generations.

The map we create is our legacy to those generations.

So, Senators...what map will we create for them?

Will they see that we not only weathered the economic challenges of today, but built a foundation that made Florida's economy a national model for sustainable economic growth?

Will they locate on our future map the finest research universities in the country?

Will they point with pride to the place on that map where leukemia, Alzheimer's, autism or cystic fibrosis was finally conquered?

Will they see renewable energy technology at work powering a cleaner, more vibrant economy?

Will they smile with admiration as a record number of graduates of our urban center schools are recruited by the elite universities of our country?

Will they enjoy the quiet beauty of an environment preserved not in spite of our entrepreneurial culture, but because of it?

Senators, a national economic storm has cast us upon a sea of uncertainty. There is a long and difficult journey ahead.

But we were sent here by the people of Florida to lead.

We were sent here to navigate the uncertainly of these times.

We were sent here to set a bold course.

That is the course we will set.

That is the map I am asking you to create with me.

That is the journey I am asking you to take with me.

So, let us pursue it together, in the spirit of Lewis and Clark, as a disciplined and dedicated team with a common purpose; "let us elevate", as Lincoln encouraged, "...the condition of all men"; let us act with the urgency of Kipling's call to "...fill the unforgiving minute with sixty seconds worth of distance run."

Senators, let's "Grab it and Growl!"

Thank you and God bless you and God Bless the Great State of Florida.

COMMITTEE DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

ADOPTION OF RULES

President Atwater: I have made two phone calls, one to Senator Fasano and one to Senator Villalobos, asking for guidance and leadership as we proceed ahead. I want to assure you there are more phone calls to come. Members, let me say this, when the Rules Chairman of the Florida Senate stands, so stands the integrity of the Florida Senate. I could not be more excited in the man who has said yes to the call. Please join me in thanking Senator Villalobos.

On motion by Senator Villalobos, the Rules, with amendments indicated, as printed and distributed to each Senator were adopted to govern the Senate for the ensuing two years.

On motion by Senator Villalobos, the Secretary was authorized to make any technical and conforming changes to the 2008-2010 Senate Rules that may be necessary to ensure uniformity with the amendments that were adopted today.

SUMMARY OF CHANGES AND FULL TEXT OF SENATE RULES AS ADOPTED

[See Page 12]

Rule 1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

Technical change.

Rule 1.2—The President calls the Senate to order *(amended summary line)*

Technical change to summary line.

Rule 1.4—The President's authority and signature; questions of order; travel

Technical changes.

Rule 1.5—The President's appointment of committees *(amended summary line)*

Technical change to summary line.

Rule 1.7—The President's absence from the chair; duties of President Pro Tempore *(amended summary line)*

Technical change to summary line.

Rule 1.8—Election of the Secretary of the Senate

Technical change.

Rule 1.9—Duties of the Secretary at organization session *(amended summary line)*

Technical change to summary line.

Rule 1.10—Duties of the Secretary generally; keeps Journal *(amended summary line)*

Technical change to summary line.

Rule 1.17—Transmits bills to the House of Representatives *(amended summary line)*

Technical change to summary line.

Rule 1.18—Receives and delivers for reading messages from the House of Representatives; summaries of House amendments to Senate bills *(amended summary line)*

Technical change to summary line.

Rule 1.20—Attendance and voting

Clarifies how and when Senators may abstain from voting.

Rule 1.361—Solicitation or acceptance of contributions; registration and disclosure requirements

In addition to a technical change, clarifies requirements for registration of solicitation activities by Senators. Retains existing requirements for registration of solicitation activities for section 527 and 501(c)(4) organizations, and requires disclosure of contribution and expenditure data when required by law.

Rule 1.39—Disclosure and disqualification

Clarifies when a Senator may disqualify himself from voting, and when a disclosure concerning a vote during session must be filed.

Rule 1.42—Violations; investigations, penalties *(amended summary line)*

Clarifies the process for handling complaints against Senators. Requires that complaints must be based on personal knowledge of the alleged violations. A specific process is then provided. If the Rules Chair determines that the facts do not support a finding of probable cause, the complaint is dismissed. If the Rules Chair determines that the facts do support a finding of probable cause, an investigation by a special master is required. The special master must provide an opportunity to be heard, with reasonable notice, to the Senator against whom the complaint was filed, unless the investigation fails to find probable cause. The complaint must be dismissed by the Rules Chair if the special master's investigation does not support a finding of probable cause. If the complaint is not dismissed, the Rules Committee is required to consider the special master's report and recommendations, and grant the Senator an opportunity to be heard. If the Rules Committee votes to dismiss, the Rules Chair shall dismiss the charge. Otherwise, the Committee's report and recommendations are required to be presented to the President, who is required to present them, and those of the special master, to the Senate for final action.

Rule 1.43—Open meetings

Technical change.

Rule 1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

Technical change.

Rule 2.1—Policy and steering committees; standing committees; standing subcommittees; select subcommittees *(amended summary line)*

Creates policy and steering committees, which are considered standing committees under the Senate Rules except when such committees meet for the purpose of setting a Special Order Calendar. The members of the committees will be appointed by the President. The 2006-2008 committee structure is deleted, and the Secretary of the Senate is directed to include the new committee structure in the published Senate Rules after the structure is released by the President.

Rule 2.6—Notice of committee meetings

Corrects a deficiency in the Rules to allow committees to meet the first two days of a regular session, provided the meetings have been noticed in a Senate calendar at least two days before and the day the meetings take place. Also makes minor technical and conforming changes.

Rule 2.9—Committee meetings; committee meetings after fiftieth (50th) day

Conforming change.

Rule 2.10—When, where committees meet

Conforming change.

Rule 2.11—Attendance by introducer of bill

Conforms Senate Rules to current policy regarding committee bills. Since committee bills may now represent agency packages as well as the results of committee interim projects, clarification is needed regarding which bills professional committee staff may present. This change limits such staff presentations before other committees to committee bills derived from interim projects only.

Rule 2.12—Order of business

Technical change.

Rule 2.13—Open meetings

Technical change which conforms this Rule to other Senate Rules.

Rule 2.15 —Standing committee in deliberation; reports *(amended summary line)*

Technical and conforming changes including changes to conform to current reporting practices.

Rule 2.16—Standing subcommittee in deliberation; reports *(amended summary line)*

Technical and conforming changes.

Rule 2.17—Quorum of committee

Conforming change.

Rule 2.19—Conference committee in deliberation; reports *(amended summary line)*

Removes application of subsection (2) to conference committees on appropriations. This rule is routinely waived every year for appropriations conferences. Makes other technical changes.

Rule 2.20—Appointment of Chair and Vice Chair *(amended summary line)*

Technical change.

Rule 2.21—Calling committee to order

Technical change.

Rule 2.22—Chair's control

Technical change.

Rule 2.24—Chair, Vice Chair; vote *(amended summary line)*

Technical change.

Rule 2.25—Temporary alternate to Chair

Technical change.

Rule 2.26—Vice Chair's duties *(amended summary line)*

Technical change.

Rule 2.27—Members' attendance, voting, proxy

Deletes redundant language. This issue is now covered in Rule 1.20.

Rule 2.28—Taking the vote

Technical change.

Rule 2.32—Motions; how made, withdrawn

In committee, allows a motion to reconsider to be withdrawn by unanimous consent of the committee members present. This change is designed to correct situations when such a motion is made or accepted inadvertently.

Rule 2.35—Reconsideration generally

Creates a new (2), which clarifies when a motion to reconsider and leave pending shall be taken up and considered. Clarifies that such a motion may include a vote on the confirmation of an executive appointment.

Rule 2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration

Eliminates the need for an introduction vote on each late-filed amendment in committee. Such a vote would only be required if requested by a member of the committee. Makes other technical changes.

Rule 2.44—Amendments by another committee

Clarifies that accompanying committee amendments must be included in a committee substitute unless the committee takes action to alter or negate the accompanying amendment.

Rule 2.45—Decorum and debate

Technical change.

Rule 2.46—Chair's power to recognize

Technical changes.

Rule 2.47—Interruptions; when allowed

Technical change.

Rule 2.48—Speaking rights

Technical change.

Rule 2.50—Limitation on debate

Technical change.

Rule 2.52—Questioning decision not to abstain *(amended summary line)*

Clarifies that the point of order on a conflict of interest relates to a decision of a member not to abstain from voting, rather than the right of a member to vote or not vote on a measure.

Rule 3.1—Form of bills

Conforms to new electronic approval system for the filing of bills.

Rule 3.7—Bill filing deadline during regular session; bill filing between regular sessions

Adds appropriations implementing bills, concurrent resolutions, and specified trust fund bills and public records exemptions to the list of bills which may be filed after the bill filing deadline, and removes joint resolutions from that list.

Rule 3.8—Filed bills; consideration between regular sessions

Removes archaic language and makes other technical changes.

Rule 3.9—Copies of bills

Technical and conforming changes.

Rule 3.12—Introducers of bills; introducers no longer Senators

Allows for electronic approval of bills for introduction. Also makes conforming changes.

Rule 4.1—Sessions of the Senate

Permits the Senate to meet until 8:00 p.m. without a waiver of the Senate Rules during the first 50 days of session, if so scheduled by the President. The 6:00 p.m. deadline is maintained for the last 10 days of regular session and for any extended or special session. Also makes conforming changes.

Rule 4.4—Committee of the Whole

Technical changes.

Rule 4.5—Conference committee report

Technical change.

Rule 4.6—Reference generally

Technical and conforming changes. Allows the appropriations bill, as well as all implementing bills, to be placed on the calendar without reference, and provides for review of bills on the calendar by the Rules Chair.

Rule 4.7—Reference to more than one committee; effect

Allows the President to review and change the references of a bill which is substantially changed by amendments in committee.

Rule 4.81—Claim bills

Clarifies that a claim bill may be referred to committee during the session, after receipt of the special master's report. Also, provides flexibility for hearing and consideration of claim bills involving wrongful incarceration issues.

Rule 4.10—Reference to different committee or removal

Provides that the policy and steering committee chair who makes the motion on the floor to withdraw a bill from a committee is the policy and steering committee chair of the group of committees from which the bill is being withdrawn, rather than the policy and steering committee chair of the group of committees to which the bill was first referred.

Rule 4.15—Referral or postponement on third (3rd) reading

Allows a bill which is amended on third reading to be referred to the appropriate committee if the amendment adds a mandate or a retirement system impact to the bill. This provides consistency with Rule 4.8.

Rule 4.17—Special Order Calendar; Consent Calendar

Allows the policy and steering committees to meet during the fifteen days prior to session to set a Special Order Calendar for the first week of session. Allows the President, at the time of initial bill referencing, to designate a policy and steering committee for a bill other than the policy and steering committee the Rule specifies. Replaces the Majority Leader with the Chair of the Policy and Steering Committee on Ways and Means in the group of three members who may set a Special Order Calendar during the last 10 days of session. (The President Pro Tempore and the Minority Leader are the other two members.) Also allows the Rules Chair to submit a Consent Bill Calendar, with the approval of the President. Makes conforming changes with regard to a Special Order Calendar for the first two days of regular session.

Rule 4.19—Order after second (2nd) reading

Technical changes.

Rule 6.2—Motions; precedence

Technical change.

Rule 6.4—Reconsideration generally

Technical change.

Rule 6.5—Reconsideration; vote required

Technical change.

Rule 7.1—General form; notice; manner of consideration

Technical change.

Rule 8.1—Decorum and debate

Technical change.

Rule 8.4—Senator speaking, rights

Technical change.

Rule 8.6—Limitation on debate *(amended summary line)*

Technical change to summary line.

Rule 8.8—Questioning decision not to abstain *(amended summary line)*

Clarifies that the point of order on a conflict of interest relates to a decision of a member not to abstain from voting, rather than the right of a member to vote or not vote on a measure. This is consistent with Rule 2.52.

Rule 9.6—Violations; investigations, penalties *(amended summary line)*

Revises the process for handling complaints against lobbyists. Requires a sworn complaint based upon personal knowledge and detailed facts. A specific process is then provided. The Rules Chair makes an initial determination that the facts support a finding of probable cause. If they do not, the complaint is dismissed. If they do, the complaint is referred to a special master for investigation. The special master makes a determination as to probable cause. If the special master fails to find probable cause, the complaint must be dismissed by the Rules Chair. If probable cause is found, the special master must provide an opportunity to be heard, with notice, to the accused. The special master then files a report containing recommendations to the Rules Committee. The Rules Committee must consider that report and provide an opportunity to be heard, with notice, to the accused. If the Rules Committee votes to dismiss, the Rules Chair shall dismiss the charge. Otherwise, the committee's report and recommendations shall be provided to the President. The President must then present the committee's report and recommendations, and those of the special master, to the full Senate for final action.

Rule 10.1—Persons entitled to admission

Technical change.

Rule 10.2—Exception

Clarifies that a person other than a Senator who is granted floor privileges may not lobby on the floor.

Rule 12.7—Procedure

Technical changes.

Rule 13.6—Conference committee reports

Conforms this rule, which applies during special sessions, to the changes made to Rule 2.19, and makes other technical changes.

Rule 13.8—Special Order Calendar

Conforms this rule to the changes made to Rule 4.17 regarding the three members who set the Special Order Calendar during a special session. The three members are the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.

RULES OF THE SENATE

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the *Constitution* ~~*Constitutions*~~ *of the United States* and the *Constitution of the State of Florida*, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—The President calls ~~Calling~~ the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the Daily Order of Business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may order the area cleared.

1.4—The President's authority and signature; questions of order; travel

(1) The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment, or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers.

(2) The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. The President shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto.

(3) The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a member of the Senate (whether in the legal capacity of Senator or taxpayer), a former member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—The President's appointment of committees

(1) The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference committees, joint committees, and joint select committees.

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules.

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—The President's absence from the ~~Vacating~~ chair; duties of President Pro Tempore

(1) The President may name any Senator to perform the duties of the chair.

(2) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(3) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(4) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—Election of the Secretary of the Senate

(1) The Senate shall elect a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the *Constitution* ~~*Constitutions*~~ *of the United States* and the *Constitution of the State of Florida*, and for the true and faithful discharge of the duties of office.

(2) The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Duties of the Secretary ~~Secretary's duties~~ at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the Legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties of the Secretary generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate. The Senate Journal shall be numbered serially from the first (1st) day of each session of the Legislature and shall be distributed by the Secretary for the information of the Legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

(1) The Secretary shall prepare a daily calendar that shall set forth:
- (a) The order of business;
- (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
- (c) The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
- (d) Notices of committee meetings; and
- (e) Notices of meetings required pursuant to Rule 1.44.

(2) The Secretary shall distribute the daily calendar for the information of the Legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and a cumulative index by introducers.

1.17—Transmits bills to the House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay. Each measure shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from the House of Representatives; summaries of House amendments to Senate bills

(1) The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the appropriate committees for research and summary. Special notice of the summaries shall be given to each Senator.

(2) The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS

1.20—Attendance and voting

(1) Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate chamber during its sessions and in attendance at all assigned committee meetings ~~shall vote on each question~~. ~~No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.~~

(2) A Senator who is in the chamber or in a committee meeting shall vote on each question. However, a Senator may abstain from voting if, in the Senator's judgment, a vote on a question would constitute a conflict of interest as defined in section 112.312(8), *Florida Statutes*. A Senator who abstains from voting shall file the disclosure required by Rule 1.39.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of

the organization session of the Legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the Legislature shall be entitled to an amicable transition period not to exceed one (1) month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this Rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. In the event of a vacancy in office, and until that vacancy is filled, a transitional period with pro rata salary for staff may be approved by the President to close out the vacant Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by Rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the hours of employment set by the President. Part-time employees and Senators' district staff shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, *Florida Statutes*.

1.33—Repealed

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation or acceptance of contributions; registration and disclosure requirements

(1) During any regular legislative session, extended session, or special session, a Senator may not directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of either the Senator's own campaign, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, any committee of continuous existence, any political party, or the campaign of any candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session by subsection ~~section~~ (1) shall not be considered a violation of this rule and may take place provided that it can be shown that the event was already scheduled prior to the issuance of the proclamation, resolution, or other communiqué, extending the session or convening a special session.

(3) Any Senator who directly or indirectly solicits, causes to be solicited, or accepts any contribution on behalf of any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, or any committee of continuous existence must immediately disclose such activity to, and register with, the Committee on Rules. However, no registration is required as a result of a Senator's solicitation or acceptance of contributions on behalf of his or her own campaign, a campaign for any other office ~~other than Senator~~, or a political party. When required by law ~~Upon registration with the committee~~, the Senator shall promptly ~~immediately~~ create a public website that contains a mission statement for such organization, ~~and~~ the names of the Senators associated with that organization, and disclosure of contributions received by and expenditures made by the organization. ~~All contributions received by the organization must be individually disclosed on the website within ten (10) business days of deposit, or as required by law. All expenditures made by the organization must be individually disclosed on the website within ten (10) business days of being made, or as required by law.~~

(4) Upon a determination that a Senator has violated this rule, the President shall remove such Senator from all assigned committees subject to the right of appeal under Rule 1.5(2).

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator is not disqualified from voting on a measure when, in the Senator's judgment, a conflict of interest is present. However, a Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure concerning a vote during a session shall be filed with the Secretary of the

Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification. Disclosure concerning a vote which was not cast during a session should be filed pursuant to section 112.3143(2), *Florida Statutes*.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of these Rules regulating conduct and ethics.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules with a request for an advisory opinion establishing the standard of public duty. The committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; investigations ~~hearings~~, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules, or the President when the complaint is against the Rules Chair, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) alleged by the complainant to have been violated by the Senator. Upon a determination by the chair, or the President when the complaint is against the Rules Chair, that the complaint states facts supporting a finding of probable cause ~~there are sufficient grounds for review~~, the complaint shall be referred ~~either to the committee or, at the option of the chair, or the President,~~ to a special master~~, for a hearing~~. Upon a determination by the Chair of the Committee on Rules, or the President, that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed. ~~The committee or special master may adopt rules of procedure for conduct of the proceedings.~~ The ~~committee or~~ special master shall conduct an investigation, shall give reasonable notice to the Senator who is alleged to have violated the Rules, and shall grant the Senator an opportunity to be heard unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be presented ~~made~~ to the chair, or the President when the complaint is against the Rules Chair, as soon as practicable after the close of the investigation ~~hearing~~. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair, or the President when the complaint is against the Rules Chair. If the complaint is not dismissed, the Committee on Rules shall consider the special master's report and recommendation, shall grant the Senator an opportunity to be heard, and shall develop its own recommendation. If the complaint is against the Chair of the Committee on Rules, the chair is excused and the vice chair shall conduct the deliberation. If the Committee on Rules votes to dismiss the complaint, the Rules Chair or vice chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Committee on Rules shall be presented to the President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action. ~~The committee's report and recommendation shall be made as soon as practicable.~~

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(1) All meetings at which legislative business is discussed between more than two (2) members of the legislature shall be open to the public except:

(a) At the sole discretion of the President of the Senate, after consultation with appropriate law enforcement, public health, emergency management and/or security authorities, those portions of meetings of a select committee, committee, or subcommittee, concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism.

(b) Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or Senate subcommittee.

1.44—Notice required for certain meetings

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

(a) Meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);

(b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee; and

(c) Meetings called by the President or the President's designee, of a majority of the chairs of the Senate's standing committees.

(2) Notices of meetings required by Rule 1.44(1) shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice in the public corridor leading to the Senate chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(4) Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this Rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or a Senate subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

1.441—Constitutional requirements concerning open meetings

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings, between more than two (2) members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent

time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In cases of conflict between this Rule and any other Rule of the Senate, the Rule providing greater notice or public access shall prevail.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to, any Senate standing committee or subcommittee appointed for the analysis of legislative and congressional redistricting plans.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

(2) The following standing committee, standing subcommittee, and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, bill ~~staff~~ analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

(8) The following public records are exempt from inspection and copying:

(a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

(b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

(c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

(f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.

(g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

(h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

(i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound record-

ings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of 30 days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the 30-day period, been extended by the President of the Senate. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President of the Senate for subsequent five-year periods.

1.45—Violations of Rules on open meetings and notice

Violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

RULE TWO

COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Policy and steering ~~calendar~~ committees; standing committees; standing subcommittees; select subcommittees

(1) The following policy and steering ~~calendar~~ committees are created:

(a) ~~Economic Opportunities~~ Policy and Steering ~~Calendar~~ Committee on Commerce and Industry
(b) ~~Fiscal~~ Policy and Steering ~~Calendar~~ Committee on Energy, Environment and Land Use
(c) ~~Law and Justice~~ Policy and Steering ~~Calendar~~ Committee on Governmental Operations
(d) ~~Oversight and Procedural~~ Policy and Steering ~~Calendar~~ Committee on Social Responsibility
(e) ~~Responsible Regulation~~ Policy and Steering ~~Calendar~~ Committee on Ways and Means
~~(f) Social Responsibility Policy and Calendar Committee~~

(2) A policy and steering committee shall be considered a standing committee under these Rules, except when a policy and steering committee is meeting for the purpose of setting a Special Order Calendar or where otherwise specified in these Rules. ~~The membership of each policy and calendar committee shall include a chair appointed by the President, and the chairs and vice-chairs of the standing committees within that policy and calendar committee's grouping. The President may also appoint the President Pro Tempore and the Majority Leader to the membership of any policy and calendar committee.~~

(3) Permanent standing committees and standing subcommittees, when created and designated by Rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members. The President is authorized to create and designate permanent standing committees and standing subcommittees prior to the 2009 Regular Session. The President shall inform the Minority Leader of the creation and designation of said committees. The Secretary of the Senate is directed to include the names of such committees in the published Senate Rules.

~~(a) Economic Opportunities Policy and Calendar Committee's Grouping~~
~~1. Banking and Insurance~~
~~2. Commerce~~
~~3. Regulated Industries~~
~~4. Transportation~~
~~(b) Fiscal Policy and Calendar Committee's Grouping~~
~~1. Criminal and Civil Justice Appropriations~~
~~2. Education Facilities Appropriations~~
~~3. Education Pre-K - 12 Appropriations~~
~~4. Finance and Tax~~
~~5. General Government Appropriations~~
~~6. Health and Human Services Appropriations~~
~~7. Higher Education Appropriations~~
~~8. Transportation and Economic Development Appropriations~~
~~(c) Law and Justice Policy and Calendar Committee's Grouping~~
~~1. Criminal Justice~~
~~2. Ethics and Elections~~
~~3. Judiciary~~
~~4. Military Affairs and Domestic Security~~
~~(d) Oversight and Procedural Policy and Calendar Committee's Grouping~~
~~1. Joint committees and commissions~~
~~2. Rules~~
~~(e) Responsible Regulation Policy and Calendar Committee's Grouping~~
~~1. Agriculture~~
~~2. Communications and Public Utilities~~
~~3. Community Affairs~~
~~4. Environmental Preservation and Conservation~~
~~5. Governmental Operations~~
~~(f) Social Responsibility Policy and Calendar Committee's Grouping~~
~~1. Children, Families, and Elder Affairs~~
~~2. Education Pre-K - 12~~
~~3. Health Policy~~
~~4. Health Regulation~~
~~5. Higher Education~~

(4) Each standing committee or the chair thereof, with prior approval of the President, may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate and the Secretary of the Senate shall be promptly notified of the appointment of a select subcommittee, its assignment, and the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment and report to its standing committee, and not to exceed thirty (30) days. The advisory report by a select subcommittee whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.

2.2—Powers and responsibilities of committees

(1) Permanent standing committees and standing subcommittees are authorized:

(a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;
(b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;
(c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and
(d) To complete the interim projects assigned by the President.

(2) In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(3) In order to carry out the committee's duties, the chair of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chair. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and file same with the President of the Senate and the Secretary of the Senate.

(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and submit same to the chair of the standing committee for consideration by such committee.

(3) Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules.

2.6—Notice of committee meetings

(1) Notice of meetings of standing committees, standing subcommittees, and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the two (2) legislative days preceding and the day of such committee meeting, except committees may meet on the first and second days of a regular session provided a meeting notice was published in a Senate calendar and posted in the public corridor leading to the Senate chamber for at least two (2) days preceding and the day of such meeting.

(2) After the first fifty (50) days of any regular session ~~Thereafter~~, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chair of the committee or subcommittee or, in his or her absence, the vice chair ~~vice chair~~ while the Senate is in session and the posting of a notice in the public corridor leading to the Senate chamber for at least four (4) hours in advance of the meeting.

(3) The chair of a standing committee, standing subcommittee, or select committee, or in his or her absence, the vice chair ~~vice chair~~, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

(4) At least seven (7) days prior to the meeting of a standing committee, standing subcommittee, or select committee, while the Legislature is not in session, a notice of the meeting, stating the date, time, amendment deadline for, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

(2) A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of meeting; publication

For publication in the daily calendar, notice of standing committee, standing subcommittee, or select committee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Meeting notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after fiftieth (50th) day

(1) Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

(2) The President shall provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 6:00 p.m. This scheduling shall not limit the powers of the chair of a standing committee or subcommittee as provided in these Rules.

(3) Unless approved by the President, no committee shall meet after the fiftieth (50th) day of any regular session except the policy and steering ~~calendar~~ committees.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the President and notice of such assignment shall be posted by the Secretary of the Senate in the public corridor leading into the Senate chamber. No committee except the policy and steering ~~calendar~~ committees shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by introducer of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant, or any other representative having written permission to speak for the bill. ~~However,~~ Senate committee professional staff shall be limited to presenting committee bills at ~~committee~~ meetings of their assigned committees and to presenting before other committees those committee bills which are the subject of approved Senate interim projects.

2.12—Order of business

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the ~~prime~~ introducer thereof.

(2) A bill shall be considered out of its order on the committee agenda on unanimous consent of those committee members present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those committee members present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those committee members present shall be given or refused without further debate.

2.13—Open meetings

Except as otherwise provided in the Senate Rules, all committee meetings shall be open to the public, subject always to the powers and authority of the chair to maintain order and decorum. If any matter is

reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Repealed

2.15—Standing committee ~~duties~~ in deliberation; reports

(1) It shall be the duty of standing committees to report all matters referred to them either:
(a) Favorably,
(b) Favorably with committee amendment(s),
(c) Favorably with committee substitute as defined in these Rules, or
(d) Unfavorably.

The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by a two-thirds (2/3) vote of those Senators present in session or except as provided in Rule 4.7(2).

(2) Such reports shall also reflect:
(a) The date, time, and place of the meeting at which the action was taken, and
(b) The vote of each member of the committee on the motion to report each bill.

~~A bill filed for introduction by a committee shall be accompanied by such report.~~ The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report relating to the date, time, and place of the meeting or the vote of each member on the motion to report a measure. Reports of committees shall be preserved pursuant to law.

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When reported ~~the original measure is reached on the calendar~~, the substitute shall be read a first (1st) time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first (1st) introduction of a similar measure. The names of the introducer(s) and co-introducer(s) of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless an introducer and co-introducer requests that it be omitted. A committee substitute may be co-introduced by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be approved by the chair or, in his or her absence, the vice chair ~~vice chair~~. Such reports shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. on ~~of~~ the second (2nd) legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the bill ~~measure~~; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms and shall accompany the report. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee in deliberation; reports

(1) It shall be the duty of standing subcommittees to report all measures referred to them directly to the full standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either:
(a) Favorably,
(b) Favorably with committee amendment(s),
(c) Favorably with committee substitute as defined in these Rules, or
(d) Unfavorably.

(2) Such reports shall also reflect:
(a) The date, time, and place of the meeting at which the action was taken, and
(b) The vote of each member of the committee on the motion to report each bill.

(3) In reporting a bill to the full standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the full standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the full standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be approved ~~signed~~ by the chair or, in the chair's absence, the vice chair ~~vice chair~~ and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms and shall accompany the report.

(5) All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of those standing committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except by a two-thirds (2/3) vote of those standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed.

2.17—Quorum of committee

A standing committee, standing subcommittee, policy and steering ~~calendar~~ committee, or select committee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. No committee business of any type shall be conducted in the absence of a quorum. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

2.18—Repealed

2.19—Conference committee in deliberation; reports

(1) All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. A meeting of the Senate and House conferees is a meeting of the two (2) groups, therefore, the rules governing each respective house apply. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least two (2) hours in advance of the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

(2) A conference committee, other than a conference committee on a general or special appropriations bill and its related legislation, ~~committees~~ shall consider and report only on the differences existing

between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house. Conference committee reports must be approved and signed by a majority of the managers on the part of each house. All final actions taken in a conference committee shall be by motion.

(4) Each conference committee report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(5) When any bill is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

(a) Meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);
(b) Meetings between a majority of the members of any subcommittee of the conference committee;
(c) Meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and
(d) Meetings of a majority of the Senate conferees; and when the bill that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

(6) Notice of meetings, as scheduled, between the chair of the Senate's conferees with the chair of the House's conferees, or between respective Senate and House committee chairs with each other, shall be posted in the public corridor leading to the Senate chamber. In the case of the appropriations conference, said notice shall also be posted outside the door of the offices of the appropriations committees.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol Complex, but shall not be held in the chamber of either house while it is in session.

(8) When any bill is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

(9) After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the *State Constitution* for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chair and Vice Chair ~~Vice-Chair~~

A chair and a vice chair ~~vice-chair~~ of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chair for each standing subcommittee and select committee authorized by these Rules and may designate a vice chair ~~vice-chair~~, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chair or, in the chair's absence, the vice chair ~~vice-chair~~, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum. No committee business of any type shall be conducted in the absence of a quorum.

2.22—Chair's control

The chair or vice chair ~~vice-chair~~ shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chair or vice chair ~~vice-chair~~ may require participants in the disturbance to clear the room.

2.23—Chair's authority; appeals

The chair shall approve all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chair shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chair to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chair may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chair, Vice Chair ~~Vice-Chair~~; vote

The chair and vice chair ~~vice-chair~~ shall vote on all matters before such committee. The name of the chair shall be called last.

2.25—Temporary alternate to Chair

The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chair's absence and/or omission to make such appointment, the vice chair ~~vice-chair~~ shall act during his or her absence.

2.26—Vice Chair's ~~Vice-Chair's~~ duties

On the death, incapacitation, or resignation of the chair, the vice chair ~~vice-chair~~ shall perform the duties of the office until the President shall appoint a successor. In the absence of the chair, the vice chair ~~vice-chair~~ shall act as chair.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented~~, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest~~.

(2) The chair may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chair of the committee, shall constitute automatic withdrawal from the committee.

(4) No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

(1) The chair shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by two (2) members the chair shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

(2) A Senator may request to:
(a) Change his or her vote, or
(b) Vote

before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those committee members present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been reconsidered by ~~recalled to~~ the committee ~~for further consideration~~. On request of a member prior to consideration of other business, the chair shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chair. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chair, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chair, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion~~, except a motion to reconsider,~~ at any time before the same has been amended, or before a vote shall have commenced. The mover of a motion to reconsider may only withdraw that motion with the unanimous consent of those committee members present.

2.33—Motions; precedence

(1) When a question is under debate, the chair shall receive no motion except:
(a) To rise
(b) To take a recess
(c) To reconsider
(d) To limit debate
(e) To temporarily postpone
(f) To postpone to a day certain
(g) To commit to a select subcommittee
(h) To amend

which shall have precedence in the descending order given.

(2) The chair shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete and insert.

2.35—Reconsideration generally

(1) When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. ~~Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned.~~ If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those committee members present.

(2) Consideration of a motion to reconsider a measure, including a vote recommending the confirmation of an executive appointment, shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee members present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS

2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration

(1) No amendment or proposed committee substitute to any measure, or no proposed committee bill on any committee agenda shall be considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was prepared in proper form and filed with the committee administrative assistant at least twenty-four (24) hours prior to the noticed meeting time. For the purpose of this rule, office hours are Monday through Friday, 8:00 a.m. - 5:00 p.m. Copies of such amendment(s), proposed committee substitute(s), or proposed committee bills shall be made reasonably available by the committee administrative assistant before the meeting to the members of the committee and to the public.

(a) Subsequent to distribution of all timely-filed amendments, amendments to amendments or substitute amendments may be filed to

any measure to which an amendment was timely filed. Such amendments must ~~may~~ be filed with the committee administrative assistant at least ~~until~~ two (2) hours prior to the noticed meeting time.

(b) Subsequent to distribution of all timely-filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill must ~~may~~ be filed with the committee administrative assistant at least ~~until~~ two (2) hours prior to the noticed meeting time.

(c) After the first fifty (50) days of any regular session, an amendment or proposed committee substitute to any measure prepared prior to a committee meeting at which it is offered shall be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.

(d) The consideration of any amendment, proposed committee bill, or proposed committee substitute not timely filed in accordance with this rule, including any filed during a committee meeting in which it is to be offered, requires a two-thirds (2/3) vote of those committee members present if any member requests that such a vote be taken. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed bill(s) and amendment(s).

(2) Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chair to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chair and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause of a bill, or the resolving clause of resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chair, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Any accompanying amendment shall be included in a subsequent committee substitute unless altered or negated by committee action. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a member ~~Senator~~ desires to speak or deliver a matter to the committee, the member ~~Senator~~ shall address himself or herself to "Mr. or Madam Chair" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A member ~~Senator~~ shall not address or refer to another member ~~Senator~~ by his or her first name. A member ~~Senator~~ shall use the appellation of Senator or such appellation and the surname of the member ~~Senator~~ referred to or addressed.

2.46—Chair's power to recognize

When two (2) or more members ~~Senators~~ speak at once, the chair shall name the member ~~Senator~~ who is to be ~~first~~ recognized first.

2.47—Interruptions; when allowed

(1) No member ~~Senator~~ shall be interrupted by another without the consent of the member ~~Senator~~ who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the chair concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The chair shall strictly enforce this Rule.

2.48—Speaking rights

(1) When a member is speaking and another member interrupts to request recognition, the chair may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

(2) The member making a debatable motion or the ~~primary~~ introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those committee members present.

2.50—Limitation on debate

When a measure is under debate by the committee, a member ~~Senator~~ may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chair.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning decision not to abstain ~~right to vote~~

A point of order questioning the decision of a member not to abstain from voting ~~right of a member to vote~~ on account of a conflict of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chair is by appeal. An appeal from a decision of the chair must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chair. This second (2nd) decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chair on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

(1) All bills shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:." The title of each bill shall be prefaced by the words, "A bill to be entitled An act." Standard rules of capitalization shall apply.

(2) The original must be approved by the introducer and backed in a folder-jacket ~~signed by the introducer(s)~~. On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chair, and enough of the title for identification.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in Article III, Section 6 of the *State Constitution*) or the *Laws of Florida* shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the *State Constitution* shall contain the full text of the section to be amended.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

(5) When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

(6) The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

(7) Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:." Each joint resolution shall be prefaced by the words: "A joint resolution."

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:."

3.6—Form of resolutions; Senate and concurrent

(1) All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. Senate resolutions shall contain the resolving clause: "Be It Resolved by the Senate of the State of Florida:." Concurrent resolutions shall contain the resolving clause: "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:."

(2) Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—Bill filing deadline during regular session; bill filing between regular sessions

(1) To facilitate processing and committee referencing, all bills (except for the general appropriations bill, implementing bills, local bills, Senate resolutions, concurrent ~~and joint~~ resolutions, and trust fund bills or public records exemptions which are linked to timely-filed general bills) shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first (1st) day of the regular session.

(2) A motion to waive this Rule shall be referred to the Committee on Rules for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number each bill to provide identity and control until a permanent number can be affixed.

(3) Between regular sessions of the Legislature, bills may be filed by delivery to the Secretary of the Senate.

3.8—Filed bills; consideration between regular sessions

(1) A filed bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules.

(2) The Secretary shall provide each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the first (1st) or only committee of reference. A copy of each filed bill shall be made available to ~~provided~~ each Senator. The Secretary shall provide regularly to each Senator ~~a calendar of~~ all filed bills, including the referencing data for each bill, and a calendar of all committee hearings, including the bills noticed for hearing by each.

(3) ~~After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session,~~ Each bill considered by a committee and reported to the Secretary during the interim shall be introduced and read on the first (1st) day thereof, pursuant to the *State Constitution, Laws of Florida,* and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

(4) If a committee fails to consider and ~~deliver its~~ report ~~of~~ a filed bill prior to ~~seven (7) days next preceding~~ the convening of a regular session ~~or, if a filed bill has received a reference to more than one (1) committee and fewer than all considered such bill~~, the committee or committees failing to so report ~~and the committee or committees having failed to discharge their jurisdiction of a bill~~ shall conduct hearings and file reports during the regular session ~~as if such bill had not been filed prior to the first (1st) day of the regular session~~.

(5) Notwithstanding these Rules, a Senator may, during the day of introduction of filed bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second (2nd) legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those Senators present. Prior to the introduction of a bill on the first (1st) day of the regular session, a Senator may give written notification to the Secretary of the Senate to withdraw his or her bill from further consideration of the Senate.

3.9—Copies of bills

When filed ~~introduced~~, bills~~, not local in application, and joint resolutions~~ (including committee bills and committee substitute bills) shall be published by the Secretary for the information of the Senate and the public. The absence of a published copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the ~~Fiscal~~ Policy and Steering ~~Calendar~~ Committee on Ways and Means shall be made available to the members and, upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the ~~Fiscal~~ Policy and Steering ~~Calendar~~ Committee on Ways and Means meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills; introducers no longer Senators

(1) Bills shall be approved for introduction ~~introduced~~ by a Senator or group of Senators whose names ~~signature or signatures~~ are affixed to the original, or by any committee with the name of the committee and the name ~~signature~~ of the chair of the committee affixed to the original. A bill introduced by a committee may be co-introduced by any Senator whose signature is affixed to the original. ~~The Fiscal Policy and Calendar Committee shall submit for introduction committee bills which represent the combined appropriations bills and implementing bills from the appropriations committees within its grouping. No amendments to the committee bills may be considered by this committee.~~

(2) A bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be deemed withdrawn from further consideration of the Senate.

3.13—Fiscal notes

(1) Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

(2) Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

(3) Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

(4) If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this Rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule provided by the President. This schedule shall set forth hours to convene and adjourn and may contain a schedule for the Special Order Calendars submitted by the policy and steering ~~calendar~~ committees. During the first fifty (50) days of a regular session, the Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 8:00 ~~6:00~~ p.m. Otherwise, the Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 6:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily Order of Business

(1) The Daily Order of Business shall be as follows:
- (a) Roll Call
- (b) Prayer
- (c) Pledge of Allegiance to the Flag of the United States of America
- (d) Reports of Committees
- (e) Motions Relating to Committee Reference
- (f) Messages from the Governor and Other Executive Communications
- (g) Messages from the House of Representatives
- (h) Matters on Reconsideration
- (i) Consideration of Bills on Third (3rd) Reading
- (j) Special Order Calendars
- (k) Consideration of Bills on Second (2nd) Reading
- (l) Correction and approval of Journal

(2) The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

(3) Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

(4) First (1st) reading of bills shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

(5) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

4.4—Committee of the Whole

By a majority vote of those Senators present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those committee members present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only by a two-thirds (2/3) vote of those committee members present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the *State Constitution*, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the location ~~page and line~~ shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee of the Whole, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

(1) The report of a ~~committee of~~ conference committee appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second (2nd) reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Except when the Senate is voting on a proposition, reports of ~~committees of~~ conference committees shall always be in order.

4.6—Reference generally

(1) All bills, including those that are strictly local in nature, shall be referred by the President to appropriate committees and standing subcommittees. Any general appropriations bill and any appropriations implementing bills ~~bill~~ introduced by the ~~Committee on Fiscal~~ Policy and Steering Committee on Ways and Means ~~Calendar~~ may be placed on the calendar without reference.

(2) Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the introducer. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

(3) When the Legislature is not in session, the President may change or correct a bill reference. Notice shall be given to the Secretary of the Senate and the bill introducer.

(4) If the President has not previously designated a standing subcommittee of reference, the chair of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chair. The chair, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chair of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms prescribed by the Secretary ~~provided for the purpose~~.

(5) Bills placed on the calendar shall be reviewed by the Chair of the Committee on Rules. The review of a bill that appears to be local in nature shall be by the Committee on Rules to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.

(6) A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.

(7) When the Committee on Rules, through staff analysis, has determined that the bill is not local in nature for referencing purposes, the committee shall report such determination to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) legislative days from date of receipt by the Committee on Rules. When the Committee on Rules, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be available for the calendar on local bills notwithstanding Rule 4.3(5).

4.7—Reference to more than one committee; effect

(1) In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except by a two-thirds (2/3) vote of those Senators present.

(2) If a committee reports a bill favorably with committee substitute or with any amendment which substantially amends the bill, the President may change or correct the reference of the reported bill ~~committee substitute~~. Notice shall be given to the Secretary of the Senate and the introducer of the bill. Other committee consideration shall be directed to the reported bill ~~substitute~~ and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement, or county or municipal spending

All bills authorizing or substantially affecting appropriations or tax revenue shall be reviewed by the appropriate revenue or appropriations committee. All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Operations. All bills which are affected by the provisions of Article VII, Section 18 of the *State Constitution* shall be reviewed by the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* may, before being placed before the Senate for final passage, be referred by the President along with all amendments to the appropriate revenue or appropriations committee.

4.81—Claim bills

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely-filed Senate companion bill shall be referred to the Committee on Rules for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.

(3) ~~All claim bills shall be referred by the President to one (1) or more committees for review.~~ If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) All claim bills shall be referred by the President to one (1) or more committees for review. On receipt of the Special Master's report and recommendations, if any, the Secretary shall, upon ~~under~~ the President's ~~initial~~ reference, deliver each claim bill with the report attached, to the committee or committees of reference.

(5) Stipulations entered into by the parties are not binding on the Special Master, the Senate, or its committees.

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement. This subsection does not apply to a bill which relates to a claim of wrongful incarceration.

4.9—Reference of resolutions

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration that are of a statewide nonpolitical significance, or concurrent resolutions recalling a bill from the Governor's office, setting Joint Rules of the Legislature, extending a session of the Legislature, or setting an effective date for a bill passed over the Governor's veto. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance, may be shown as introduced, read, and adopted by publication in full in the Journal.

4.10—Reference to different committee or removal

When the President has referred a bill, the chair of a ~~the~~ policy and steering ~~calendar~~ committee ~~for the committee to which the bill was first referred~~ may move for reference to a different committee or for removal from any committee within that policy and steering committee's grouping after the introducer of the bill has filed a request ~~with that policy and calendar committee chair~~ signed by the chair of the affected committee, the chair of that ~~the~~ policy and steering ~~calendar~~ committee, and the President. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those Senators present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless decided otherwise by a two-thirds (2/3) vote of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

4.13—Reading of concurrent resolutions and memorials

(1) Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless decided otherwise by a two-thirds (2/3) vote of those Senators present. If the reading on the second (2nd) day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second (2nd) time by title only.

(2) Concurrent resolutions used to recall a bill from the Governor's office, used to adopt Joint Rules of the Legislature, used to extend a session of the Legislature, or to set an effective date for a bill passed over the Governor's veto are exempt from the provisions of this Rule and may be introduced, read the first and second time and adopted on the same day.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

4.15—Referral or postponement on third (3rd) reading

On the third (3rd) reading of a bill or joint resolution, it shall not be referred or committed (except as provided under Rule 4.8 ~~to the appropriate revenue or appropriations committee~~) or amended (except a corrective or title amendment) except by a two-thirds (2/3) vote of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those Senators present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those Senators present shall be given or refused without further debate.

4.17—Special Order Calendar; Consent Calendar

(1) Commencing fifteen (15) days prior to ~~on the first (1st) day of~~ a regular session of the Legislature permitted under the *State Constitution,* each policy and steering ~~calendar~~ committee shall be responsible ~~only~~ for submitting a Special Order Calendar for the bills within its purview. These bills shall be defined as those which were first referred to a committee within that policy and steering ~~calendar~~ committee's grouping; however, the President may designate a different policy and

steering committee at the time of initial reference. ~~The Fiscal Policy and Calendar Committee shall have the additional responsibility provided in Rule 3.12.~~

(2) A Special Order Calendar for consideration during each of the last ten (10) days of a regular session or any extension directed by the membership of the Legislature as permitted under the *State Constitution*, may be submitted by the President Pro Tempore, ~~the Majority Leader, and~~ the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.

(3) Except for a Special Order Calendar submitted for the first (1st) or second (2nd) day of a regular session ~~the first (1st) day~~, each Special Order Calendar shall be for the second (2nd) succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for Special Order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those Senators present or any bill appearing on the general calendar of bills on second (2nd) or third (3rd) reading may be added to the end of the Special Order Calendar by the same vote. All bills set as Special Order for consideration at the same hour shall take precedence in the order in which they were given preference.

(4) A two-thirds (2/3) vote of those Senators present shall be required to establish a Special Order except as provided in this Rule. Notice of date, time, and place for the establishment of the Special Order Calendars shall be published in a Senate ~~the daily~~ calendar; provided, during the last ten (10) days of each regular session notice of date, time, and place may be given by announcement from the floor.

(5) The Chair of the Committee on Rules, with the approval of the President, may submit a Consent Bill Calendar~~, consisting of all bills designated by the policy and calendar committees as consent bills~~, to be held in conjunction with the Special Order Calendars. When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance. Amendments shall be limited to accompanying ~~accompaning~~ committee amendments, noncontroversial and technical amendments, and amendments required to conform a House companion bill to the Senate bill. However, if an objection by any member shall cause such bill to be temporarily postponed, it retains its order on the regular calendar. All Consent Calendar bills must have appeared on the printed Senate calendar.

4.18—Local Bill Calendar

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Chair of the Committee on Rules and approved by the President.

4.19—Order after second (2nd) reading

The order of disposition of a Senate bill that has been read the second (2nd) time and amended shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third (3rd) reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending. Bills calendared for second (2nd) or third (3rd) reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 8 of the *State Constitution*, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?" And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(2) The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote in the place of a Senator shall be excluded from the chamber for the remainder of the session.

5.4—Pairing

(1) Pairing, a type of absentee voting by which a Senator who is excused from attendance agrees with a Senator who would have voted opposite the excused Senator, shall be permitted.

(2) The Senator in attendance shall not vote in the electronic roll call.

(3) The pair vote form shall:
(a) State the bill to which the pair applies,
(b) Indicate how both Senators would have voted,
(c) Be filed with the Secretary prior to the vote, and
(d) Be recorded in the Journal.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

(1) When a question is under debate, the President shall receive no motion except:

(a) To adjourn
  1. Instanter
  2. At a time certain
(b) Questions of privilege
(c) To take a recess
(d) To proceed to the consideration of executive business
(e) To reconsider
(f) To limit debate
(g) To temporarily postpone
(h) To postpone to a day certain
(i) To commit to the Committee of the Whole
(j) To commit to a standing committee
(k) To commit to a select committee
(l) To amend
(m) To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

(2) The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered ~~entertained~~ and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete and insert.

6.4—Reconsideration generally

(1) When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets.

(a) If the question has been decided by voice vote, any Senator may so move.

(b) When a majority of those Senators present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion may be made pending a motion to adjourn or if it is time to adjourn.

(a) Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.

(b) During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day.

6.5—Reconsideration; vote required

The affirmative votes of a majority ~~of the affirmative votes~~ of those Senators present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those Senators present and immediately certify any bill to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the *State Constitution* for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

(1) No amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was prepared in proper form and filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the

public. The consideration of all amendments not timely filed in accordance with this rule, requires a two-thirds (2/3) vote of those Senators present.

(2) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chair of the committee (or, in the chair's absence, the vice chair ~~vice-chair~~ or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending.

(3) No proposition on a subject different from that under consideration shall be admitted under color of amendment. The following bills are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate:

(a) Bills which have received an unfavorable committee report.
(b) Bills which have been withdrawn from further consideration by the introducer.
(c) Bills the substance of which have not been reported favorably by all committees of reference.
(d) Bills which have not been published at least one (1) legislative day under Bills on Second Reading in the Senate calendar.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

(1) On second (2nd) reading, amendments may be adopted by a majority vote of those Senators present.

(2) On third (3rd) reading, amendments and amendments to amendments shall be adopted by a two-thirds (2/3) vote of those Senators present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those Senators present on third (3rd) reading.

7.3—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause of a bill, or the resolving clause of a resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

(1) After the reading of a House amendment to a Senate bill, the Senate may:

(a) Amend the House amendment,
(b) Concur in the House amendment,
(c) Refuse to concur in the House amendment and ask the House to recede, or
(d) Request a conference committee.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

7.9—House refusal to concur in Senate amendment

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may:

(a) Recede,
(b) Insist that the House concur and request a conference committee, or
(c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President," and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of "Senator" or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

(1) When a Senator ~~member~~ is speaking and another Senator

~~member~~ interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the Senator ~~member~~ desires to raise is entitled to precedence, the Senator ~~member~~ originally speaking shall relinquish the floor until the question having precedence is disposed of. The Senator ~~member~~ then is entitled to resume the floor.

(2) The Senator making a debatable motion or the ~~primary~~ introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those Senators present.

8.6—Limitation on ~~of~~ debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by a two-thirds (2/3) vote of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning decision not to abstain ~~right to vote~~

A point of order questioning the decision ~~right~~ of a Senator not to abstain from voting ~~member to vote~~ on account of a conflict of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second (2nd) decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

(1) Questions of privilege shall be:
   (a) Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
   (b) The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida Legislature.

9.2—Obligations of lobbyist

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

(2) A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

(3) A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.35—Contributions during sessions

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator's own campaign, or to any organization that is registered, or should have been registered, with the Committee on Rules pursuant to Rule 1.361(3).

9.4—Advisory opinions

(1) A lobbyist, when in doubt about the applicability and interpretation of Rule Nine (9) in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and may appear in person before said committee.

(2) The Committee on Rules may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules.

9.6—~~Penalties for~~ Violations; investigations, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules alleging a violation of the Rules regulating the conduct and ethics of lobbyists. The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named lobbyist which form the basis for the complaint, and shall identify the specific Rule(s) alleged by the complainant to have been violated by the lobbyist. Upon a determination by the Chair of the Committee on Rules that the complaint states facts supporting a finding of probable cause, the complaint shall be referred to a special master. Upon a determination by the chair that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed. The special master shall conduct an investigation, shall give reasonable notice to the lobbyist who is alleged to have violated the Rules and shall grant the lobbyist an opportunity to be heard unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be presented to the chair as soon as practicable after the close of the investigation. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair. If the complaint is not dismissed, the Committee on Rules shall consider the special master's report and recommendation, shall grant the lobbyist an opportunity to be heard, and shall develop its own recommendation. If the Committee on Rules votes to dismiss the complaint, the Rules Chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Committee on Rules shall be presented to the

President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action.

(2) Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Such ~~Said~~ determination shall be made by a majority vote of the Senate, ~~and~~ on recommendation of the Committee on Rules. ~~The Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated Rule Nine (9) and granting such person an opportunity to appear at the hearing.~~

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of Rule Nine (9), the Joint Rules, and the *Laws of Florida*, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

9.8—Lobbyist Expenditures and Compensation

Chapter 2005-359, *Laws of Florida,* amends existing provisions of the law relating to legislative lobbying at the state level in Florida and adds new and substantial obligations, prohibitions, and requirements.

This Rule provides assistance to persons seeking to comply with the letter and spirit of the new law as it applies in the legislative context by refining the law and providing Interim Lobbying Guidelines and answers to 25 Frequently Asked Questions. It also is intended to provide guidance to the legislative committees that will participate in enforcing the new law.

Part One of the Guidelines refines and applies the new prohibition, with ten clearly-stated exceptions, so that members and employees of the Senate can no longer directly or indirectly take any "expenditure" from a lobbyist or principal in either the public or private sector.

Part Two of the Guidelines refines and applies the underlying core requirement that "lobbying firms" must publicly disclose the compensation they receive for lobbying activities, and does so in a way that is narrowly-tailored, furthers the state's compelling governmental interest in regulating legislative lobbying at the state level, and employs the least intrusive means available to do so.

This Rule sets out general principles. Outcomes depend heavily on underlying fact patterns that can vary greatly from case to case. Full disclosure of the operative facts must be provided and considered before a proper and correct answer can be derived.

A member of the Senate may request an informal advisory opinion from the Senate General Counsel regarding the application of the new law and this Rule to a specific situation, on which the legislator may reasonably rely.

The houses of the Legislature are responsible for the administration and enforcement of the legislative lobbying portions of the new law. The legislative lobbying expenditure prohibitions are not part of the Florida Code of Ethics for Public Officers and Employees. Neither the Florida Commission on Ethics nor the Florida courts have jurisdiction to interpret these internal matters of the Legislature.

Part One—Expenditures

(1) General Guidelines

a) The Expenditure Prohibition

The new law contains a prohibition against lobbyists and principals making direct or *indirect* lobbying expenditures for legislators and legislative employees. It provides:

> [N]o lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any *expenditure*.... (emphasis added).

The new expenditure prohibition applies only to expenditures made by lobbyists and principals. It applies whether or not the lobbyist, principal, legislator, or legislative employee is in Florida. Florida's gift law, section 112.3148, *Florida Statutes,* continues to apply to gifts to legislators and legislative employees from others.

Example: A legislator may accept a subscription to a newspaper or periodical that is neither published by, nor paid for, nor provided by a lobbyist or a principal.

Example: A legislator may not accept a free health screening or other personal service provided on behalf of an association that is a principal.

Example: A legislator may, as either a member or an invited guest, participate in meetings of, and partake of the food and beverage provided by a civic organization if the organization is not a principal.

The practical effect of this law is to prohibit expenditures for attempting to obtain the goodwill of a member or employee of the Legislature, and it is not designed to prohibit expenditures made in attempting to influence legislative action or non-action through oral or written communication.

b) Definitions

"Expenditure" is defined, essentially, as anything of value made by a lobbyist or principal *for the purpose of lobbying*.

"Lobbying," in turn, means: (1) influencing or attempting to influence legislative action through oral or written communication ("active lobbying"); or, (2) attempting to obtain the *goodwill* of a member or employee of the Legislature ("goodwill").

"Goodwill expenditure" is a gift, an entertainment, any food or beverage, lodging, travel, or any other item or service of personal benefit to a legislator or legislative employee.

Goodwill expenditures include contributions or donations from a lobbyist or a principal to a charitable organization that is, directly or indirectly, established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof.

A *"lobbyist"* is a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

"Personal benefit" means a profit or gain pertaining to, directed toward, or affecting a person.

A *"principal"* means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; *the individual members of the association are not principals merely because of their membership in the association*.

c) Honorarium-related Expenses

It is no longer permissible to accept from a lobbyist or principal, directly or indirectly, payment or reimbursement of expenses for travel, food, lodging, or beverage, related to speaking engagements or other honorarium-type events.

d) Indirect Expenditures

An indirect expenditure is an expenditure that is not made directly to a legislator or legislative employee, but is made to another with the purpose that the expenditure be used for the personal benefit of a legislator or legislative employee.

The new expenditure prohibition *expressly* prohibits any lobbyist or principal from directing prohibited lobbying expenditures through a surrogate or through any person who by his or her actions or activities is obligated to register as a lobbyist but has failed to do so. Third party intermediaries, such as employees, members of associations and others, cannot be used to make prohibited expenditures.

Where an item or service (anything of value) is provided to a person *other* than a legislator or legislative employee by a lobbyist or principal and the item or service or the benefit attributable to the item or service ultimately is received by the legislator or employee, and where the item or service is provided with the intent to benefit the legislator or employee, such item or service constitutes a prohibited indirect expenditure to the legislator or employee.

Factors to be considered in determining whether a prohibited indirect expenditure has been made are set out on the following page in the joint functionality test:

TEST FOR DETERMINING LEGALITY OF AN INDIRECT EXPENDITURE

(1) The existence or nonexistence of communications by the lobbyist or principal indicating the lobbyist's or principal's intent to make or convey the item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the intervening third person;

(2) The existence or nonexistence of communications by the intervening third person indicating the intent to make or convey the lobbyist's or principal's item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the third person;

(3) The existence or nonexistence of any relationship between the lobbyist or principal and the third person, independent of the relationship between the lobbyist or principal and a legislator or employee, that would motivate the transfer to the third person;

(4) The existence or nonexistence of any relationship between the third person and a legislator or employee that would motivate the transfer;

(5) Whether the same or similar items or services have been or are being provided to other persons having the same relationship to the lobbyist or principal as the third person;

(6) Whether, under the circumstances, the third person had full and independent decision-making authority to determine whether a legislator or employee, or another, would receive the items or services, or a personal benefit attributable to the items or services;

(7) Whether the third person was acting with the knowledge or consent of, or under the direction of, the lobbyist or principal;

(8) Whether there were payments or the intention for any payments or bookkeeping transactions between the third person and the lobbyist or principal, reimbursing the third person for the items or services;

(9) The degree of ownership or control the lobbyist or principal had over the third person; and,

(10) Whether a lobbyist or principal knew, or should have known, that an item or service provided to a third-party would be used to provide a personal benefit to a legislator or employee, such as for the funding of a legislative reception or an event to be attended by legislators or employees.

The following examples illustrate some of the applications of the foregoing indirect expenditure criteria:

Example 1: A law firm which lobbies the Legislature invites all of its attorneys to attend a weekend retreat. The attorneys are encouraged to bring their spouses or significant others at the firm's expense. Legislator C is married to an attorney in the firm and has been asked by her spouse to attend the retreat. The lodging provided to Legislator C for the retreat, food and drink, firm t-shirts, and the like would be considered a gift to her from her spouse and thus not a prohibited indirect expenditure, because the firm's invitation was extended to Legislator C's spouse by virtue of his employment with the firm.

Example 2: Legislator D hosts a fox hunt attended by legislators and lobbyists. Lobbyists give money to a third person, who is not a legislator or a legislative employee, to pay for the food and beverages which will be served at the fox hunt. The third party orders and prepares the food and beverages. The money provided to the third person by the lobbyists would be a prohibited indirect expenditure to Legislator D, because it was given with the intent of benefiting him and his guests at the fox hunt.

Example 3: Legislator N and spouse have arranged to take a vacation trip together. A legislative lobbyist meets with Legislator N's spouse and offers to pay for the spouse's travel expenses. The lobbyist and Legislator N's spouse know each other only through the lobbyist's involvement with the legislator. This would constitute a prohibited indirect expenditure to Legislator N under the new law.

e) Equal or Greater Compensation

An expenditure is not prohibited when equal or greater value is given contemporaneously by the recipient to the donor.

Therefore, it is not an expenditure if:

1. The fair market value of the event, meeting, or other activity, including any food, beverage, transportation, lodging or any other thing of value, can readily be determined, and

2. The legislator or legislative employee pays his or her pro rata share of the total fair market value to the person or organization hosting the event contemporaneously with the time of attending or participating in the event.

Thus, if a lobbyist or principal provides $35 worth of goods or services to a legislator or legislative employee but the legislator or legislative employee *contemporaneously* provides *equal or greater consideration*, the lobbyist or principal has not provided *anything of value,* thus, there is no "expenditure."

f) Valuation

The law is silent as to the *valuation* of goods and services. *Fair market value* is the proper and applicable standard of valuation.

The retail price of an item or service is presumed to be its fair market value so long as it is reasonable in relation to the value of the item or service and the amount is not subsidized by a lobbyist or principal.

In valuing an expenditure, you may exclude the amount of additional expenses that are regularly required as a condition precedent to the donor's eligibility to make the expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying, and is either primarily for the benefit of the donor or is paid to a charitable organization. Initiation fees and membership fees are examples of additional expenses that are regularly required as conditions precedent for eligibility to make an expenditure. Transportation expenses incurred to bring a member to an out-of-town event are not.

Entrance fees, admission fees, or tickets are normally valued on the face value or on a daily or per event basis. The portion of a ticket attributable to a charitable contribution is not included in the value. Conversely, if the ticket is subsidized by contributions of lobbyists or principals, the pro rata subsidized amount must be attributed to the face value.

A person providing transportation in a private automobile shall be considered to be making an expenditure at the then-current statutory reimbursement rate, which is currently 29 cents per mile. The value of transportation provided in other private conveyances must be calculated on its fair market value.

g) Exceptions

1. Relatives

A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or

with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

This definition of "relative" is taken from former Joint Rule 1.4(4)(b), and has operated historically as an exception to the presumption that things of value given to a legislator or employee by a lobbyist or principal are intended for the purpose of engendering goodwill.

Example: A legislator is permitted to accept a Christmas gift from an aunt, even if she is a lobbyist. The gift is not deemed an expenditure made for the purpose of lobbying because of the family relationship between the donor and the donee.

2. Employment-related Compensation and Benefits

Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment, business, or service as an officer or director of a corporation or organization are not prohibited expenditures so long as they are given in an amount commensurate with other similarly situated employees, officers, or directors.

These sorts of expenditures are currently also excepted from the definition of a gift in section 112.312(12)(b), *Florida Statutes,* and are a necessary exception in order for many legislators to continue their employment or continue their service on boards and continue to serve in Florida's citizen Legislature.

Example: A legislator who is on the board of directors of an organization that has a lobbyist is nevertheless permitted to partake of food and beverage provided to the board members by the organization at its board meetings.

3. Political Organizations and Entities

An expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes,* or its federal law counterpart; campaign-related personal services provided without compensation by individuals volunteering their time; any other contribution or expenditure made by a chapter 106 entity such as a candidate campaign, political committee, organization making electioneering communications, political party, or committee of continuous existence; or an entity qualified under section 501(c)(4) or section 527 of the Internal Revenue Code.

Members are cautioned that these organizations or entities may not be used as a vehicle for skirting the new lobbying expenditure law. To the extent that funds come from lobbyists or principals, one should exercise great care that the expenditures are legal and appropriate for that particular organization or entity.

4. Communications Expenses

The expenditure prohibitions in the new law do not reach expenditures made by a lobbyist or principal for items such as "media advertising," "publications," "communications," and "research."

Expenditures for researching, gathering, collating, organizing, providing, or disseminating information for the *exclusive* purpose of "active lobbying" (influencing or attempting to influence legislative action through oral or written communication) are necessary for Floridians to be able to "instruct their representatives."

5. Office and Personal Expenses of Lobbyists and Principals

"Office expenses" and personal expenses of the lobbyist or principal for "travel," "lodging," and "food and beverages" as those items were defined in former Joint Rule 1.4(4)(c) are exempt from the prohibition on lobbying expenditures. This category does not include any expenses for legislators, legislative employees, or persons whose expenses would be attributed to them.

6. Government to Government Expenditures

Real property or a facility owned or operated by a state or local public agency or entity that is a lobbying principal, and transportation to, from, and at the location provided by that agency or entity may, with the prior approval of the respective state legislative presiding officer or his or her designee, be used without payment, by a member, committee, or staff of the Legislature for a public legislative purpose. Such purposes include publicly noticed legislative committee meetings and site visits to operations conducted by the public agency or entity. Allowable free uses also specifically include legislative district offices and sub-offices and the normally attendant utilities, parking, janitorial services, building maintenance, and telecommunications equipment and services common to a government building in which the office is located. Allowable free use does not extend to sports or entertainment venues; does not include food, beverages, or entertainment; and does not include free parking privileges at any location other than a district office or sub-office.

7. Free and Open Public Events

Expenditures directly associated with events that are held within the Capitol complex, out-of-doors or under temporary shelter, open to the general public, widely and publicly noticed, free to all, not ticketed, and for which equal and totally unobstructed access to the general public is provided, are not prohibited expenditures made by lobbyists or principals, or when accepted by legislators or legislative employees.

Example: Atlas County, Florida is holding Atlas Day in the plaza between the Capitol and the Historic Capitol. Lunch is served to all comers. The event was widely publicized and access to the event and the food and beverage is totally unobstructed. Legislators may partake as well.

8. Regional and National Legislative Organizations

The prohibition does not apply to expenditures made directly or indirectly by a state, regional, or national organization that promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff to members of that organization or to officials or staff of the Legislature. This exception does not include extracurricular activities, entertainments, or items or services provided at conferences that are paid for or provided by a lobbyist or principal.

9. Monetary Value Impossible to Ascertain

The value of some items is *truly impossible* to quantify at the time of the expenditure. Expenditures for which a monetary value is not ascertainable at the time of the expenditure are not prohibited. Examples are: appearing on a news show or having a feature article about a legislator in a trade magazine or other medium, applause received by a legislator at an event, obtaining priority seating in a crowded restaurant or priority for obtaining services where there is an established queue, or the pro-rata portion of a host's monthly or annual membership in an exclusive supper club.

10. Plaques and Certificates

The prohibition does not apply to personalized wall plaques, personalized photographs, or personalized certificates, that have no substantial inherent value other than recognizing the donee's public, civic, charitable, or professional service.

h) Effect of Other Laws and Rules

To the extent that an expenditure is excluded or exempt from the new lobbying prohibition in section 11.045, *Florida Statutes, it is still subject to the restrictions and requirements in other statutes: most notably, the gift law (section 112.3148, Florida Statutes) and the campaign finance law (chapter 106, Florida Statutes).*

(2) Frequently Asked Questions

LEGISLATIVE EVENTS/RECEPTIONS

1. Question: Can a county legislative delegation or delegation office sponsor an annual event in Tallahassee on public grounds or in quarters belonging to either the Senate or the House of Representatives (i.e., "Flavors of Hillsborough")?

ANSWER: A county legislative delegation may host an annual event in Tallahassee *provided* that no free food, beverages, or other personal benefits to a legislator or legislative employee are paid for or provided by a lobbyist or principal, either directly or indirectly.

Legislators and legislative staff may pay an amount established and published by the delegation as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the delegation may make the event a free, open public event as described in Paragraph 1.g)7. above.

2. Question: Can a legislator or legislative employee go up to the 22nd floor of the Capitol and partake of free food and drink provided by an organization hosting a luncheon or event at the Capitol?

ANSWER: It depends. Yes, provided the organization hosting the event is not a principal *and* none of the food and beverages are paid for or provided by a lobbyist or principal. Otherwise, the legislator or legislative employee could attend the event but could not partake of the free food or beverages or they can pay the fair market value of what they consume.

3. Question: Can "legislative days" that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees during the session and are hosted by counties, cities, universities, and others that employ a lobbyist continue?

ANSWER: "Legislative days" and other legislative events funded by lobbyist or principal dollars may continue *provided* no free food, drink, entertainment, or other personal benefit is provided to a legislator or legislative employee, either directly or indirectly. Any such benefit would be a prohibited goodwill expenditure.

Legislators and legislative staff may pay an amount established and published by the sponsor as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph 1.g)7. above.

4. Question: Can a not-for-profit organization host receptions and events for legislators that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees through contributions solicited from lobbyists or principals who sponsor the reception or event?

ANSWER: The charity may host a reception or event for legislators and legislative employees *provided* that no free food, beverages, entertainment, or other personal benefit is provided to a legislator or legislative employee from the funds of lobbyists or principals.

Legislators and legislative employees may pay an amount established and published by the sponsor as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph 1.g)7. above.

5. Question: Can a lobbyist or principal host an event with food, beverages, entertainment, or other personal benefit for legislators or legislative employees and collect from each legislator or legislative employee, a flat, per-person entrance fee based on the total cost to plan, produce, stage, and clean up after the event, divided by the number of persons reasonably expected to attend?

ANSWER: Yes.

6. Question: Each year, a few associations host legislative receptions/BBQs and invite their members as well as legislators. They usually pass out campaign funds at these events to those who support their industry. Would it now be legal to host this event if it were called a "fundraiser?" Could legislators then accept free food and beverages at the event?

ANSWER: Senate Rule 1.361 precludes a senator, and House Rule 15.3 precludes a representative, from accepting a campaign contribution during a regular or special session, in addition to prohibiting them from accepting contributions on behalf of a section 527 or section 501(c)(4) organization, a political committee, a committee of continuous existence, a political party, or the campaign of any other senatorial candidate or candidate for representative, respectively. Thus, any fundraiser held during a regular or special session would violate the rules of each house.

Fundraisers not held during a regular or special session are outside the purview of the expenditure prohibitions in the new law. A goodwill lobbying expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes.* However, if the facts and circumstances demonstrate that calling the event a "fundraiser" is merely an artifice for lobbyists or principals to provide free gifts, food, beverages, and other items or services of personal benefit to a legislator, not associated with influencing the results of an election, then the fundraiser would violate the expenditure prohibition of the new law. Note, also, that fundraisers remain subject to the contribution restrictions and requirements of Florida's campaign finance law (chapter 106, *Florida Statutes*).

HONORARIA EXPENSES

7. Question: Can a lobbyist or principal continue to pay or reimburse a legislator's or legislative employee's expenses for such items as food and beverages, travel, and lodging associated with an honorarium event?

ANSWER: No.

GIFTS TO LEGISLATORS

8. Question: Can a school child give a legislator a painting that he or she has made?

ANSWER: Yes. The prohibition against lobbying expenditures only applies to lobbyists and principals, and those acting on their behalf.

9. Question: Can a school student whose parent is a lobbyist or principal give a scarf that was purchased by the child's parent to a legislator as a gift?

ANSWER: It depends. The lobbying expenditure prohibition applies to all gifts from lobbyists or principals to legislators, directly or *indirectly*. A lobbyist or principal cannot use a third-party intermediary to circumvent the lobbying expenditure prohibition. Thus, if the facts and circumstances demonstrate that the scarf is an indirect gift from the lobbyist or principal to the legislator, it would be prohibited.

10. Question: Can a legislator accept rent-free office space and associated building services from a city, county, or community college in his or her district that employs or retains a lobbyist?

ANSWER: Yes. See Paragraph 1.g)6. above for explanation and limitations.

11. Question: Can a legislator or legislative staff accept transportation services from another governmental entity?

ANSWER: Yes. See Paragraph 1.g)6. above for explanation and limitations.

12. Question: Are there any value limitations on the exceptions in the new law for "floral arrangements or other celebratory items given to legislators and displayed in chambers on the opening day of a regular session"?

ANSWER: Yes. All opening day flowers and floral arrangements are subject to the limitations and requirements of the gift law (section 112.3148, *Florida Statutes*). No other celebratory items will be allowed in either chamber on opening day of the regular session.

FOOD AND BEVERAGES/GIFTS

13. Question: Can a legislator or legislative employee and his or her spouse have dinner with a lobbyist friend the legislator or legislative employee has known for 30 years at the lobbyist's home, whether or not active lobbying occurs?

ANSWER: Yes, *provided* the legislator or legislative employee contemporaneously provides the lobbyist with the pro rata share of the total fair market value of the cost of the food and beverages provided to the legislator or legislative employee and his or her spouse, either in cash or barter (i.e., bottle of wine, flowers). Otherwise, the expenditure for food and beverages would constitute a prohibited goodwill expenditure, irrespective of the extent of the legislator's and lobbyist's friendship.

14. Question: Can a lobbyist or principal and legislator or legislative employee have dinner at a public restaurant?

ANSWER: Yes, *provided* the dinner is "Dutch treat."

15. Question: Can a lobbyist or principal and a legislator or legislative employee have dinner "Dutch treat" at the Governor's Club?

ANSWER: Yes, *provided* the legislator or legislative employee pays the total cost of all food and beverage that he or she was served or consumed, or that was served to or consumed by a person whose expenditures are attributed to the legislator or legislative employee.

16. Question: Can a lobbyist's business partner, employee, spouse, or child, who is not a registered lobbyist, accompany the lobbyist and legislator or legislative employee to dinner and pay for all the food and beverages if the partner, employee, spouse, or child does not actively lobby?

ANSWER: No. The lobbying expenditure prohibition applies to all food and beverages provided by lobbyists or principals to legislators or legislative employees, directly or *indirectly*. A lobbyist or principal cannot utilize a third-party intermediary to channel gifts to legislators to circumvent the lobbying expenditure prohibition.

17. Question: If someone offers a legislator or legislative employee a drink at a bar, or any other gift or personal benefit, does the legislator or legislative employee have a duty to inquire if the donor is a lobbyist or principal?

ANSWER: Yes. A legislator or legislative employee is liable for *knowingly* accepting an expenditure from a lobbyist or principal, or someone acting on behalf of a lobbyist or principal. "Knowingly" has many statutory definitions, including that a person: (1) has *actual knowledge* of the information; (2) acts in *deliberate ignorance* of the truth or falsity of the information; or, (3) acts in *reckless disregard* of the truth or falsity of the information. Therefore, prudence dictates that the legislator or legislative employee, at a minimum, make *reasonable inquiry* as to the source of the proposed expenditure to determine whether it is prohibited. *Reasonableness* will turn on the facts and circumstances of each individual situation.

For example, a legislator receiving an invitation to an event to be held the next week, from an organization he or she is not familiar with would likely require that the legislator, *at a minimum*, consult the online directory of legislative principals and lobbyists, and perhaps make further inquiry if facts or circumstances come to light indicating that the organization might be making the expenditure on behalf of a lobbyist or principal. Similarly, a legislator offered a drink from someone he or she doesn't know in a Tallahassee bar or restaurant generally known to be frequented by lobbyists would probably be required, *at a minimum*, to ask whether the person is a lobbyist or principal or affiliated with a lobbyist or principal. On the other hand, a Miami legislator on personal holiday with his or her spouse at Busch Gardens in Tampa, who strikes up a friendship with a couple they don't know visiting from Colorado and who subsequently offers to pay for the legislator's and spouse's dinner probably has less of a duty to inquire whether either member of the couple is a Florida lobbyist or principal.

CHARITIES

18. Question: Can a legislator or legislative employee raise funds from lobbyists or principals for charitable causes?

ANSWER: Yes, *provided* the charity for which funds are sought is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof. Otherwise, such a contribution or donation would constitute a prohibited goodwill expenditure.

19. Question: Can a legislator or legislative employee establish or operate a charitable foundation that relies on lobbyist or principal support?

ANSWER: No. A legislator or legislative employee may establish or operate a charitable organization but none of the money contributed or donated to the charity may be from lobbyists or principals. Such a contribution or donation would constitute a prohibited goodwill expenditure.

20. Question: Can a legislator or legislative employee sit on the board of a charitable organization that is not established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof? Can he or she accept free food and beverages provided by the charity and be reimbursed by the charity for expenses associated with the work of the charity (i.e., travel, lodging)?

ANSWER: Yes. A legislator or legislative employee may sit on the board of a charitable organization that receives donations and contributions from lobbyists, and may partake of free food, beverages, and other personal benefits provided by the charity to board members in connection with their service, including reimbursement of personal expenses incurred by board members in furtherance of the charity's work. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with a legislator's or legislative employee's employment, business, or service as an officer or director of a corporation or organization. *However*, any such salary, benefit, services, fees, commissions, gifts or expenses cannot be from funds earmarked by lobbyists or principals to the charity for such purpose and must be received only for the legislator's or legislative employee's service as a member of the board.

21. Question: Can a legislative caucus that is established as a nonprofit group raise funds from lobbyists for its charitable causes?

ANSWER: It depends. If the legislative caucus or the nonprofit group is directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is no.

If the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, or operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is yes.

22. Question: Can a legislative caucus that is established as a nonprofit group host its own charity golf tournament funded by lobbyist or principal "sponsors" at a private club, where the cost of sponsorship buys an opportunity to play golf with a member of the caucus, and to make a presentation to the caucus before and after the event?

ANSWER: Yes, provided the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, and the legislators and legislative employees pay their own golf fees and the per-person cost for food and beverage.

OTHER

23. Question: What happens when a legislator is married to, related to, or living with a lobbyist? Can the lobbyist pay for meals, lodging, etc.?

ANSWER: Yes, *provided* the lobbyist does not use the expenditure to actively lobby the legislator. Expenditures by "relatives" of a legislator for food, lodging, travel, and the like are specifically exempt from the definition of a goodwill expenditure.

24. Question: Can a legislator be employed by a lobbyist or principal? Can a legislator go to the employer's retreat and partake of food and beverages?

ANSWER: Yes. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses *associated primarily with a legislator's or legislative employee's employment*, business, or service as an officer or director of a corporation or organization.

25. Question: Where a lobbyist or principal leaves a gift, such as a box of chocolates, in a legislator's office, what should the legislator do with the item?

ANSWER: When a legislator or legislative employee receives an item that they believe violates the prohibition against accepting an expenditure from a lobbyist or principal, the item must either be sent back to the donor or delivered to the Sergeant-at-Arms for disposal.

Part Two—Compensation

(1) General Guidelines

Chapter 2005-359, *Laws of Florida,* for the first time, requires the reporting of *compensation* received by *lobbying firms* for each calendar quarter, both in the aggregate and for each individual principal. Much of the reporting is done in dollar categories; however, if compensation from

a single principal is $50,000 or more in a calendar quarter, the lobbying firm must report the specific dollar amount of the compensation, rounded to the nearest $1,000.

A "lobbying firm" is any business entity with a lobbyist, or an individual contract lobbyist, who gets paid to lobby for a principal. It is the lobbying firm that must report, *not the individual lobbyists in the firm* (except in the case of an individual contract lobbyist, where the lobbyist also comprises the entire lobbying firm).

Reports are due no later than 45 days after the end of each calendar quarter. For 2006, compensation reports will be filed on paper forms designed by the Office of Legislative Services. Beginning with the first reporting period in 2007, compensation reports must be filed electronically using the online filing system of the Office of Legislative Services.

The new law requires the senior partner, officer, or owner of the lobbying firm to certify to the veracity and completeness of each compensation report. This requirement is designed to discourage the mischaracterization and thus omission of reportable compensation through designations such as "media fees," "consulting services," "professional services," "governmental services," and other such artifices.

For example, if a law firm were paid a lump sum for rendering multiple types of services to a client, only one of which is lobbying, then the person certifying the report is responsible for properly and reasonably allocating the portion of the total fee received for lobbying activities and for activities other than lobbying. Only the compensation received for *lobbying* activities is to be reported on the compensation form.

The Legislature will use random audits supplemented by the lobbyist disciplinary process to hold the person certifying the compensation report and the lobbying firm accountable for making a true, complete, properly-allocated report as required by law. In addition, the certification brings every compensation report filer within the scope of potential criminal penalties in section 837.06, *Florida Statutes,* for culpable violations.

(2) Frequently Asked Questions

1. Question: Is an in-house, salaried lobbyist for an association, a governmental entity, or a corporation that does not derive income from principals for lobbying required to report compensation?

ANSWER: No. An association, a governmental entity, a corporation or other business entity that does not derive income from principals for lobbying, and its employee lobbyists, are not a "lobbying firm" as defined in section 11.045(1)(g), *Florida Statutes.* Only "lobbying firms" must report compensation as provided in section 11.045(3)(a), *Florida Statutes.*

2. Question: Does the prohibition against providing compensation to an individual or business entity that is not a lobbying firm, mean that in-house lobbyists must either become a lobbying firm or cease lobbying?

ANSWER: No. The provision in question merely clarifies that reportable "compensation" under the law must be provided to a "lobbying firm," and not contracted or subcontracted through some "straw man" to circumvent compensation reporting requirements. The provision in question clarifies and emphasizes the statutory definition of "compensation" in section 11.045(1)(b), *Florida Statutes*, as "anything of value provided or owed to a *lobbying firm*."

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former Governors ~~governors~~, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine (9). No person admitted under this rule shall engage in any lobbying activity for or against any measure under consideration in the Senate.

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All persons on the main floor of the Senate chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear appropriate business attire at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of those Senators present. The motion, when made, shall be decided without debate. A motion to waive a Rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules except by unanimous consent of those Senators present.

11.3—Changes in Rules

All proposed actions regarding the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules may originate reports and resolutions dealing with the Senate Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of those Senators present.

11.4—Majority action

Unless otherwise indicated by the Senate Rules or the *State Constitution*, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in the Senate Rules reference is made to "two-thirds (2/3) of those present," "two-thirds (2/3) vote," "two-thirds (2/3) of the Senate," "two-thirds (2/3) of those voting," etc., these shall all be construed to mean two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the membership of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the *State Constitution*.

11.6—General

When used in the Senate Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word "bill" or "measure" means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVE

EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS

PART ONE—EXECUTIVE SESSIONS

12.1—Executive session; authority

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators, the Secretary of the Senate, and staff as approved by the President, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept confidential except information on which the bans of confidentiality were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rules as to the confidentiality of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS

12.7—Procedure

(1) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Ethics and Elections, other appropriate committee <u>or committees,</u> or to a Special Master appointed by the President. <u>Any such committee or Special Master</u> ~~Either one~~ shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules, the report shall lose its privileged and confidential character.

(2) Upon receipt of a request by the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary of the Senate, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal of the Senate. The appointee whose appointment was returned continues in office until the end of the next ensuing session of the Legislature or until the Senate confirms a successor, whichever occurs first.

(a) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.

(b) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.

(3)~~(a)~~ An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

~~(b)~~ In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(4) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(5) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first (1st) pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(6) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(7) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(8) Subject to the limitations of Rule 12.7(3) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(3), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(3). The Senate

may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the Legislature.

(9) For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(10) If the Governor files an amended suspension order, the attention of the Senate, the committee, or the Special Master shall be directed at the amended suspension order.

(11) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chair and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule Twelve (12) and part V of chapter 112, *Florida Statutes*, Rule Twelve (12), derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule provided by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be scheduled by the President. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following the posting of a notice in the public corridor leading into the Senate chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the meeting together with the name of the introducer, short title, number of each bill to be considered, and the amendment deadline for the meeting. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chair of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

(1) The report of a ~~committee of~~ conference committee appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second (2nd) reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once. A conference committee report shall be made available to the membership two (2) hours prior to the beginning of debate of the report by the Senate.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Conference committees, other than a conference committee on a general or special appropriations bill and its related legislation, shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house ~~House~~.

(5) When a bill is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

(6) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special Order Calendar

(1) A Special Order Calendar determining the time and priority for consideration of bills shall be submitted by the President Pro Tempore, ~~the Majority Leader, and~~ the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.

(2) Such Special Order Calendar shall be for the next legislative day. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, which ever occurs later.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

(3) The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 3-O and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative(s) Bogdanoff—

HCR 3-O—A concurrent resolution establishing the Joint Rules of the Florida Legislature for the 2008-2010 term.

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

That the following joint rules shall govern the Florida Legislature for the 2008-2010 term:

JOINT RULES

Joint Rule One—Lobbyist Registration and Compensation Reporting

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services. Registration is required for each principal represented.

(2) As used in Joint Rule One, unless the context otherwise requires:

(a) "Compensation" means payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(b) "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(c) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter that may be the subject of action by, either house of the Legislature or any committee thereof.

(d) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(e) "Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, and where any partner, owner, officer, or employee of the business entity is a lobbyist. "Lobbying firm" does not include an entity that has employees who are lobbyists if the entity does not derive compensation from principals for lobbying, or such compensation is received exclusively from a subsidiary or affiliate corporation of the employer. As used in this paragraph, an affiliate corporation is a corporation that directly or indirectly shares the same ultimate parent corporation as the employer and does not receive compensation for lobbying from any unaffiliated entity.

(f) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by the Governor, the Executive Office of the Governor, or any executive or judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(g) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(h) "Principal" means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(i) "Unusual circumstances," with respect to any failure of a person to satisfy a filing requirement, means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to satisfy the filing requirement.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive or judicial department of the state or any community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record as required by the respective house.

1.2—Method of Registration

(1) Each person who is required to register must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, business address, and telephone number, the name and business address of each principal that person represents, and the extent of any direct business association or partnership that person has with any member of the Legislature. In addition, if the lobbyist is a partner, owner, officer, or employee of a lobbying firm, the lobbyist must state the name, address, and telephone number of each lobbying firm to which the lobbyist belongs. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement on a form provided by the Lobbyist Registration Office, signed by the principal or principal's representative, that the registrant is authorized to represent the principal. On the authorization statement the principal or principal's representative shall also identify and designate the principal's main business pursuant to a classification system approved by the Office of Legislative Services that shall be the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes the principal's main business.

(3) Any person required to register must renew the registration annually for each calendar year.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, canceling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal.

(5) The Lobbyist Registration Office shall retain all original registration documents submitted under this rule.

(6) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 11.045, 112.3148, and 112.3149, Florida Statutes.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to $50 per each house for a person to register to represent one principal and up to an additional $10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

1.4—Reporting of Lobbying Firm Compensation

(1)(a) Each lobbying firm shall file a compensation report with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

1. Full name, business address, and telephone number of the lobbying firm;

2. Registration name of each of the firm's lobbyists; and

3. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: $0; $1 to $49,999; $50,000 to $99,999; $100,000 to $249,999; $250,000 to $499,999; $500,000 to $999,999; $1 million or more.

(b) For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

1. Full name, business address, and telephone number of the principal; and

2. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; $1 to $9,999; $10,000 to $19,999; $20,000 to $29,999; $30,000 to $39,999; $40,000 to $49,999; or $50,000 or more. If the category "$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000.

(c) If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

1. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

2. The reporting lobbying firm shall, for each lobbying firm identified as the reporting lobbying firm's principal under paragraph (b), identify the name and address of the principal originating the lobbying work.

(d) The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this Rule 1.4, and certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation, and certify that no officer or employee of the firm has made an expenditure in violation of section 11.045, Florida Statutes, as amended by chapter 2005-359, Laws of Florida.

(2) For each principal represented by more than one lobbying firm, the division shall aggregate the reporting-period and calendar-year

compensation reported as provided or owed by the principal. Compensation reported within a category shall be aggregated as follows:

Category (dollars)	Dollar amount to use aggregating
0	$0
1-9,999	5,000
10,000-19,999	15,000
20,000-29,999	25,000
30,000-39,999	35,000
40,000-49,999	45,000
$50,000 or more	Actual amount reported

(3) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Effective April 1, 2007, reporting statements shall be filed by electronic means through the electronic filing system developed by the division, conforming to subsection (4).

(4) The electronic filing system for compensation reporting shall include the following:

(a) As used in this rule, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.

(b) A report filed pursuant to this Rule 1.4 must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in subsection (3). A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under Rule 1.5(1).

(c) Each person given secure sign-on credentials to file via the electronic filing system is responsible for protecting the credentials from disclosure and is responsible for all filings made by use of such credentials, unless and until the division is notified that the person's credentials have been compromised. Each report filed by electronic means pursuant to this section shall be deemed certified in accordance with paragraph (1)(d) by the person given the secure sign-on credentials and, as such, subjects the person and the lobbying firm to the provisions of s. 11.045(8), Florida Statutes, as well as any discipline provided under the rules of the Senate or House of Representatives.

(d) The electronic filing system shall:

1. Be based on access by means of the Internet.

2. Be accessible by anyone with Internet access using standard web-browsing software.

3. Provide for direct entry of compensation-report information as well as upload of such information from software authorized by the division.

4. Provide a method that prevents unauthorized access to electronic filing system functions.

5. Provide for the issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(5) The division shall provide reasonable public notice of the electronic filing procedures and of any significant changes in such procedures. In the event that the President of the Senate and the Speaker of the House of Representatives jointly declare the electronic system to be not operable, the reports shall be filed in the manner required prior to April 1, 2007, unless the President of the Senate and the Speaker of the House of Representatives direct use of an alternate means of reporting. The division shall develop and maintain such alternative means as may be practicable. Public notice of changes in filing procedures and any declaration or direction of the President of the Senate and the Speaker of the House of Representatives may be provided by publication for a continuous period of reasonable time on one or more Internet websites maintained by the Senate and the House of Representatives.

(6) Prior to April 1, 2007, reports must be filed no later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company that bears a date on or before the due date, shall be proof of mailing in a timely manner.

1.5—Failure to File Timely Compensation Report; Notice and Assessment of Fines; Appeals

(1) Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day, not to exceed $5,000 per report.

(2)(a) Effective April 1, 2007, upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine based on when the report is actually received by the division or when the electronic receipt issued by the electronic filing system is dated, whichever is earlier.

(b) Prior to April 1, 2007, upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

1. When a report is actually received by the division.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbying firm the first time the report for which the lobbying firm is responsible is not timely filed. However, to receive the one-time fine waiver, the report for which the lobbying firm is responsible must be filed within 30 days after notice that the report has not been timely filed is transmitted by the person designated to review the timeliness of reports. A fine shall be assessed for any subsequent late-filed reports.

(5) Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may by joint agreement concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

(6) A lobbying firm may request that the filing of a report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.

(7)(a) All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the division shall promptly notify all affected principals and the President of the Senate and the Speaker of the House of Representatives of any suspension or reinstatement. All lobbyists who are partners, owners, officers, or employees of a lobbying firm are jointly and severally liable for any outstanding fine owed by a lobbying firm.

(b) No such lobbyist may be reinstated in any capacity representing any principal until the fine is paid or until the fine is waived as to that lobbyist. A suspended lobbyist may request a waiver upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services who shall, as soon as practicable, make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.

(8) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

1.6—Open Records; Internet Publication of Registrations and Compensation Reports

(1) All of the lobbyist registration forms and compensation reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

(2) The division shall make information filed pursuant to Rules 1.2 and 1.4 reasonably available on the Internet in an easily understandable and accessible format. The Internet website shall include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the classification system designated and identified with respect to principals pursuant to Rule 1.2.

1.7—Records Retention and Inspection and Complaint Procedure

(1) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation reports.

(2) Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this Joint Rule One, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house.

(3) The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

1.8—Questions Regarding Interpretation of this Joint Rule One

(1) A person may request in writing an informal opinion from the General Counsel of the Office of Legislative Services as to the application of this Joint Rule One to a specific situation. The General Counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion that is issued shall be provided to the presiding officer of each house. A committee of either house designated pursuant to section 11.045(5), Florida Statutes, may revise any informal opinion rendered by the General Counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this Joint Rule One may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(5), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(5), Florida Statutes.

1.9—Effect of Readoption and Revision

All obligations existing under Joint Rule One as of the last day of the previous legislative biennium are hereby ratified, preserved, and reimposed pursuant to the terms thereof as of that date. The provisions of Joint Rule One are imposed retroactively to the first day of the present legislative biennium except that provisions new to this revision are effective on the date of adoption or as otherwise expressly provided herein.

Joint Rule Two—General Appropriations Review Period

2.1—General Appropriations Bill; Review Period

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice, and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(5) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House and the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

2.2—General Appropriations Bill; Definition

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

Joint Rule Three—Legislative Support Services

3.1—Organizational Structure

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the

President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

3.2—Policies

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

Joint Rule Four—Joint Legislative Auditing Committee

4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(4) The committee and the units it oversees, including the Auditor General and the Office of Program Policy Analysis and Government Accountability, shall submit their budget requests and operating budgets to the President of the Senate and the Speaker of the House of Representatives for prior written approval by the presiding officers acting together.

(5) The committee may receive requests for audits and reviews from legislators. Staff of the committee shall review each request and make a recommendation to the committee concerning its disposition. The manner of disposition recommended may be:

(a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;

(b) Assignment to the Auditor General for special audit or review;

(c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

(e) Assignment to committee staff; or

(f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

Joint Rule Five—Auditor General

5.1—Rulemaking authority

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits that he or she is authorized to perform.

5.2—Budget and accounting

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses for his or her staff before the same shall be paid.

5.3—Audit report distribution

(1) A copy of each audit report shall be submitted to the Governor, to the Chief Financial Officer, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

(4) Other copies may be furnished to other persons who, in the opinion of the Auditor General, are directly interested in the audit or who have a duty to perform in connection therewith.

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

Joint Rule Six—Office of Program Policy Analysis

and Government Accountability

6.1—Responsibilities of the director

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of

Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

(4) Within the monetary limitations of the approved operating budget, the director shall make all spending decisions, including entering into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(5) The director shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

Joint Rule Seven—Joint Legislative Budget Commission

7.1—General Responsibilities

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through the chairperson, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Chief Financial Officer and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

7.2—Organizational Structure

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) The commission shall be jointly staffed by the appropriations committees of both houses. The Senate shall provide the lead staff when the chairperson is a Senator. The House of Representatives shall provide the lead staff when the chairperson is a Representative.

7.3—Notice of Commission Meetings

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairperson is a Senator or with the Clerk of the House of Representatives when the chairperson is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

7.4—Effect of Adoption; Intent

This Joint Rule Seven replaces all prior joint rules governing the Joint Legislative Budget Commission and is intended to implement constitutional provisions relating to the Joint Legislative Budget Commission existing as of the date of the rule's adoption.

—was read the first time in full. On motion by Senator Villalobos, **HCR 3-O** was read the second time by title, adopted and certified to the House.

BENEDICTION

The following benediction was offered by Pete Morgan, Jacksonville Campus Ministry at the University of North Florida:

Almighty and eternal God, you have revealed your glory to all nations. God of power and might, wisdom and justice, through you – authority is rightly administered, laws are enacted, and judgment is decreed.

Assist with your spirit of counsel and fortitude Jeff Atwater, the President of the Senate, our Senators, and all who serve our great State of Florida. Help them represent all God's people in the sunshine of your truth, justice, and love.

May your spirit assist them as they conduct state business in righteousness, and be eminently useful to your people.

May they encourage due respect for virtue and faith.

May they make laws with justice and mercy.

May they seek to restrain crime, vice, and immorality.

We, likewise, commend to your unbounded mercy all who dwell in the United States. Bless us and all people with peace which the world cannot give.

We pray to you, who are Lord and God forever and ever. Amen.

ADJOURNMENT

On motion by Senator Villalobos, the Senate in Organization Session adjourned sine die at 12:10 p.m.

ORGANIZATION SESSION

November 18, 2008

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Journal

of the

S E N A T E

State of Florida

SPECIAL SESSION A

January 5 - 14, 2009

At a Special Session of the Legislature convened by proclamation of The Honorable Jeff Atwater, President of the Florida Senate and The Honorable Ray Sansom, Speaker of the Florida House of Representatives

MEMBERS OF THE SENATE

(26 Republicans, 14 Democrats)

SPECIAL SESSION A

January 5-14, 2009

District 1: Anthony C. "Tony" Hill, Sr. (D), Jacksonville**
Parts of Duval, Flagler, Putnam, St. Johns and Volusia

District 2: Durell Peaden, Jr. (R), Crestview*
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 3: Charles S. "Charlie" Dean, Sr. (R), Inverness**
Baker, Dixie, Hamilton, Lafayette, Suwannee, Taylor and parts of Citrus, Columbia, Jefferson, Leon, Levy, Madison and Marion

District 4: Don Gaetz (R), Niceville*
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 5: Stephen R. Wise (R), Jacksonville**
Parts of Clay, Duval, Nassau and St. Johns

District 6: Alfred "Al" Lawson, Jr. (D), Tallahassee*
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 7: Evelyn J. Lynn (R), Ormond Beach**
Parts of Clay, Marion, Putnam and Volusia

District 8: James E. "Jim" King, Jr. (R), Jacksonville*
Parts of Duval, Flagler, Nassau, St. Johns and Volusia

District 9: Andy Gardiner (R), Orlando**
Parts of Orange, Osceola and Seminole

District 10: Ronda Storms (R), Valrico*
Parts of Hillsborough, Pasco and Polk

District 11: Mike Fasano (R), New Port Richey**
Parts of Citrus, Hernando, Pasco and Pinellas

District 12: Victor D. Crist (R), Tampa*
Parts of Hillsborough and Pasco

District 13: Dennis L. Jones, D.C. (R), Seminole**
Part of Pinellas

District 14: Steve Oelrich (R), Gainesville*
Alachua, Bradford, Gilchrist, Union and parts of Columbia, Levy, Marion and Putnam

District 15: Paula Dockery (R), Lakeland**
Parts of Hernando, Lake, Osceola, Polk and Sumter

District 16: Charlie Justice (D), St. Petersburg*
Parts of Hillsborough and Pinellas

District 17: JD Alexander (R), Lake Wales**
Hardee, Highlands, and parts of DeSoto, Glades, Okeechobee, Polk and St. Lucie

District 18: Arthenia L. Joyner (D), Tampa*
Parts of Hillsborough, Manatee and Pinellas

District 19: Gary Siplin (D), Orlando**
Parts of Orange and Osceola

District 20: Carey Baker (R), Eustis*
Parts of Lake, Marion, Seminole, Sumter and Volusia

District 21: Michael S. "Mike" Bennett (R), Bradenton**
Parts of Charlotte, DeSoto, Lee, Manatee and Sarasota

District 22: Lee Constantine (R), Altamonte Springs*
Parts of Orange and Seminole

District 23: Nancy C. Detert (R), Venice**
Parts of Charlotte, Manatee and Sarasota

District 24: Thad Altman (R), Viera***
Parts of Brevard, Orange and Seminole

District 25: Jeff Atwater (R), North Palm Beach**
Parts of Broward and Palm Beach

District 26: Mike Haridopolos (R), Melbourne*
Parts of Brevard, Indian River, Osceola and St. Lucie

District 27: Dave Aronberg (D), Greenacres**
Parts of Charlotte, Glades, Hendry, Lee and Palm Beach

District 28: Ken Pruitt (R), Port St. Lucie*
Martin and parts of Indian River, Okeechobee, Palm Beach and St. Lucie

District 29: Christopher L. "Chris" Smith (D), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 30: Ted Deutch (D), Boca Raton*
Parts of Broward and Palm Beach

District 31: Eleanor Sobel (D), Hollywood**
Part of Broward

District 32: Jeremy Ring (D), Margate*
Part of Broward

District 33: Frederica S. Wilson (D), Miami**
Part of Miami-Dade

District 34: Nan H. Rich (D), Weston*
Parts of Broward and Miami-Dade

District 35: Dan Gelber (D), Miami Beach**
Parts of Broward and Miami-Dade

District 36: Alex Diaz de la Portilla (R), Miami*
Part of Miami-Dade

District 37: Garrett S. Richter (R), Naples**
Parts of Collier and Lee

District 38: J. Alex Villalobos (R), Miami*
Part of Miami-Dade

District 39: Larcenia J. Bullard (D), Miami**
Monroe and parts of Broward, Collier, Hendry, Miami-Dade and Palm Beach

District 40: Rudy Garcia (R), Hialeah*
Part of Miami-Dade

* Holdovers
** Elected General Election November 4, 2008, for a term of 4 years
*** Elected General Election November 4, 2008, for a term of 2 years

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OFFICERS OF THE SENATE

Jeff Atwater, *President*
Mike Fasano, *President Pro Tempore*
Alex Diaz de la Portilla, *Majority (Republican) Leader*
Alfred "Al" Lawson, Jr., *Minority (Democratic) Leader*

Non-member Elected Officer

R. Philip Twogood, *Secretary of the Senate*

Journal of the Senate

Number 1—Special Session A **Monday, January 5, 2009**

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Monday, January 5, 2009, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President Atwater at 11:00 a.m. A quorum present— 33:

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

Excused: Senators Bennett, Detert, Pruitt, Richter, Ring, Villalobos, and Wilson

PRAYER

The following prayer was offered by Senator Crist:

O Heavenly Father, it is written that when two or more are gathered together in prayer our voices are stronger than one. We pray here today for divine wisdom, to make wise decisions, and to make wise choices on behalf of the people we serve. We pray that our deliberations be respectful and productive; that we do the business of the people in a professional manner.

Father, we give thanks for the opportunity to serve. And finally, Father, we pray for our service men and women who put their lives on the line every day to ensure public safety and to protect the freedoms we all cherish and enjoy. It is through our individual faiths that each of us comes here today and pray. Amen.

PLEDGE

Senator Dean led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamation:

THE FLORIDA LEGISLATURE
JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Jeff Atwater, President of the Florida Senate, and Ray Sansom, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c)(2), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

Section 1.

That the Legislature of the State of Florida is convened in Special Session at the Capitol in Tallahassee, Florida, beginning at 11:00 a.m. on Monday, the 5th day of January, 2009, for a period of 12 days, ending at 11:59 p.m. on Friday, the 16th day of January, 2009.

Section 2.

That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering: legislation making adjustments to fiscal year 2008-2009 appropriations and to prior year appropriations; legislation providing for the redirection of trust fund revenues and balances to the General Revenue Fund; legislation making minor adjustments to existing user fees, not including any fees related to alcoholic beverages, cigarettes, or tobacco products; legislation providing for streamlining and flexibility of educational programs, services, and use of funds; legislation relating to funding the state-required costs under Article V of the Florida Constitution by providing for or making adjustments to fees and fines relating to traffic enforcement and to civil and criminal fees, fines, and penalties; legislation authorizing a pilot program to provide up to $10 million in small business loans to stimulate investment in Florida's economy; legislation authorizing intergovernmental transfers; and legislation to conform Florida law to such adjustments, redirections, and authorizations.

Section 3.

That the committees of either house of the Legislature are authorized to consider legislation within the purview of this proclamation from this date forward.

Jeff Atwater
President, The Florida Senate
December 30, 2008

Ray Sansom
Speaker, The Florida House
of Representatives
December 30, 2008

Duly filed with and received by the Florida Department of State in Tallahassee this 30th day of December, 2008 by:

Kurt S. Browning
Secretary of State

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Bill numbers **2-A - 4-A** have been reserved for appropriation bills.

By Senator Wise—

SB 6-A—A bill to be entitled An act relating to adjustments to education appropriations; expressing the legislative intent to conform Florida law to adjustments to education appropriations; providing an effective date.

—was referred to the Committee on Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 8-A—A bill to be entitled An act relating to adjustments to appropriations for health care; expressing the legislative intent to conform Florida law to adjustments to appropriations for health care; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 10-A—A bill to be entitled An act relating to adjustments to appropriations for human services; expressing the legislative intent to conform Florida law to adjustments to appropriations for human services; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 12-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 14-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 16-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 18-A—A bill to be entitled An act relating to adjustments to criminal and civil justice appropriations; expressing the legislative intent to conform Florida law to adjustments to criminal and civil justice appropriations; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 20-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 22-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 24-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 26-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 28-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 30-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 32-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 34-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 36-A—A bill to be entitled An act relating to adjustments to general government appropriations; expressing the legislative intent to conform Florida law to adjustments to general government appropriations; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 38-A—A bill to be entitled An act relating to economic development; expressing the legislative intent to enact laws relating to economic development; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 40-A—A bill to be entitled An act relating to adjustments to transportation and economic development appropriations; expressing the legislative intent to conform Florida law to adjustments to transportation and economic development appropriations; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 42-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 44-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 46-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 48-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 50-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 52-A—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

MOTIONS

On motion by Senator Aronberg, the rules were waived and all bills filed for introduction outside the call of Special Session A were referred to the Committee on Rules.

On motion by Senator Aronberg, the rules were waived to allow the procedure of establishing a Special Order Calendar during Special Session A to be by distribution or by publication in the Senate Calendar.

On motion by Senator Aronberg, the rules were waived to allow the amendment deadlines for session to be set by announcement or by publication.

On motion by Senator Alexander, the amendment deadlines and policies included in the memorandum distributed by the Policy and Steering Committee on Ways and Means for committees' and Senate consideration of proposed appropriations bills and conforming bills were adopted.

REMARKS BY PRESIDENT ATWATER

We open this Special Session facing unprecedented economic circumstances. Throughout our state, fundamental measures of economic activity reflect the complexity of the task before us. It is this set of circumstances, and the very real impact on the working men and women of Florida and the anxieties facing every retired Floridian that has brought

us here today. Our work to confront these challenges cannot be deferred and cannot be delayed.

Permit me to share just a few of the more sobering statistics:

- In November, the unemployment rate hit 7.3%. This represents 680,000 Floridians out of work, with 206,000 jobs having been lost in the past twelve months alone.
- In the past 12 months, no geography of our State has been spared the cruelty of unemployment:
  - Fort Myers led the state in total job loss, down 4.2 percent.
  - Miami-West/Palm Beach region has lost approximately 60,000 jobs.
  - The Tampa Bay area lost 31,000 jobs.
  - Jacksonville has experienced a drop of 11,000 jobs.
- In the last 18 months, 500,000 additional Floridians began using Food Stamps, nearly the equivalent of the combined populations of Orlando and Tampa - bringing the number of Floridians statewide on Food Stamps to over 1.7 million. This is approaching nearly 10% of our State's population.
- We have the 2nd highest foreclosure rate in the nation with 49,000 foreclosures initiated in November alone.
- On New Year's Eve, the latest Consumer Confidence Index came out and it reflects that Consumer Confidence is at its lowest point since 1967.
- In April of 2007, 18 months ago, the national median home price was $220,000. In Florida, at the same time, $238,000. We were 7.8 percent above the national average for a home price.
- In October, just two months ago, the national median home price, $181,000. In Florida, $169,000. We are now 6.7 percent below the national average in home prices.

	October 2008	April 2007
National	181,800	220,500
Florida	169,700	237,800
Difference	-6.7%	7.8%

During the 2008 Session we passed a budget that was 5.7 billion dollars less than the budget passed during the 2007 Session. For the first time in recent memory our revenue collections were not simply less than program growth, they were negative. Since then, the deficit has grown an additional $2.9 billion. The recently reported revenue collection numbers for December showed an additional 100 million dollar decrease, below the revenue estimate that was just forecast in November, with expectations that this trend will continue. The gravity of our current fiscal situation is clear: we are spending money we simply do not have.

Throughout our state government, there are dozens of ongoing studies. There are scores of boards, commissions and councils. There are hundreds (if not thousands) of reports being written – there are programs – that were built on programs – that were built on programs. Undoubtedly, someone sometime thought each of these served some valued purpose. For us, for now, here's the question, when considering every line item in the budget: is this expenditure of the people's money mission critical to the needs of Floridians for the next 12 months?

Here is the test I ask every chair and every Senator to apply: If it's not absolutely critical to teaching, housing, feeding, transporting, protecting, caring, or creating jobs for Floridians, then now is the time to challenge it, and now maybe the time to suspend it or eliminate it.

I noted at our budget briefing last month that our financial circumstances are not the result of one or two bad quarters, or the failure of a discrete segment of our economy. Virtually every facet of our historic financial baseline has been skewed in ways that questions traditional analysis or response. We simply cannot afford to hold on to the old ways of doing business. We cannot afford to hold sacrosanct programs that we have supported in the past without testing their merits or measuring their outcomes. We cannot afford to assume that policies, processes, procedures, or programs are effective merely because they exist.

From this point forward, we have an obligation to the citizens of Florida to deliver value on the basis of effectiveness and efficiency. We must find new process models to meet the legitimate needs of our residents. We are called upon to evaluate programmatic outcomes in light of the return Floridians receive for the monies invested. And the measure of our leadership will be the responsible, dispassionate choices we make despite the clamor of special interests. Our decisions cannot always be popular, but they must never be viewed as expedient or meretricious.

It would be easy for us to view this Special Session as the completion of a process. In fact, it is simply the first step in the iterative process of rebuilding financial integrity in Florida, and restoring financial stability to our citizens. Obviously we have a Constitutional duty to balance the budget, and that is the immediate task at hand. If we left it at that, however, we would be missing a unique opportunity to revisit those assumptions that may have been useful in the past but no longer serve us well.

This Special Session is the prelude to the broader more comprehensive work that must be addressed during the upcoming Session. Indeed, when that Session begins, less than 60 days from today, our agenda of critical work will include: a meaningful review of the tax structure, economically sound business stimulus, greater budgetary flexibility for executive agencies, new endeavors in sustainable job creation and the development of an accountability system to insure that what we set out to accomplish with the people's money actually gets done…if we thought it important enough to appropriate money for it, then it's important enough to measure our success at getting it done right.

In short, Senators, this Special Session is to address the Constitutional requirements of a balanced budget, and by so doing, set the stage for more permanent, ameliorative actions for the Regular Session. To that end, I have charged Chairman Altman and Vice Chair Justice of the Finance and Tax Committee to initiate an analysis of our current tax exemptions, the Streamlined Sales Tax Initiative, and proposals for altering the tobacco tax to be ready for review and possible action by March 1. Chairman Gaetz and Vice Chair Ring will provide me shortly with recommendations from the Select Committee on Florida's Economy for the Federal Stimulus package that I will forward to our Congressional Delegation on behalf of the Senate and we will have the Select Committees initial recommendations to foster economic activity and regulatory relief by March 1. With the recognition this Chamber is not the sole repository of imaginative and innovative thought; the Select Committee has also established a process to elicit the suggestions and observations of Florida's citizens on improving the quality and efficiency of our government. This must be a collective effort, engaging the talents of people across this State. Finally, I will charge Chairman Alexander and Vice Chair Deutch of the Ways and Means Committee with the task of designing new metrics to provide greater accountability – better measurements as to the effectiveness of the programs we fund.

Senators, I am confident that over the next few months we will collectively produce and pass a new budget that does not just fulfill our Constitutional duty, but also protects Floridians with access to essential services, maintains the fundamental processes of government, and creates viable and sustainable options for the future.

I am also confident that over the next 12 days that we will shape, test and debate our budget amendments with firmness, honesty and respect that will reflect the integrity of this institution and the task at hand. Let us freely question the basis of our facts and our positions but let us not degrade into questioning one another's motivations. We have an obligation to re-establish a balanced budget and we shall fulfill that duty in the best traditions of this Senate.

It would be easy to bemoan our fate, to decry the fact that we have been chosen or cursed to serve in such trying circumstances. And, there are many, who seek to enable self-pity by constantly pointing out to us the dark clouds they see in every direction. Let me remind you that our nation, and our State, has dealt with difficulties before, and we will again. Throughout history, our state has weathered tough times and survived. It endured because the men and women of those times, the

women and the men who sat in these very chairs, rose to the occasion, recognizing the great gift they were being offered to lead during the defining time of their generation. Senators, destiny has offered you such an opportunity. Your faithful and selfless dedication to our State will ensure that Florida not only weathers these current challenges, but emerges stronger than ever.

In 1862, Abraham Lincoln stated it best when he said "As our case is new, so we must think anew, and act anew." Senators, let us begin the task at hand. Let us not be consumed with the depth of the challenge before us, but rather let us seize this opportunity to think anew and act new. Mindful of the gravity of our situation, but equally mindful of the resilient and hopeful spirit of all Floridians we humbly serve this day.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE BUSINESS

The following Executive Orders were filed with the Secretary:

EXECUTIVE ORDER NUMBER 08-214
(Executive Order of Suspension)

WHEREAS, Thomas Manuel is presently serving as a County Commissioner for St. Johns County, Florida; and

WHEREAS, on October 15, 2008, the Grand Jury for the United States District Court, Middle District of Florida, issued an indictment charging Thomas Manuel with two counts of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B); and

WHEREAS, violation of Title 18, United States Code, Section 666 (a)(1)(B), constitutes a felony; and

WHEREAS, it is in the best interest of the residents of the County of St. Johns, and the citizens of the State of Florida that Thomas Manuel be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order.

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution find as follows:

A. Thomas Manuel is, and at all times material was, County Commissioner for the County of St. Johns, Florida.

B. The office of County Commissioner for the County of St. Johns, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that Thomas Manuel committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Indictment, which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this executive order is issued, effective today:

Section 1. Thomas Manuel is suspended from the public office which he now holds: County Commissioner for the County of St. Johns, Florida.

Section 2. Thomas Manuel is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the benefits or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 17th day of October, 2008.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

Referred to the Committee on Ethics and Elections.

EXECUTIVE ORDER NUMBER 08-228
(Executive Order of Suspension)

WHEREAS, Robert Anthony Parker a/k/a Tony Parker, is presently serving as a County Commissioner for Levy County, Florida, and

WHEREAS, on October 20, 2008, the Grand Jury for the United States District Court, Northern District of Florida, issued an Indictment charging Robert Anthony Parker with one count of conspiracy to commit bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; and with one count of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and 2; and

WHEREAS, violations of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; Title 18, United States Code, Section 666(a)(1)(B) and 2 constitute felonies; and

WHEREAS, it is in the best interest of the residents of the County of Levy, and the citizens of the State of Florida that Robert Anthony Parker be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Robert Anthony Parker is, and at all times material was, County Commissioner for the County of Levy, Florida.

B. The office of County Commissioner for the County of Levy, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that Robert Anthony Parker committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Robert Anthony Parker is hereby suspended from the public office which he now holds, to wit: County Commissioner for the County of Levy, Florida.

Section 2. Robert Anthony Parker is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today hereof, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 5th day of November, 2008.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

Referred to the Committee on Ethics and Elections.

EXECUTIVE ORDER NUMBER 08-229
(Executive Order of Suspension)

WHEREAS, William Samuel Yearty a/k/a Sammy Yearty is presently serving as a County Commissioner for Levy County, Florida, and

WHEREAS, on October 20, 2008, the Grand Jury for the United States District Court, Northern District of Florida, issued an Indictment charging William Samuel Yearty with one count of conspiracy to commit bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; with one count of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and 2; and with one count of knowingly making a false or fraudulent statement in violation of Title 18, United States Code, Section 1001(a); and

WHEREAS, violations of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; Title 18, United States Code, Section 666(a)(1)(B) and 2; and Title 18, United States Code, Section 1001(a) constitute felonies; and

WHEREAS, it is in the best interest of the residents of the County of Levy, and the citizens of the State of Florida that William Samuel Yearty be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. William Samuel Yearty is, and at all times material hereto was, County Commissioner for the County of Levy, Florida.

B. The office of County Commissioner for the County of Levy, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that William Samuel Yearty committed acts in violation of the laws of the United States. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. William Samuel Yearty is hereby suspended from the public office which he now holds, to wit: County Commissioner for the County of Levy, Florida.

Section 2. William Samuel Yearty is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 5th day of November, 2008.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

Referred to the Committee on Ethics and Elections.

VETOED BILLS 2008 REGULAR SESSION

The Honorable Kurt S. Browning June 17, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to, Committee Substitute for Comittee Substitute for Senate Bill 682, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to Department of Transportation. . .

There are many positive aspects to the bill which includes several of the Department of Transportation's legislative priorities. The bill provides the department with tools to reduce roadway congestion by managing the use of our existing transportation facilities, modernize our toll collection systems and ensure that electronic tolling systems will work on all of Florida's toll roads. It improves the contracting that allows us to implement our transportation work program and encourages the safe operation of the vehicles that use our roadways. Many of these important changes are proposed in Senate Bill 1992, which I intend to sign.

However, Section 27 of the bill includes a provision that was also proposed by House Bill 5067, which I have already vetoed, that directs the selection process for fuel, food, and other service contracts along the Florida Turnpike. As noted in my veto message for House Bill 5067, I am troubled by the decision to direct the Turnpike Enterprise to substantially deviate from established procurement laws put in place to ensure fairness and integrity in the selection process. Limiting the competitiveness of the procurement and squeezing out potential bidders increases costs to the Turnpike System; therefore, increasing costs to Florida's motorists.

I have based my administration upon openness and access to information. Specifically, I have directed agencies to conduct open, competitive, and transparent procurements. I believe that we must protect the confidence citizens have entrusted to their public servants, and we should commit to making the best use of their hard earned tax dollars. Therefore, it is disappointing that this important transportation bill was used to direct a procurement which benefits vendors over the citizens of Florida.

For these reasons, I withhold my approval of Committee Substitute for Comittee Substitute for Senate Bill 682, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 25, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Committee Substitute for Senate Bill 686, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to nursing facilities. . .

This bill makes several changes to nursing home regulatory rules. Notably, the bill revises the manner in which nursing facilities report and investigate adverse incidents that relate to residents. Under current Florida law, nursing facilities must notify Florida's Agency for Health Care Administration (AHCA) within one business day of an adverse incident. This bill deletes this requirement and instead permits the facility's internal risk manager to determine if an incident was adverse

before filing the report. Current law provides the opportunity for AHCA to investigate incidents, as it deems appropriate, in order to prescribe measures that should be taken. I believe that facilities responsible for providing care to our most vulnerable citizens must remain under strict scrutiny and existing law provides for this accountability and oversight.

I am committed to ensuring the highest standards of care to protect the safety and dignity of Florida's seniors. Throughout my career, I have worked to reduce abuse and neglect against seniors, and I do not believe the state should take any steps backwards in these efforts.

For these reasons, I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 686, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 11, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 996, enacted during the 40th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to cosmetology . . .

The bill makes substantial changes to Florida's cosmetology statutes. It creates a new cosmetology license separated into specialty licenses for hair technicians, estheticians, nail technicians, and cosmetologists and provides specific education requirements for each.

Although I support efforts to protect the public, I am concerned that this bill is overly regulatory. Government exists to accomplish the will of the people, not to restrict economic or personal liberties. This bill increases the educational requirements that a person must meet before entering the workplace—in some cases, the increase in education is quite significant. I am concerned that this bill is overly burdensome and would have negative impacts on people's livelihoods. The legitimate public purpose for regulation is to protect the public, not to limit competition or act as state-sponsored protectionism against free enterprise.

For this reason, I withhold my approval of Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 996, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 25, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Senate Bill 1008, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to failure to redeliver hired vehicles. . .

Senate Bill 1008 provides that a law enforcement agency may not make acceptance of a stolen rental vehicle report contingent upon receipt of specific information and *shall* enter the report into the National Crime Information Center and Florida Crime Information Center, listing the rental vehicle as a stolen vehicle. Thus, the bill would deprive a law enforcement officer of the authority to determine whether probable cause exists to classify an unreturned rental vehicle as stolen before entering it into the NCIC/FCIC databases. Instead, the probable cause judgment would be delegated to a clerk or a non-sworn security employee of a vehicle rental agency.

Allowing untrained personnel to make this judgment could cause drivers who miss rental return deadlines simply due to confusion over contract terms to be dealt with much more harshly in the course of a felony traffic stop by police.

Further, as stated by representatives of the Florida Department of Law Enforcement, the bill creates a special category of crime victim—car rental companies—who will now have direct access into the NCIC/FCIC without law enforcement review, while other theft victims will not. In addition, the bill serves as an invitation to other special interest groups to apply to the Legislature for mandated access into law enforcement databases.

Finally, as expressed by the State Attorney for the 13th Judicial Circuit, preventing law enforcement officers from requiring basic information from a rental car company could compromise investigations and weaken the ability of prosecutors to obtain convictions.

For this reason, I withhold my approval of Committee Substitute for Senate Bill 1008, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 25, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Senate Bill 1706, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to developments of regional impact. . .

This bill includes provisions that are intended to promote biotechnical research development and green building, and I applaud these goals. However, this bill also includes provisions that affect our ability to create the well-planned communities that provide the foundation for a robust economy and maintain the quality of life that every Floridian deserves.

The bill expands the scope of the three year extension of build-out dates for developments of regional impact and Florida quality developments approved in 2007. This expansion affects communities across this state as they work to provide the roads, schools and public facilities needed to ensure that the effects of these new developments do not impair the quality of services provided to our current and future citizens. The bill also exempts certain developments in our most populous counties from development of regional impact review, which greatly limits the opportunity for citizen participation in decisions that may increase demand on existing school, transportation, and public infrastructure.

At a time when Florida's communities are struggling to find the resources to provide essential services, adequate water resources, and schools to educate our children, I am concerned that this bill may increase the burden on communities and shift the cost of new development from the people that benefit from the development to the citizens of our state. I look forward to working with the Legislature during the two years remaining on the current development of regional impact extension to ensure that we balance the vital elements of growth, while also encouraging prudent development.

For these reasons, I withhold my approval of Committee Substitute for Senate Bill 1706, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning May 28, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Sections 8 and 19, of the Constitution of Florida, I do hereby transmit Committee Substitute for Committee Substitute for Senate Bill 2860, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular session of 2008, and entitled:

An act relating to insurance. . .

This bill contains many important consumer protections that will help keep insurance costs more affordable for Florida's homeowners. It extends the rate freeze on Citizens rates (until January 1, 2010), revises the assessment formula for any Citizens deficits, allows more homeowners to insure with Citizens if they choose to do so, and requires hurricane mitigation premium credits tied to a uniform home rating scale. The bill holds insurers accountable. It prohibits insurers from failing to pay undisputed amounts owed on insurance policies, extends the prohibition against raising rates without approval by the Office of Insurance Regulation, provides more transparency into the ratemaking process, and increases fines against less scrupulous insurers.

Section 16 of the bill provides an appropriation of $250 million for the Insurance Capital Buildup Incentive Program. While I believe the program is well intended and has had the net effect of removing nearly 200,000 policies from the Citizens Property Insurance Corporation and has kept an additional estimated 480,000 policies out of Citizens, the funding source is inappropriate. The original funding for the program came from the General Revenue Fund during the 05/06 fiscal year; however, the additional funding for the program provided in this legislation comes from policyholders' premiums paid to Citizens, which is used to pay claims in the event of a catastrophic hurricane.

Citizens has a combined loss exposure in Florida of about $223 billion and approximately 1.3 million policyholders. Taking $250 million away from Citizens' ability to pay claims will substantially increase the likelihood of assessments for Floridians across the state.

The citizens of Florida are already feeling the heavy weight of property insurance and property tax burdens. I do not support risking an additional financial hardship on Floridians; therefore, I hereby transmit Committee Substitute for Committee Substitute for Senate Bill 2860 with my signature, but withhold my approval of and hereby veto the following section:

Section 16. (1) By December 15, 2008, Citizens Property Insurance Corporation shall transfer $250 million to the General Revenue Fund, from the personal lines account and the commercial lines account only, if the combined surplus of the personal lines account and commercial lines account as defined in s. 627.351(6), Florida Statutes, exceeds $1 billion. The board of governors of Citizens Property Insurance Corporation must make a reasonable estimate of such surplus on or after December 1, 2008, and no later than December 14, 2008, using generally accepted actuarial and accounting practices, recognizing that audited financial statements will not yet be available.

(2) Beginning July 1, 2009, the board shall make quarterly transfers of any interest earned prior to the issuance of any surplus notes, interest paid, and principal repaid to the state for any surplus notes issued by the program after December 1, 2008, to Citizens Property Insurance Corporation, provided such surplus notes were funded exclusively by an appropriation to the program by the Legislature for the 2008-2009 fiscal year. The corporation shall credit each account as defined in s. 627.351(6) in a pro rata manner for the funds removed from each account to make the transfer required by subsection (1).

(3) On July 1, 2009, the State Board of Administration shall transfer to Citizens Property Insurance Corporation any funds that have not been committed or reserved for insurers approved to receive such funds under the program from the funds that were appropriated from the corporation in 2008-2009 for such purposes.

My administration will continue the fight and keep insurance companies accountable to Florida's policyholders as well as work toward finding innovative ways to further reduce property insurance rates.

Sincerely,
Charlie Crist, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules.

RULES OF THE SENATE

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the *Constitution of the United States* and the *Constitution of the State of Florida*, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—The President calls the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the Daily Order of Business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may order the area cleared.

1.4—The President's authority and signature; questions of order; travel

(1) The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment, or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers.

(2) The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. The President shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto.

(3) The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a

committee of the Senate, a member of the Senate (whether in the legal capacity of Senator or taxpayer), a former member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—The President's appointment of committees

(1) The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference committees, joint committees, and joint select committees.

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules.

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—The President's absence from the chair; duties of President Pro Tempore

(1) The President may name any Senator to perform the duties of the chair.

(2) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(3) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(4) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—Election of the Secretary of the Senate

(1) The Senate shall elect a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the *Constitution of the United States* and the *Constitution of the State of Florida*, and for the true and faithful discharge of the duties of office.

(2) The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Duties of the Secretary at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the Legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties of the Secretary generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate. The Senate Journal shall be numbered serially from the first (1st) day of each session of the Legislature and shall be distributed by the Secretary for the information of the Legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

(1) The Secretary shall prepare a daily calendar that shall set forth:
(a) The order of business;
(b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
(c) The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
(d) Notices of committee meetings; and
(e) Notices of meetings required pursuant to Rule 1.44.

(2) The Secretary shall distribute the daily calendar for the information of the Legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and a cumulative index by introducers.

1.17—Transmits bills to the House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay. Each measure shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from the House of Representatives; summaries of House amendments to Senate bills

(1) The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the appropriate committees for research and summary. Special notice of the summaries shall be given to each Senator.

(2) The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15.

Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS

1.20—Attendance and voting

(1) Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and in attendance at all assigned committee meetings.

(2) A Senator who is in the Chamber or in a committee meeting shall vote on each question. However, a Senator may abstain from voting if, in the Senator's judgment, a vote on a question would constitute a conflict of interest as defined in section 112.312(8), *Florida Statutes*. A Senator who abstains from voting shall file the disclosure required by Rule 1.39.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the Legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the Legislature shall be entitled to an amicable transition period not to exceed one (1) month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this Rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. In the event of a vacancy in office, and until that vacancy is filled, a transitional period with pro rata salary for staff may be approved by the President to close out the vacant Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by Rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the hours of employment set by the President. Part-time employees and Senators' district staff shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, *Florida Statutes*.

1.33—Repealed

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation or acceptance of contributions; registration and disclosure requirements

(1) During any regular legislative session, extended session, or special session, a Senator may not directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of either the Senator's own campaign, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, any committee of continuous existence, any political party, or the campaign of any candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session by subsection (1) shall not be considered a violation of this rule and may take place provided that it can be shown that the event was already scheduled prior to the issuance of the proclamation, resolution, or other communiqué, extending the session or convening a special session.

(3) Any Senator who directly or indirectly solicits, causes to be solicited, or accepts any contribution on behalf of any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, or any committee of continuous existence must immediately disclose such activity to, and register with, the Committee on Rules. However, no registration is required as a result of a Senator's solicitation or acceptance of contributions on behalf of his or her own campaign, a campaign for any other office, or a political party. When required by law, the Senator shall promptly create a public website that contains a mission statement for such organization, the names of the Senators associated with that organization, and disclosure of contributions received by and expenditures made by the organization.

(4) Upon a determination that a Senator has violated this rule, the President shall remove such Senator from all assigned committees subject to the right of appeal under Rule 1.5(2).

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator is not disqualified from voting on a measure when, in the Senator's judgment, a conflict of interest is present. However, a Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure concerning a vote during a session shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification. Disclosure concerning a vote that was not cast during a session should be filed pursuant to section 112.3143(2), *Florida Statutes*.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of these Rules regulating conduct and ethics.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules with a request for an advisory opinion establishing the standard of public duty. The committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; investigations, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules, or the President when the complaint is against the Rules Chair, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) alleged by the complainant to have been violated by the Senator. Upon a determination by the chair, or the President when the complaint is against the Rules Chair, that the complaint states facts supporting a finding of probable cause, the complaint shall be referred to a special master. Upon a determination by the Chair of the Committee on Rules, or the President, that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed. The special master shall conduct an investigation, shall give reasonable notice to the Senator who is alleged to have violated the Rules, and shall grant the Senator an opportunity to be heard unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be presented to the chair, or the President when the complaint is against the Rules Chair, as soon as practicable after the close of the investigation. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair, or the President when the complaint is against the Rules Chair. If the complaint is not dismissed, the Committee on Rules shall consider the special master's report and recommendation, shall grant the Senator an opportunity to be heard, and shall develop its own recommendation. If the complaint is against the Chair of the Committee on Rules, the chair is excused and the vice chair shall conduct the deliberation. If the Committee on Rules votes to dismiss the complaint, the Rules Chair or vice chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Committee on Rules shall be presented to the President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action.

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3)vote of the Senate, on recommendation of the Committee on Rules.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(1) All meetings at which legislative business is discussed between more than two (2) members of the Legislature shall be open to the public except:

(a) At the sole discretion of the President of the Senate, after consultation with appropriate law enforcement, public health, emergency management and/or security authorities, those portions of meetings of a select committee, committee, or subcommittee, concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism.

(b) Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or Senate subcommittee.

1.44—Notice required for certain meetings

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

(a) Meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);

(b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee; and

(c) Meetings called by the President or the President's designee, of a majority of the chairs of the Senate's standing committees.

(2) Notices of meetings required by Rule 1.44(1) shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(4) Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this Rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or a Senate subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

1.441—Constitutional requirements concerning open meetings

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings, between more than two (2) members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In cases of conflict between this Rule and any other Rule of the Senate, the Rule providing greater notice or public access shall prevail.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to, any Senate standing committee or subcommittee appointed for the analysis of legislative and congressional redistricting plans.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

(2) The following standing committee, standing subcommittee, and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, bill analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

(8) The following public records are exempt from inspection and copying:

(a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

(b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

(c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

(f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.

(g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June

30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

(h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

(i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of 30 days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the 30-day period, been extended by the President of the Senate. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President of the Senate for subsequent five-year periods.

1.45—Violations of Rules on open meetings and notice

Violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

RULE TWO

COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Policy and steering committees; standing committees; standing subcommittees; select subcommittees

(1) The following policy and steering committees are created:
- (a) Policy and Steering Committee on Commerce and Industry
- (b) Policy and Steering Committee on Energy, Environment, and Land Use
- (c) Policy and Steering Committee on Governmental Operations
- (d) Policy and Steering Committee on Social Responsibility
- (e) Policy and Steering Committee on Ways and Means

(2) A policy and steering committee shall be considered a standing committee under these Rules, except when a policy and steering committee is meeting for the purpose of setting a Special Order Calendar or where otherwise specified in these Rules.

(3) Permanent standing committees and standing subcommittees, when created and designated by Rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members. The President is authorized to create and designate permanent standing committees and standing subcommittees prior to the 2009 Regular Session. The President shall inform the Minority Leader of the creation and designation of said committees. The Secretary of the Senate is directed to include the names of such committees in the published Senate Rules.

(a) Grouping for the Policy and Steering Committee on Commerce and Industry
1. Banking and Insurance
2. Commerce
3. Regulated Industries
4. Transportation

(b) Grouping for the Policy and Steering Committee on Energy, Environment, and Land Use
1. Agriculture
2. Communications, Energy, and Public Utilities
3. Community Affairs
4. Environmental Preservation and Conservation

(c) Grouping for the Policy and Steering Committee on Governmental Operations
1. Ethics and Elections
2. Governmental Oversight and Accountability
3. Military Affairs and Domestic Security
4. Reapportionment

(d) Grouping for the Policy and Steering Committee on Social Responsibility
1. Children, Families, and Elder Affairs
2. Criminal Justice
3. Education Pre-K - 12
4. Health Regulation
5. Higher Education
6. Judiciary

(e) Grouping for the Policy and Steering Committee on Ways and Means
1. Criminal and Civil Justice Appropriations
2. Education Pre-K - 12 Appropriations
3. Finance and Tax
4. General Government Appropriations
5. Health and Human Services Appropriations
6. Higher Education Appropriations
7. Transportation and Economic Development Appropriations

(f) Committee on Rules
1. Florida Legislative Committee on Intergovernmental Relations
2. Joint Administrative Procedures Committee
3. Joint Auditing Committee
4. Joint Legislative Committee on Everglades Oversight
5. Joint Legislative Sunset Committee
6. Joint Legislative Committee on Public Counsel Oversight

(4) Each standing committee or the chair thereof, with prior approval of the President, may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate and the Secretary of the Senate shall be promptly notified of the appointment of a select subcommittee, its assignment, and the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment and report to its standing committee, and not to exceed thirty (30) days. The advisory report by a select subcommittee whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.

2.2—Powers and responsibilities of committees

(1) Permanent standing committees and standing subcommittees are authorized:

(a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;
(b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;
(c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and
(d) To complete the interim projects assigned by the President.

(2) In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(3) In order to carry out the committee's duties, the chair of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chair. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and file same with the President of the Senate and the Secretary of the Senate.

(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and submit same to the chair of the standing committee for consideration by such committee.

(3) Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules.

2.6—Notice of committee meetings

(1) Notice of meetings of standing committees, standing subcommittees, and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the two (2) legislative days preceding and the day of such committee meeting, except committees may meet on the first and second days of a regular session provided a meeting notice was published in a Senate calendar and posted in the public corridor leading to the Senate Chamber for at least two (2) days preceding and the day of such meeting.

(2) After the first fifty (50) days of any regular session, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chair of the committee or subcommittee or, in his or her absence, the vice chair while the Senate is in session and the posting of a notice in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting.

(3) The chair of a standing committee, standing subcommittee, or select committee, or in his or her absence, the vice chair, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

(4) At least seven (7) days prior to the meeting of a standing committee, standing subcommittee, or select committee, while the Legislature is not in session, a notice of the meeting, stating the date, time, amendment deadline for, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

(2) A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of meeting; publication

For publication in the daily calendar, notice of standing committee, standing subcommittee, or select committee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Meeting notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after fiftieth (50th) day

(1) Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

(2) The President shall provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 6:00 p.m. This scheduling shall not limit the powers of the chair of a standing committee or subcommittee as provided in these Rules.

(3) Unless approved by the President, no committee shall meet after the fiftieth (50th) day of any regular session except the policy and steering committees.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the President and notice of such assignment shall be posted by the Secretary of the Senate in the public corridor leading into the Senate Chamber. No committee except the policy and steering committees shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by introducer of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant, or any other representative having written permission to speak for the bill. Senate committee professional staff shall be limited to presenting committee bills at meetings of their as-

signed committees and to presenting before other committees those committee bills that are the subject of approved Senate interim projects.

2.12—Order of business

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the introducer thereof.

(2) A bill shall be considered out of its order on the committee agenda on unanimous consent of those committee members present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those committee members present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those committee members present shall be given or refused without further debate.

2.13—Open meetings

Except as otherwise provided in the Senate Rules, all committee meetings shall be open to the public, subject always to the powers and authority of the chair to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Repealed

2.15—Standing committee in deliberation; reports

(1) It shall be the duty of standing committees to report all matters referred to them either:
- (a) Favorably,
- (b) Favorably with committee amendment(s),
- (c) Favorably with committee substitute as defined in these Rules, or
- (d) Unfavorably.

The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by a two-thirds (2/3)vote of those Senators present in session or except as provided in Rule 4.7(2).

(2) Such reports shall also reflect:
- (a) The date, time, and place of the meeting at which the action was taken, and
- (b) The vote of each member of the committee on the motion to report each bill.

The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report relating to the date, time, and place of the meeting or the vote of each member on the motion to report a measure. Reports of committees shall be preserved pursuant to law.

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When reported, the substitute shall be read a first (1st) time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first (1st) introduction of a similar measure. The names of the introducer(s) and co-introducer(s) of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless an introducer or co-introducer requests that it be omitted. A committee substitute may be co-introduced by a Senator whose name is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be approved by the chair or, in his or her absence, the vice chair. Such reports shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. on the second (2nd) legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the bill; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms and shall accompany the report. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee in deliberation; reports

(1) It shall be the duty of standing subcommittees to report all measures referred to them directly to the full standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either:
- (a) Favorably,
- (b) Favorably with committee amendment(s),
- (c) Favorably with committee substitute as defined in these Rules, or
- (d) Unfavorably.

(2) Such reports shall also reflect:
- (a) The date, time, and place of the meeting at which the action was taken, and
- (b) The vote of each member of the subcommittee on the motion to report each bill.

(3) In reporting a bill to the full standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the full standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the full standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be approved by the chair or, in the chair's absence, the vice chair and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms and shall accompany the report.

(5) All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of those standing committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except by a two-thirds (2/3)vote of those standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed.

2.17—Quorum of committee

A standing committee, standing subcommittee, policy and steering committee, or select committee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. No committee business of any type shall be conducted in the absence of a quorum. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

2.18—Repealed

2.19—Conference committee in deliberation; reports

(1) All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. A meeting of the Senate and House conferees is a meeting of the two (2) groups, therefore, the rules governing each respective house apply. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least two (2) hours in advance of the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

(2) A conference committee, other than a conference committee on a general or special appropriations bill and its related legislation, shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house. Conference committee reports must be approved and signed by a majority of the managers on the part of each house. All final actions taken in a conference committee shall be by motion.

(4) Each conference committee report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(5) When any bill is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

(a) Meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);
(b) Meetings between a majority of the members of any subcommittee of the conference committee;
(c) Meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and
(d) Meetings of a majority of the Senate conferees; and when the bill that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

(6) Notice of meetings, as scheduled, between the chair of the Senate's conferees with the chair of the House's conferees, or between respective Senate and House committee chairs with each other, shall be posted in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted outside the door of the offices of the appropriations committees.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol Complex, but shall not be held in the Chamber of either house while it is in session.

(8) When any bill is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

(9) After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the *State Constitution* for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chair and Vice Chair

A chair and a vice chair of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chair for each standing subcommittee and select committee authorized by these Rules and may designate a vice chair, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chair or, in the chair's absence, the vice chair, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum. No committee business of any type shall be conducted in the absence of a quorum.

2.22—Chair's control

The chair or vice chair shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chair or vice chair may require participants in the disturbance to clear the room.

2.23—Chair's authority; appeals

The chair shall approve all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chair shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chair to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chair may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chair, Vice Chair; vote

The chair and vice chair shall vote on all matters before such committee. The name of the chair shall be called last.

2.25—Temporary alternate to Chair

The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chair's absence and/or omission to make such appointment, the vice chair shall act during his or her absence.

2.26—Vice Chair's duties

On the death, incapacitation, or resignation of the chair, the vice chair shall perform the duties of the office until the President shall appoint a successor. In the absence of the chair, the vice chair shall act as chair.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented.

(2) The chair may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chair of the committee, shall constitute automatic withdrawal from the committee.

(4) No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

(1) The chair shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by two (2) members the chair shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

(2) A Senator may request to:
(a) Change his or her vote, or
(b) Vote

before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those committee members present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been reconsidered by the committee. On request of a member prior to consideration of other business, the chair shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chair. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chair, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chair, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion at any time before the same has been amended, or before a vote shall have commenced. The mover of a motion to reconsider may withdraw that motion only with the unanimous consent of those committee members present.

2.33—Motions; precedence

(1) When a question is under debate, the chair shall receive no motion except:
(a) To rise
(b) To take a recess
(c) To reconsider
(d) To limit debate
(e) To temporarily postpone
(f) To postpone to a day certain
(g) To commit to a select subcommittee
(h) To amend

which shall have precedence in the descending order given.

(2) The chair shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete and insert.

2.35—Reconsideration generally

(1) When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those committee members present.

(2) Consideration of a motion to reconsider a measure, including a vote recommending the confirmation of an executive appointment, shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee members present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS

2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration

(1) No amendment or proposed committee substitute to any measure, or no proposed committee bill on any committee agenda shall be

considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was prepared in proper form and filed with the committee administrative assistant at least twenty-four (24) hours prior to the noticed meeting time. For the purpose of this rule, office hours are Monday through Friday, 8:00 a.m. - 5:00 p.m. Copies of such amendment(s), proposed committee substitute(s), or proposed committee bills shall be made reasonably available by the committee administrative assistant before the meeting to the members of the committee and to the public.

(a) Subsequent to distribution of all timely-filed amendments, amendments to amendments or substitute amendments may be filed to any measure to which an amendment was timely filed. Such amendments must be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.

(b) Subsequent to distribution of all timely-filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill must be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.

(c) After the first fifty (50) days of any regular session, an amendment or proposed committee substitute to any measure prepared prior to a committee meeting at which it is offered shall be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.

(d) The consideration of any amendment, proposed committee bill, or proposed committee substitute not timely filed in accordance with this rule, including any filed during a committee meeting in which it is to be offered, requires a two-thirds (2/3)vote of those committee members present if any member requests that such a vote be taken. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed bill(s) and amendment(s).

(2) Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chair to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chair and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause of a bill, or the resolving clause of a resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chair, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Any accompanying amendment shall be included in a subsequent committee substitute unless altered or negated by committee action. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a member desires to speak or deliver a matter to the committee, the member shall address himself or herself to "Mr. or Madam Chair" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A member shall not address or refer to another member by his or her first name. A member shall use the appellation of Senator or such appellation and the surname of the member referred to or addressed.

2.46—Chair's power to recognize

When two (2) or more members speak at once, the chair shall name the member who is to be recognized first.

2.47—Interruptions; when allowed

(1) No member shall be interrupted by another without the consent of the member who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the chair concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The chair shall strictly enforce this Rule.

2.48—Speaking rights

(1) When a member is speaking and another member interrupts to request recognition, the chair may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

(2) The member making a debatable motion or the introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those committee members present.

2.50—Limitation on debate

When a measure is under debate by the committee, a member may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3)vote of those committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chair.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning decision not to abstain

A point of order questioning the decision of a member not to abstain from voting on account of a conflict of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chair is by appeal. An appeal from a decision of the chair must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chair. This second (2nd) decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chair on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

(1) All bills shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:." The title of each bill shall be prefaced by the words, "A bill to be entitled An act." Standard rules of capitalization shall apply.

(2) The original must be approved by the introducer and backed in a folder-jacket. On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chair, and enough of the title for identification.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in Article III, Section 6 of the *State Constitution*) or the *Laws of Florida* shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the *State Constitution* shall contain the full text of the section to be amended.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

(5) When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

(6) The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

(7) Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:." Each joint resolution shall be prefaced by the words: "A joint resolution."

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:."

3.6—Form of resolutions; Senate and concurrent

(1) All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. Senate resolutions shall contain the resolving clause: "Be It Resolved by the Senate of the State of Florida:." Concurrent resolutions shall contain the resolving clause: "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:."

(2) Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—Bill filing deadline during regular session; bill filing between regular sessions

(1) To facilitate processing and committee referencing, all bills (except for the general appropriations bill, implementing bills, local bills, Senate resolutions, concurrent resolutions, and trust fund bills or public-record exemptions that are linked to timely-filed general bills) shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first (1st) day of the regular session.

(2) A motion to waive this Rule shall be referred to the Committee on Rules for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number each bill to provide identity and control until a permanent number can be affixed.

(3) Between regular sessions of the Legislature, bills may be filed by delivery to the Secretary of the Senate.

3.8—Filed bills; consideration between regular sessions

(1) A filed bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules.

(2) The Secretary shall provide each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the first (1st) or only committee of reference. A copy of each filed bill shall be made available to each Senator. The Secretary shall provide regularly to each Senator all filed bills, including the referencing data for each bill, and a calendar of all committee hearings, including the bills noticed for hearing by each.

(3) Each bill considered by a committee and reported to the Secretary during the interim shall be introduced and read on the first (1st) day

thereof, pursuant to the *State Constitution, Laws of Florida,* and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

(4) If a committee fails to consider and report a filed bill prior to the convening of a regular session, the committee or committees failing to so report shall conduct hearings and file reports during the regular session.

(5) Notwithstanding these Rules, a Senator may, during the day of introduction of filed bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second (2nd) legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3)vote of those Senators present. Prior to the introduction of a bill on the first (1st) day of the regular session, a Senator may give written notification to the Secretary of the Senate to withdraw his or her bill from further consideration of the Senate.

3.9—Copies of bills

When filed, bills (including committee bills and committee substitute bills) shall be published by the Secretary for the information of the Senate and the public. The absence of a published copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Policy and Steering Committee on Ways and Means shall be made available to the members and, upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Policy and Steering Committee on Ways and Means meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills; introducers no longer Senators

(1) Bills shall be approved for introduction by a Senator or group of Senators whose names are affixed to the original, or by any committee with the name of the committee and the name of the chair of the committee affixed to the original. A bill introduced by a committee may be co-introduced by any Senator whose name is affixed to the original.

(2) A bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be deemed withdrawn from further consideration of the Senate.

3.13—Fiscal notes

(1) Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

(2) Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

(3) Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

(4) If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this Rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule provided by the President. This schedule shall set forth hours to convene and adjourn and may contain a schedule for the Special Order Calendars submitted by the policy and steering committees. During the first fifty (50) days of a regular session, the Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 8:00 p.m. Otherwise, the Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 6:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily Order of Business

(1) The Daily Order of Business shall be as follows:
- (a) Roll Call
- (b) Prayer
- (c) Pledge of Allegiance to the Flag of the United States of America
- (d) Reports of Committees
- (e) Motions Relating to Committee Reference
- (f) Messages from the Governor and Other Executive Communications
- (g) Messages from the House of Representatives
- (h) Matters on Reconsideration
- (i) Consideration of Bills on Third (3rd) Reading
- (j) Special Order Calendars
- (k) Consideration of Bills on Second (2nd) Reading
- (l) Correction and approval of Journal

(2) The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

(3) Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

(4) First (1st) reading of bills shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

(5) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

4.4—Committee of the Whole

By a majority vote of those Senators present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those committee members present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only by a two-thirds (2/3) vote of those committee members present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the *State Constitution*, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the location shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee of the Whole, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

(1) The report of a conference committee appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second (2nd) reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Except when the Senate is voting on a proposition, reports of conference committees shall always be in order.

4.6—Reference generally

(1) All bills, including those that are strictly local in nature, shall be referred by the President to appropriate committees and standing subcommittees. Any general appropriations bill and any appropriations implementing bills introduced by the Policy and Steering Committee on Ways and Means may be placed on the calendar without reference.

(2) Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the introducer. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

(3) When the Legislature is not in session, the President may change or correct a bill reference. Notice shall be given to the Secretary of the Senate and the bill introducer.

(4) If the President has not previously designated a standing subcommittee of reference, the chair of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chair. The chair, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chair of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms prescribed by the Secretary.

(5) Bills placed on the calendar shall be reviewed by the Chair of the Committee on Rules. The review of a bill that appears to be local in nature shall be by the Committee on Rules to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.

(6) A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.

(7) When the Committee on Rules, through staff analysis, has determined that the bill is not local in nature for referencing purposes, the committee shall report such determination to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) legislative days from date of receipt by the Committee on Rules. When the Committee on Rules, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be available for the calendar on local bills notwithstanding Rule 4.3(5).

4.7—Reference to more than one committee; effect

(1) In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except by a two-thirds (2/3)vote of those Senators present.

(2) If a committee reports a bill favorably with committee substitute or with any amendment which substantially amends the bill, the President may change or correct the reference of the reported bill. Notice shall be given to the Secretary of the Senate and the introducer of the bill. Other committee consideration shall be directed to the reported bill and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement, or county or municipal spending

All bills authorizing or substantially affecting appropriations or tax revenue shall be reviewed by the appropriate revenue or appropriations committee. All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Oversight and Accountability. All bills which are affected by the provisions of Article VII, Section 18 of the *State Constitution* shall be reviewed by the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* may, before being placed before the Senate for final passage, be referred by the President along with all amendments to the appropriate revenue or appropriations committee.

4.81—Claim bills

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely-filed Senate companion bill shall be referred to the Committee on Rules for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3)vote of those Senators present.

(3) If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) All claim bills shall be referred by the President to one (1) or more committees for review. On receipt of the Special Master's report and recommendations, if any, the Secretary shall, upon the President's reference, deliver each claim bill with the report attached, to the committee or committees of reference.

(5) Stipulations entered into by the parties are not binding on the Special Master, the Senate, or its committees.

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement. This subsection does not apply to a bill which relates to a claim of wrongful incarceration.

4.9—Reference of resolutions

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration that are of a statewide nonpolitical significance, or concurrent resolutions recalling a bill from the Governor's office, setting Joint Rules of the Legislature, extending a session of the Legislature, or setting an effective date for a bill passed over the Governor's veto. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance, may be shown as introduced, read, and adopted by publication in full in the Journal.

4.10—Reference to different committee or removal

When the President has referred a bill, the chair of a policy and steering committee may move for reference to a different committee or for removal from any committee within that policy and steering committee's grouping after the introducer of the bill has filed a request signed by the chair of the affected committee, the chair of that policy and steering committee, and the President. This motion may be adopted by a two-thirds (2/3)vote of those Senators present.

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those Senators present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless decided otherwise by a two-thirds (2/3)vote of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

4.13—Reading of concurrent resolutions and memorials

(1) Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless decided otherwise by a two-thirds (2/3)vote of those Senators present. If the reading on the second (2nd) day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second (2nd) time by title only.

(2) Concurrent resolutions used to recall a bill from the Governor's office, used to adopt Joint Rules of the Legislature, used to extend a session of the Legislature, or to set an effective date for a bill passed over the Governor's veto are exempt from the provisions of this Rule and may be introduced, read the first and second time and adopted on the same day.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

4.15—Referral or postponement on third (3rd) reading

On the third (3rd) reading of a bill or joint resolution, it shall not be referred or committed (except as provided under Rule 4.8) or amended (except a corrective or title amendment) except by a two-thirds (2/3)vote of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those Senators present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those Senators present shall be given or refused without further debate.

4.17—Special Order Calendar; Consent Calendar

(1) Commencing fifteen (15) days prior to a regular session of the Legislature permitted under the *State Constitution,* each policy and steering committee shall be responsible for submitting a Special Order Calendar for the bills within its purview. These bills shall be defined as those which were first referred to a committee within that policy and steering committee's grouping; however, the President may designate a different policy and steering committee at the time of initial reference.

(2) A Special Order Calendar for consideration during each of the last ten (10) days of a regular session or any extension directed by the membership of the Legislature as permitted under the *State Constitution*, may be submitted by the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.

(3) Except for a Special Order Calendar submitted for the first (1st) or second (2nd) day of a regular session, each Special Order Calendar shall be for the second (2nd) succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for Special Order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3)vote of those Senators present or any bill appearing on the general calendar of bills on second (2nd) or third (3rd) reading may be added to the end of the Special Order Calendar by the same vote. All bills set as Special Order for consideration at the same hour shall take precedence in the order in which they were given preference.

(4) A two-thirds (2/3)vote of those Senators present shall be required to establish a Special Order except as provided in this Rule. Notice of date, time, and place for the establishment of the Special Order Calendars shall be published in a Senate calendar; provided, during the last ten (10) days of each regular session notice of date, time, and place may be given by announcement from the floor.

(5) The Chair of the Committee on Rules, with the approval of the President, may submit a Consent Calendar, to be held in conjunction with the Special Order Calendars. When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance. Amendments shall be limited to accompanying committee amendments, noncontroversial and technical amendments, and amendments required to conform a House companion bill to the Senate bill. However, if an objection by any member shall cause such bill to be temporarily postponed, it retains its order on the regular calendar. All Consent Calendar bills must have appeared on the printed Senate calendar.

4.18—Local Bill Calendar

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Chair of the Committee on Rules and approved by the President.

4.19—Order after second (2nd) reading

The order of disposition of a Senate bill that has been read the second (2nd) time and amended shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third (3rd) reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending. Bills calendared for second (2nd) or third (3rd) reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 8 of the *State Constitution*, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?" And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(2) The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the Chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

(1) Pairing, a type of absentee voting by which a Senator who is excused from attendance agrees with a Senator who would have voted opposite the excused Senator, shall be permitted.

(2) The Senator in attendance shall not vote in the electronic roll call.

(3) The pair vote form shall:
- (a) State the bill to which the pair applies,
- (b) Indicate how both Senators would have voted,
- (c) Be filed with the Secretary prior to the vote, and
- (d) Be recorded in the Journal.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

(1) When a question is under debate, the President shall receive no motion except:

(a) To adjourn
  1. Instanter
  2. At a time certain
(b) Questions of privilege
(c) To take a recess
(d) To proceed to the consideration of executive business
(e) To reconsider
(f) To limit debate
(g) To temporarily postpone
(h) To postpone to a day certain
(i) To commit to the Committee of the Whole
(j) To commit to a standing committee
(k) To commit to a select committee
(l) To amend
(m) To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

(2) The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to delete and insert shall be deemed indivisible; a motion to delete, being lost, shall neither preclude amendment nor a motion to delete and insert.

6.4—Reconsideration generally

(1) When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets.

(a) If the question has been decided by voice vote, any Senator may so move.

(b) When a majority of those Senators present vote in the affirmative on the question but the proposition be lost because it is one in which the concurrence of more than a majority of those Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion may be made pending a motion to adjourn or if it is time to adjourn.

(a) Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.

(b) During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day.

6.5—Reconsideration; vote required

The affirmative votes of a majority of those Senators present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3)vote of those Senators present and immediately certify any bill to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the *State Constitution* for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

(1) No amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was prepared in proper form and filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. The consideration of all amendments not timely filed in accordance with this rule, requires a two-thirds (2/3)vote of those Senators present.

(2) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chair of the committee (or, in the chair's absence, the vice chair or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending.

(3) No proposition on a subject different from that under consideration shall be admitted under color of amendment. The following bills are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate:

(a) Bills which have received an unfavorable committee report.
(b) Bills which have been withdrawn from further consideration by the introducer.
(c) Bills the substance of which have not been reported favorably by all committees of reference.
(d) Bills which have not been published at least one (1) legislative day under Bills on Second Reading in the Senate calendar.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

(1) On second (2nd) reading, amendments may be adopted by a majority vote of those Senators present.

(2) On third (3rd) reading, amendments and amendments to amendments shall be adopted by a two-thirds (2/3)vote of those Senators present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those Senators present on third (3rd) reading.

7.3—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause of a bill, or the resolving clause of a resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

(1) After the reading of a House amendment to a Senate bill, the Senate may:

(a) Amend the House amendment,
(b) Concur in the House amendment,
(c) Refuse to concur in the House amendment and ask the House to recede, or
(d) Request a conference committee.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

7.9—House refusal to concur in Senate amendment

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may:

(a) Recede,
(b) Insist that the House concur and request a conference committee, or
(c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President," and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of "Senator" or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

(1) When a Senator is speaking and another Senator interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the Senator desires to raise is entitled to precedence, the Senator originally speaking shall relinquish the floor until the question having precedence is disposed of. The Senator then is entitled to resume the floor.

(2) The Senator making a debatable motion or the introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those Senators present.

8.6—Limitation on debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by a two-thirds (2/3)vote of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning decision not to abstain

A point of order questioning the decision of a Senator not to abstain from voting on account of a conflict of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second (2nd) decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

(1) Questions of privilege shall be:
  (a) Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
  (b) The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida Legislature.

9.2—Obligations of lobbyist

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

(2) A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

(3) A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.35—Contributions during sessions

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator's own campaign, or to any organization that is registered, or should have been registered, with the Committee on Rules pursuant to Rule 1.361(3).

9.4—Advisory opinions

(1) A lobbyist, when in doubt about the applicability and interpretation of Rule Nine (9) in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and may appear in person before said committee.

(2) The Committee on Rules may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules.

9.6—Violations; investigations, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules alleging a violation of the Rules regulating the conduct and ethics of lobbyists. The complaint shall be based on personal knowledge, shall state detailed facts, shall specify the actions of the named lobbyist which form the basis for the complaint, and shall identify the specific Rule(s) alleged by the complainant to have been violated by the lobbyist. Upon a determination by the Chair of the Committee on Rules that the complaint states facts supporting a finding of probable cause, the complaint shall be referred to a special master. Upon a determination by the chair that the complaint fails to state facts supporting a finding of probable cause, the complaint shall be dismissed. The special master shall conduct an investigation, shall give reasonable notice to the lobbyist who is alleged to have violated the Rules and shall grant the lobbyist an opportunity to be heard unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and shall be presented to the chair as soon as practicable after the close of the investigation. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint shall be dismissed by the Rules Chair. If the complaint is not dismissed, the Committee on Rules shall consider the special master's report and recommendation, shall grant the lobbyist an opportunity to be heard, and shall develop its own recommendation. If the Committee on Rules votes to dismiss the complaint, the Rules Chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Committee on Rules shall be presented to the President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action.

(2) Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Such determination shall be made by a majority vote of the Senate, on recommendation of the Committee on Rules.

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of Rule Nine (9), the Joint Rules, and the *Laws of Florida*, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

9.8—Lobbyist Expenditures and Compensation

Chapter 2005-359, *Laws of Florida,* amends existing provisions of the law relating to legislative lobbying at the state level in Florida and adds new and substantial obligations, prohibitions, and requirements.

This Rule provides assistance to persons seeking to comply with the letter and spirit of the new law as it applies in the legislative context by refining the law and providing Interim Lobbying Guidelines and answers to 25 Frequently Asked Questions. It also is intended to provide guidance to the legislative committees that will participate in enforcing the new law.

Part One of the Guidelines refines and applies the new prohibition, with ten clearly-stated exceptions, so that members and employees of the Senate can no longer directly or indirectly take any "expenditure" from a lobbyist or principal in either the public or private sector.

Part Two of the Guidelines refines and applies the underlying core requirement that "lobbying firms" must publicly disclose the compensation they receive for lobbying activities, and does so in a way that is narrowly-tailored, furthers the state's compelling governmental interest in regulating legislative lobbying at the state level, and employs the least intrusive means available to do so.

This Rule sets out general principles. Outcomes depend heavily on underlying fact patterns that can vary greatly from case to case. Full disclosure of the operative facts must be provided and considered before a proper and correct answer can be derived.

A member of the Senate may request an informal advisory opinion from the Senate General Counsel regarding the application of the new law and this Rule to a specific situation, on which the legislator may reasonably rely.

The houses of the Legislature are responsible for the administration and enforcement of the legislative lobbying portions of the new law. The legislative lobbying expenditure prohibitions are not part of the Florida Code of Ethics for Public Officers and Employees. Neither the Florida Commission on Ethics nor the Florida courts have jurisdiction to interpret these internal matters of the Legislature.

Part One—Expenditures

(1) General Guidelines

a) The Expenditure Prohibition

The new law contains a prohibition against lobbyists and principals making direct or *indirect* lobbying expenditures for legislators and legislative employees. It provides:

> [N]o lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any *expenditure....* (emphasis added).

The new expenditure prohibition applies only to expenditures made by lobbyists and principals. It applies whether or not the lobbyist, principal, legislator, or legislative employee is in Florida. Florida's gift law, section 112.3148, *Florida Statutes,* continues to apply to gifts to legislators and legislative employees from others.

Example: A legislator may accept a subscription to a newspaper or periodical that is neither published by, nor paid for, nor provided by a lobbyist or a principal.

Example: A legislator may not accept a free health screening or other personal service provided on behalf of an association that is a principal.

Example: A legislator may, as either a member or an invited guest, participate in meetings of, and partake of the food and beverage provided by a civic organization if the organization is not a principal.

The practical effect of this law is to prohibit expenditures for attempting to obtain the goodwill of a member or employee of the Legislature, and it is not designed to prohibit expenditures made in attempting to influence legislative action or non-action through oral or written communication.

b) Definitions

"Expenditure" is defined, essentially, as anything of value made by a lobbyist or principal *for the purpose of lobbying*.

"Lobbying," in turn, means: (1) influencing or attempting to influence legislative action through oral or written communication ("active lobbying"); or, (2) attempting to obtain the *goodwill* of a member or employee of the Legislature ("goodwill").

"Goodwill expenditure" is a gift, an entertainment, any food or beverage, lodging, travel, or any other item or service of personal benefit to a legislator or legislative employee.

Goodwill expenditures include contributions or donations from a lobbyist or a principal to a charitable organization that is, directly or indirectly, established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof.

A *"lobbyist"* is a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

"Personal benefit" means a profit or gain pertaining to, directed toward, or affecting a person.

A *"principal"* means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; *the individual members of the association are not principals merely because of their membership in the association*.

c) Honorarium-related Expenses

It is no longer permissible to accept from a lobbyist or principal, directly or indirectly, payment or reimbursement of expenses for travel, food, lodging, or beverage, related to speaking engagements or other honorarium-type events.

d) Indirect Expenditures

An indirect expenditure is an expenditure that is not made directly to a legislator or legislative employee, but is made to another with the purpose that the expenditure be used for the personal benefit of a legislator or legislative employee.

The new expenditure prohibition *expressly* prohibits any lobbyist or principal from directing prohibited lobbying expenditures through a surrogate or through any person who by his or her actions or activities is obligated to register as a lobbyist but has failed to do so. Third party intermediaries, such as employees, members of associations and others, cannot be used to make prohibited expenditures.

Where an item or service (anything of value) is provided to a person *other* than a legislator or legislative employee by a lobbyist or principal and the item or service or the benefit attributable to the item or service ultimately is received by the legislator or employee, and where the item or service is provided with the intent to benefit the legislator or employee, such item or service constitutes a prohibited indirect expenditure to the legislator or employee.

Factors to be considered in determining whether a prohibited indirect expenditure has been made are set out on the following page in the joint functionality test:

TEST FOR DETERMINING LEGALITY OF AN INDIRECT EXPENDITURE

(1) The existence or nonexistence of communications by the lobbyist or principal indicating the lobbyist's or principal's intent to make or convey the item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the intervening third person;

(2) The existence or nonexistence of communications by the intervening third person indicating the intent to make or convey the lobby-

ist's or principal's item or service, or a personal benefit attributable to the item or service, to a legislator or employee rather than to the third person;

(3) The existence or nonexistence of any relationship between the lobbyist or principal and the third person, independent of the relationship between the lobbyist or principal and a legislator or employee, that would motivate the transfer to the third person;

(4) The existence or nonexistence of any relationship between the third person and a legislator or employee that would motivate the transfer;

(5) Whether the same or similar items or services have been or are being provided to other persons having the same relationship to the lobbyist or principal as the third person;

(6) Whether, under the circumstances, the third person had full and independent decision-making authority to determine whether a legislator or employee, or another, would receive the items or services, or a personal benefit attributable to the items or services;

(7) Whether the third person was acting with the knowledge or consent of, or under the direction of, the lobbyist or principal;

(8) Whether there were payments or the intention for any payments or bookkeeping transactions between the third person and the lobbyist or principal, reimbursing the third person for the items or services;

(9) The degree of ownership or control the lobbyist or principal had over the third person; and,

(10) Whether a lobbyist or principal knew, or should have known, that an item or service provided to a third-party would be used to provide a personal benefit to a legislator or employee, such as for the funding of a legislative reception or an event to be attended by legislators or employees.

The following examples illustrate some of the applications of the foregoing indirect expenditure criteria:

Example 1: A law firm which lobbies the Legislature invites all of its attorneys to attend a weekend retreat. The attorneys are encouraged to bring their spouses or significant others at the firm's expense. Legislator C is married to an attorney in the firm and has been asked by her spouse to attend the retreat. The lodging provided to Legislator C for the retreat, food and drink, firm t-shirts, and the like would be considered a gift to her from her spouse and thus not a prohibited indirect expenditure, because the firm's invitation was extended to Legislator C's spouse by virtue of his employment with the firm.

Example 2: Legislator D hosts a fox hunt attended by legislators and lobbyists. Lobbyists give money to a third person, who is not a legislator or a legislative employee, to pay for the food and beverages which will be served at the fox hunt. The third party orders and prepares the food and beverages. The money provided to the third person by the lobbyists would be a prohibited indirect expenditure to Legislator D, because it was given with the intent of benefiting him and his guests at the fox hunt.

Example 3: Legislator N and spouse have arranged to take a vacation trip together. A legislative lobbyist meets with Legislator N's spouse and offers to pay for the spouse's travel expenses. The lobbyist and Legislator N's spouse know each other only through the lobbyist's involvement with the legislator. This would constitute a prohibited indirect expenditure to Legislator N under the new law.

e) Equal or Greater Compensation

An expenditure is not prohibited when equal or greater value is given contemporaneously by the recipient to the donor.

Therefore, it is not an expenditure if:

1. The fair market value of the event, meeting, or other activity, including any food, beverage, transportation, lodging or any other thing of value, can readily be determined, and

2. The legislator or legislative employee pays his or her pro rata share of the total fair market value to the person or organization hosting the event contemporaneously with the time of attending or participating in the event.

Thus, if a lobbyist or principal provides $35 worth of goods or services to a legislator or legislative employee but the legislator or legislative employee *contemporaneously* provides *equal or greater consideration*, the lobbyist or principal has not provided *anything of value,* thus, there is no "expenditure."

f) Valuation

The law is silent as to the *valuation* of goods and services. *Fair market value* is the proper and applicable standard of valuation.

The retail price of an item or service is presumed to be its fair market value so long as it is reasonable in relation to the value of the item or service and the amount is not subsidized by a lobbyist or principal.

In valuing an expenditure, you may exclude the amount of additional expenses that are regularly required as a condition precedent to the donor's eligibility to make the expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying, and is either primarily for the benefit of the donor or is paid to a charitable organization. Initiation fees and membership fees are examples of additional expenses that are regularly required as conditions precedent for eligibility to make an expenditure. Transportation expenses incurred to bring a member to an out-of-town event are not.

Entrance fees, admission fees, or tickets are normally valued on the face value or on a daily or per event basis. The portion of a ticket attributable to a charitable contribution is not included in the value. Conversely, if the ticket is subsidized by contributions of lobbyists or principals, the pro rata subsidized amount must be attributed to the face value.

A person providing transportation in a private automobile shall be considered to be making an expenditure at the then-current statutory reimbursement rate, which is currently 29 cents per mile. The value of transportation provided in other private conveyances must be calculated on its fair market value.

g) Exceptions

1. Relatives

A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

This definition of "relative" is taken from former Joint Rule 1.4(4)(b), and has operated historically as an exception to the presumption that things of value given to a legislator or employee by a lobbyist or principal are intended for the purpose of engendering goodwill.

Example: A legislator is permitted to accept a Christmas gift from an aunt, even if she is a lobbyist. The gift is not deemed an expenditure made for the purpose of lobbying because of the family relationship between the donor and the donee.

2. Employment-related Compensation and Benefits

Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment, business, or service as an officer or director of a corporation or organization are not prohibited expenditures so long as they are given in an amount commensurate with other similarly situated employees, officers, or directors.

These sorts of expenditures are currently also excepted from the definition of a gift in section 112.312(12)(b), *Florida Statutes,* and are a necessary exception in order for many legislators to continue their employment or continue their service on boards and continue to serve in Florida's citizen Legislature.

Example: A legislator who is on the board of directors of an organization that has a lobbyist is nevertheless permitted to partake of food and beverage provided to the board members by the organization at its board meetings.

3. Political Organizations and Entities

An expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes,* or its federal law counterpart; campaign-related personal services provided without compensation by individuals volunteering their time; any other contribution or expenditure made by a chapter 106 entity such as a candidate campaign, political committee, organization making electioneering communications, political party, or committee of continuous existence; or an entity qualified under section 501(c)(4) or section 527 of the Internal Revenue Code.

Members are cautioned that these organizations or entities may not be used as a vehicle for skirting the new lobbying expenditure law. To the extent that funds come from lobbyists or principals, one should exercise great care that the expenditures are legal and appropriate for that particular organization or entity.

4. Communications Expenses

The expenditure prohibitions in the new law do not reach expenditures made by a lobbyist or principal for items such as "media advertising," "publications," "communications," and "research."

Expenditures for researching, gathering, collating, organizing, providing, or disseminating information for the *exclusive* purpose of "active lobbying" (influencing or attempting to influence legislative action through oral or written communication) are necessary for Floridians to be able to "instruct their representatives."

5. Office and Personal Expenses of Lobbyists and Principals

"Office expenses" and personal expenses of the lobbyist or principal for "travel," "lodging," and "food and beverages" as those items were defined in former Joint Rule 1.4(4)(c) are exempt from the prohibition on lobbying expenditures. This category does not include any expenses for legislators, legislative employees, or persons whose expenses would be attributed to them.

6. Government to Government Expenditures

Real property or a facility owned or operated by a state or local public agency or entity that is a lobbying principal, and transportation to, from, and at the location provided by that agency or entity may, with the prior approval of the respective state legislative presiding officer or his or her designee, be used without payment, by a member, committee, or staff of the Legislature for a public legislative purpose. Such purposes include publicly noticed legislative committee meetings and site visits to operations conducted by the public agency or entity. Allowable free uses also specifically include legislative district offices and sub-offices and the normally attendant utilities, parking, janitorial services, building maintenance, and telecommunications equipment and services common to a government building in which the office is located. Allowable free use does not extend to sports or entertainment venues; does not include food, beverages, or entertainment; and does not include free parking privileges at any location other than a district office or sub-office.

7. Free and Open Public Events

Expenditures directly associated with events that are held within the Capitol complex, out-of-doors or under temporary shelter, open to the general public, widely and publicly noticed, free to all, not ticketed, and for which equal and totally unobstructed access to the general public is provided, are not prohibited expenditures made by lobbyists or principals, or when accepted by legislators or legislative employees.

Example: Atlas County, Florida is holding Atlas Day in the plaza between the Capitol and the Historic Capitol. Lunch is served to all comers. The event was widely publicized and access to the event and the food and beverage is totally unobstructed. Legislators may partake as well.

8. Regional and National Legislative Organizations

The prohibition does not apply to expenditures made directly or indirectly by a state, regional, or national organization that promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff to members of that organization or to officials or staff of the Legislature. This exception does not include extracurricular activities, entertainments, or items or services provided at conferences that are paid for or provided by a lobbyist or principal.

9. Monetary Value Impossible to Ascertain

The value of some items is *truly impossible* to quantify at the time of the expenditure. Expenditures for which a monetary value is not ascertainable at the time of the expenditure are not prohibited. Examples are: appearing on a news show or having a feature article about a legislator in a trade magazine or other medium, applause received by a legislator at an event, obtaining priority seating in a crowded restaurant or priority for obtaining services where there is an established queue, or the pro-rata portion of a host's monthly or annual membership in an exclusive supper club.

10. Plaques and Certificates

The prohibition does not apply to personalized wall plaques, personalized photographs, or personalized certificates, that have no substantial inherent value other than recognizing the donee's public, civic, charitable, or professional service.

h) Effect of Other Laws and Rules

To the extent that an expenditure is excluded or exempt from the new lobbying prohibition in section 11.045, *Florida Statutes, it is still subject to the restrictions and requirements in other statutes: most notably, the gift law (section 112.3148, Florida Statutes) and the campaign finance law (chapter 106, Florida Statutes).*

(2) Frequently Asked Questions

LEGISLATIVE EVENTS/RECEPTIONS

1. Question: Can a county legislative delegation or delegation office sponsor an annual event in Tallahassee on public grounds or in quarters belonging to either the Senate or the House of Representatives (i.e., "Flavors of Hillsborough")?

ANSWER: A county legislative delegation may host an annual event in Tallahassee *provided* that no free food, beverages, or other personal benefits to a legislator or legislative employee are paid for or provided by a lobbyist or principal, either directly or indirectly.

Legislators and legislative staff may pay an amount established and published by the delegation as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the delegation may make the event a free, open public event as described in Paragraph 1.g)7. above.

2. Question: Can a legislator or legislative employee go up to the 22nd floor of the Capitol and partake of free food and drink provided by an organization hosting a luncheon or event at the Capitol?

ANSWER: It depends. Yes, provided the organization hosting the event is not a principal *and* none of the food and beverages are paid for or provided by a lobbyist or principal. Otherwise, the legislator or legislative employee could attend the event but could not partake of the free food or beverages or they can pay the fair market value of what they consume.

3. Question: Can "legislative days" that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees during the session and are hosted by counties, cities, universities, and others that employ a lobbyist continue?

ANSWER: "Legislative days" and other legislative events funded by lobbyist or principal dollars may continue *provided* no free food, drink, entertainment, or other personal benefit is provided to a legislator or legislative employee, either directly or indirectly. Any such benefit would be a prohibited goodwill expenditure.

Legislators and legislative staff may pay an amount established and published by the sponsor as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph 1.g)7. above.

4. Question: Can a not-for-profit organization host receptions and events for legislators that provide food, beverages, entertainment, and other personal benefits to legislators or legislative employees through contributions solicited from lobbyists or principals who sponsor the reception or event?

ANSWER: The charity may host a reception or event for legislators and legislative employees *provided* that no free food, beverages, entertainment, or other personal benefit is provided to a legislator or legislative employee from the funds of lobbyists or principals.

Legislators and legislative employees may pay an amount established and published by the sponsor as the per-person cost of the event, or they may "pop in" and not partake of any food, beverage, or other personal benefit at the event. Alternatively, the sponsor may make the event a free, open public event as described in Paragraph 1.g)7. above.

5. Question: Can a lobbyist or principal host an event with food, beverages, entertainment, or other personal benefit for legislators or legislative employees and collect from each legislator or legislative employee, a flat, per-person entrance fee based on the total cost to plan, produce, stage, and clean up after the event, divided by the number of persons reasonably expected to attend?

ANSWER: Yes.

6. Question: Each year, a few associations host legislative receptions/BBQs and invite their members as well as legislators. They usually pass out campaign funds at these events to those who support their industry. Would it now be legal to host this event if it were called a "fundraiser?" Could legislators then accept free food and beverages at the event?

ANSWER: Senate Rule 1.361 precludes a senator, and House Rule 15.3 precludes a representative, from accepting a campaign contribution during a regular or special session, in addition to prohibiting them from accepting contributions on behalf of a section 527 or section 501(c)(4) organization, a political committee, a committee of continuous existence, a political party, or the campaign of any other senatorial candidate or candidate for representative, respectively. Thus, any fundraiser held during a regular or special session would violate the rules of each house.

Fundraisers not held during a regular or special session are outside the purview of the expenditure prohibitions in the new law. A goodwill lobbying expenditure does not include contributions or expenditures reported pursuant to chapter 106, *Florida Statutes.* However, if the facts and circumstances demonstrate that calling the event a "fundraiser" is merely an artifice for lobbyists or principals to provide free gifts, food, beverages, and other items or services of personal benefit to a legislator, not associated with influencing the results of an election, then the fundraiser would violate the expenditure prohibition of the new law. Note, also, that fundraisers remain subject to the contribution restrictions and requirements of Florida's campaign finance law (chapter 106, *Florida Statutes*).

HONORARIA EXPENSES

7. Question: Can a lobbyist or principal continue to pay or reimburse a legislator's or legislative employee's expenses for such items as food and beverages, travel, and lodging associated with an honorarium event?

ANSWER: No.

GIFTS TO LEGISLATORS

8. Question: Can a school child give a legislator a painting that he or she has made?

ANSWER: Yes. The prohibition against lobbying expenditures only applies to lobbyists and principals, and those acting on their behalf.

9. Question: Can a school student whose parent is a lobbyist or principal give a scarf that was purchased by the child's parent to a legislator as a gift?

ANSWER: It depends. The lobbying expenditure prohibition applies to all gifts from lobbyists or principals to legislators, directly or *indirectly*. A lobbyist or principal cannot use a third-party intermediary to circumvent the lobbying expenditure prohibition. Thus, if the facts and circumstances demonstrate that the scarf is an indirect gift from the lobbyist or principal to the legislator, it would be prohibited.

10. Question: Can a legislator accept rent-free office space and associated building services from a city, county, or community college in his or her district that employs or retains a lobbyist?

ANSWER: Yes. See Paragraph 1.g)6. above for explanation and limitations.

11. Question: Can a legislator or legislative staff accept transportation services from another governmental entity?

ANSWER: Yes. See Paragraph 1.g)6. above for explanation and limitations.

12. Question: Are there any value limitations on the exceptions in the new law for "floral arrangements or other celebratory items given to legislators and displayed in chambers on the opening day of a regular session"?

ANSWER: Yes. All opening day flowers and floral arrangements are subject to the limitations and requirements of the gift law (section 112.3148, *Florida Statutes*). No other celebratory items will be allowed in either chamber on opening day of the regular session.

FOOD AND BEVERAGES/GIFTS

13. Question: Can a legislator or legislative employee and his or her spouse have dinner with a lobbyist friend the legislator or legislative employee has known for 30 years at the lobbyist's home, whether or not active lobbying occurs?

ANSWER: Yes, *provided* the legislator or legislative employee contemporaneously provides the lobbyist with the pro rata share of the total fair market value of the cost of the food and beverages provided to the legislator or legislative employee and his or her spouse, either in cash or barter (i.e., bottle of wine, flowers). Otherwise, the expenditure for food and beverages would constitute a prohibited goodwill expenditure, irrespective of the extent of the legislator's and lobbyist's friendship.

14. Question: Can a lobbyist or principal and legislator or legislative employee have dinner at a public restaurant?

ANSWER: Yes, *provided* the dinner is "Dutch treat."

15. Question: Can a lobbyist or principal and a legislator or legislative employee have dinner "Dutch treat" at the Governor's Club?

ANSWER: Yes, *provided* the legislator or legislative employee pays the total cost of all food and beverage that he or she was served or consumed, or that was served to or consumed by a person whose expenditures are attributed to the legislator or legislative employee.

16. Question: Can a lobbyist's business partner, employee, spouse, or child, who is not a registered lobbyist, accompany the lobbyist and legislator or legislative employee to dinner and pay for all the food and beverages if the partner, employee, spouse, or child does not actively lobby?

ANSWER: No. The lobbying expenditure prohibition applies to all food and beverages provided by lobbyists or principals to legislators or legislative employees, directly or *indirectly*. A lobbyist or principal cannot utilize a third-party intermediary to channel gifts to legislators to circumvent the lobbying expenditure prohibition.

17. Question: If someone offers a legislator or legislative employee a drink at a bar, or any other gift or personal benefit, does the legislator or

legislative employee have a duty to inquire if the donor is a lobbyist or principal?

ANSWER: Yes. A legislator or legislative employee is liable for *knowingly* accepting an expenditure from a lobbyist or principal, or someone acting on behalf of a lobbyist or principal. "Knowingly" has many statutory definitions, including that a person: (1) has *actual knowledge* of the information; (2) acts in *deliberate ignorance* of the truth or falsity of the information; or, (3) acts in *reckless disregard* of the truth or falsity of the information. Therefore, prudence dictates that the legislator or legislative employee, at a minimum, make *reasonable inquiry* as to the source of the proposed expenditure to determine whether it is prohibited. *Reasonableness* will turn on the facts and circumstances of each individual situation.

For example, a legislator receiving an invitation to an event to be held the next week, from an organization he or she is not familiar with would likely require that the legislator, *at a minimum*, consult the online directory of legislative principals and lobbyists, and perhaps make further inquiry if facts or circumstances come to light indicating that the organization might be making the expenditure on behalf of a lobbyist or principal. Similarly, a legislator offered a drink from someone he or she doesn't know in a Tallahassee bar or restaurant generally known to be frequented by lobbyists would probably be required, *at a minimum*, to ask whether the person is a lobbyist or principal or affiliated with a lobbyist or principal. On the other hand, a Miami legislator on personal holiday with his or her spouse at Busch Gardens in Tampa, who strikes up a friendship with a couple they don't know visiting from Colorado and who subsequently offers to pay for the legislator's and spouse's dinner probably has less of a duty to inquire whether either member of the couple is a Florida lobbyist or principal.

CHARITIES

18. Question: Can a legislator or legislative employee raise funds from lobbyists or principals for charitable causes?

ANSWER: Yes, *provided* the charity for which funds are sought is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof. Otherwise, such a contribution or donation would constitute a prohibited goodwill expenditure.

19. Question: Can a legislator or legislative employee establish or operate a charitable foundation that relies on lobbyist or principal support?

ANSWER: No. A legislator or legislative employee may establish or operate a charitable organization but none of the money contributed or donated to the charity may be from lobbyists or principals. Such a contribution or donation would constitute a prohibited goodwill expenditure.

20. Question: Can a legislator or legislative employee sit on the board of a charitable organization that is not established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof? Can he or she accept free food and beverages provided by the charity and be reimbursed by the charity for expenses associated with the work of the charity (i.e., travel, lodging)?

ANSWER: Yes. A legislator or legislative employee may sit on the board of a charitable organization that receives donations and contributions from lobbyists, and may partake of free food, beverages, and other personal benefits provided by the charity to board members in connection with their service, including reimbursement of personal expenses incurred by board members in furtherance of the charity's work. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with a legislator's or legislative employee's employment, business, or service as an officer or director of a corporation or organization. *However*, any such salary, benefit, services, fees, commissions, gifts or expenses cannot be from funds earmarked by lobbyists or principals to the charity for such purpose and must be received only for the legislator's or legislative employee's service as a member of the board.

21. Question: Can a legislative caucus that is established as a nonprofit group raise funds from lobbyists for its charitable causes?

ANSWER: It depends. If the legislative caucus or the nonprofit group is directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is no.

If the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, or operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, then the answer is yes.

22. Question: Can a legislative caucus that is established as a nonprofit group host its own charity golf tournament funded by lobbyist or principal "sponsors" at a private club, where the cost of sponsorship buys an opportunity to play golf with a member of the caucus, and to make a presentation to the caucus before and after the event?

ANSWER: Yes, provided the legislative caucus or the nonprofit group is not directly or indirectly established by, organized by, operated primarily by, or controlled by a legislator or legislative employee, or any combination thereof, and the legislators and legislative employees pay their own golf fees and the per-person cost for food and beverage.

OTHER

23. Question: What happens when a legislator is married to, related to, or living with a lobbyist? Can the lobbyist pay for meals, lodging, etc.?

ANSWER: Yes, *provided* the lobbyist does not use the expenditure to actively lobby the legislator. Expenditures by "relatives" of a legislator for food, lodging, travel, and the like are specifically exempt from the definition of a goodwill expenditure.

24. Question: Can a legislator be employed by a lobbyist or principal? Can a legislator go to the employer's retreat and partake of food and beverages?

ANSWER: Yes. A goodwill expenditure does not include salary, benefits, services, fees, commissions, gifts, or expenses *associated primarily with a legislator's or legislative employee's employment*, business, or service as an officer or director of a corporation or organization.

25. Question: Where a lobbyist or principal leaves a gift, such as a box of chocolates, in a legislator's office, what should the legislator do with the item?

ANSWER: When a legislator or legislative employee receives an item that they believe violates the prohibition against accepting an expenditure from a lobbyist or principal, the item must either be sent back to the donor or delivered to the Sergeant-at-Arms for disposal.

Part Two—Compensation

(1) General Guidelines

Chapter 2005-359, *Laws of Florida,* for the first time, requires the reporting of *compensation* received by *lobbying firms* for each calendar quarter, both in the aggregate and for each individual principal. Much of the reporting is done in dollar categories; however, if compensation from a single principal is $50,000 or more in a calendar quarter, the lobbying firm must report the specific dollar amount of the compensation, rounded to the nearest $1,000.

A "lobbying firm" is any business entity with a lobbyist, or an individual contract lobbyist, who gets paid to lobby for a principal. It is the lobbying firm that must report, *not the individual lobbyists in the firm* (except in the case of an individual contract lobbyist, where the lobbyist also comprises the entire lobbying firm).

Reports are due no later than 45 days after the end of each calendar quarter. For 2006, compensation reports will be filed on paper forms designed by the Office of Legislative Services. Beginning with the first reporting period in 2007, compensation reports must be filed electronically using the online filing system of the Office of Legislative Services.

The new law requires the senior partner, officer, or owner of the lobbying firm to certify to the veracity and completeness of each compensation report. This requirement is designed to discourage the mischaracterization and thus omission of reportable compensation through

designations such as "media fees," "consulting services," "professional services," "governmental services," and other such artifices.

For example, if a law firm were paid a lump sum for rendering multiple types of services to a client, only one of which is lobbying, then the person certifying the report is responsible for properly and reasonably allocating the portion of the total fee received for lobbying activities and for activities other than lobbying. Only the compensation received for *lobbying* activities is to be reported on the compensation form.

The Legislature will use random audits supplemented by the lobbyist disciplinary process to hold the person certifying the compensation report and the lobbying firm accountable for making a true, complete, properly-allocated report as required by law. In addition, the certification brings every compensation report filer within the scope of potential criminal penalties in section 837.06, *Florida Statutes,* for culpable violations.

(2) Frequently Asked Questions

1. Question: Is an in-house, salaried lobbyist for an association, a governmental entity, or a corporation that does not derive income from principals for lobbying required to report compensation?

ANSWER: No. An association, a governmental entity, a corporation or other business entity that does not derive income from principals for lobbying, and its employee lobbyists, are not a "lobbying firm" as defined in section 11.045(1)(g), *Florida Statutes.* Only "lobbying firms" must report compensation as provided in section 11.045(3)(a), *Florida Statutes.*

2. Question: Does the prohibition against providing compensation to an individual or business entity that is not a lobbying firm, mean that in-house lobbyists must either become a lobbying firm or cease lobbying?

ANSWER: No. The provision in question merely clarifies that reportable "compensation" under the law must be provided to a "lobbying firm," and not contracted or subcontracted through some "straw man" to circumvent compensation reporting requirements. The provision in question clarifies and emphasizes the statutory definition of "compensation" in section 11.045(1)(b), *Florida Statutes*, as "anything of value provided or owed to a *lobbying firm*."

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former Governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine (9). No person admitted under this rule shall engage in any lobbying activity for or against any measure under consideration in the Senate.

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear appropriate business attire at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3)vote of those Senators present. The motion, when made, shall be decided without debate. A motion to waive a Rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules except by unanimous consent of those Senators present.

11.3—Changes in Rules

All proposed actions regarding the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules may originate reports and resolutions dealing with the Senate Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3)vote of those Senators present.

11.4—Majority action

Unless otherwise indicated by the Senate Rules or the *State Constitution*, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in the Senate Rules reference is made to "two-thirds (2/3)of those present," "two-thirds (2/3)vote," "two-thirds (2/3)of the Senate," "two-thirds (2/3)of those voting," etc., these shall all be construed to mean two-thirds (2/3)of those Senators present, except that two-thirds (2/3)of the membership of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the *State Constitution*.

11.6—General

When used in the Senate Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word "bill" or "measure" means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVE

EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS

PART ONE—EXECUTIVE SESSIONS

12.1—Executive session; authority

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators, the Secretary of the Senate, and staff as approved by the President, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept confidential except information on which the bans of confidentiality were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rules as to the confidentiality of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS

12.7—Procedure

(1) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Ethics and Elections, other appropriate committee or committees, or to a Special Master appointed by the President. Any such committee or Special Master shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules, the report shall lose its privileged and confidential character.

(2) Upon receipt of a request by the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary of the Senate, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal of the Senate. The appointee whose appointment was returned continues in office until the end of the next ensuing session of the Legislature or until the Senate confirms a successor, whichever occurs first.

(a) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.

(b) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.

(3) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above. In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(4) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(5) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first (1st) pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(6) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(7) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(8) Subject to the limitations of Rule 12.7(3) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(3), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(3). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the Legislature.

(9) For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(10) If the Governor files an amended suspension order, the attention of the Senate, the committee, or the Special Master shall be directed at the amended suspension order.

(11) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chair and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule Twelve (12) and part V of chapter 112, *Florida Statutes*, Rule Twelve (12), derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule provided by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be scheduled by the President. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following the posting of a notice in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the meeting together with the name of the introducer, short title, number of each bill to be considered, and the amendment deadline for the meeting. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chair of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

(1) The report of a conference committee appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second (2nd) reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once. A conference committee report shall be made available to the membership two (2) hours prior to the beginning of debate of the report by the Senate.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Conference committees, other than a conference committee on a general or special appropriations bill and its related legislation, shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either house.

(5) When a bill is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

(6) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special Order Calendar

(1) A Special Order Calendar determining the time and priority for consideration of bills shall be submitted by the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means.

(2) Such Special Order Calendar shall be for the next legislative day. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, which ever occurs later.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

(3) The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

COMMITTEES OF THE SENATE

(With Revisions)

Policy and Steering Committee on Commerce and Industry

Senator Gaetz, Chair; Senator Ring, Vice Chair; Senators Deutch, Diaz de la Portilla, Garcia, Gardiner, Jones, Joyner, Justice, Lynn, Peaden, Richter and Smith

Banking and Insurance
Senator Richter, Chair; Senator Smith, Vice Chair; Senators Alexander, Bennett, Fasano, Lawson, Ring, Storms and Villalobos

Commerce
Senator Garcia, Chair; Senator Gelber, Vice Chair; Senators Crist, Detert, Justice, Lynn, Oelrich, Peaden, Rich and Sobel

Regulated Industries
Senator Jones, Chair; Senator Deutch, Vice Chair; Senators Aronberg, Dean, Diaz de la Portilla, Hill, King and Wise

Transportation
Senator Gardiner, Chair; Senator Bullard, Vice Chair; Senators Altman, Baker, Constantine, Dockery, Haridopolos, Joyner and Siplin

Policy and Steering Committee on Energy, Environment, and Land Use
Senator King, Chair; Senator Rich, Vice Chair; Senators Altman, Aronberg, Bennett, Bullard, Constantine, Dean, Dockery, Haridopolos, Siplin, Sobel and Villalobos

Agriculture
Senator Dean, Chair; Senator Bullard, Vice Chair; Senators Aronberg, Baker and Peaden

Communications, Energy, and Public Utilities
Senator King, Chair; Senator Joyner, Vice Chair; Senators Fasano, Gelber, Haridopolos, Oelrich, Pruitt, Richter and Smith

Community Affairs
Senator Bennett, Chair; Senator Siplin, Vice Chair; Senators Altman, Deutch, Garcia, Gardiner, Hill, Ring, Storms and Wise

Environmental Preservation and Conservation
Senator Constantine, Chair; Senator Sobel, Vice Chair; Senators Detert, Dockery, Jones and Rich

Policy and Steering Committee on Governmental Operations
Senator Haridopolos, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Bennett, Dean, Deutch, Diaz de la Portilla, Fasano, Hill, King, Lawson, Oelrich and Ring

Ethics and Elections
Senator Alexander, Chair; Senator Justice, Vice Chair; Senators Baker, Diaz de la Portilla, Fasano, Gardiner, Joyner, Rich and Richter

Governmental Oversight and Accountability
Senator Haridopolos, Chair; Senator Siplin, Vice Chair; Senators Crist, Dean, Jones, King, Lawson and Ring

Military Affairs and Domestic Security
Senator Aronberg, Chair; Senator Oelrich, Vice Chair; Senators Bennett, Deutch, Hill, Lynn, Peaden and Villalobos

Reapportionment
Senator Haridopolos, Chair; Senator Smith, Vice Chair; Senators Bennett, Dean and Lawson

Policy and Steering Committee on Social Responsibility
Senator Pruitt, Chair; Senator Justice, Vice Chair; Senators Baker, Bullard, Constantine, Detert, Dockery, Gaetz, Gelber, Siplin, Storms, Wilson and Wise

Children, Families, and Elder Affairs
Senator Storms, Chair; Senator Rich, Vice Chair; Senators Detert, Diaz de la Portilla, Garcia, Hill, Justice and Wise

Criminal Justice
Senator Dockery, Chair; Senator Wilson, Vice Chair; Senators Crist, Dean, Deutch, King, Siplin and Villalobos

Education Pre-K - 12
Senator Detert, Chair; Senator Wilson, Vice Chair; Senators Bullard, Constantine, Gaetz, Sobel, Storms and Wise

Health Regulation
Senator Gaetz, Chair; Senator Sobel, Vice Chair; Senators Altman, Aronberg, Bennett, Gardiner, Jones and Lawson

Higher Education
Senator Oelrich, Chair; Senator Smith, Vice Chair; Senators Bullard, Lynn and Pruitt

Judiciary
Senator Constantine, Chair; Senator Joyner, Vice Chair; Senators Baker, Fasano, Gelber, Haridopolos, Peaden, Richter and Ring

Policy and Steering Committee on Ways and Means
Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Baker, Crist, Fasano, Gaetz, Garcia, Gelber, Haridopolos, Hill, Justice, Lawson, Lynn, Peaden, Pruitt, Rich, Siplin, Villalobos, Wilson and Wise

Criminal and Civil Justice Appropriations
Senator Crist, Chair; Senator Wilson, Vice Chair; Senators Jones, Joyner and Villalobos

Education Pre-K - 12 Appropriations
Senator Wise, Chair; Senator Siplin, Vice Chair; Senators Bullard, Detert, Garcia and Richter

Finance and Tax
Senator Altman, Chair; Senator Justice, Vice Chair; Senators Bennett, Pruitt and Ring

General Government Appropriations
Senator Baker, Chair; Senator Lawson, Vice Chair; Senators Aronberg, Dean and Oelrich

Health and Human Services Appropriations
Senator Peaden, Chair; Senator Rich, Vice Chair; Senators Gaetz, Haridopolos and Sobel

Higher Education Appropriations
Senator Lynn, Chair; Senator Gelber, Vice Chair; Senators Constantine, Deutch and King

Transportation and Economic Development Appropriations
Senator Fasano, Chair; Senator Hill, Vice Chair; Senators Diaz de la Portilla, Dockery, Gardiner, Smith and Storms

Rules
Senator Villalobos, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Constantine, Crist, Deutch, Gaetz, Garcia, Gardiner, Jones, Justice, King, Lawson, Lynn, Pruitt, Siplin, Smith, Sobel, Storms and Wise

Joint Legislative Committees:

Florida Legislative Committee on Intergovernmental Relations
Senator Hill, Chair; Senators Detert, Haridopolos and Wilson

Joint Administrative Procedures Committee
Senator Joyner, Alternating Chair; Senators Dean and Villalobos

Joint Committee on Public Counsel Oversight
Senator Constantine, Alternating Chair; Senators Altman, Dockery, Garcia, Gelber and Smith

Joint Legislative Auditing Committee
Senator Diaz de la Portilla, Alternating Chair; Senators Bullard, Gardiner, Ring and Wise

Joint Legislative Committee on Everglades Oversight
Senator Siplin, Alternating Chair; Senators Oelrich and Richter

Joint Legislative Sunset Committee
Senator Storms, Co-Chair; Senators Altman, Peaden, Rich and Sobel

Select Committees:

Select Committee on Florida's Economy
Senator Gaetz, Chair; Senator Ring, Vice Chair; Senators Alexander, Bennett, Gelber, Haridopolos, Hill, King, Pruitt, Richter and Sobel

Other Legislative Entities:

Joint Legislative Budget Commission

Senator Pruitt, Alternating Chair; Senators Alexander, Constantine, Fasano, Garcia, Justice and Lawson

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COMMITTEE MEMBERSHIP CHANGE

The President announced the appointment of Senators Bennett and Pruitt to the Committee on Education Pre-K - 12 Appropriations through the conclusion of Special Session A.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 2, 2008 and November 18, 2008 were corrected and approved.

RECESS

On motion by Senator Aronberg, the Senate recessed at 11:44 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Friday, January 9 or upon call of the President.

Journal of the Senate

Number 2—Special Session A **Thursday, January 8, 2009**

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REPORTS OF COMMITTEES

The Policy and Steering Committee on Ways and Means recommends the following pass: CS for SB 8-A with 1 amendment; CS for SB 10-A; CS for SB 12-A; CS for SB 14-A; CS for SB 16-A; CS for SB 18-A; CS for SB 20-A; CS for SB 22-A; CS for SB 24-A; CS for SB 26-A; CS for SB 28-A; CS for SB 38-A; CS for SB 40-A

The bills were placed on the Calendar.

The Committee on Criminal and Civil Justice Appropriations recommends committee substitutes for the following: SB 12-A; SB 14-A; SB 16-A; SB 18-A

The Committee on Education Pre-K - 12 Appropriations recommends a committee substitute for the following: SB 6-A

The Committee on General Government Appropriations recommends committee substitutes for the following: SB 20-A; SB 22-A; SB 24-A; SB 26-A; SB 28-A

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 8-A; SB 10-A

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 38-A; SB 40-A

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

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: CS for SB 6-A; SB 44-A

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Policy and Steering Committee on Ways and Means—

SB 2-A—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2008-2009 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was placed on the Calendar pursuant to Rule 4.6(1).

By the Policy and Steering Committee on Ways and Means—

SB 4-A—A bill to be entitled An act implementing the 2008-2009 Special Appropriations Act; providing legislative intent; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds, in order to implement the transfer of moneys to the General Revenue Fund from trust funds as provided in the 2008-2009 Special Appropriations Act; amending s. 215.5601, F.S.; authorizing the transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund for the 2008-2009 fiscal year; providing legislative intent with respect to the repayment of moneys to the Lawton Chiles Endowment Fund; amending s. 259.105, F.S.; providing for the proceeds of certain bonds issued under the Florida Forever program to be deposited into the Florida Forever Trust Fund; providing for the distribution of funds to the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the Department of Community Affairs to be used for the acquisition of lands, capital project expenditures, and other purposes; requiring that certain approved or pending acquisitions, contracts, or other instruments be allowed to lapse; requiring the reassessment of certain acquisitions; amending ss. 420.0005 and 420.9079, F.S.; requiring that the Florida Housing Finance Corporation return to the State Treasury for the 2008-2009 fiscal year only certain unexpended funds held by the corporation; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for severability; providing an effective date.

—was placed on the Calendar pursuant to Rule 4.6(1).

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for SB 6-A—A bill to be entitled An act relating to education funding; amending s. 218.503, F.S.; providing for a reduction in salary for certain school district employees when a state of financial emergency within the district continues beyond a specified period; amending ss. 1001.42 and 1001.50, F.S.; prohibiting a district school board from entering into an employment contract that provides for payment of an amount greater than 1 year of an employee's or superintendent's annual salary for termination, buy-out, or other type of settlement; amending s. 1002.53, F.S., relating to the Voluntary Prekindergarten Education Program; conforming provisions to changes made by the act; amending s. 1002.61, F.S.; increasing the number of students authorized for a summer prekindergarten class; conforming cross-references; amending s. 1002.63, F.S.; eliminating certain eligibility requirements for delivering a prekindergarten program during the school year; amending s. 1002.71, F.S.; providing for separate base student allocations for school-year and summer prekindergarten programs; revising the formula for calculating and reporting full-time equivalent student enrollment; providing certain restrictions with respect to a child who reenrolls in a prekindergarten program; requiring that certain administrative procedures be automated; decreasing the amount that an early learning coalition may expend for administrative purposes; amending s. 1002.73, F.S.; revising duties of the Department of Education, to conform; amending s. 1006.40, F.S.; waiving, for the adoption cycle of the 2008-2009 academic year, the requirement that district school boards purchase instructional materials in core courses; creating s. 1011.051, F.S.; requiring that district school boards maintain an unreserved general fund balance sufficient to address contingencies; specifying procedures for the district to follow if the operating budget falls below specified percentages or projected general fund revenues; requiring that collective bargaining agreements make adequate provisions for maintaining the required general fund balances;

providing that a collective bargaining agreement entered into after the effective date of the act which fails to comply with the act is void and unenforceable; requiring modification of collective bargaining agreements under circumstances involving financial urgency; amending s. 1011.71, F.S.; authorizing the purchase of certain enterprise resource software applications with proceeds of the district school tax; eliminating certain restrictions on the expenditure of revenues from the district school tax levy; providing for future expiration of such provisions; amending s. 1013.64, F.S., relating to funds for constructing educational plant space; conforming provisions; providing for a reduction in salary of district school board members for a specified period, notwithstanding certain provisions; providing for awards for instructional personnel and school-based administrators under the Merit Award Program to be paid only to the extent funded in the 2009-2010 fiscal year; incorporating by reference certain calculations of the Florida Education Finance Program for the 2008-2009 fiscal year; providing for contingent retroactive application of specified provisions of the act; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

CS for CS for SB 6-A—A bill to be entitled An act relating to education funding; amending s. 218.503, F.S.; providing for a reduction in salary for certain school district employees when a state of financial emergency within the district continues beyond a specified period; amending s. 1001.395, F.S.; providing for district school members to reduce their salary rate on a voluntary basis; amending ss. 1001.42 and 1001.50, F.S.; prohibiting a district school board from entering into an employment contract that provides for payment of an amount greater than 1 year of an employee's or superintendent's annual salary for termination, buy-out, or other type of settlement; amending s. 1002.53, F.S., relating to the Voluntary Prekindergarten Education Program; conforming provisions to changes made by the act; amending s. 1002.61, F.S.; increasing the number of students authorized for a summer prekindergarten class; conforming cross-references; amending s. 1002.63, F.S.; eliminating certain eligibility requirements for delivering a prekindergarten program during the school year; amending s. 1002.71, F.S.; providing for separate base student allocations for school-year and summer prekindergarten programs; revising the formula for calculating and reporting full-time equivalent student enrollment; providing certain restrictions with respect to a child who reenrolls in a prekindergarten program; requiring that certain administrative procedures be automated; decreasing the amount that an early learning coalition may expend for administrative purposes; amending s. 1002.73, F.S.; revising duties of the Department of Education, to conform; amending s. 1006.40, F.S.; waiving, for the adoption cycle of the 2008-2009 academic year, the requirement that district school boards purchase instructional materials in core courses; creating s. 1011.051, F.S.; requiring that district school boards maintain an unreserved general fund balance sufficient to address contingencies; specifying procedures for the district to follow if the operating budget falls below specified percentages or projected general fund revenues; requiring that collective bargaining agreements make adequate provisions for maintaining the required general fund balances; providing that a collective bargaining agreement entered into after the effective date of the act which fails to comply with the act is void and unenforceable; requiring modification of collective bargaining agreements under circumstances involving financial urgency; amending s. 1011.71, F.S.; authorizing the purchase of certain enterprise resource software applications with proceeds of the district school tax; eliminating certain restrictions on the expenditure of revenues from the district school tax levy; providing for future expiration of such provisions; amending s. 1013.64, F.S., relating to funds for constructing educational plant space; conforming provisions; providing for awards for instructional personnel and school-based administrators under the Merit Award Program to be paid only to the extent funded in the 2009-2010 fiscal year; authorizing the Commissioner of Education to waive the equal-dollar reduction requirement for expenditures made during a specified time for property and casualty insurance and for the audit findings for a specified fiscal year related to the purchase of software, if the commissioner determines that a school district acted in good faith; incorporating by reference certain calculations of the Florida Education Finance Program for the 2008-2009 fiscal year; providing for contingent retroactive application of specified provisions of the act; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 8-A—A bill to be entitled An act relating to the Medicaid program; amending ss. 409.908 and 409.912, F.S.; revising the amount reimbursed to providers and pharmacies for drugs prescribed under the program; creating s. 409.9082, F.S.; providing definitions; requiring the Agency for Health Care Administration to calculate and assess a quality assessment on health care items or services provided by nursing facilities; requiring the agency to seek a waiver of broad-based and uniform provider assessment requirements of federal law; providing for the return of collected assessments under certain circumstances; requiring the agency to adopt rules; providing for the use of moneys in the Grants and Donations Trust Fund and specifying an order of priority; providing for nullification of the quality assessment under certain circumstances; authorizing the agency to impose certain penalties and fines; prohibiting the reversion of moneys in the fund relating to the quality assessment; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 10-A—A bill to be entitled An act relating to biomedical research; amending ss. 215.5602 and 381.922, F.S.; revising the amount of annual appropriations to the Biomedical Research Trust Fund within the Department of Health; requiring that moneys transferred to the trust fund during the 2008-2009 fiscal year in excess of specified amounts be transferred to the General Revenue Fund by a specified date; providing an effective date.

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

CS for SB 12-A—A bill to be entitled An act relating to the state judicial system; amending s. 28.241, F.S.; requiring that a portion of filing fees in civil actions be deposited for use by the state courts system; amending s. 318.14, F.S.; eliminating a percentage reduction in penalties for noncriminal traffic infractions which is provided for attending a basic driver improvement course; providing for the distribution of a specified portion of penalty revenues; amending s. 318.15, F.S., to conform; amending s. 318.18, F.S.; increasing certain fines for speeding; creating an assessment to be paid for noncriminal moving and nonmoving traffic infractions; amending s. 318.21, F.S.; providing for the distribution of funds from certain penalties imposed for traffic infractions; amending s. 775.083, F.S.; providing for the distribution of certain criminal and noncriminal fines; defining the terms “convicted” and “conviction” for purposes of liability for payment of criminal and noncriminal fines; amending s. 948.01, F.S.; providing that the imposition of probation in certain nonfelony cases is discretionary rather than mandatory; authorizing the court to impose a fine without placing a nonfelony offender on probation; providing that certain revenues generated under the act may not be used to establish the budgets of clerks of the court; providing effective dates.

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

CS for SB 14-A—A bill to be entitled An act relating to trust funds; creating the State Courts Independent Trust Fund within the state courts system; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

CS for SB 16-A—A bill to be entitled An act relating to trust funds; creating the State Attorneys Independent Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

CS for SB 18-A—A bill to be entitled An act relating to trust funds; creating the Public Defenders Independent Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 20-A—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; deleting a requirement that the Department of Financial Services set aside a portion of program funds for the purpose of implementing certain hurricane mitigation measures; providing an effective date.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 22-A—A bill to be entitled An act relating to water resources development; amending s. 403.890, F.S.; revising the distribution of funds from the Water Protection and Sustainability Program Trust Fund; providing for future expiration of such provisions; providing for the reallocation of funds to conform to changes made by the act; providing an effective date.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 24-A—A bill to be entitled An act relating to mitigation funding for transportation projects; amending s. 373.4137, F.S.; deleting provisions directing that certain funds of the Department of Transportation be used for invasive plant control, SWIM projects, or other water resource projects; providing an effective date.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 26-A—A bill to be entitled An act relating to the Marine Resources Conservation Trust Fund; amending s. 201.15, F.S.; deleting provisions requiring that a portion of revenue from the excise tax on documents be credited to the fund; amending s. 379.208, F.S., relating to the purposes of the trust fund; conforming provisions to changes made by the act; providing an effective date.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 28-A—A bill to be entitled An act relating to the Insurance Capital Build-Up Incentive Program; amending s. 215.5595, F.S.; requiring that repayments made by property insurers of surplus notes issued under the program be deposited into the General Revenue Fund; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 38-A—A bill to be entitled An act relating to economic development; creating s. 288.1081, F.S.; creating the Economic Gardening Business Loan Pilot Program within the Office of Tourism, Trade, and Economic Development; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to the office; requiring the office to adopt rules; authorizing the use of emergency rulemaking procedures; requiring the office to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within the office; requiring the office to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses; providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring the office to submit a report to the Governor and Legislature; authorizing the office to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and Legislature; authorizing the expenditure of certain funds appropriated for the pilot program; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 40-A—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; increasing the fine imposed for failing to pay a civil traffic penalty within the period specified; requiring that the additional revenue be deposited into the General Revenue Fund; prohibiting the use of a portion of that amount in establishing the budget of the clerk of the court; amending s. 320.06, F.S.; requiring that certain fees collected from motor vehicle registration and registration renewal be deposited into the Highway Safety Operating Trust Fund; amending s. 320.08, F.S.; authorizing the use of certain fees from motorcycle and moped registration for the general operations of the department; amending ss. 320.0805 and 320.08056, F.S.; requiring that certain fees for prestige and specialty license plates be deposited into the Highway Safety Operating Trust Fund; amending s. 322.025, F.S.; revising requirements for funding motorcycle driver improvement programs; amending s. 322.0255, F.S.; eliminating a requirement that the department reimburse organizations that provide motorcycle safety education courses; providing an effective date.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

CS for SB 44-A—A bill to be entitled An act relating to governmental operations; requiring state agencies to review existing and proposed contracts for the purpose of reducing contract payments; authorizing agencies to renegotiate contracts; providing for future expiration of such provisions; establishing the policy of the state concerning limitations on travel by state employees for a specified period; providing for certain exceptions; requiring that agencies consider using electronic communications; requiring the Office of Program Policy Analysis and Governmental Accountability, in consultation with the Department of Management Services, to develop recommendations regarding the prudent issuance and use of state-owned wireless communications devices; requiring a report to the Legislature; requiring the Department of Management Services to compile a list of and review state-owned surplus real property of greater than a specified value; providing requirements for the review; requiring a report to the Legislature and the Executive Office of the Governor; requiring that the Chief Financial Officer consider methods to ensure that state agencies receive the maximum federal funds to which the state is entitled; requiring the Chief Financial Officer to make recommendations to the Office of Policy and Budget and the legislative appropriations committees; requiring each state agency to ensure the receipt of maximum federal funds to which the agency is entitled based on its current services; requiring the office to examine whether a private entity should be used to recover fraudulent Medicaid claims; requiring the office to examine the use of alternative placements for low-risk inmates; requiring reports to the Legislature by a specified date; providing an effective date.

Journal of the Senate

Number 3—Special Session A **Friday, January 9, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:30 a.m. A quorum present— 40:

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

PRAYER

The following prayer was offered by Senator Garcia:

Deuteronomy 31:8 says: "Do not be afraid or discouraged, for the Lord is the one who goes before you. He will be with you; he will neither fail you nor forsake you."

God of grace and God of glory, on your people pour your power. Grant us wisdom; grant us courage for the facing of this hour. Amen.

PLEDGE

Senator Hill led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Deutch—

By Senators Deutch, Smith, Hill, Dockery, Haridopolos, Fasano, Gelber, Rich, Sobel, Aronberg, Baker, and Gaetz—

SR 66-A—A resolution expressing solidarity with Israel in its defense against terrorism in the Gaza Strip.

WHEREAS, the State of Israel is the greatest ally of the United States in the Middle East, and

WHEREAS, the Hamas terror organization's charter calls for the destruction of the State of Israel, and

WHEREAS, Palestinian terrorists of the Islamic Jihad and Hamas in the Gaza Strip, sponsored and trained by Iran, have recently fired hundreds of rockets at civilian targets in southern Israel, ending a 6-month cease fire with Israel in declaration and in deed, and

WHEREAS, during the 6-month "state of calm," Israel allowed the entrance of some 17,000 truckloads of humanitarian aid into the Gaza Strip, while Palestinian terrorists launched 538 rockets and mortars into Israel, and

WHEREAS, the latest terrorist attacks took place only days after the United Nations Security Council adopted resolution 1850, which unanimously declared support for the peace process between the Palestinians and Israelis, and

WHEREAS, since these latest terrorist attacks and the beginning of its military operation on December 27, 2008, Israel has allowed the entrance of hundreds of truckloads of humanitarian aid into the Gaza Strip in full coordination with donor Arab countries and international aid organizations, including the Red Cross, out of respect for human rights and lives and in an effort to minimize the hardship and suffering of the Palestinian population, and

WHEREAS, Israel's military operations are an effort to defend its citizens as a moral duty against the unspeakable horrors of ongoing, indiscriminate terrorism and are aimed only at dismantling the terrorist infrastructure, and

WHEREAS, hundreds of innocent Israeli and Palestinian civilians have been tragically killed due to ongoing escalations of violence initiated by Palestinian terrorist organizations, NOW, THEREFORE,

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

That the Senate:

(1) Stands in solidarity with Israel as it takes necessary steps to provide security to its people;

(2) Remains committed to Israel's right to self-defense and supports additional United States' assistance to help Israel defend herself;

(3) Condemns the end of the ceasefire by Hamas;

(4) Condemns the firing of rockets into civilian areas by the Iran-sponsored terrorist groups of Hamas and the Islamic Jihad;

(5) Urges all Arab states to declare their opposition to terrorism and attacks on civilians; and

(6) Urges all parties in the region to pursue lasting peace in the Middle East.

—was introduced out of order and read by title. On motion by Senator Deutch, **SR 66-A** was read the second time in full and adopted.

SPECIAL ORDER CALENDAR

SB 2-A—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2008-2009 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

Senator Wilson moved the following amendment which failed:

Amendment 1 (996006)—

```
                                                DELETE          INSERT

      EDUCATION, DEPARTMENT OF
      Public Schools, Division Of
      Program: State Grants/K-12 Program - FEFP  48250300

      In Section 02  On Page 008
42    Aid To Local Governments  050560
      Grants And Aids - Florida Educational
      Finance Program  IOEB

  1000  From General Revenue Fund          -343,129,365  -321,787,650
      CA 21,341,715  FSI1 21,341,715

      State Board Of Education  48800000

      In Section 02  On Page 015
82    Special Categories  100147
      Assessment And Evaluation  IOEA

  1000  From General Revenue Fund             -737,761   -22,079,476
      CA -21,341,715  FSI1 -21,341,715
```

Senators Lawson, Rich, and Sobel offered the following amendment which was moved by Senator Lawson:

Amendment 2 (996007)—

```
                                                DELETE          INSERT

      AGENCY FOR HEALTH CARE ADMINISTRATION
      Program: Health Care Services
      Medicaid Services To Individuals  68501400

      In Section 03  On Page 020
110   Special Categories  101582
      Hospital Inpatient Services  IOEE

  1000  From General Revenue Fund            -8,871,144            0
      CA 8,871,144  FSI2 8,871,144

111   Special Categories  101596
      Hospital Outpatient Services  IOEE

  1000  From General Revenue Fund            -2,952,174            0
      CA 2,952,174  FSI2 2,952,174

      In Section 03  On Page 021
112   Special Categories  102673
      Prepaid Health Plans  IOEE

  1000  From General Revenue Fund           -10,258,684            0
      CA 10,258,684  FSI2 10,258,684

      Medicaid Long Term Care  68501500

      In Section 03  On Page 022

115   Special Categories  101649
      Intermediate Care
      Facilities/Developmentally Disabled
      Community  IOEE

  1000  From General Revenue Fund             -985,858            0
      CA 985,858  FSI2 985,858

117   Special Categories  109970
      Capitated Nursing Home Diversion Waiver  IOEE

  1000  From General Revenue Fund             -872,648            0
      CA 872,648  FSI2 872,648

      AGENCY FOR PERSONS WITH DISABILITIES
      Program: Services To Persons With
      Disabilities
      Home And Community Services  67100100

      In Section 03  On Page 024
128   Special Categories  101555
      Home And Community Based Services Waiver  IOEE

  1000  From General Revenue Fund            -5,610,126            0
      CA 5,610,126  FSI2 5,610,126

129   Special Categories  105440
      Community Supported Living Waiver  IOEE

  1000  From General Revenue Fund             -515,567            0
      CA 515,567  FSI2 515,567

      CHILDREN AND FAMILY SERVICES, DEPARTMENT
      OF
      Services
      Program: Family Safety Program
      Child Protection And Permanency  60910304

      In Section 03  On Page 026
153   Special Categories  108304
      Grants And Aids - Community Based Care
      Funds For Providers Of Child Welfare
      Services  IOEB

  1000  From General Revenue Fund            -9,837,274            0
      CA 9,837,274  FSI2 9,837,274

      Program: Mental Health Program
      Adult Community Mental Health Services  60910502

      In Section 03  On Page 028
165   Special Categories  100610
      Grants And Aids - Community Mental Health
      Services  IOEB

  1000  From General Revenue Fund            -6,407,456            0
      CA 6,407,456  FSI1 6,407,456

      Children's Mental Health Services  60910503

167   Special Categories  102780
      Grants And Aids - Purchased Residential
      Treatment Services For Emotionally
      Disturbed Children And Youth  IOEB

  1000  From General Revenue Fund            -1,026,480            0
      CA 1,026,480  FSI2 1,026,480

      Program: Substance Abuse Program
      Child Substance Abuse Prevention,
      Evaluation And Treatment Services  60910602

      In Section 03  On Page 029
177   Special Categories  100420
      Grants And Aids - Children And Adolescent
      Substance Abuse Services  IOEB

  1000  From General Revenue Fund            -1,549,543            0
      CA 1,549,543  FSI2 1,549,543

      Adult Substance Abuse Prevention,
      Evaluation And Treatment Services  60910603
```

178 Special Categories 100618
Grants And Aids - Community Substance
Abuse Services IOEB

1000 From General Revenue Fund -1,455,074 0
CA 1,455,074 FSI2 1,455,074

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Home And Community Services 65100400

In Section 03 On Page 032
213 Special Categories 100096
Grants And Aids - Alzheimer's Disease
Projects/Services IOEB

1000 From General Revenue Fund -236,291 0
CA 236,291 FSI1 236,291

214 Special Categories 100250
Grants And Aids - Alzheimers Disease
Respite Services IOEB

1000 From General Revenue Fund -280,658 0
CA 280,658 FSI1 280,658

215 Special Categories 100547
Grants And Aids - Community Care For The
Elderly IOEB

1000 From General Revenue Fund -1,604,651 0
CA 1,604,651 FSI1 1,604,651

HEALTH, DEPARTMENT OF
Program: Community Public Health
Family Health Outpatient And Nutrition
Services 64200300

In Section 03 On Page 034
235 Aid To Local Governments 050329
Contribution To County Health Units IOEB

1000 From General Revenue Fund -214,597 0
CA 214,597 FSI1 214,597

Infectious Disease Control 64200400

243 Aid To Local Governments 050026
Grants And Aids - Aids Patient Care IOEB

1000 From General Revenue Fund -509,333 0
CA 509,333 FSI2 509,333

244 Aid To Local Governments 050207
Grants And Aids - Statewide Acquired
Immune Deficiency Syndrome (Aids)
Networks IOEB

1000 From General Revenue Fund -445,057 0
CA 445,057 FSI2 445,057

245 Aid To Local Governments 050329
Contribution To County Health Units IOEB

1000 From General Revenue Fund -539,029 0
CA 539,029 FSI1 539,029

Environmental Health Services 64200600

In Section 03 On Page 035
248 Aid To Local Governments 050329
Contribution To County Health Units IOEB

1000 From General Revenue Fund -160,913 0
CA 160,913 FSI1 160,913

County Health Departments Local Health
Needs 64200700

251 Aid To Local Governments 050329
Contribution To County Health Units IOEB

1000 From General Revenue Fund -7,688,515 0
CA 7,688,515 FSI1 7,688,515

Program: Children's Medical Services
Children's Special Health Care 64300100

In Section 03 On Page 036
260 Special Categories 100497
Grants And Aids - Children's Medical
Services Network IOEB

1000 From General Revenue Fund -991,724 0
CA 991,724 FSI1 991,724

261 Special Categories 100655
Grants And Aids - Medical Services For
Abused/Neglected Children IOEB

1000 From General Revenue Fund -474,930 0
CA 474,930 FSI1 474,930

262 Special Categories 102936
Poison Control Center IOEB

1000 From General Revenue Fund -124,306 0
CA 124,306 FSI1 124,306

263 Special Categories 103629
Grants And Aids - Developmental
Evaluation And Intervention Services/Part
C IOEB

1000 From General Revenue Fund -171,029 0
CA 171,029 FSI1 171,029

POINT OF ORDER

Senator Alexander raised a point of order that **Amendment 2 (996007)** is not balanced as required because it does not identify the specific appropriations line item or the specific source of funding, either general revenue or trust fund, to fund the amendment. The amendment adds money to the bill without specifying the line item from which to restore the identified funding items, and is therefore out of order.

The President referred the point of order and the amendment to Senator Villalobos, Chair of the Committee on Rules. Further consideration of **Amendment 2** was deferred.

Senators Gelber, Lawson, Wilson, and Bullard offered the following amendment which was moved by Senator Gelber and failed:

Amendment 3 (996008)—

DELETE INSERT

In Section 51 On Page 121

On page 121, immediately following Section 51, add a new Section:

SECTION XX. (1) Contingent upon legislation becoming law, relating to mandating "combined" reporting, requiring all corporations that are members of a newly defined "water's edge group" to file a tax return combining income from those entities and then apportioning the combined income to Florida based upon a statutory formula, additional general revenue generated as a result of this legislation shall be used to restore reductions in funding for education Pre-K-12 and higher education to the state during the 2008-2009 state fiscal year and going forward. For the 2008-2009 fiscal year, each affected agency is directed to submit budget amendments in accordance with the provisions of chapter 216, Florida Statutes, within 30 days of such legislation becoming law. The amendments shall be developed to increase the state's general revenue while preserving the total funding level anticipated

within this appropriations act. To the extent general revenue budget authority may be reduced, such budget authority must be placed in unbudgeted reserve.

The Senate resumed consideration of **Amendment 2**.

RULING ON POINT OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, President Atwater ruled the point well taken and **Amendment 2 (996007)** out of order.

On motion by Senator Alexander, by two-thirds vote **SB 2-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—13

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Deutch	Lawson	Wilson
Gelber	Rich	
Hill	Ring	

MOTION

On motion by Senator Alexander the House was requested to pass **SB 2-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

SB 4-A—A bill to be entitled An act implementing the 2008-2009 Special Appropriations Act; providing legislative intent; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds, in order to implement the transfer of moneys to the General Revenue Fund from trust funds as provided in the 2008-2009 Special Appropriations Act; amending s. 215.5601, F.S.; authorizing the transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund for the 2008-2009 fiscal year; providing legislative intent with respect to the repayment of moneys to the Lawton Chiles Endowment Fund; amending s. 259.105, F.S.; providing for the proceeds of certain bonds issued under the Florida Forever program to be deposited into the Florida Forever Trust Fund; providing for the distribution of funds to the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the Department of Community Affairs to be used for the acquisition of lands, capital project expenditures, and other purposes; requiring that certain approved or pending acquisitions, contracts, or other instruments be allowed to lapse; requiring the reassessment of certain acquisitions; amending ss. 420.0005 and 420.9079, F.S.; requiring that the Florida Housing Finance Corporation return to the State Treasury for the 2008-2009 fiscal year only certain unexpended funds held by the corporation; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **SB 4-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—13

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Deutch	Lawson	Wilson
Gelber	Rich	
Hill	Ring	

MOTIONS

On motion by Senator Alexander the House was requested to pass **SB 4-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

On motion by Senator Alexander, the rules were waived and the staff of the Policy and Steering Committee on Ways and Means was instructed to make title amendments and technical changes to **SB 2-A** and **SB 4-A** as necessary.

CS for SB 8-A—A bill to be entitled An act relating to the Medicaid program; amending ss. 409.908 and 409.912, F.S.; revising the amount reimbursed to providers and pharmacies for drugs prescribed under the program; creating s. 409.9082, F.S.; providing definitions; requiring the Agency for Health Care Administration to calculate and assess a quality assessment on health care items or services provided by nursing facilities; requiring the agency to seek a waiver of broad-based and uniform provider assessment requirements of federal law; providing for the return of collected assessments under certain circumstances; requiring the agency to adopt rules; providing for the use of moneys in the Grants and Donations Trust Fund and specifying an order of priority; providing for nullification of the quality assessment under certain circumstances; authorizing the agency to impose certain penalties and fines; prohibiting the reversion of moneys in the fund relating to the quality assessment; providing an effective date.

—was read the second time by title.

The Policy and Steering Committee on Ways and Means offered the following amendment which was moved by Senator Peaden:

Amendment 1 (893502) (with title amendment)—Delete lines 60-64 and insert: lower of: average wholesale price (AWP) minus 16.4 percent, wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider*; however, the Medicaid maximum allowable fee for ingredient cost for pharmacy chains that have five or more stores in the state under common ownership shall be based on the lower of: average wholesale price (AWP) minus 18.4 percent, wholesaler acquisition cost (WAC) plus 2.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider*. Medicaid providers are required to dispense generic

Delete lines 189-192 and insert: (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider*; however, reimbursement for Medicaid prescribed drugs for pharmacy chains that have five or more stores in the state under common ownership shall be set at the lesser of: average wholesale price (AWP) minus 18.4 percent, wholesaler acquisition cost (WAC) plus 2.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.*

And the title is amended as follows:

Delete line 4 and insert: reimbursed to certain pharmacy chains in the state for drugs

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

Amendment 1A (128044) (with title amendment)—Delete lines 5-16 and insert: on the lower of: average wholesale price (AWP) minus *18.4*~~16.4~~ percent, wholesaler acquisition cost (WAC) plus *2.75*~~4.75~~ percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider. Medicaid providers are required to

Delete lines 20-29 and insert: (AWP) minus *18.4*~~16.4~~ percent, the wholesaler acquisition cost (WAC) plus *2.75*~~4.75~~ percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

And the title is amended as follows:

Delete line 35 and insert: reimbursed to providers and pharmacies for drugs

Amendment 1 as amended was adopted.

On motion by Senator Peaden, by two-thirds vote **CS for SB 8-A** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 8-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until completion of the Special Order Calendar.

CS for SB 10-A—A bill to be entitled An act relating to biomedical research; amending ss. 215.5602 and 381.922, F.S.; revising the amount of annual appropriations to the Biomedical Research Trust Fund within the Department of Health; requiring that moneys transferred to the trust fund during the 2008-2009 fiscal year in excess of specified amounts be transferred to the General Revenue Fund by a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for SB 10-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 10-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

SPECIAL GUESTS

Senator Rich introduced former Senator Ron Silver and his family who were present in the gallery.

CS for SB 12-A—A bill to be entitled An act relating to the state judicial system; amending s. 28.241, F.S.; requiring that a portion of filing fees in civil actions be deposited for use by the state courts system; amending s. 318.14, F.S.; eliminating a percentage reduction in penalties for noncriminal traffic infractions which is provided for attending a basic driver improvement course; providing for the distribution of a specified portion of penalty revenues; amending s. 318.15, F.S., to conform; amending s. 318.18, F.S.; increasing certain fines for speeding; creating an assessment to be paid for noncriminal moving and nonmoving traffic infractions; amending s. 318.21, F.S.; providing for the distribution of funds from certain penalties imposed for traffic infractions; amending s. 775.083, F.S.; providing for the distribution of certain criminal and noncriminal fines; defining the terms "convicted" and "conviction" for purposes of liability for payment of criminal and noncriminal fines; amending s. 948.01, F.S.; providing that the imposition of probation in certain nonfelony cases is discretionary rather than mandatory; authorizing the court to impose a fine without placing a nonfelony offender on probation; providing that certain revenues generated under the act may not be used to establish the budgets of clerks of the court; providing effective dates.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 12-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Smith

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 12-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 14-A—A bill to be entitled An act relating to trust funds; creating the State Courts Independent Trust Fund within the state courts system; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 14-A** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 14-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 16-A—A bill to be entitled An act relating to trust funds; creating the State Attorneys Independent Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 16-A** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 16-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 18-A—A bill to be entitled An act relating to trust funds; creating the Public Defenders Independent Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 18-A** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 18-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 20-A—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; deleting a requirement that the Department of Financial Services set aside a portion of program funds for the purpose of implementing certain hurricane mitigation measures; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for SB 20-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 20-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 22-A—A bill to be entitled An act relating to water resources development; amending s. 403.890, F.S.; revising the distribution of funds from the Water Protection and Sustainability Program Trust Fund; providing for future expiration of such provisions; providing for the reallocation of funds to conform to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for SB 22-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 22-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 24-A—A bill to be entitled An act relating to mitigation funding for transportation projects; amending s. 373.4137, F.S.; deleting provisions directing that certain funds of the Department of Transportation be used for invasive plant control, SWIM projects, or other water resource projects; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for SB 24-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 24-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 28-A—A bill to be entitled An act relating to the Insurance Capital Build-Up Incentive Program; amending s. 215.5595, F.S.; requiring that repayments made by property insurers of surplus notes issued under the program be deposited into the General Revenue Fund; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for SB 28-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 28-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 40-A—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; increasing the fine imposed for failing to pay a civil traffic penalty within the period specified; requiring that the additional revenue be deposited into the General Revenue Fund; prohibiting the use of a portion of that amount in establishing the budget of the clerk of the court; amending s. 320.06, F.S.; requiring that certain fees collected from motor vehicle registration and registration renewal be deposited into the Highway Safety Operating Trust Fund; amending s. 320.08, F.S.; authorizing the use of certain fees from motorcycle and moped registration for the general operations of the department; amending ss. 320.0805 and 320.08056, F.S.; requiring that certain fees for prestige and specialty license plates be deposited into the Highway Safety Operating Trust Fund; amending s. 322.025, F.S.; revising requirements for funding motorcycle driver improvement programs; amending s. 322.0255, F.S.; eliminating a requirement that the department reimburse organizations that provide motorcycle safety education courses; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for SB 40-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 40-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 44-A—A bill to be entitled An act relating to governmental operations; requiring state agencies to review existing and proposed contracts for the purpose of reducing contract payments; authorizing agencies to renegotiate contracts; providing for future expiration of such provisions; establishing the policy of the state concerning limitations on travel by state employees for a specified period; providing for certain exceptions; requiring that agencies consider using electronic communications; requiring the Office of Program Policy Analysis and Governmental Accountability, in consultation with the Department of Management Services, to develop recommendations regarding the prudent issuance and use of state-owned wireless communications devices; requiring a report to the Legislature; requiring the Department of Management Services to compile a list of and review state-owned surplus real property of greater than a specified value; providing requirements for the review; requiring a report to the Legislature and the Executive Office of the Governor; requiring that the Chief Financial Officer consider methods to ensure that state agencies receive the maximum federal funds to which the state is entitled; requiring the Chief Financial Officer to make recommendations to the Office of Policy and Budget and the legislative appropriations committees; requiring each state agency to ensure the receipt of maximum federal funds to which the agency is entitled based on its current services; requiring the office to examine whether a private entity should be used to recover fraudulent Medicaid claims; requiring the office to examine the use of alternative placements for low-risk inmates; requiring reports to the Legislature by a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **CS for SB 44-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 44-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for CS for SB 6-A—A bill to be entitled An act relating to education funding; amending s. 218.503, F.S.; providing for a reduction in salary for certain school district employees when a state of financial emergency within the district continues beyond a specified period; amending s. 1001.395, F.S.; providing for district school members to reduce their salary rate on a voluntary basis; amending ss. 1001.42 and 1001.50, F.S.; prohibiting a district school board from entering into an employment contract that provides for payment of an amount greater than 1 year of an employee's or superintendent's annual salary for termination, buy-out, or other type of settlement; amending s. 1002.53, F.S., relating to the Voluntary Prekindergarten Education Program; conforming provisions to changes made by the act; amending s. 1002.61, F.S.; increasing the number of students authorized for a summer prekindergarten class; conforming cross-references; amending s. 1002.63, F.S.; eliminating certain eligibility requirements for delivering a prekindergarten program during the school year; amending s. 1002.71, F.S.; providing for separate base student allocations for school-year and summer prekindergarten programs; revising the formula for calculating and reporting full-time equivalent student enrollment; providing certain restrictions with respect to a child who reenrolls in a prekindergarten program; requiring that certain administrative procedures be automated; decreasing the amount that an early learning coalition may expend for administrative purposes; amending s. 1002.73, F.S.; revising duties of the Department of Education, to conform; amending s. 1006.40, F.S.; waiving, for the adoption cycle of the 2008-2009 academic year, the requirement that district school boards purchase instructional materials in core courses; creating s. 1011.051, F.S.; requiring that district school boards maintain an unreserved general fund balance sufficient to address contingencies; specifying procedures for the district to follow if the operating budget falls below specified percentages or projected general fund revenues; requiring that collective bargaining agreements make adequate provisions for maintaining the required general fund balances; providing that a collective bargaining agreement entered into after the effective date of the act which fails to comply with the act is void and unenforceable; requiring modification of collective bargaining agreements under circumstances involving financial urgency; amending s. 1011.71, F.S.; authorizing the purchase of certain enterprise resource software applications with proceeds of the district school tax; eliminating certain restrictions on the expenditure of revenues from the district school tax levy; providing for future expiration of such provisions; amending s. 1013.64, F.S., relating to funds for constructing educational plant space; conforming provisions; providing for awards for instructional personnel and school-based administrators under the Merit Award Program to be paid only to the extent funded in the 2009-2010 fiscal year; authorizing the Commissioner of Education to waive the equal-dollar reduction requirement for expenditures made during a specified time for property and casualty insurance and for the audit findings for a specified fiscal year related to the purchase of software, if the commissioner determines that a school district acted in good faith; incorporating by reference certain calculations of the Florida Education Finance Program for the 2008-2009 fiscal year; providing for contingent retroactive application of specified provisions of the act; providing an effective date.

—was read the second time by title.

Senators Deutch, Wise, Siplin and Bullard offered the following amendment which was moved by Senator Deutch and adopted:

Amendment 1 (199194) (with title amendment)—Delete lines 76-90

And the title is amended as follows:

Delete lines 2-6 and insert: An act relating to education funding; amending s. 1001.395, F.S.;

Senator Lynn moved the following amendment which was adopted:

Amendment 2 (286394) (with title amendment)—Delete line 372 and insert: *certification of attendance for payment. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the*

And the title is amended as follows:

Delete line 29 and insert: administrative procedures be automated; requiring that actions be taken to reduce paperwork, eliminate the du-

plication of reports, and eliminate other duplicative activities; decreasing the

Senators Deutch, Wise, Siplin, and Bullard offered the following amendment which was moved by Senator Deutch and adopted:

Amendment 3 (542652) (with title amendment)—Delete lines 419-465 and insert: *the current fiscal year below 3 percent of projected general fund revenues, the superintendent shall provide written notification to the district school board and the Commissioner of Education.*

(2) If the unreserved general fund in the district's approved operating budget is projected to fall during the current fiscal year below 2 percent of projected general revenues, the superintendent shall provide written notification to the school district board and the Commissioner of Education. Within 14 days after receiving such notification, if the commissioner determines that the district does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to 218.503, the commissioner shall appoint a financial emergency board that shall operate consistent with the requirements, powers, and duties specified in s. 218.503(3)(g).

And the title is amended as follows:

Delete lines 41-49 and insert: below a specified percentage of projected general fund revenues; amending s.

Senator Gelber moved the following amendment:

Amendment 4 (969928) (with title amendment)—Between lines 580 and 581 insert:

Section 18. *Joint Legislative Sales and Use Tax Exemption Review Committee.—*

(1) The Joint Legislative Sales and Use Tax Exemption Review Committee is created to conduct a comprehensive review of exemptions from the general state sales and use tax. The committee shall consist of nine senators appointed by the President of the Senate and nine representatives appointed by the Speaker of the House of Representatives. The committee shall hold its initial meeting by March 1, 2009, and meet at least once per month through January 2010. The committee shall be governed by joint rules adopted by the Legislature.

(2) The committee shall review all exemptions from the general state sales and use tax by February 1, 2010. For each exemption reviewed, the committee shall make findings of fact and recommend whether the exemption should be retained, modified, or repealed. Modification of an exemption may include taxation of a transaction at a rate lower than the general state sales and use tax rate. However, the committee make not make findings of fact and recommendations pertaining to exemptions for:

1. Items purchased for resale.

2. Intangible personal property.

3. Tangible personal property imported or produced for export.

4. Purchases of agricultural products for further processing for resale.

5. The sale or use of services, except exemptions for services otherwise taxable under chapter 212, Florida Statutes.

6. Food, prescription drugs, and medical supplies and equipment for human use or consumption.

7. Nonprofit corporations that are organized exclusively for charitable purposes.

8. Religious institutions.

9. Residential rent, electricity, and heating fuel.

(3) The committee shall evaluate exemptions based on criteria established by the committee. In developing the criteria, the committee shall consider the following principles of taxation:

(a) Equity.—The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.

(b) Compliance.—The Florida tax system should facilitate taxpayer compliance. It should be simple and easy to understand so as to minimize compliance costs and increase the visibility and awareness of the taxes being paid. Enforcement and collection of tax revenues should be done in a fair, consistent, professional, predictable, and cost-effective manner.

(c) Pro-competitiveness.—The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in plants, equipment, people, and technology in Florida.

(d) Neutrality.—The Florida tax system should affect competitors uniformly. It should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.

(e) Stability.—The Florida tax system should produce revenues in a stable and reliable manner that are sufficient to fund appropriate governmental functions and expenditures.

(f) Integration.—The Florida tax system should balance the need for integration of federal, state, and local taxation.

(g) Public purpose.—A tax exemption should have a public benefit that is sufficient to justify increasing the proportion of the cost of government borne by those not directly benefited by the exemption. The public benefit of an exemption also should be greater than the needs for property tax relief and education funding.

(4) The committee shall prepare a report of its findings and recommendations for each exemption reviewed. Each report for an exemption reviewed on or before April 15, 2009 must be submitted to the President of the Senate and the Speaker of the House of Representatives within 10 days after the committee completes its review of the exemption. Each report for the remaining exemptions shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2010. A report must include a copy of the bill necessary to implement a recommendation.

(5) The ranking member of each house of the Legislature serving on the committee shall file bills necessary to implement the recommendations of the committee. However, a ranking member is not required to file a bill to implement a recommendation that was not supported by the ranking member. Under those circumstances, a bill to implement a recommendation shall be filed by a member who supported the recommendation. Such bills shall be filed immediately after the committee submits a recommendation to the President of the Senate and the Speaker of the House of Representatives.

(6) A bill to implement a recommendation of the committee may address only the substance of one exemption, as narrowly as practical, and related conforming changes. Such bills are exempt from limits on the number of bills that may be filed by a member. A bill to implement a recommendation of the committee may not be referred to additional committees. A bill that is filed on or before April 15, 2009, must be submitted to a vote of the members of each house of the Legislature during the 2009 Regular Session. A bill that is filed for the 2010 Regular Session must be submitted to a vote of the members of each house of the Legislature during the 2010 Regular Session. A vote is not required if the companion legislation in the other house is defeated.

(7) The Revenue Estimating Impact Conference shall estimate the cumulative revenue impact of bills enacted pursuant to this section. The conference shall provide its estimate to the appropriations committees in each house for use in the determination of education funding and required local effort ad valorem taxes.

(8) This section expires on May 2, 2010.

And the title is amended as follows:

Delete line 72 and insert: creating the Joint Legislative Sales and Use Tax Exemption Review Committee; providing for membership; requiring meetings; providing that the committee shall be governed by joint rules of the Legislature; requiring the committee to review exemptions from the tax on sales, use, and other transactions; requiring the committee to make findings of fact and recommendations to retain, modify, or repeal exemptions; providing exceptions; requiring the committee to develop criteria to evaluate exemptions; requiring the committee to consider certain principles of taxation; requiring the committee

to prepare a report of its findings and recommendations; requiring each house of the Legislature to vote on bills to implement recommendations to repeal or modify an exemption; requiring revenue impact data from the repeal or modification of exemptions to be provided to the appropriations committees of each house; providing for repeal; providing an effective date.

WHEREAS, the tax on sales, use, and other transactions is a broad-based tax that provides approximately 74 percent of the revenue of the state General Revenue Fund, and

WHEREAS, the tax on sales, use, and other transactions is a major revenue source for local governments, and

WHEREAS, some exemptions from the tax on sales, use, and other transactions provide significant noneconmic benefits to the state, and

WHEREAS, the burden of funding government generally should apply equally to similarly situated individuals, and

WHEREAS, exemptions from the tax on sales, use, and other transactions, while reducing the tax burden on some, increase the proportion of the cost of government borne by others, and

WHEREAS, the Legislature must ensure that the public benefit of an exemption from the tax on sales, use, and other transactions is sufficient to justify increasing the proportion of the cost of government borne by those not directly benefited, and

WHEREAS, the Legislature finds that exemptions that no longer provide a public benefit sufficient to justify increasing the proportion of the cost of government borne by those not directly benefited should be repealed or modified, and

WHEREAS, the Legislature must periodically review exemptions and the need for additional exemptions from the tax on sales use and other transactions to ensure good stewardship of taxpayer money, and

WHEREAS, those exemptions found to provide a sufficient public benefit should be retained by the Legislature, and

WHEREAS, revenues from the repeal or modification of sales tax exemptions should be used for the most pressing needs of the state, which currently include education funding and property tax relief, NOW, THEREFORE,

POINT OF ORDER

Senator Alexander raised a point of order that pursuant to Rule 7.1 **Amendment 4 (969928)** was not germane to the bill.

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

RULING ON POINT OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, President Atwater ruled the point well taken and **Amendment 4 (969928)** out of order.

On motion by Senator Wise, by two-thirds vote **CS for CS for SB 6-A** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—4

Gelber	Joyner	Rich
Sobel		

MOTION

On motion by Senator Alexander the House was requested to pass **CS for CS for SB 6-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 38-A—A bill to be entitled An act relating to economic development; creating s. 288.1081, F.S.; creating the Economic Gardening Business Loan Pilot Program within the Office of Tourism, Trade, and Economic Development; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to the office; requiring the office to adopt rules; authorizing the use of emergency rulemaking procedures; requiring the office to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within the office; requiring the office to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses; providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring the office to submit a report to the Governor and Legislature; authorizing the office to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and Legislature; authorizing the expenditure of certain funds appropriated for the pilot program; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Lawson moved the following amendments which failed:

Amendment 1 (414132) (with title amendment)—Delete lines 51-344 and insert:

(1) There is created within Enterprise Florida the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. As used in this section, the term "office" means Enterprise Florida.

(2) The Legislature finds that it is vital to the overall health and growth of the state's economy to promote favorable conditions for expanding Florida businesses that demonstrate the ability to grow. It is therefore the intent of the Legislature that resources be provided for the pilot program in order to respond to the current extraordinary economic challenges confronting the state.

(3)(a) To be eligible for a loan under the pilot program, an applicant must be a business eligible for assistance under the Economic Gardening Technical Assistance Pilot Program as provided in s. 288.1082(4)(a).

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's corporate assets are pledged as collateral for the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the office or the loan administrator.

(c) The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-term business commitment to the state.The loan administrator also shall consider the following factors:

1. Incentives awarded to the applicant from local governments;

2. Waivers of taxes, impact fees, or other fees or charges by local governments; and

3. Other sources of investments or financing for the project that is the subject of the loan application.

(d) A borrower awarded a loan under this section and the loan administrator must enter into a loan agreement that provides for the borrower's repayment of the loan.

(4) The following terms apply to a loan received under the pilot program:

(a) The maximum amount of the loan is $250,000.

(b) The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state.

(c) The security interest for the loan's collateral covering all of the borrower's corporate assets must be perfected by recording a lien under the Uniform Commercial Code.

(d) The period of the loan is 4 years.

(e) The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the contract, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified in the loan agreement, plus 4 percent.

(f) For each month of the first 12 months of the loan, payment is due for interest only. Thereafter, payment for interest and principal is due each month until the loan is repaid in full. Interest and principal payments are based on the unpaid balance of the total loan amount.

(5)(a) The office may designate one or more qualified entities to serve as loan administrators for the pilot program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.

2. Have 5 years of verifiable experience of lending to businesses in this state.

3. Submit an application to the office on forms prescribed by the office. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.

(b) The office, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the office may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the office. The grant agreement may be amended by mutual consent of both parties.

(c) The office shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The office may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the office verifies the borrowers' use of the loan proceeds and the loan administrator's successful credit decisionmaking policies.

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a monthly servicing fee of 0.625 percent of each payment made by the borrower. The loan administrator shall collect the monthly servicing fee from the payments made by the borrower, first charging the fee against interest payments and then charging the remainder of the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest and principal payments to the office on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the office but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The office shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the office which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(6) The office shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. To the extent necessary to expedite implementa-

tion of the pilot program, the office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).

(7) On June 30 and December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

(8) Unexpended balances of appropriations provided for the pilot program shall not revert to the fund from which the appropriation was made at the end of a fiscal year but shall be retained in the Economic Development Trust Fund and be carried forward for expenditure for the pilot program during the following fiscal year. A loan administrator may not award a new loan or enter into a loan agreement after June 30, 2011. Balances of appropriations provided for the pilot program which remain unexpended as of July 1, 2011, shall revert to the General Revenue Fund.

(9) This section is repealed July 1, 2016, unless reviewed and reenacted by the Legislature before that date.

Section 2. Section 288.1082, Florida Statutes, is created to read:

288.1082 Economic Gardening Technical Assistance Pilot Program—

(1) There is created within Enterprise Florida the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. As used in this section, the term "office" means Enterprise Florida.

(2) The office shall contract with one or more entities to administer the pilot program under this section. The office shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis and the capability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services.In selecting these entities, the office must consider whether the entities will qualify for matching funds for this purpose.

(3) A contracted entity administering the pilot program shall provide technical assistance for eligible businesses which includes, but is not limited to:

(a) Access to free or affordable information services and consulting services, including information on markets, customers, and competitors, such as business databases, geographic information systems, and search engine marketing.

(b) Information on how to obtain infrastructure, including basic physical infrastructure; quality-of-life infrastructure, such as parks and open spaces; and intellectual infrastructure that provides educational opportunities to help a business maintain its competitiveness.

(c) Business connections, including interaction and exchange among business owners and resource providers, such as trade associations, think tanks, academic institutions, business roundtables, peer-to-peer learning sessions, and mentoring programs.

(4)(a) To be eligible for assistance under the pilot program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least $1 million but not more than $25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and during 3 of the previous 5 years, has steadily increased its number of full-time equivalent employees in this state and steadily increased its gross revenues.

(b) A contracted entity administering the pilot program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout the state.

(5)(a) A business receiving assistance under the pilot program must enter into an agreement with the contracted entity administering the program to establish the business's commitment to participation in the pilot program. The agreement must require, at a minimum, that the business:

1. Attend a minimum number of meetings between the business and the contracted entity administering the pilot program.

2. Report job-creation data in the manner prescribed by the contracted entity administering the pilot program.

3. Provide financial data in the manner prescribed by the contracted entity administering the program.

(b) The office or the contracted entity administering the pilot program may prescribe additional reporting requirements in the agreement which are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the office on a quarterly basis.

(6) A contracted entity administering the pilot program is authorized to promote the general business interests or industrial interests of the state.

(7) The office shall review the progress of a contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. The office may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) The office may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 3. *By December 31, 2012, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which evaluates the Economic Gardening Technical Assistance Pilot Program in s. 288.1082, Florida Statutes, and the pilot program's effectiveness in expanding the targeted businesses.*

Section 4. *From the funds provided in a special appropriations act for the 2008-2009 fiscal year to Enterprise Florida for implementation of this act, Enterprise Florida may expend up to $1.5 million for implementation of the Economic Gardening Technical Assistance Pilot Program created in s. 288.1082, Florida Statutes.*

And the title is amended as follows:

Delete lines 4-40 and insert: Business Loan Pilot Program within Enterprise Florida; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to Enterprise Florida; requiring Enterprise Florida to adopt rules; authorizing the use of emergency rulemaking procedures; requiring Enterprise Florida to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within Enterprise Florida; requiring Enterprise Florida to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses;

providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring Enterprise Florida to submit a report to the Governor and Legislature; authorizing Enterprise Florida to adopt rules; directing the Office of Program Policy Analysis

Amendment 2 (922466) (with title amendment)—Delete lines 51-344 and insert:

(1) There is created within the Florida Small Business Development Center Network the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. As used in this section, the term "office" means the Florida Small Business Development Center Network.

(2) The Legislature finds that it is vital to the overall health and growth of the state's economy to promote favorable conditions for expanding Florida businesses that demonstrate the ability to grow. It is therefore the intent of the Legislature that resources be provided for the pilot program in order to respond to the current extraordinary economic challenges confronting the state.

(3)(a) To be eligible for a loan under the pilot program, an applicant must be a business eligible for assistance under the Economic Gardening Technical Assistance Pilot Program as provided in s. 288.1082(4)(a).

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's corporate assets are pledged as collateral for the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the office or the loan administrator.

(c) The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-term business commitment to the state.The loan administrator also shall consider the following factors:

1. Incentives awarded to the applicant from local governments;

2. Waivers of taxes, impact fees, or other fees or charges by local governments; and

3. Other sources of investments or financing for the project that is the subject of the loan application.

(d) A borrower awarded a loan under this section and the loan administrator must enter into a loan agreement that provides for the borrower's repayment of the loan.

(4) The following terms apply to a loan received under the pilot program:

(a) The maximum amount of the loan is $250,000.

(b) The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state.

(c) The security interest for the loan's collateral covering all of the borrower's corporate assets must be perfected by recording a lien under the Uniform Commercial Code.

(d) The period of the loan is 4 years.

(e) The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the contract, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified in the loan agreement, plus 4 percent.

(f) For each month of the first 12 months of the loan, payment is due for interest only. Thereafter, payment for interest and principal is due each month until the loan is repaid in full. Interest and principal payments are based on the unpaid balance of the total loan amount.

(5)(a) The office may designate one or more qualified entities to serve as loan administrators for the pilot program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.

2. Have 5 years of verifiable experience of lending to businesses in this state.

3. Submit an application to the office on forms prescribed by the office. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.

(b) The office, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the office may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the office. The grant agreement may be amended by mutual consent of both parties.

(c) The office shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The office may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the office verifies the

borrowers' use of the loan proceeds and the loan administrator's successful credit decisionmaking policies.

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a monthly servicing fee of 0.625 percent of each payment made by the borrower. The loan administrator shall collect the monthly servicing fee from the payments made by the borrower, first charging the fee against interest payments and then charging the remainder of the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest and principal payments to the office on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the office but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The office shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the office which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(6) The office shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. To the extent necessary to expedite implementation of the pilot program, the office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).

(7) On June 30 and December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

(8) Unexpended balances of appropriations provided for the pilot program shall not revert to the fund from which the appropriation was made at the end of a fiscal year but shall be retained in the Economic Development Trust Fund and be carried forward for expenditure for the pilot program during the following fiscal year. A loan administrator may not award a new loan or enter into a loan agreement after June 30, 2011. Balances of appropriations provided for the pilot program which remain unexpended as of July 1, 2011, shall revert to the General Revenue Fund.

(9) This section is repealed July 1, 2016, unless reviewed and reenacted by the Legislature before that date.

Section 2. Section 288.1082, Florida Statutes, is created to read:

288.1082 Economic Gardening Technical Assistance Pilot Program—

(1) There is created within the Florida Small Business Development Center Network the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. As used in this section, the term "office" means the Florida Small Business Development Center Network.

(2) The office shall contract with one or more entities to administer the pilot program under this section. The office shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis and the capability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services.In selecting these entities, the office must consider whether the entities will qualify for matching funds for this purpose.

(3) A contracted entity administering the pilot program shall provide technical assistance for eligible businesses which includes, but is not limited to:

(a) Access to free or affordable information services and consulting services, including information on markets, customers, and competitors, such as business databases, geographic information systems, and search engine marketing.

(b) Information on how to obtain infrastructure, including basic physical infrastructure; quality-of-life infrastructure, such as parks and open spaces; and intellectual infrastructure that provides educational opportunities to help a business maintain its competitiveness.

(c) Business connections, including interaction and exchange among business owners and resource providers, such as trade associations, think tanks, academic institutions, business roundtables, peer-to-peer learning sessions, and mentoring programs.

(4)(a) To be eligible for assistance under the pilot program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least $1 million but not more than $25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and during 3 of the previous 5 years, has steadily increased its number of full-time equivalent employees in this state and steadily increased its gross revenues.

(b) A contracted entity administering the pilot program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout the state.

(5)(a) A business receiving assistance under the pilot program must enter into an agreement with the contracted entity administering the program to establish the business's commitment to participation in the pilot program. The agreement must require, at a minimum, that the business:

1. Attend a minimum number of meetings between the business and the contracted entity administering the pilot program.

2. Report job-creation data in the manner prescribed by the contracted entity administering the pilot program.

3. Provide financial data in the manner prescribed by the contracted entity administering the program.

(b) The office or the contracted entity administering the pilot program may prescribe additional reporting requirements in the agreement which are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the office on a quarterly basis.

(6) A contracted entity administering the pilot program is authorized to promote the general business interests or industrial interests of the state.

(7) The office shall review the progress of a contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. The office may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) The office may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 3. *By December 31, 2012, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which evaluates the Economic Gardening Technical*

Assistance Pilot Program in s. 288.1082, Florida Statutes, and the pilot program's effectiveness in expanding the targeted businesses.

Section 4. *From the funds provided in a special appropriations act for the 2008-2009 fiscal year to the Florida Small Business Development Center Network for implementation of this act, the networkmay expend up to $1.5 million for implementation of the Economic Gardening Technical Assistance Pilot Program created in s. 288.1082, Florida Statutes.*

And the title is amended as follows:

Delete lines 4-40 and insert: Business Loan Pilot Program within the Florida Small Business Development Center Network; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to the Florida Small Business Development Center Network; requiring the network to adopt rules; authorizing the use of emergency rulemaking procedures; requiring the Florida Small Business Development Center Network to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within the Florida Small Business Development Center Network; requiring the network to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses; providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring the Florida Small Business Development Center Network to submit a report to the Governor and Legislature; authorizing the Florida Small Business Development Center Network to adopt rules; directing the Office of Program Policy Analysis

On motion by Senator Fasano, by two-thirds vote **CS for SB 38-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—5

Dockery	Justice	Rich
Gelber	Lynn	

Vote after roll call:

Yea—Oelrich

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 38-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

On motion by Senator Alexander, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

On motion by Senator Alexander, by two-thirds vote **HB 5113-A** was withdrawn from the Policy and Steering Committee on Ways and Means.

MOTION

On motion by Senator Alexander, the rules were waived and by two-thirds vote **HB 5113-A** was placed on the Special Order Calendar and taken up instanter.

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

HB 5113-A—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; prohibiting the issuance of certain refunding bonds; revising, as of a specified fiscal year, distributions from the trust fund to certain water management districts to include distribution priorities and allocation of specified amounts of such distributions to the General Revenue Fund each fiscal year; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (800784) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Alexander, by two-thirds vote **HB 5113-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander, the Senate acceded to the request for the appointment of a conference committee on **HB 5113-A**.

On motion by Senator Alexander, by two-thirds vote **HB 5115-A** was withdrawn from the Policy and Steering Committee on Ways and Means.

MOTION

On motion by Senator Alexander, the rules were waived and by two-thirds vote **HB 5115-A** was placed on the Special Order Calendar and taken up instanter.

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

HB 5115-A—A bill to be entitled An act relating to distribution of the proceeds of the excise tax on documents; amending s. 201.15, F.S.; revising, as of a specified fiscal year, distribution of a portion of the proceeds of the excise tax on documents to the Land Acquisition Trust Fund to provide for debt service obligations funded through the trust fund with respect to bonds issued before a specified date, to allocate a specified amount to the General Revenue Fund each fiscal year, and to retain allocation of the remainder to the trust fund; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (532386) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Alexander, by two-thirds vote **HB 5115-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Alexander, the Senate acceded to the request for the appointment of a conference committee on **HB 5115-A**.

CONFEREES APPOINTED

The President appointed the following conferees on **SB 2-A**, **SB 4-A**, **CS for SB 8-A**, **CS for SB 10-A**, **CS for SB 12-A**, **CS for SB 14-A**, **CS for SB 16-A**, **CS for SB 18-A**, **CS for SB 20-A**, **CS for SB 22-A**, **CS for SB 24-A**, **CS for SB 28-A**, **CS for SB 40-A**, **CS for SB 44-A**, **CS for CS for SB 6-A**, **CS for SB 38-A**, **HB 5113-A** and **HB 5115-A**: Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman and Pruitt, Members at Large; Committee on Criminal and Civil Justice Appropriations: Senator Crist, Chair; Senators Wilson, Jones, Joyner, and Villalobos; Committee on Education Pre-K - 12 Appropriations: Senator Wise, Chair; Senators Siplin, Bennett, Bullard, Detert, Garcia and Richter; Committee on General Government Appropriations: Senator Baker, Chair; Senators Lawson, Aronberg, Dean and Oelrich; Committee on Health and Human Services Appropriations: Senator Peaden, Chair; Senators Rich, Gaetz, Haridopolos and Sobel; Committee on Higher Education Appropriations: Senator Lynn, Chair; Senators Gelber, Constantine, Deutch and King; Committee on Transportation and Economic Development Appropriations: Senator Fasano, Chair; Senators Hill, Diaz de la Portilla, Dockery, Gardiner, Smith and Storms.

The action of the Senate was certified to the House.

MOMENT OF SILENCE

The President recognized Senator Lynn who asked the Senate to observe a moment of silence for actors John Travolta and his wife, Kelly Preston, in the recent loss of their son, Jett.

REPORTS OF COMMITTEES

Pursuant to the motion made on Monday, January 5, 2009, the following bills were submitted as the Special Order Calendar for Friday, January 9, 2009: SB 2-A, SB 4-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 14-A, CS for SB 16-A, CS for SB 18-A, CS for SB 20-A, CS for SB 22-A, CS for SB 24-A, CS for SB 28-A, CS for SB 40-A, CS for SB 44-A, CS for CS for SB 6-A, CS for SB 38-A.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 5113-A and HB 5115-A and that the Senate be asked to concur with the bills as passed by the House or agree to conference.

Robert L. "Bob" Ward, Clerk

By Natural Resources Appropriations Committee and Representative(s) Poppell—

HB 5113-A—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; prohibiting the issuance of certain refunding bonds; revising, as of a specified fiscal year, distributions from the trust fund to certain water management districts to include distribution priorities and allocation of specified amounts of such distributions to the General Revenue Fund each fiscal year; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Natural Resources Appropriations Committee and Representative(s) Poppell—

HB 5115-A—A bill to be entitled An act relating to distribution of the proceeds of the excise tax on documents; amending s. 201.15, F.S.; revising, as of a specified fiscal year, distribution of a portion of the proceeds of the excise tax on documents to the Land Acquisition Trust Fund to provide for debt service obligations funded through the trust fund with respect to bonds issued before a specified date, to allocate a specified amount to the General Revenue Fund each fiscal year, and to retain allocation of the remainder to the trust fund; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed with amendment(s) SB 2-A, SB 4-A, CS for CS for SB 6-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 20-A, CS for SB 22-A, CS for SB 24-A, CS for SB 28-A, CS for SB 38-A, CS for SB 40-A, and CS for SB 44-A; and has passed as amended by the required constitutional three-fifths vote of the membership CS for SB 14-A, CS for SB 16-

A, and CS for SB 18-A, and requests the concurrence of the Senate, or failing such concurrence, the House agrees to the appointment of a conference committee.

CONFEREES APPOINTED

The Speaker has appointed the following Representatives to the Conference Committee: At Large: Rep. Galvano - Chair, Rep. Cannon, Rep. Llorente, Rep. Rivera, Rep. Cretul, Rep. Hasner, Rep. Bogdanoff, Rep. Lopez-Cantera, Rep. Randolph, Rep. Gibson, Rep. Brandenburg, Rep. Thurston; Full Appropriations Council on Education & Economic Development: Rep. Rivera - Chair, Rep. Coley, Rep. Saunders, Rep. Culp, Rep. Flores, Rep. Glorioso, Rep. Murzin, Rep. Proctor, Rep. Weatherford, Rep. Heller, Rep. Kiar, Rep. Bush; PreK-12 Appropriations Committee: Rep. Flores - Chair, Rep. Legg, Rep. Kiar, Rep. Bogdanoff, Rep. Fresen, Rep. Stargel, Rep. Bullard, Rep. Clarke-Reed; State & Community Colleges & Workforce Appropriations Committee: Rep. Weatherford - Chair, Rep. McKeel, Rep. Brisé, Rep. Horner, Rep. Kelly, Rep. Weinstein, Rep. G. Thompson; State Universities & Private Colleges Appropriations Committee: Rep. Proctor - Chair, Rep. Precourt, Rep. Heller, Rep. Burgin, Rep. O'Toole, Rep. Patterson, Rep. Reed, Rep. D. Taylor; Transportation & Economic Development Appropriations Committee: Rep. Glorioso - Chair, Rep. Evers, Rep. Rehwinkle Vasilinda, Rep. Carroll, Rep. Drake, Rep. Hukill, Rep. Ray, Rep. Schenck, Rep. Murzin, Rep. Gibson, Rep. Abruzzo, Rep. Steinberg; Full Appropriations Council on General Government & Health Care: Rep. Llorente - Chair, Rep. Frishe, Rep. Skidmore, Rep. Adams, Rep. Ambler, Rep. Domino, Rep. Hays, Rep. Homan, Rep. Patronis, Rep. Planas, Rep. Poppell, Rep. Robaina, Rep. Zapata, Rep. Brandenburg, Rep. Braynon, Rep. Rogers, Rep. Garcia, Rep. Rouson; Criminal & Civil Justice Appropriations Committee: Rep. Adams - Chair, Rep. N. Thompson, Rep. Rouson, Rep. Eisnaugle, Rep. Planas, Rep. Snyder, Rep. Soto, Rep. P. Taylor; Government Operations Appropriations Committee: Rep. Hays - Chair, Rep. Hooper, Rep. Braynon, Rep. Ford, Rep. McBurney, Rep. Nelson, Rep. A. Williams; Health Care Appropriations Committee: Rep. Ambler - Chair, Rep. Patronis, Rep. Brandenburg, Rep. Grimsley, Rep. Kreegel, Rep. Renuart, Rep. Jones; Healthy Seniors Appropriations Committee: Rep. Domino - Chair, Rep. Anderson, Rep. Jenne, Rep. Adkins, Rep. Hudson, Rep. Nehr, Rep. Pafford; Human Services Appropriations Committee: Rep. Zapata - Chair, Rep. Aubuchon, Rep. Thurston, Rep. Bovo, Rep. K. Roberson, Rep. Van Zant, Rep. Rader; Natural Resources Appropriations Committee: Rep. Poppell - Chair, Rep. T. Williams, Rep. Boyd, Rep. Crisafulli, Rep. Mayfield, Rep. Plakon, Rep. Bembry, Rep. Chestnut.

Robert L. "Bob" Ward, Clerk

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the conference committee for HB 5113-A and HB 5115-A: At Large: Rep. Galvano - Chair, Rep. Cannon, Rep. Llorente, Rep. Rivera, Rep. Cretul, Rep. Hasner, Rep. Bogdanoff, Rep. Lopez-Cantera, Rep. Randolph, Rep. Gibson, Rep. Brandenburg, Rep. Thurston; Full Appropriations Council on Education & Economic Development: Rep. Rivera - Chair, Rep. Coley, Rep. Saunders, Rep. Culp, Rep. Flores, Rep. Glorioso, Rep. Murzin, Rep. Proctor, Rep. Weatherford, Rep. Heller, Rep. Kiar, Rep. Bush; PreK-12 Appropriations Committee: Rep. Flores - Chair, Rep. Legg, Rep. Kiar, Rep. Bogdanoff, Rep. Fresen, Rep. Stargel, Rep. Bullard, Rep. Clarke-Reed; State & Community Colleges & Workforce Appropriations Committee: Rep. Weatherford - Chair, Rep. McKeel, Rep. Brisé, Rep. Horner, Rep. Kelly, Rep. Weinstein, Rep. G. Thompson; State Universities & Private Colleges Appropriations Committee: Rep. Proctor - Chair, Rep. Precourt, Rep. Heller, Rep. Burgin, Rep. O'Toole, Rep. Patterson, Rep. Reed, Rep. D. Taylor; Transportation & Economic Development Appropriations Committee: Rep. Glorioso - Chair, Rep. Evers, Rep. Rehwinkle Vasilinda, Rep. Carroll, Rep. Drake, Rep. Hukill, Rep. Ray, Rep. Schenck, Rep. Murzin, Rep. Gibson, Rep. Abruzzo, Rep. Steinberg; Full Appropriations Council on General Government & Health Care: Rep. Llorente - Chair, Rep. Frishe, Rep. Skidmore, Rep. Adams, Rep. Ambler, Rep. Domino, Rep. Hays, Rep. Homan, Rep. Patronis, Rep. Planas, Rep. Poppell, Rep. Robaina, Rep. Zapata, Rep. Brandenburg, Rep. Braynon, Rep. Rogers, Rep. Garcia, Rep. Rouson; Criminal & Civil Justice Appropriations Committee: Rep. Adams - Chair, Rep. N. Thompson, Rep. Rouson, Rep. Eisnaugle, Rep. Planas, Rep. Snyder, Rep. Soto, Rep. P. Taylor; Government Operations Appropriations Committee: Rep. Hays - Chair, Rep. Hooper, Rep. Braynon, Rep. Ford, Rep. McBurney, Rep. Nelson, Rep. A. Williams; Health Care Appropriations Committee: Rep. Ambler - Chair, Rep. Patronis, Rep. Brandenburg, Rep. Grimsley, Rep. Kreegel, Rep. Renuart, Rep. Jones; Healthy Seniors Appropriations Committee: Rep. Domino - Chair, Rep. Anderson, Rep. Jenne, Rep. Adkins, Rep. Hudson, Rep. Nehr, Rep. Pafford; Human Services Appropriations Committee: Rep. Zapata - Chair, Rep. Aubuchon, Rep. Thurston, Rep. Bovo, Rep. K. Roberson, Rep. Van Zant, Rep. Rader; Natural Resources Appropriations Committee: Rep. Poppell - Chair, Rep. T. Williams, Rep. Boyd, Rep. Crisafulli, Rep. Mayfield, Rep. Plakon, Rep. Bembry, Rep. Chestnut.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journals of January 5 and 8 were corrected and approved.

CO-INTRODUCERS

Senators Aronberg—SR 66-A; Baker—SR 66-A; Gaetz—SR 66-A

RECESS

On motion by Senator Villalobos, the Senate recessed at 2:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene upon call of the President.

Journal of the Senate

Number 4—Special Session A **Wednesday, January 14, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:00 a.m. A quorum present— 40:

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

PRAYER

The following prayer was offered by Senator Richter:

Eternal God, our Father, we gather together as your children seeking your grace and thanking you for all the blessings you shower on us each and every day of our lives. Thank you for blessing us with success. Thank you for blessing us with the gift of fellowship, the gift of confidence and the gift of responsibility. Lord, guide our use of your gifts. Keep us mindful of our actions. As we seek your will, remind us that our gifts are from you.

Lord, walk with our members and our staff. Bless our mission and our work. Lord, you are a generous God, and we thank you for your generosity. We know that your blessings are consistent and abundant. We also know that your blessings come without burden, but with responsibility. Lord, install in each of us a sense of responsibility. Guide our actions and our hearts. Thank you for all the blessings we openly accept without burden.

Lord, grant us the wisdom to know the difference between strength and power; the difference between growth and greed; and the difference between leadership and dominance.

Lord, lead our leaders. Bless our Senate President and our members; grant them vision and patience. With your touch, may we see your vision. With your touch, may we hear your wisdom. With your touch, may we feel your passion. Lord, we ask that you touch each of us in this body.

Lord, thank you for your miracles—the miracle of birth, the miracle of life, the miracle of day and night, wind and rain. Lord, as we gather today, instill in each of us your peace, along with a desire to serve you. Strengthen our resolve to do what is right.

Lord, shine your light on our path so that we will always know that you are walking with us. Keep our eyes open to you. Expand our hearts and our minds so that we can be a shining light to others, sharing the brightness of your love and compassion, your wisdom and kindness. Lord, grant us wisdom and compassion.

In your name, we pray. Amen.

PLEDGE

Senator Sobel led the Senate in the pledge of allegiance to the flag of the United States of America.

SPECIAL PRESENTATION

The President recognized Mrs. Aileen Pruitt, wife of Senator Pruitt, who was present in the chamber. Upon request of the President, Senator Pruitt escorted Mrs. Pruitt to the rostrum. Mrs. Pruitt was recognized for her contributions as the First Lady of the Senate from 2006-2008 and presented with a framed picture which will hang in the Senate Spouses' Lounge.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the committees in Group II were granted permission to meet from 1:00 p.m. until 3:15 p.m.; and the committees in Group III were granted permission to meet from 3:30 p.m. until 6:00 p.m. this day as published in the Senate Calendar.

By direction of the President, the Secretary read the following proclamation:

THE FLORIDA LEGISLATURE
JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Jeff Atwater, President of the Florida Senate, and Ray Sansom, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), of the Florida Constitution, and Section 11.011, of the Florida Statutes, do hereby proclaim:

1. That section 2 of our Joint Proclamation filed December 30, 2008, is hereby amended by adding, after the last semicolon:

   legislation imposing nursing home quality assessments; legislation increasing the fine imposed for failing to pay a civil traffic penalty within the period specified;

2. Except as amended by this Proclamation, the Joint Proclamation filed December 30, 2008, is ratified and confirmed.

Jeff Atwater
President, The Florida Senate
January 13, 2009

Ray Sansom
Speaker, The Florida House
of Representatives
January 13, 2009

Duly filed with and received by the Florida Department of State this 13th day of January, 2009 by:

Kurt S. Browning
Secretary of State

COMMUNICATION

The Honorable Jeff Atwater, President January 11, 2009
The Florida Senate

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, copies of the Appropriations Conference Committee Report on SB 2-A have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed January 11, 2009 at 11:46 a.m., EST.

Respectfully submitted,
R. Philip Twogood
Secretary of the Senate

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 6-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 6-A, same being:

An act relating to Education Funding.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (873898) to CS for CS for SB 6-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata
s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (873898)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1001.395, Florida Statutes, is amended to read:

1001.395 District school board members; compensation.—

(1) Each member of the district school board shall receive a base salary, the amounts indicated in this section, based on the population of the county the district school board member serves. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate. The product of such calculation shall be added to the base salary to determine the adjusted base salary. The adjusted base salaries of district school board members shall be increased annually as provided for in s. 145.19.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	9,999	$5,000	$0.08330
II	10,000	49,999	5,833	0.020830
III	50,000	99,999	6,666	0.016680
IV	100,000	199,999	7,500	0.008330
V	200,000	399,999	8,333	0.004165
VI	400,000	999,999	9,166	0.001390
VII	1,000,000		10,000	0.000000

District school board member salaries negotiated on or after November of 2006 shall remain in effect up to the date of the 2007-2008 calculation provided pursuant to s. 145.19.

(2) Notwithstanding the provisions of this section or s. 145.19, Florida Statutes, district school board members may reduce their salary rate on a voluntary basis.

Section 2. Present subsection (25) of section 1001.42, Florida Statutes, is renumbered as subsection (26), and a new subsection (25) is added to that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(25) EMPLOYMENT CONTRACTS.—On or after February 1, 2009, a district school board may not enter into an employment contract that is funded from state funds and that requires the district to pay an employee an amount in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement.

Section 3. Subsection (2) of section 1001.50, Florida Statutes, is amended to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.—

(2) The district school board of each of such districts shall enter into contracts of employment with the district school superintendent and shall adopt rules relating to his or her appointment*; however, on or after February 1, 2009, the district school board may not enter into an employment contract that is funded from state funds and that requires the district to pay a superintendent an amount in excess of 1 year of the superintendent's annual salary for termination, buy-out, or any other type of contract settlement*.

Section 4. Paragraph (c) of subsection (3) of section 1002.53, Florida Statutes, is amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(3) The parent of each child eligible under subsection (2) may enroll the child in one of the following programs:

(c) A school-year prekindergarten program delivered by a public school~~, if offered by a school district that is eligible under s. 1002.63~~.

Except as provided in s. 1002.71(4), a child may not enroll in more than one of these programs.

Section 5. Subsections (4) and (7) of section 1002.61, Florida Statutes, are amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(4) Notwithstanding ss. 1002.55(3)(c)1. and *1002.63(4)* ~~1002.63(5)~~, each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who:

(a) Is a certified teacher; or

(b) Holds one of the educational credentials specified in s. 1002.55(4)(a) or (b).

As used in this subsection, the term "certified teacher" means a teacher holding a valid Florida educator certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education.

(7) Notwithstanding ss. 1002.55(3)(f) and *1002.63(7)* ~~1002.63(8)~~, each prekindergarten class in the summer prekindergarten program, regardless of whether the class is a public school's or private prekindergarten provider's class, must be composed of at least 4 students but may not exceed *12* ~~10~~ students *beginning with the 2009 summer session*. In order to protect the health and safety of students, each public school or private prekindergarten provider must also provide appropriate adult supervision for students at all times. This subsection does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

Section 6. Section 1002.63, Florida Statutes, is amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(1) Each school district ~~eligible under subsection (4)~~ may administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(c) in a school-year prekindergarten program delivered by a public school.

(2) Each school-year prekindergarten program delivered by a public school must comprise at least 540 instructional hours.

(3) The district school board of each school district ~~eligible under subsection (4)~~ shall determine which public schools in the district *may* ~~are eligible to~~ deliver the prekindergarten program during the school year.

~~(4) To be eligible to deliver the prekindergarten program during the school year, each school district must meet both of the following requirements:~~

~~(a) The district school board must certify to the State Board of Education that the school district:~~

~~1. Has reduced the average class size in each classroom in accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX of the State Constitution; and~~

~~2. Has sufficient satisfactory educational facilities and capital outlay funds to continue reducing the average class size in each classroom in the district's elementary schools for each year in accordance with the schedule for class size reduction and to achieve full compliance with the maximum class sizes in s. 1(a), Art. IX of the State Constitution by the beginning of the 2010-2011 school year.~~

~~(b) The Commissioner of Education must certify to the State Board of Education that the department has reviewed the school district's educational facilities, capital outlay funds, and projected student enrollment and concurs with the district school board's certification under paragraph (a).~~

(4) ~~(5)~~ Each public school must have, for each prekindergarten class, at least one prekindergarten instructor who meets each requirement in

s. 1002.55(3)(c) for a prekindergarten instructor of a private prekindergarten provider.

(5) ~~(6)~~ Each prekindergarten instructor employed by a public school delivering the school-year prekindergarten program must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.

(6) ~~(7)~~ A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The Agency for Workforce Innovation shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(7) ~~(8)~~ Each prekindergarten class in a public school delivering the school-year prekindergarten program must be composed of at least 4 students but may not exceed 18 students. In order to protect the health and safety of students, each school must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 11 or more students, must have, in addition to a prekindergarten instructor who meets the requirements of s. 1002.55(3)(c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of subsection *(5)* ~~(6)~~.

(8) ~~(9)~~ Each public school delivering the school-year prekindergarten program must:

(a) Register with the early learning coalition on forms prescribed by the Agency for Workforce Innovation; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 7. Subsections (3) and (4), paragraph (d) of subsection (6), and subsection (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)(a) *A separate* ~~The~~ base student allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be provided in the General Appropriations Act *for a school-year prekindergarten program and for a summer prekindergarten program. The base student allocation for a school-year program* ~~and~~ shall be equal for each student, regardless of whether the student is enrolled in a school-year prekindergarten program delivered by a *public school or a* private prekindergarten provider. *The base student allocation for* ~~,~~ a summer prekindergarten program *shall be equal for each student, regardless of whether the student is enrolled in a summer prekindergarten program* delivered by a public school or private prekindergarten provider~~, or a school-year prekindergarten program delivered by a public school~~.

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(d) For programs offered by school districts pursuant to s. 1002.61 *and beginning with the 2009 summer program*, each district's funding shall be based on a full-time equivalent student enrollment that is evenly divisible by *12* ~~10~~. If the result of dividing a district's full-time equivalent student enrollment by *12* ~~10~~ is not a whole number, the district's enrollment calculation shall be adjusted by adding the minimum number of full-time equivalent students to produce a full-time equivalent student enrollment calculation that is evenly divisible by *12* ~~10~~.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 10 percent of the hours authorized to be reported for funding under subsection (2) may withdraw from the program for good cause, reenroll in one of the programs, and be reported for funding purposes as a full-time equivalent student in the program for which the child is reenrolled. *The total funding for a child who reenrolls in one of the programs shall not exceed one full-time equivalent student.*

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the *summer* programs, and be reported for funding purposes as a full-time equivalent student in the *summer* program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(6)

(d) The Agency for Workforce Innovation shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must establish a minimum requirement for student attendance and include the following provisions:

1. *Beginning with the 2009-2010 fiscal year for school-year programs and the 2009 summer program,* a student who meets the minimum requirement *of 80 percent of the total number of hours for the program* may be reported as a full-time equivalent student for funding purposes.

2. A student who does not meet the minimum requirement may be reported only as a fractional part of a full-time equivalent student, reduced pro rata based on the student's attendance.

3. A student who does not meet the minimum requirement may be reported as a full-time equivalent student if the student is absent for good cause in accordance with exceptions specified in the uniform attendance policy.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. *Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-*

upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the 2008-2009 fiscal year, each early learning coalition may retain and expend no more than *4.85* ~~5~~ percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 8. Paragraphs (c) and (d) of subsection (2) of section 1002.73, Florida Statutes, are amended to read:

1002.73 Department of Education; powers and duties; accountability requirements.—

(2) The department shall adopt procedures for the department's:

~~(c) Certification of school districts that are eligible to deliver the school year prekindergarten program under s. 1002.63.~~

(c) ~~(d)~~ Administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.69.

Section 9. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a)1. Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and not later than March 1 of each year, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(2)(d). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical.

2. In lieu of the transfer required by subparagraph 1., the Commissioner of Education may recommend a budget amendment, subject to approval by the Legislative Budget Commission, to transfer an alternative amount of funds from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction if the commissioner finds that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

3. For the 2007-2008 fiscal year and thereafter, if in any fiscal year funds from a district's class size operating categorical are required to be transferred to its fixed capital outlay fund and the district's class size operating categorical allocation in the General Appropriations Act for that fiscal year has been reduced by a subsequent appropriation, the Commissioner of Education may recommend a *50 percent* ~~10 percent~~ reduction in the amount of the transfer.

Section 10. Paragraph (a) of subsection (2) of section 1006.40, Florida Statutes, is amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2)(a) Each district school board must purchase current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 2 years *after* ~~of~~ the effective date of the adoption cycle*; however, this requirement is waived for the adoption cycle occurring in the 2008-2009 academic year*. Unless specifically provided for in the General Appropriations Act, the cost of instructional materials purchases required by this paragraph shall not exceed the amount of the district's allocation for instructional materials, pursuant to s. 1011.67, for the previous 2 years.

Section 11. Section 1011.051, Florida Statutes, is created to read:

1011.051 Guidelines for general funds.—The district school board shall maintain an unreserved general fund balance that is sufficient to address normal contingencies.

(1) If at any time the unreserved general fund balance in the district's approved operating budget is projected to fall during the current fiscal year below 3 percent of projected general fund revenues, the superintendent shall provide written notification to the district school board and the Commissioner of Education.

(2) If the unreserved general fund balance in the district's approved operating budget is projected to fall during the current fiscal year below 2 percent of projected general fund revenues, the superintendent shall provide written notification to the district school board and the Commissioner of Education. Within 14 days after receiving such notification, if the commissioner determines that the district does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to 218.503, the commissioner shall appoint a financial emergency board that shall operate consistent with the requirements, powers, and duties specified in s. 218.503(3)(g).

Section 12. Paragraph (d) of subsection (2) and subsection (4) of section 1011.71, Florida Statutes, are amended to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.75 mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:

(d) *Effective July 1, 2008,* the purchase, lease-purchase, or lease of new and replacement equipment*, and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support district-wide administration or state-mandated reporting requirements*.

(4) *Effective July 1, 2008, and through June 30, 2010,* a school district ~~that has met the reduction requirements regarding class size for the 2008-2009 fiscal year pursuant to s. 1003.03 for K-12 students for whom the school district provides the educational facilities and governs operations and certifies to the Commissioner of Education that the district does not need all of its discretionary 1.75 mill capital improvement revenue for capital outlay purposes and all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years from local revenues and from currently appropriated state facilities funding or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management~~ may expend, subject to the provisions of s. 200.065, up to *$100* ~~$65~~ per unweighted full-time equivalent student from the revenue generated by the ~~2008-2009~~ millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), ~~2008-2009~~ expenses for the following:

(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 13. *Section 11 of chapter 2008-142 and section 2 of chapter 2008-213, Laws of Florida, are repealed.*

Section 14. Paragraph (b) of subsection (6) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)

(b)1. A district school board, including a district school board of an academic performance-based charter school district, must not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; effort index grant funds provided in s. 1013.73; nonvoted *1.75-mill* ~~2 mill~~ levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Program funds provided in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; or High Growth District Capital Outlay Assistance Grant Program funds provided in s. 1013.738 for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

a. $17,952 for an elementary school,

b. $19,386 for a middle school, or

c. $25,181 for a high school,

(January 2006) as adjusted annually to reflect increases or decreases in the Consumer Price Index.

2. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

Section 15. *Merit awards for instructional personnel and school-based administrators selected for the Merit Award Program in 2008-2009 shall be paid in the 2009-2010 fiscal year only to the extent that funds are available and specifically appropriated in the 2009-2010 fiscal year.*

Section 16. *(1) If the Commissioner of Education determines that a school district acted in good faith, he or she may waive the equal-dollar reduction required in s. 1011.71(5), Florida Statutes, for expenditures for property and casualty insurance made between May 1 and December 31, 2007, and for the audit findings for the 2006-2007 fiscal year related to the purchase of software.*

(2) This section shall take effect upon this act becoming a law, but only if the School Board of Miami-Dade County dismisses the lawsuit entitled "School Board of Miami-Dade County v. State of Florida Board of Education," case number 09-00507CA20, which is pending in the Circuit Court of the Eleventh Judicial Circuit.

Section 17. *In order to implement Specific Appropriations 2, 3, and 42 through 45 of the Special Appropriations Act for the 2008-2009 fiscal year, the calculations of the Florida Education Finance Program for the 2008-2009 fiscal year in the document entitled "Public School Funding – The Florida Education Finance Program," dated January 11, 2009, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with requirements of the Florida Statutes, in making appropriations and reductions in appropriations for the Florida Education Finance Program.*

Section 18. Except as otherwise expressly provided in this act, this act shall take effect February 1, 2009, or upon becoming a law, whichever occurs later; however, the provisions of s. 1011.71, Florida Statutes, as amended by this act, shall operate retroactively to July 1, 2008, and, if this act becomes a law after February 1, 2009, the provisions of s. 1002.71, Florida Statutes, as amended by this act, shall operate retroactively to February 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education funding; amending s. 1001.395, F.S.; providing for district school members to reduce their salary rate on a voluntary basis; amending ss. 1001.42 and 1001.50, F.S.; prohibiting a district school board from entering into an employment contract that provides for payment of an amount greater than 1 year of an employee's or superintendent's annual salary for termination, buy-out, or other type of settlement; amending s. 1002.53, F.S., relating to the Voluntary Prekindergarten Education Program; conforming provisions to changes made by the act; amending s. 1002.61, F.S.; increasing the number of students authorized for a summer prekindergarten class; conforming cross-references; amending s. 1002.63, F.S.; eliminating certain eligibility requirements for delivering a prekindergarten program during the school year; amending s. 1002.71, F.S.; providing for separate base student allocations for school-year and summer prekindergarten programs; revising the formula for calculating and reporting full-time equivalent student enrollment; providing certain restrictions with respect to a child who reenrolls in a prekindergarten program; requiring that certain administrative procedures be automated; requiring that actions be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities; decreasing the amount that an early learning coalition may expend for administrative purposes; amending s. 1002.73, F.S.; revising duties of the Department of Education, to conform; amending s. 1003.03, F.S.; authorizing the Commissioner of Education to recommend a greater reduction in the amount allocated for transfer to a district's fixed capital outlay fund; amending s. 1006.40, F.S.; waiving, for the adoption cycle of the 2008-2009 academic year, the requirement that district school boards purchase instructional materials in core courses; creating s. 1011.051, F.S.; requiring that district school boards maintain an unreserved general fund balance sufficient to address contingencies; specifying procedures for the district to follow if the operating budget falls below a specified percentage of projected general fund revenues; amending s. 1011.71, F.S.; authorizing the purchase of certain enterprise resource software applications with proceeds of the district school tax; eliminating certain restrictions on the expenditure of revenues from the district school tax levy; increasing the amount that school districts may expend per unweighted full-time equivalent student from the revenue generated by the levy; repealing s. 11 of chapter 2008-142 and s. 2 of chapter 2008-213, Laws of Florida, relating to the future expiration of certain provisions relating to school district expenditure of capital outlay millage; amending s. 1013.64, F.S., relating to funds for constructing educational plant space; conforming provisions; providing for awards for instructional personnel and school-based administrators under the Merit Award Program to be paid only to the extent funded in the 2009-2010 fiscal year; authorizing the Commissioner of Education to waive the equal-dollar reduction requirement for expenditures made during a specified time for property and casualty insurance and for the audit findings for a specified fiscal year related to the purchase of software, if the commissioner determines that a school district acted in good faith; providing that such authorization is contingent upon dismissal of a specified lawsuit; incorporating by reference certain calculations of the Florida Education Finance Program for the 2008-2009 fiscal year; providing for retroactive application of specified provisions of the act; providing an effective date.

On motion by Senator Wise, the rules were waived and the Conference Committee Report on **CS for CS for SB 6-A** was read the second time.

On motion by Senator Wise, the Conference Committee Report on **CS for CS for SB 6-A** was adopted. **CS for CS for SB 6-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—32

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

Villalobos	Wise	

Nays—8

Gelber	Rich	Sobel
Joyner	Ring	Wilson
Lawson	Smith	

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 8-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 8-A, same being:

An act relating to Medicaid Program.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (681414) to CS for SB 8-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large

Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (681414)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.9082, Florida Statutes, is created to read:

409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies.—

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

(a) "Net patient service revenue" means gross revenues from services provided to nursing home facility patients, less reductions from gross revenue resulting from an inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions.

(b) "Nursing home facility" means a facility licensed under part II of chapter 400.

(c) "Resident day" means a calendar day of care provided to a nursing home facility resident, including the day of admission and excluding the day of discharge, except that, when admission and discharge occur on the same day, 1 day of care is deemed to exist.

(d) "Medicare Part A resident days" means those patient days funded by the Medicare program or by a Medicare Advantage or special needs plan.

(e) "Skilled nursing facility units of acute care hospitals" means the Medicare-certified skilled nursing beds located in hospitals licensed under chapter 395.

(2) Effective April 1, 2009, there is imposed upon each nursing home facility a quality assessment. The aggregated amount of assessments for all nursing home facilities in a given year shall be an amount not exceeding 5.5 percent of the total aggregate net patient service revenue of assessed facilities. The agency shall calculate the quality assessment rate annually on a per-resident-day basis, exclusive of those resident days funded by the Medicare program, as reported by the facilities. The per-resident-day assessment rate shall be uniform except as prescribed in subsection (3). Each facility shall report monthly to the agency its total number of resident days, exclusive of Medicare Part A resident days, and shall remit an amount equal to the assessment rate times the reported

number of days. The agency shall collect, and each facility shall pay, the quality assessment each month. The agency shall collect the assessment from nursing home facility providers by no later than the 15th of the next succeeding calendar month. The agency shall notify providers of the quality assessment and provide a standardized form to complete and submit with payments. The collection of the nursing home facility quality assessment shall commence no sooner than 5 days after the agency's initial payment of the Medicaid rates containing the elements prescribed in subsection (4). Nursing home facilities may not create a separate line-item charge for the purpose of passing through the assessment to residents.

(3)(a) The following nursing home facility providers are exempt from the quality assessment:

1. Nursing home facilities that are licensed under part II of chapter 400 and located on the campus of continuing care retirement communities operating pursuant to a certificate of authority under chapter 651;

2. Nursing home facilities that have 45 or fewer beds; and

3. The skilled nursing facility units of acute care hospitals licensed by the agency under chapter 395.

(b) The agency may apply a lower quality assessment rate to high-volume Medicaid nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(c) The agency may apply a lower quality assessment rate to high-patient-volume nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(4) The purpose of the nursing home facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for nursing home facility services up to the amount of nursing home facility Medicaid rates as calculated in accordance with the approved state Medicaid plan in effect on December 31, 2007. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority:

(a) To reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost;

(b) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores the rate reductions implemented January 1, 2008, and January 1, 2009;

(c) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores any rate reductions for the 2008-2009 fiscal year; and

(d) To increase each nursing home facility's Medicaid rate that accounts for the portion of the total assessment not included in paragraphs (a)-(c) which begins a phase-in to a pricing model for the operating cost component.

(5) The agency shall seek necessary federal approval in the form of waivers and state plan amendments in order to implement the provisions of this section.

(6) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the nursing facility quality assessment if any of the following occur:

(a) The agency does not obtain necessary federal approval for the nursing home facility quality assessment or the payment rates required by subsection (4); or

(b) The weighted average Medicaid rate paid to nursing home facilities is reduced below the weighted average Medicaid rate to nursing home facilities in effect on December 31, 2008, plus any future annual amount of the quality assessment and the applicable matching federal funds.

Upon termination of the quality assessment, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the nursing facilities that paid them.

(7) The agency may seek any of the following remedies for failure of any nursing home facility provider to pay its assessment timely:

(a) Withholding any medical assistance reimbursement payments until such time as the assessment amount is recovered;

(b) Suspension or revocation of the nursing home facility license; and

(c) Imposition of a fine of up to $1,000 per day for each delinquent payment, not to exceed the amount of the assessment.

(8) The agency shall adopt rules necessary to administer this section.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; creating s. 409.9082, F.S.; providing definitions; providing for a quality assessment to be imposed upon nursing home facility providers; requiring the Agency for Health Care Administration to calculate the quality assessment rate annually; providing requirements for reporting and collecting the assessment; exempting certain nursing home facility providers from the assessment; providing for certain providers to pay a lower assessment; specifying the purposes of the assessment and an order of priority; requiring that the agency seek federal authorization to implement the act; specifying circumstances requiring discontinuance of the quality assessment; authorizing the agency to impose certain penalties against providers that fail to pay the assessment; requiring the agency to adopt rules; providing an effective date.

On motion by Senator Peaden, the rules were waived and the Conference Committee Report on **CS for SB 8-A** was read the second time.

On motion by Senator Peaden, the Conference Committee Report on **CS for SB 8-A** was adopted. **CS for SB 8-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Wise

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 10-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 10-A, same being:

An act relating to Biomedical Research/Trust Fund.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (467548) to CS for SB 10-AA attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (467548)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) of section 215.5602, Florida Statutes, is amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(12) *For the 2008-2009* ~~Beginning in~~ fiscal year *and each fiscal year thereafter* ~~2006-2007~~, the sum of *$4.5* ~~$6~~ million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the James and Esther King Biomedical Research Program pursuant to this section. From these funds up to $250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease.

Section 2. Subsection (5) of section 381.922, Florida Statutes, is amended to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(5) *For the 2008-2009* ~~Beginning in~~ fiscal year *and each fiscal year thereafter* ~~2006-2007~~, the sum of *$6.75* ~~$9~~ million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program and shall be distributed pursuant to this section to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in s. 381.921. From the total funds appropriated, an amount of up to 10 percent may be used for administrative expenses.

Section 3. *(1) If, during the 2008-2009 fiscal year, more than $4.5 million has been transferred from the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health pursuant to s. 215.5602, Florida Statutes, any amount in excess of $4.5 million shall be transferred from the Biomedical Research Trust Fund to the General Revenue Fund by March 15, 2009.*

(2) If, during the 2008-2009 fiscal year, more than $6.75 million has been transferred from the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health pursuant to s. 381.922, Florida Statutes, any amount in excess of $6.75 million shall be transferred from the Biomedical Research Trust Fund to the General Revenue Fund by March 15, 2009.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to biomedical research; amending ss. 215.5602 and 381.922, F.S.; revising the amount of annual appropriations to the Biomedical Research Trust Fund within the Department of Health; requiring that moneys transferred to the trust fund during the 2008-2009 fiscal year in excess of specified amounts be transferred to the General Revenue Fund by a specified date; providing an effective date.

On motion by Senator Peaden, the rules were waived and the Conference Committee Report on **CS for SB 10-A** was read the second time.

On motion by Senator Peaden, the Conference Committee Report on **CS for SB 10-A** was adopted. **CS for SB 10-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

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

Nays—1

Deutch

Vote after roll call:

Yea—Aronberg

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 12-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 12-A, same being:

An act relating to the State Judicial System.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (457914) to CS for SB 12-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair

s/ David Rivera
Chair

Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (457914)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial driver's license and who is cited for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld *and* ~~;~~ points, as provided by s. 322.27, may not be assessed. ~~; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent;~~ However, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may make no more than five elections within 10 years under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court. *If a person makes an election to attend a basic driver improvement course under this subsection, 18 percent of the civil penalty imposed under s. 318.18(3) shall be*

deposited in the State Courts Revenue Trust Fund; however, that portion is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

Section 2. Subsection (1) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of 7 years from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

(b) However, a person who elects to attend driver improvement school and has paid the civil penalty as provided in s. 318.14(9), but who subsequently fails to attend the driver improvement school within the time specified by the court shall be deemed to have admitted the infraction and shall be adjudicated guilty. In such *a* case *in which there was an 18 percent reduction pursuant to s. 318.14(9) as it existed prior to the effective date of this act,* the person must pay the clerk of the court *that amount* ~~the 18 percent deducted pursuant to s. 318.14(9),~~ and a processing fee of up to $18, after which no additional penalties, court costs, or surcharges shall be imposed for the violation. The clerk of the court shall notify the department of the person's failure to attend driver improvement school and points shall be assessed pursuant to s. 322.27.

Section 3. Subsection (3) of section 318.18, Florida Statutes, is amended, and subsection (19) is added to that section, to read:

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

(3)(a) Except as otherwise provided in this section, $60 for all moving violations not requiring a mandatory appearance.

(b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h	Warning
6-9 m.p.h	$25
10-14 m.p.h	$100
15-19 m.p.h	*$150* ~~$125~~
20-29 m.p.h	*$175* ~~$150~~
30 m.p.h. and above	$250

(c) Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted school zone will be fined $50. A person exceeding the speed limit in a school zone shall pay a fine double the amount listed in paragraph (b).

(d) A person cited for exceeding the speed limit in a posted construction zone, which posting must include notification of the speed limit and the doubling of fines, shall pay a fine double the amount listed in paragraph (b). The fine shall be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.

(e) A person cited for exceeding the speed limit in an enhanced penalty zone shall pay a fine amount of $50 plus the amount listed in paragraph (b). Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted enhanced penalty zone shall pay a fine amount of $50.

(f) If a violation of s. 316.1301 or s. 316.1303 results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to $250 shall be paid. This amount must be distributed pursuant to s. 318.21.

(g) A person cited for exceeding the speed limit within a zone posted for any electronic or manual toll collection facility shall pay a fine double the amount listed in paragraph (b). However, no person cited for exceeding the speed limit in any toll collection zone shall be subject to a doubled fine unless the governmental entity or authority controlling the toll collection zone first installs a traffic control device providing warning that speeding fines are doubled. Any such traffic control device must meet the requirements of the uniform system of traffic control devices.

(h) A person cited for a second or subsequent conviction of speed exceeding the limit by 30 miles per hour and above within a 12-month period shall pay a fine that is double the amount listed in paragraph (b). For purposes of this paragraph, the term "conviction" means a finding of guilt as a result of a jury verdict, nonjury trial, or entry of a plea of guilty. Moneys received from the increased fine imposed by this paragraph shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Administrative Trust Fund under this section shall be allocated as follows:

1. Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

2. Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

(19) In addition to any penalties imposed, an Article V assessment of $10 must be paid for all noncriminal moving and nonmoving traffic violations under chapter 316. The assessment is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35. Of the funds collected under this subsection:

(a) The sum of $5 shall be deposited in the State Courts Revenue Trust Fund for use by the state courts system;

(b) The sum of $3.33 shall be deposited in the State Attorneys Revenue Trust Fund for use by the state attorneys; and

(c) The sum of $1.67 shall be deposited in the Public Defenders Revenue Trust Fund for use by the public defenders.

Section 4. Subsections (18), (19), and (20) are added to section 318.21, Florida Statutes, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(18) Notwithstanding subsections (1) and (2), the proceeds from the administrative fee imposed under s. 318.18(18) shall be distributed as provided in that subsection.

(19) Notwithstanding subsections (1) and (2), the proceeds from the Article V assessment imposed under s. 318.18(19) shall be distributed as provided in that subsection.

(20) For fines assessed under s. 318.18(3) for unlawful speed, effective for violations occurring on or after the effective date of this act, the following amounts shall be remitted to the Department of Revenue for deposit in the State Courts RevenueTrust Fund; however, these amounts are not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35:

For speed exceeding the limit by:	*Fine:*
1-5 m.p.h.	*$ .00*

6-9 m.p.h. . . . . . *$ .00*

10-14 m.p.h. . . . . . *$ .00*

15-19 m.p.h. *$25*

20-29 m.p.h. *$25*

30 m.p.h. and above . . . . . *$ .00*

The remaining amount shall be distributed pursuant to subsections (1) and (2).

Section 5. Section 775.083, Florida Statutes, is amended to read:

775.083 Fines.—

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

(a) $15,000, when the conviction is of a life felony.

(b) $10,000, when the conviction is of a felony of the first or second degree.

(c) $5,000, when the conviction is of a felony of the third degree.

(d) $1,000, when the conviction is of a misdemeanor of the first degree.

(e) $500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.

(f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

(g) Any higher amount specifically authorized by statute.

Fines imposed in this subsection shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to s. 142.01*, except that fines imposed when adjudication is withheld shall be deposited in the State Courts Revenue Trust Fund, and such fines imposed when adjudication is withheld are not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35*. If a defendant is unable to pay a fine, the court may defer payment of the fine to a date certain. *As used in this subsection, the term "convicted" or "conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.*

(2) In addition to the fines set forth in subsection (1), court costs shall be assessed and collected in each instance a defendant pleads nolo contendere to, or is convicted of, or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed by this section shall be $50 for a felony and $20 for any other offense and shall be deposited by the clerk of the court into an appropriate county account for disbursement for the purposes provided in this subsection. A county shall account for the funds separately from other county funds as crime prevention funds. The county, in consultation with the sheriff, must expend such funds for crime prevention programs in the county, including safe neighborhood programs under ss. 163.501-163.523.

(3) The purpose of this section is to provide uniform penalty authorization for criminal offenses and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

Section 6. Subsection (2) of section 948.01, Florida Statutes, is amended to read:

948.01 When court may place defendant on probation or into community control.—

(2) If it appears to the court upon a hearing of the matter that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant presently suffer the penalty imposed by law, the court, in its discretion, may either adjudge the defendant to be guilty or stay and withhold the adjudication of guilt. ~~; and,~~ In either case, *the court* ~~it~~ shall stay and withhold the imposition of sentence upon *the* ~~such~~ defendant and shall place *a felony* ~~the~~ defendant upon probation. *If the defendant is found guilty of a nonfelony offense as the result of a trial or entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, the court may place the defendant on probation. In addition to court costs and fees and notwithstanding any law to the contrary, the court may impose a fine authorized by law if the offender is a nonfelony offender who is not placed on probation.* However, *a* ~~no~~ defendant *who is* placed on probation for a misdemeanor may *not* be placed under the supervision of the department unless the circuit court was the court of original jurisdiction.

Section 7. This act shall take effect February 1, 2009, or upon becoming a law, whichever occurs later.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the state judicial system; amending s. 318.14, F.S.; eliminating a percentage reduction in penalties for noncriminal traffic infractions which is provided for attending a basic driver improvement course; providing for the distribution of a specified portion of penalty revenues; amending s. 318.15, F.S., to conform; amending s. 318.18, F.S.; increasing certain fines for speeding; creating an assessment to be paid for noncriminal moving and nonmoving traffic infractions; providing for distribution of the assessment; amending s. 318.21, F.S.; providing for the distribution of funds from certain penalties imposed for traffic infractions; amending s. 775.083, F.S.; providing for the distribution of certain criminal and noncriminal fines; defining the terms "convicted" and "conviction" for purposes of liability for payment of criminal and noncriminal fines; providing that a fine may be imposed for a determination of guilt from a trial or plea, regardless of whether adjudication is withheld; amending s. 948.01, F.S.; providing that the imposition of probation in certain nonfelony cases is discretionary rather than mandatory; authorizing the court to impose a fine without placing a nonfelony offender on probation; providing that certain revenues generated under the act may not be used to establish the budgets of clerks of the court; providing an effective date.

On motion by Senator Crist, the rules were waived and the Conference Committee Report on **CS for SB 12-A** was read the second time.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 12-A** was adopted. **CS for SB 12-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

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

Nays—1

Smith

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 14-A

The Honorable Jeff Atwater
President of the Senate

January 11, 2009

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 14-A, same being:

An act relating to State Courts Independent Trust Fund.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (529962) to CS for SB 14-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (529962)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *State Courts Revenue Trust Fund.—*

(1) The State Courts Revenue Trust Fund is created within the state courts system. Moneys credited to the trust fund shall be used for the purpose of funding the activities of the state courts system.

(2) In accordance with s. 19(f)(2), Art. III of the State Constitution, the State Courts Revenue Trust Fund shall, unless terminated sooner, be terminated on July 1, 2012. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

Section 2. This act shall take effect on the same date as SB 12-A or similar legislation takes effect, if such legislation is enacted in the same legislative session, or an extension thereof, and becomes law, but this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating the State Courts Revenue Trust Fund within the state courts system; providing for the purpose of the trust fund; providing for future review and termination or recreation of the trust fund; providing a contingent effective date.

On motion by Senator Crist, the rules were waived and the Conference Committee Report on **CS for SB 14-A** was read the second time.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 14-A** was adopted. **CS for SB 14-A** passed as amended by the Conference Committee Report by the required constitutional three-fifths vote of the membership and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

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

Siplin	Storms	Wise
Smith	Villalobos	
Sobel	Wilson	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 16-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 16-A, same being:

An act relating to State Attorneys Independent Trust Fund/JAC.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (757432) to CS for SB 16-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley

s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (757432)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *State Attorneys Revenue Trust Fund.—*

(1) The State Attorneys Revenue Trust Fund is created within the Justice Administrative Commission. Moneys credited to the trust fund shall be used for the purpose of funding the activities of the state attorneys.

(2) In accordance with s. 19(f)(2), Art. III of the State Constitution, the State Attorneys Revenue Trust Fund shall, unless terminated sooner, be terminated on July 1, 2012. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

Section 2. This act shall take effect on the same date as SB 12-A or similar legislation takes effect, if such legislation is enacted in the same legislative session, or an extension thereof, and becomes law, but this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating the State Attorneys Revenue Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

On motion by Senator Crist, the rules were waived and the Conference Committee Report on **CS for SB 16-A** was read the second time.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 16-A** was adopted. **CS for SB 16-A** passed as amended by the Conference Committee Report by the required constitutional three-fifths vote of the membership and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Baker	Constantine
Altman	Bennett	Crist

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

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 18-A

The Honorable Jeff Atwater
President of the Senate

January 11, 2009

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 18-A, same being:

An act relating to Public Defenders Independent Trust Fund/JAC.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (951604) to CS for SB 18-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (951604)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Public Defenders Revenue Trust Fund.—*

(1) The Public Defenders Revenue Trust Fund is created within the Justice Administrative Commission. Moneys credited to the trust fund shall be used for the purpose of funding the activities of the public defenders.

(2) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Public Defenders Revenue Trust Fund shall, unless terminated sooner, be terminated on July 1, 2012. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206 (1) and (2), Florida Statutes.

Section 2. This act shall take effect on the same date as SB 12-A or similar legislation takes effect, if such legislation is enacted in the same legislative session, or an extension thereof, and becomes law, but this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating the Public Defenders Revenue Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

On motion by Senator Crist, the rules were waived and the Conference Committee Report on **CS for SB 18-A** was read the second time.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 18-A** was adopted. **CS for SB 18-A** passed as amended by the Conference Committee Report by the required constitutional three-fifths

vote of the membership and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

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

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 20-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 20-A, same being:

An act relating to the My Safe Florida Home Program.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (186694) to CS for SB 20-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (186694)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 215.5586, Florida Statutes, is amended to read:

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

(8) NO-INTEREST LOANS.—The department shall implement a no-interest loan program by October 1, 2008, contingent upon the selection of a qualified vendor and execution of a contract acceptable to the department and the vendor. The department shall enter into partnerships with the private sector to provide loans to owners of site-built, single-family, residential property to pay for mitigation measures listed in subsection (2). A loan eligible for interest payments pursuant to this

subsection may be for a term of up to 3 years and cover up to $5,000 in mitigation measures. The department shall pay the creditor the market rate of interest using funds appropriated for the My Safe Florida Home Program. In no case shall the department pay more than the interest rate set by s. 687.03. To be eligible for a loan, a loan applicant must first obtain a home inspection and report that specifies what improvements are needed to reduce the property's vulnerability to windstorm damage pursuant to this section and meet loan underwriting requirements set by the lender. ~~The department shall set aside $10 million from funds appropriated for the My Safe Florida Home Program to implement this subsection.~~ The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection which may include eligibility criteria.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; deleting a requirement that the Department of Financial Services set aside a portion of program funds for the purpose of implementing certain hurricane mitigation measures; providing an effective date.

On motion by Senator Baker, the rules were waived and the Conference Committee Report on **CS for SB 20-A** was read the second time.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 20-A** was adopted. **CS for SB 20-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

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

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 24-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 24-A, same being:

An act relating to Transportation Projects/Mitigation Funding.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede its House Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment (767794) to CS for SB 24-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (767794)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (3) and paragraph (c) of subsection (4) of section 373.4137, Florida Statutes, are amended to read:

373.4137 Mitigation requirements for specified transportation projects.—

(3)

(c) Except for current mitigation projects in the monitoring and maintenance phase and except as allowed by paragraph (d), the water management districts may request a transfer of funds from an escrow account no sooner than 30 days prior to the date the funds are needed to pay for activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority each year with the plan. The conceptual plan preparation costs of each water management district will be paid from mitigation funds associated with the environmental impact inventory for the current year. The amount transferred to the escrow accounts each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the environmental impact inventory described in subsection (2). However, the $75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions nor is the cost admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. Each quarter, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer of funds shall be adjusted accordingly to reflect the acreage of impacts as permitted. The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts to the water management districts to carry out the mitigation programs. For a mitigation project that is in the maintenance and monitoring phase, the water management district may request and receive a one-time payment based on the project's expected future maintenance and monitoring costs. Upon disbursement of the final maintenance and monitoring payment, the escrow account for the project established by the Department of Transportation or the participating transportation authority may be closed. Any interest earned on these disbursed funds shall remain with the water management district and must be used as authorized under *this section* ~~paragraph (4)(c)~~.

(4) Prior to March 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) projects and lands identified for potential acquisition for preservation, restoration or enhancement, and the control of invasive and exotic plants in wetlands and other surface waters, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be submitted to the water management district governing board, or its designee, for review and approval. At least 14 days prior to approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

~~(c) Surface water improvement and management or invasive plant control projects undertaken using the $12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the $12 million is fully credited. When these projects are used as mitigation, the $12 million advance shall be reduced by $75,000 per acre of impact mitigated. To the extent the cost of developing and implementing the mitigation plans is less than the funds placed in the escrow account pursuant to subsection (3), the difference shall be retained by the Department of Transportation and credited towards the $12 million advance until the Department of Transportation is fully refunded for this advance funding. After the $12 million advance funding is fully credited, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters, SWIM projects, or other water resource projects approved by the governing board of the water management district which may be appropriate to offset environmental impacts of future transportation projects. The water management districts may request these funds upon submittal of the final invoice for each road project.~~

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to mitigation funding for transportation projects; amending s. 373.4137, F.S.; deleting provisions directing that certain funds of the Department of Transportation be used for invasive plant control, SWIM projects, or other water resource projects; providing an effective date.

On motion by Senator Baker, the rules were waived and the Conference Committee Report on **CS for SB 24-A** was read the second time.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 24-A** was adopted. **CS for SB 24-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

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

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 28-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 28-A, same being:

An act relating to Insurance Capital Build-Up Incentive Program.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (863236) to CS for SB 28-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (863236)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (2) of section 215.5595, Florida Statutes, is amended to read:

215.5595 Insurance Capital Build-Up Incentive Program.—

(2) The purpose of this section is to provide funds in exchange for surplus notes to be issued by new or existing authorized residential property insurers under the Insurance Capital Build-Up Incentive Program administered by the State Board of Administration, under the following conditions:

(f)*1.* The surplus note must be repayable to the state with a term of 20 years. The surplus note shall accrue interest on the unpaid principal balance at a rate equivalent to the 10-year U.S. Treasury Bond rate, require the payment only of interest during the first 3 years, and include such other terms as approved by the board. The board may charge late fees up to 5 percent for late payments or other late remittances. Payment of principal, interest, or late fees by the insurer on the surplus note must be approved by the Commissioner of Insurance, who shall approve such payment unless the commissioner determines that such payment will substantially impair the financial condition of the insurer. If such a determination is made, the commissioner shall approve such payment that will not substantially impair the financial condition of the insurer.

2. Within 30 days after receiving principal, interest, and late fees from insurers, the board shall deposit such moneys into the General Revenue Fund.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Insurance Capital Build-Up Incentive Program; amending s. 215.5595, F.S.; requiring that repayments made by property insurers of surplus notes issued under the program be deposited into the General Revenue Fund; providing an effective date.

On motion by Senator Baker, the rules were waived and the Conference Committee Report on **CS for SB 28-A** was read the second time.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 28-A** was adopted. **CS for SB 28-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

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

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 38-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 38-A, same being:

An act relating to Economic Development.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede its House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (519212) to CS for SB 38-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large

s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
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Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (519212)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 288.1081, Florida Statutes, is created to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

(1) There is created within the Office of Tourism, Trade, and Economic Development the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. As used in this section, the term "office" means the Office of Tourism, Trade, and Economic Development.

(2) The Legislature finds that it is vital to the overall health and growth of the state's economy to promote favorable conditions for expanding Florida businesses that demonstrate the ability to grow. The Legislature further finds that, due to the current extraordinary economic challenges confronting the state, there exists a public purpose in expending state resources to stimulate investment in Florida's economy. It is therefore the intent of the Legislature that resources be provided for the pilot program.

(3)(a) To be eligible for a loan under the pilot program, an applicant must be a business eligible for assistance under the Economic Gardening Technical Assistance Pilot Program as provided in s. 288.1082(4)(a).

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the office or the loan administrator.

(c) The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-term business commitment to the state. The loan administrator also shall consider the following factors:

1. Whether the applicant has applied for or received incentives from local governments;

2. Whether the applicant has applied for or received waivers of taxes, impact fees, or other fees or charges by local governments; and

3. What other sources of investments or financing for the project that is the subject of the loan application will be available to the applicant.

(d) A borrower awarded a loan under this section and the loan administrator must enter into a loan agreement that provides for the borrower's repayment of the loan.

(4) The following terms apply to a loan received under the pilot program:

(a) The maximum amount of the loan is $250,000.

(b) The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state.

(c) The security interest for the loan's collateral covering all of the borrower's available corporate assets to cover the amount of the loan must be perfected by recording a lien under the Uniform Commercial Code.

(d) The period of the loan is 4 years.

(e) The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the loan agreement, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified in the loan agreement, plus 4 percentage points. The loan agreement may provide flexibility in meeting the projected number of jobs for delays due to governmental regulatory issues, including, but not limited to, permitting.

(f) For the first 12 months of the loan, payment is due for interest only, payable during the twelfth month. Thereafter, payment for interest and principal is due each month until the loan is paid in full. Interest and principal payments are based on the unpaid balance of the total loan amount.

(5)(a) The office may designate one or more qualified entities to serve as loan administrators for the pilot program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.

2. Have 5 years of verifiable experience of lending to businesses in this state.

3. Submit an application to the office on forms prescribed by the office. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.

(b) The office, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the office may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the office. The grant agreement may be amended by mutual consent of both parties.

(c) The office shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The office may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the office verifies the borrowers' use of the loan proceeds and the loan administrator's successful credit decisionmaking policies.

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a servicing fee of 0.625 percent per annum of the loan's outstanding principle balance, payable monthly. During the first 12 months of the loan, the servicing fee shall be paid from the disbursement from the Economic Development Trust Fund, and thereafter the loan administrator shall collect the servicing fee from the payments made by the borrower, charging the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest, principal payments, and charges for late payments to the office on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the office but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The office shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the office which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(6) All notes, mortgages, security agreements, letters of credit, or other instruments that are given to secure the repayment of loans issued in connection with the financing of any loan under the program, without regard to the status of any party thereto as a private party, are exempt

from taxation by the state and its political subdivisions. The exemption granted in this subsection does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(7) The office shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. To the extent necessary to expedite implementation of the pilot program, the office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).

(8) On June 30 and December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

(9) Unexpended balances of appropriations provided for the pilot program shall not revert to the fund from which the appropriation was made at the end of a fiscal year but shall be retained in the Economic Development Trust Fund and be carried forward for expenditure for the pilot program during the following fiscal year. A loan administrator may not award a new loan or enter into a loan agreement after June 30, 2011. Balances of appropriations provided for the pilot program which remain unexpended as of July 1, 2011, shall revert to the General Revenue Fund.

(10) This section is repealed July 1, 2016, unless reviewed and reenacted by the Legislature before that date.

Section 2. Section 288.1082, Florida Statutes, is created to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

(1) There is created within the Office of Tourism, Trade, and Economic Development the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. As used in this section, the term "office" means the Office of Tourism, Trade, and Economic Development.

(2) The office shall contract with one or more entities to administer the pilot program under this section. The office shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis, has an outreach plan, and has the ability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services. In selecting these entities, the office also must consider whether the entities will qualify for matching funds to provide the technical assistance.

(3) A contracted entity administering the pilot program shall provide technical assistance for eligible businesses which includes, but is not limited to:

(a) Access to free or affordable information services and consulting services, including information on markets, customers, and competitors, such as business databases, geographic information systems, and search engine marketing.

(b) Development of business connections, including interaction and exchange among business owners and resource providers, such as trade associations, think tanks, academic institutions, business roundtables, peer-to-peer learning sessions, and mentoring programs.

(4)(a) To be eligible for assistance under the pilot program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least $1 million but not more than $25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and, during 3 of the previous 5 years, has increased both its number of full-time equivalent employees in this state and its gross revenues.

(b) A contracted entity administering the pilot program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout Florida or are in partnership with businesses that are geographically distributed throughout Florida.

(5)(a) A business receiving assistance under the pilot program must enter into an agreement with the contracted entity administering the program to establish the business's commitment to participation in the pilot program. The agreement must require, at a minimum, that the business:

1. Attend a minimum number of meetings between the business and the contracted entity administering the pilot program.

2. Report job-creation data in the manner prescribed by the contracted entity administering the pilot program.

3. Provide financial data in the manner prescribed by the contracted entity administering the program.

(b) The office or the contracted entity administering the pilot program may prescribe in the agreement additional reporting requirements that are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the office on a quarterly basis.

(6) A contracted entity administering the pilot program is authorized to promote the general business interests or industrial interests of the state.

(7) The office shall review the progress of a contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. The office may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) The office may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 3. *By December 31, 2012, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which evaluates the Economic Gardening Technical Assistance Pilot Program in s. 288.1082, Florida Statutes, and the pilot program's effectiveness in expanding the targeted businesses.*

Section 4. *From the funds specifically appropriated to fund this act, up to $1.5 million may be used to implement the Economic Gardening Technical Assistance Pilot Program created in section 2 of this act.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; creating s. 288.1081, F.S.; creating the Economic Gardening Business Loan Pilot Program within the Office of Tourism, Trade, and Economic Development; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to the office; re-

quiring the office to adopt rules; authorizing the use of emergency rulemaking procedures; requiring the office to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within the office; requiring the office to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses; providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring the office to submit a report to the Governor and Legislature; authorizing the office to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and Legislature; authorizing the expenditure of certain funds appropriated for the pilot program; providing an effective date.

On motion by Senator Fasano, the rules were waived and the Conference Committee Report on **CS for SB 38-A** was read the second time.

On motion by Senator Fasano, the Conference Committee Report on **CS for SB 38-A** was adopted. **CS for SB 38-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—29

Mr. President	Fasano	Pruitt
Alexander	Gaetz	Richter
Altman	Garcia	Ring
Baker	Gardiner	Siplin
Bennett	Haridopolos	Smith
Constantine	Hill	Sobel
Crist	Jones	Storms
Dean	King	Villalobos
Detert	Oelrich	Wise
Diaz de la Portilla	Peaden	

Nays—11

Aronberg	Gelber	Lynn
Bullard	Joyner	Rich
Deutch	Justice	Wilson
Dockery	Lawson	

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 40-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 40-A, same being:

An act relating to the Department of Highway Safety and Motor Vehicles.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (455964) to CS for SB 40-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (455964)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (8) of section 318.18, Florida Statutes, is amended to read:

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

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of *$16* ~~$12~~, *$6.50* ~~$2.50~~ of which must be remitted to the Department of Revenue for deposit in the General Revenue Fund, and $9.50 of which must be remitted to the Department of Revenue for deposit in the Highway Safety Operating Trust Fund. *Of this additional civil penalty of $16, $4 is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.* The department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, 2001, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

Section 2. Paragraph (b) of subsection (3) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(3)

(b) An additional fee of 50 cents shall be collected *and deposited into the Highway Safety Operating Trust Fund* on each motor vehicle registration or motor vehicle renewal registration issued in this state in order that all license plates and validation stickers be fully treated with retroreflective material.

Section 3. Paragraph (c) of subsection (1) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(c) Upon registration of any motorcycle, motor-driven cycle, or moped there shall be paid in addition to the license taxes specified in this subsection a nonrefundable motorcycle safety education fee in the amount of $2.50. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund ~~and be used exclusively~~ to fund a motorcycle driver improvement program implemented pursuant to s. 322.025*,* ~~or~~ the Florida Motorcycle Safety Education Program established in s. 322.0255*, or the general operations of the department*.

Section 4. Subsection (2) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(2) Each request for specific numbers or letters or combinations thereof shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle, as set forth in s. 320.08. ~~;~~

(b) A prestige plate annual use fee of $10. ~~; and~~

(c) A processing fee of $2*, to be deposited into the Highway Safety Operating Trust Fund*.

Section 5. Paragraph (b) of subsection (3) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(3) Each request must be made annually to the department, accompanied by the following tax and fees:

(b) A processing fee of $2*, to be deposited into the Highway Safety Operating Trust Fund*.

A request may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, the specialty license plate must be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. When a request is made for a specialty license plate at the beginning of the registration period, the tax, together with all applicable fees and service charges, must be paid.

Section 6. Subsection (1) of section 322.025, Florida Statutes, is amended to read:

322.025 Driver improvement.—

(1) The department may implement programs to improve the driving ability of the drivers of this state. Such programs may include, but shall not be limited to, safety awareness campaigns, driver training, and licensing improvement. Motorcycle driver improvement programs implemented pursuant to this section or s. 322.0255 *may* ~~shall~~ be funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c), which shall be deposited in the Highway Safety Operating Trust Fund ~~of the department and appropriated for that purpose~~.

Section 7. Subsections (5), (6), (7), and (8) of section 322.0255, Florida Statutes, are amended to read:

322.0255 Florida Motorcycle Safety Education Program.—

~~(5) The department shall, subject to the availability of funds, reimburse each organization that provides an approved motorcycle safety education course for each student who begins the on-cycle portion of the course. This shall include any student not required to attend a motorcycle safety education course prior to licensure as required in s. 322.12. The amount to be reimbursed per student to each course provider shall be determined by the department. In order to facilitate such determination, each course provider shall be required to submit proof satisfactory to the department of the expected cost per student to be incurred by such course provider. In no event shall the amount to be reimbursed per student to any course provider exceed the expected cost per student. In addition to the amount of any reimbursement, each course provider that conducts such a course may charge each student a tuition fee sufficient to defray the cost of conducting the course. The department shall fund the payments required under this subsection from the motorcycle safety education fee, as provided in ss. 320.08 and 322.025.~~

(5) ~~(6)~~ Each organization that provides an approved motorcycle safety course may charge a registration fee, not to exceed $20 per student. This fee must be refunded if the student completes the course. However, any student who registers for, and does not complete, the course must forfeit his or her registration fee. Forfeited fees may be retained by the organization that conducts the course.

(6) ~~(7)~~ The department may adopt rules to implement this section.

(7) ~~(8)~~ On and after January 1, 1989, every first-time applicant for licensure to operate a motorcycle who is under 21 years of age shall be required to complete a motorcycle education course as established pursuant to this section. Proof of completion of such education course shall be presented to the driver license examining office prior to such licensure to operate a motorcycle.

Section 8. This act shall take effect February 1, 2009, or upon becoming a law, whichever occurs later.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; increasing the fine imposed for failing to pay a civil traffic penalty within the period specified; requiring that the additional revenue be deposited into the General Revenue Fund; prohibiting the use of a portion of that amount in establishing the budget of the clerk of the court; amending s. 320.06, F.S.; requiring that certain fees collected from motor vehicle registration and registration renewal be deposited into the Highway Safety Operating Trust Fund; amending s. 320.08, F.S.; authorizing the use of certain fees from motorcycle and moped registration for the general operations of the department; amending ss. 320.0805 and 320.08056, F.S.; requiring that certain fees for prestige and specialty license plates be deposited into the Highway Safety Operating Trust Fund; amending s. 322.025, F.S.; revising requirements for funding motorcycle driver improvement programs; amending s. 322.0255, F.S.; eliminating a requirement that the department reimburse organizations that provide motorcycle safety education courses; providing an effective date.

On motion by Senator Fasano, the rules were waived and the Conference Committee Report on **CS for SB 40-A** was read the second time.

On motion by Senator Fasano, the Conference Committee Report on **CS for SB 40-A** was adopted. **CS for SB 40-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

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

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 44-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 44-A, same being:

An act relating to Governmental Operations.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (129370) to CS for SB 44-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (129370)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Notwithstanding any provision of law to the contrary, each state agency shall review existing and proposed contracts with private providers and public-private providers in an effort to reduce contract payments. It is the statewide goal to achieve substantial savings; however, it is the intent of the Legislature that the level and quality of services not be affected. Each agency may renegotiate contracts consistent with this section. The Legislature intends that its substantive and fiscal committees will review the results of this effort and the effectiveness of each agency in meeting the goal. This section expires July 1, 2009.*

Section 2. *It is the policy of the state that funds appropriated to each state agency which may be used for travel by state employees be limited, until July 1, 2009, to travel for activities that are critical to the state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the respective agency head has determined that such activities are critical to the agency's mission. Travel for law enforcement purposes, military purposes, emergency management activities, and public health activities is not covered by this section. The agency head, or his or her designee, must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel.*

Section 3. *(1) The Office of Program Policy Analysis and Government Accountability, in consultation with the Department of Management Services, shall develop recommendations regarding the prudent issuance and use of state-owned wireless communications devices, including wireless telephones, personal digital assistants, and other electronic devices. In developing these recommendations, the office shall consider, at a minimum:*

(a) The need for the wireless communications device;

(b) The need for the employee to be available via such wireless communications device;

(c) The accountability for issuance of wireless communications devices;

(d) The possibility of sharing wireless communications devices;

(e) Methods to reduce the issuance and use of wireless communications devices;

(f) Whether reimbursing employees for calls on personal wireless telephones might be cost-effective in some instances;

(g) What controls are necessary for the prudent management of such wireless communications devices; and

(h) Any available cost-saving measures that could be considered.

(2) The office shall report its findings and estimated cost savings to the President of the Senate and the Speaker of the House of Representatives by March 3, 2009.

Section 4. *The Department of Management Services shall compile a list of all state-owned surplus real property that has a value greater than $1,000 in order to determine potential cost savings and revenue opportunities from the sale or lease of assets. The review shall include a cost-benefit analysis of any proposed facility disposition, including the facility's current operating expenses, condition, projected capital depreciation costs, and market value, and the effect of the proposed facility's disposition on the state's financial status, including the effect on rental rates and the coverage requirement for bonds. In addition, the review shall identify current contracts for leased office space in which the leased space is not fully used or occupied and include a plan for contract renegotiation or subletting unoccupied space. The department shall submit a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by March 3, 2009.*

Section 5. *(1) The Chief Financial Officer, as head of the Department of Financial Services, shall consider methods to ensure that state agencies receive the maximum amount of federal funds to which the state is entitled based on the services it currently provides. The Chief Financial Officer shall make initial recommendations to the Office of Policy and Budget and the legislative appropriations committees by March 3, 2009.*

(2) Each state agency shall review its operations to ensure that the state receives the maximum amount of federal funds to which it is entitled based on the services the agency currently provides.

Section 6. *The Office of Program Policy Analysis and Government Accountability shall examine the option of contracting with a private entity to identify and recover fraudulent Medicaid claims on a contingency-fee basis and submit its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by March 3, 2009.*

Section 7. *The Office of Program Policy Analysis and Government Accountability shall conduct a review to assess the feasibility of consolidating statewide pharmaceutical services for state agencies, including the purchasing, repackaging, and dispensing of pharmaceuticals. The office shall submit its report to the President of the Senate and the Speaker of the House of Representatives by March 3, 2009.*

Section 8. *The Office of Program Policy Analysis and Government Accountability shall examine the option of expanding the use of alternative inmate placements, such as work-release and work camps, for low-risk inmates and submit its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by March 3, 2009.*

Section 9. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to governmental operations; requiring state agencies to review existing and proposed contracts for the purpose of reducing contract payments; authorizing agencies to renegotiate contracts; providing for future expiration of such provisions; establishing the policy of the state concerning limitations on travel by state employees for a specified period; providing for certain exceptions; requiring that agencies consider using electronic communications; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Department of Management Services, to develop recommendations regarding the prudent issuance and use of state-owned wireless communications devices; requiring a report to the Legislature; requiring the Department of Management Services to compile a list of and review state-owned surplus real property of greater than a specified value; providing requirements for the review; requiring a report to the Legislature and the Executive Office of the Governor; requiring that the Chief Financial Officer consider methods to ensure that state agencies receive the maximum federal funds to which the state is entitled; requiring the Chief Financial Officer to make recommendations to the Office of Policy and Budget and the legislative appropriations committees; requiring each state agency to ensure the receipt of maximum federal funds to which the agency is entitled based on its current services; requiring the Office of Program Policy Analysis and Government Accountability to examine whether a private entity should be used to recover fraudulent Medicaid claims; requiring the office to assess the feasibility of consolidating statewide pharmaceutical services for state agencies; requiring the office to examine the use of alternative placements for low-risk inmates; requiring that the office submit reports to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing an effective date.

On motion by Senator Alexander, the rules were waived and the Conference Committee Report on **CS for SB 44-A** was read the second time.

On motion by Senator Alexander, the Conference Committee Report on **CS for SB 44-A** was adopted. **CS for SB 44-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

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

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

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2-A, same being:

An act relating to Special Appropriations.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (418476) to SB 2-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise
s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (418476)—Delete everything after the enacting clause and insert:

```
The appropriations and reductions in appropriations contained herein are
from the named funds for the 2008-2009 fiscal year to the state agency
or branch of government indicated. These appropriations and reductions
in appropriations shall be reflected as adjustments to the approved
operating budgets, as previously adjusted for lawful budget amendments,
of the state agencies or branches of government.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

   The moneys contained herein are appropriated from the Education
   Enhancement "Lottery" Trust Fund to the state agencies indicated.


EDUCATION, DEPARTMENT OF

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

   1   SPECIAL CATEGORIES
       GRANTS AND AIDS - FLORIDA's BRIGHT FUTURES
        SCHOLARSHIP PROGRAM
        FROM EDUCATIONAL ENHANCEMENT TRUST
         FUND . . . . . .                                  -900,000

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

   2   AID TO LOCAL GOVERNMENTS
       GRANTS AND AIDS - CLASS SIZE REDUCTION
        FROM EDUCATIONAL ENHANCEMENT TRUST
         FUND . . . . . .                                -57,769,220

   The appropriations in Specific Appropriations 2, 43, and 43A are
   allocated in Specific Appropriation 43.
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SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION

3 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT LOTTERY AND SCHOOL RECOGNITION PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . . -4,695,973

The reduced appropriation in Specific Appropriation 3 shall be allocated to the Discretionary Lottery Program only.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM TRUST FUNDS . . . . . -62,465,193

TOTAL ALL FUNDS . . . . . -62,465,193

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

4 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . . -3,000,000

PROGRAM: WORKFORCE EDUCATION

5 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . . -286,699

The reduced appropriations in Specific Appropriations 5 and 71 are allocated in Specific Appropriation 71.

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

6 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . . -5,198,762

The reduced appropriation in Specific Appropriation 6 shall be allocated as follows:

Brevard Community College	-198,755
Broward Community College	-374,700
Central Florida Community College	-103,595
Chipola College	-46,271
Daytona Beach Community College	-241,456
Edison College	-124,602
Florida Community College at Jacksonville	-377,081
Florida Keys Community College	-28,279
Gulf Coast Community College	-92,127
Hillsborough Community College	-252,719
Indian River Community College	-220,944
Lake City Community College	-61,894
Lake-Sumter Community College	-50,199
Manatee Community College	-111,880
Miami-Dade College	-846,900
North Florida Community College	-30,593
Okaloosa-Walton College	-89,387
Palm Beach Community College	-258,361
Pasco-Hernando Community College	-93,518
Pensacola Junior College	-172,749
Polk Community College	-87,335
St. Johns River Community College	-133,453
St. Petersburg College	-296,181
Santa Fe Community College	-181,125
Seminole Community College	-177,997
South Florida Community College	-72,960
Tallahassee Community College	-150,302
Valencia Community College	-323,399

UNIVERSITIES, DIVISION OF

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION
PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

7 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . . -8,667,026

The reduced appropriation in Specific Appropriation 7 includes reductions for Education and General Activities and university medical/health science programs. This reduction shall be allocated to each university; however, each university board of trustees may allocate the institution's reductions across the institution's Education and General Activities category and the medical/health science program category. Each board of trustees shall provide to the Board of Governors the allocation of reductions by grants and aids category prior to March 1, 2009. The reductions shall be allocated as follows:

University of Florida	-1,739,138
Florida State University	-1,292,866
Florida A&M University	-479,677
University of South Florida	-1,325,767
University of South Florida, St. Petersburg	-50,299
University of South Florida, Sarasota/Manatee	-43,102
Florida Atlantic University	-665,312
University of West Florida	-262,082
University of Central Florida	-1,148,009
Florida International University	-981,601
University of North Florida	-414,954
Florida Gulf Coast University	-230,842
New College of Florida	-33,377

8 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . . -473,553

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM TRUST FUNDS . . . . . -9,140,579

TOTAL ALL FUNDS . . . . . -9,140,579

TOTAL OF SECTION 1

FROM TRUST FUNDS . . . . . -80,991,233

TOTAL ALL FUNDS . . . . . -80,991,233

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts, or reductions to the amounts, to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

9 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM GENERAL REVENUE FUND . . . . . -1,000,000

The funding reduction in Specific Appropriation 9 is a reduction of $1,000,000 of nonrecurring general revenue funds that were appropriated in paragraph (b) of section 29 of chapter 2008-152, Laws of Florida.

VOCATIONAL REHABILITATION

11 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULTS WITH DISABILITIES FUNDS

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -977,142

The reduced appropriation in Specific Appropriation 11 shall be allocated to school districts as follows:

Alachua	-2,595
Baker	-11,394
Bay	-10,184
Bradford	-3,697
Brevard	-31,713
Broward	-96,501
Charlotte	-3,672
Citrus	-7,928
Collier	-2,734
Columbia	-2,725
DeSoto	-16,964
Escambia	-15,483
Flagler	-56,124
Gadsden	-28,492
Gulf	-2,230
Hardee	-3,158
Hernando	-5,308
Hillsborough	-30,046
Jackson	-106,747
Jefferson	-4,034
Lake	-1,877
Leon	-60,274
Martin	-21,614
Miami-Dade	-117,844
Monroe	-5,474
Orange	-29,277
Osceola	-2,310
Palm Beach	-79,646
Pasco	-983
Pinellas	-39,205
Polk	-17,135
St. Johns	-7,148
Santa Rosa	-2,592
Sarasota	-45,860
Sumter	-910
Suwannee	-5,004
Taylor	-4,947
Union	-5,450
Wakulla	-2,406
Washington	-12,374

The reduced appropriation in Specific Appropriation 11 shall be allocated to community colleges as follows:

Central Florida Community College	-2,064
Daytona Beach Community College	-17,595
Florida Community College at Jacksonville	-15,214
Indian River Community College	-8,056
Pensacola Junior College	-2,230
St. Johns River Community College	-2,676
Santa Fe Community College	-4,385
Seminole Community College	-3,865
South Florida Community College	-14,593
Tallahassee Community College	-2,405

13 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -28,521

14 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM GENERAL REVENUE FUND . . . . . -82,359
FROM FEDERAL REHABILITATION TRUST
FUND 82,359

From the funds provided in Specific Appropriation 14 from the Federal Rehabilitation Trust Fund, $82,359 shall be funded from Social Security reimbursements (program income) provided that the Social Security reimbursements are available.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
TOTAL: VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND . . . . . -1,088,022
FROM TRUST FUNDS 82,359

TOTAL ALL FUNDS . . . . . -1,005,663

BLIND SERVICES, DIVISION OF

APPROVED SALARY RATE -100,350

17 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -149,793

18 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -10,275

19 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -18,402

21 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -2,538

22 SPECIAL CATEGORIES
GRANTS AND AIDS - CLIENT SERVICES
FROM GENERAL REVENUE FUND . . . . . -50,875

From the reduced appropriation provided in Specific Appropriation 22, services to blind babies shall not be reduced.

24 SPECIAL CATEGORIES
LIBRARY SERVICES
FROM GENERAL REVENUE FUND . . . . . -7,265

TOTAL: BLIND SERVICES, DIVISION OF
FROM GENERAL REVENUE FUND . . . . . -239,148

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -239,148

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

26 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND
SIMULATION LABORATORY
FROM GENERAL REVENUE FUND . . . . . -166,615

27 SPECIAL CATEGORIES
ABLE GRANTS (ACCESS TO BETTER LEARNING AND
EDUCATION)
FROM GENERAL REVENUE FUND . . . . . -100,000

28 SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND . . . . . -690,630

The reduced appropriation in Specific Appropriation 28 shall be allocated as follows:

Bethune-Cookman University	-257,656
Edward Waters College	-200,272
Florida Memorial University	-223,111
Library Resources	-9,591

29 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL
SCHOOL UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND . . . . . -501,139

The reduced appropriation in Specific Appropriation 29 shall be allocated as follows:

Cancer Research	-104,396
PhD Program in Biomedical Science	-59,914
College of Medicine	-336,829

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

30 SPECIAL CATEGORIES
ACADEMIC PROGRAM CONTRACTS
FROM GENERAL REVENUE FUND . . . . . -58,711

The reduced appropriation in Specific Appropriation 30 shall be allocated as follows:

University of Miami - Rosenstiel Marine Science..... -10,946
University of Miami - BS and MFA in Motion Pictures..... -19,069
Florida Institute of Technology - BS Engineering and Science Education..... -15,533
Barry University - BS Nursing and MSW Social Work..... -8,432
Nova/Southeastern University - MS Speech Pathology..... -4,731

31 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND . . . . . -31,291

32 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT
FROM GENERAL REVENUE FUND . . . . . -4,500,000

33 SPECIAL CATEGORIES
NOVA SOUTHEASTERN UNIVERSITY - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -351,215

The reduced appropriation in Specific Appropriation 33 shall be allocated among all Nova Southeastern University health programs.

34 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND . . . . . -48,000

The reduced appropriation in Specific Appropriation 34 is for the Activity-Based Total Accountability Institute at the Florida Institute of Technology.

35 SPECIAL CATEGORIES
LECOM / FLORIDA - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -79,545

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND . . . . . -6,527,146

TOTAL ALL FUNDS . . . . . -6,527,146

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

36 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND . . . . . -201,760

37 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND . . . . . -30,000

The reduced appropriation in Specific Appropriation 37 shall be allocated to the Rosewood Family Scholarships.

38 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND . . . . . -100,000

39 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND . . . . . -82,799

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM GENERAL REVENUE FUND . . . . . -414,559

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

TOTAL ALL FUNDS . . . . . -414,559

EARLY LEARNING

PREKINDERGARTEN EDUCATION

40 SPECIAL CATEGORIES
TRANSFER VOLUNTARY PREKINDERGARTEN FUNDS TO AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND . . . . . -860,748

The reduced appropriation in Specific Appropriation 40 includes the following adjustments:

The Base Student Allocation for school year programs for services provided during the period from February 1, 2009, through June 30, 2009 shall be reduced by $53; the Base Student Allocation for 2009 summer programs for services provided through June 30, 2009, shall be reduced by $438; and the administrative and other program costs authorized for the Early Learning Coalitions relating to the voluntary prekindergarten program for the 2008-2009 fiscal year shall be reduced by 0.15 percent.

The reduced appropriation in Specific Appropriation 40 adjusts the initial allocations to the Early Learning Coalitions for estimated enrollment changes and reduced appropriations as follows:

Alachua..... 31,340
Bay, Calhoun, Gulf, Franklin, Washington, Holmes, Jackson... 248,739
Brevard..... 591,727
Broward..... -531,054
Charlotte, DeSoto, Highlands, Hardee..... 455,892
Clay, Nassau, Baker, Bradford..... 234,414
Columbia, Hamilton, Lafayette, Union, Suwannee..... -33,949
Dade, Monroe..... -3,010,495
Dixie, Gilchrist, Levy, Citrus, Sumter..... -108,273
Duval..... 152,725
Escambia..... -328,796
Hendry, Glades, Collier, Lee..... -494,734
Hillsborough..... 2,224,122
Lake..... -47,364
Leon, Gadsden, Jefferson, Liberty, Madison, Wakulla, Taylor. -389,515
Manatee..... 647,829
Marion..... -433,578
Martin, Okeechobee, Indian River..... 352,723
Okaloosa, Walton..... -9,103
Orange..... 303,892
Osceola..... 405,709
Palm Beach..... -1,266,257
Pasco, Hernando..... 1,044,289
Pinellas..... -381,234
Polk..... -807,325
Putnam, St. Johns..... -157,886
St. Lucie..... -50,900
Santa Rosa..... 451,830
Sarasota..... -31,188
Seminole..... 378,483
Volusia, Flagler..... -302,811

41 SPECIAL CATEGORIES
GRANTS AND AIDS- EARLY LEARNING STANDARDS AND ACCOUNTABILITY
FROM GENERAL REVENUE FUND . . . . . -102,248

TOTAL: PREKINDERGARTEN EDUCATION
FROM GENERAL REVENUE FUND . . . . . -962,996

TOTAL ALL FUNDS . . . . . -962,996

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

The revised third calculation of the Florida Education Finance Program (FEFP) for the 2008-2009 fiscal year, which includes the reductions in

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

appropriations made in this Act, is incorporated by reference in CS for CS for Senate Bill 6-A. The calculations are the basis for the appropriations made in the General Appropriations Act and the Special Appropriations Act for the 2008-2009 fiscal year.

42 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM GENERAL REVENUE FUND . . . . . -344,324,485

The 2008-2009 third calculation of the Florida Education Finance Program dated December 18, 2008, shall be revised to include the adjustments provided in Specific Appropriations 2, 3 and 42 through 45 and an adjustment that provides all districts with an equal percentage reduction to total potential funds. The equal percentage reduction shall not be recalculated. The appropriations in Specific Appropriations 42 and 42A shall include the following adjustments:

A reduction of $85.60 for the Base Student Allocation; a reduction of $846,541 for the Sparsity Supplement; a reduction of $1,589,497 for the Safe Schools Allocation, including a reduction to the minimum district allocation of $1,545; a reduction of $15,167,143 for Supplemental Academic Instruction; a reduction of $2,408,645 for the Reading Allocation, including a reduction to the minimum district allocation of $2,060; a reduction of $23,326,818 for the ESE Guaranteed Allocation; and a reduction to the DJJ Supplemental Allocation factor of $19.99. The Declining Enrollment Supplement shall be calculated based on 47.62 percent of the decline between prior year and current year unweighted FTE students.

42A AID TO LOCAL GOVERNMENTS
RESTORE AS NON-RECURRING-
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM GENERAL REVENUE FUND 487,500

43 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND . . . . . -109,918,801
FROM PRINCIPAL STATE SCHOOL TRUST
FUND 39,800,000

From the appropriations in Specific Appropriations 2, 43, and 43A, the class size reduction allocation factor shall be reduced in the amount of $25.06 for grades prekindergarten to grade 3; $19.95 for grades 4 to 8; and $19.99 for grades 9 to 12.

43A AID TO LOCAL GOVERNMENTS
RESTORE AS NON-RECURRING-
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM PRINCIPAL STATE SCHOOL TRUST
FUND 48,300,000

The appropriations in Specific Appropriations 2, 43, and 43A are allocated in Specific Appropriation 43.

44 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND . . . . . -5,606,311

The reduced appropriation in Specific Appropriation 44 includes a reduction of $309,040 for Library Media Materials; a reduction of $84,471 for Science Lab Materials and Supplies; and a reduction of $94,873 for dual enrollment textbooks.

The reduced appropriation in Specific Appropriation 44 results in a reduction of the instructional materials growth factor in the amount of $7.70.

45 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND . . . . . -10,175,303

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND . . . . . -469,537,400
FROM TRUST FUNDS 88,100,000

TOTAL ALL FUNDS . . . . . -381,437,400

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

46 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND . . . . . -119,376

The reduced appropriation in Specific Appropriation 46 shall be allocated as follows:

Instructional Materials for Partially Sighted Pupils..... -10,932
Sunlink Uniform Library Database..... -48,007
Learning Through Listening..... -54,663
Instructional Materials Management..... -5,774

47 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM GENERAL REVENUE FUND . . . . . -10,450,678

47A AID TO LOCAL GOVERNMENTS
RESTORE AS NON-RECURRING-
GRANTS AND AIDS - EXCELLENT TEACHING
FROM PRINCIPAL STATE SCHOOL TRUST
FUND 2,400,000

48 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND . . . . . -3,799

49 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -750,000

50 SPECIAL CATEGORIES
EDUCATION INNOVATION INITIATIVES
FROM GENERAL REVENUE FUND . . . . . -360,000

51 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM GENERAL REVENUE FUND . . . . . -307,821

52 SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT
ASSISTANCE INITIATIVES
FROM GENERAL REVENUE FUND . . . . . -514,489

The reduced appropriation in Specific Appropriation 52 shall be allocated as follows:

Best Buddies..... -30,920
Take Stock in Children..... -134,432
Project to Advance School Success (PASS)..... -38,179
Big Brothers, Big Sisters..... -76,627
Learning for Life..... -69,905
Girl Scouts of Florida..... -21,509
Black Male Explorers..... -16,132
Boys and Girls Clubs..... -69,905
Governor's Mentoring Initiative..... -16,551
YMCA State Alliance..... -40,329

53 SPECIAL CATEGORIES
KINDERGARTEN THROUGH GRADE EIGHT VIRTUAL
EDUCATION
FROM GENERAL REVENUE FUND . . . . . -1,512,096

From the reduced appropriation in Specific Appropriation 53, the maximum funds per student shall be reduced in the amount of $96.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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54 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND . . . . . -174,919

55 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND . . . . . -174,210

The reduced appropriation in Specific Appropriation 55 shall be allocated as follows:

University of Florida..... -34,620
University of Miami..... -32,600
Florida State University..... -32,500
University of South Florida..... -33,980
University of Florida Health Science Center at Jacksonville. -40,510

56 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND . . . . . -61,683

57 SPECIAL CATEGORIES
TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
FROM GENERAL REVENUE FUND . . . . . -3,701

58 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND . . . . . -410,952

The reduced appropriation in Specific Appropriation 58 shall be allocated as follows:

University of South Florida/Florida Mental Health Institute. -72,076
University of Florida (College of Medicine)..... -49,981
University of Central Florida..... -61,723
University of Miami (Department of Pediatrics) including -$16,248 for activities in Broward County through Nova Southeastern University..... -78,122
Florida Atlantic University..... -39,089
University of Florida (Jacksonville)..... -52,086
Florida State University (College of Communications)..... -57,875

59 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND . . . . . -22,617

The reduced appropriation in Specific Appropriation 59 shall be allocated as follows:

Florida Association of District School Superintendents Training..... -16,399
Principal of the Year..... -3,367
Teacher of the Year..... -2,143
School Related Personnel of the Year..... -708

60 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND . . . . . -968,111

The reduced appropriation in Specific Appropriation 60 includes a reduction of $30,611 for School and Instructional Enhancements. The reductions shall be allocated as follows:

State Science Fair..... -3,280
Academic Tourney..... -5,466
Arts for a Complete Education..... -10,933
Florida Holocaust Museum..... -10,932

The funding reduction in Specific Appropriation 60 also includes a

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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reduction of $937,500 of nonrecurring general revenue funds that were appropriated in section 28 of chapter 2008-152, Laws of Florida.

61 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND . . . . . -144,506

62 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND . . . . . -820,732

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND . . . . . -16,799,690
FROM TRUST FUNDS 2,400,000

TOTAL ALL FUNDS . . . . . -14,399,690

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

63 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND . . . . . -15,955

64 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -211,038

The reduced appropriation in Specific Appropriation 64 includes a reduction of $121,038 for Instructional Technology. The reductions shall be allocated as follows:

On-line Support for Sunshine State Standards/FCAT Explorer.. -109,324
Statewide Licensing of Video Instructional Programming..... -11,714

The funding reduction in Specific Appropriation 64 also includes a reduction of $90,000 of nonrecurring general revenue funds that were appropriated in section 27 of chapter 2008-152, Laws of Florida.

65 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND . . . . . -10,585

66 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND . . . . . -4,219,349

66A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 3,966,188

67 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND . . . . . -634,132

The reduced appropriation in Specific Appropriation 67 shall be allocated as follows:

Statewide Governmental and Cultural Affairs Programming..... -36,714
Florida Channel Closed Captioning..... -25,154
Florida Channel Year Round Coverage..... -96,424
Public Television and Radio Stations..... -475,840

The reduced allocation for Public Television and Radio Stations includes a reduction of $6,119 per radio station and $30,484 per television station.

68 SPECIAL CATEGORIES
FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND . . . . . -10,386

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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69 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES
FOR THE BLIND
FROM GENERAL REVENUE FUND . . . . . -22,298

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,157,555

TOTAL ALL FUNDS . . . . . -1,157,555

PROGRAM: WORKFORCE EDUCATION

70 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND . . . . . -239,440

The reduced appropriation in Specific Appropriation 70 for Performance Based Incentives shall be allocated to school districts as follows:

Alachua	-554
Baker	-140
Bay	-2,090
Bradford	-964
Brevard	-3,019
Broward	-37,104
Calhoun	-68
Charlotte	-2,513
Citrus	-2,834
Clay	-1,153
Collier	-4,235
Columbia	-550
Miami-Dade	-43,759
DeSoto	-568
Dixie	-138
Escambia	-3,403
Flagler	-1,402
Franklin	-1
Gadsden	-338
Gulf	-35
Hamilton	-72
Hardee	-79
Hendry	-366
Hernando	-951
Hillsborough	-20,555
Indian River	-1,057
Jackson	-211
Jefferson	-78
Lafayette	-59
Lake	-4,282
Lee	-8,033
Leon	-4,242
Liberty	-126
Manatee	-5,305
Marion	-4,192
Martin	-1,357
Monroe	-393
Nassau	-318
Okaloosa	-725
Orange	-21,041
Osceola	-3,419
Palm Beach	-11,154
Pasco	-3,679
Pinellas	-17,726
Polk	-7,348
Putnam	-533
St. Johns	-4,251
Santa Rosa	-1,607
Sarasota	-5,627
Sumter	-149
Suwannee	-1,160
Taylor	-1,203
Union	-107
Wakulla	-211
Walton	-280
Washington	-2,676

71 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND . . . . . -15,071,920

The reduced appropriation in Specific Appropriations 5 and 71 shall be allocated as follows:

Alachua	-53,390
Baker	-7,492
Bay	-133,686
Bradford	-37,142
Brevard	-122,313
Broward	-2,669,942
Calhoun	-6,942
Charlotte	-112,745
Citrus	-109,265
Clay	-38,565
Collier	-278,886
Columbia	-12,909
Miami-Dade	-3,823,508
DeSoto	-34,680
Dixie	-2,739
Escambia	-201,676
Flagler	-101,095
Franklin	-2,227
Gadsden	-28,116
Glades	-284
Gulf	-6,468
Hamilton	-3,045
Hardee	-11,240
Hendry	-16,218
Hernando	-20,447
Hillsborough	-1,275,938
Indian River	-38,120
Jackson	-20,825
Jefferson	-7,312
Lafayette	-1,844
Lake	-179,312
Lee	-413,560
Leon	-226,657
Liberty	-1,513
Manatee	-273,425
Marion	-126,036
Martin	-92,821
Monroe	-34,655
Nassau	-7,586
Okaloosa	-95,004
Orange	-1,324,888
Osceola	-182,657
Palm Beach	-635,522
Pasco	-139,764
Pinellas	-1,017,720
Polk	-432,619
Putnam	-19,510
St. Johns	-238,387
Santa Rosa	-69,978
Sarasota	-406,936
Sumter	-10,537
Suwannee	-39,694
Taylor	-55,708
Union	-6,552
Wakulla	-10,967
Walton	-6,591
Washington	-129,673
Washington Special	-1,288

72 SPECIAL CATEGORIES
GRANTS AND AIDS - BUSINESS PARTNERSHIPS/
SKILL ASSESSMENT AND TRAINING
FROM GENERAL REVENUE FUND . . . . . -2,142,851

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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The funding reduction in Specific Appropriation 72 includes a reduction of $1,722,851 of nonrecurring general revenue funds that were appropriated in section 26 of chapter 2008-152, Laws of Florida.

73 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND . . . . . -21,600

TOTAL: PROGRAM: WORKFORCE EDUCATION
FROM GENERAL REVENUE FUND . . . . . -17,475,811

TOTAL ALL FUNDS . . . . . -17,475,811

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

74 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND
FROM GENERAL REVENUE FUND . . . . . -38,398,527

The reduced appropriation in Specific Appropriation 74 includes a reduction of $38,298,527 in the Community College Program Fund to be allocated as follows:

Brevard Community College	-1,407,694
Broward Community College	-2,681,974
Central Florida Community College	-737,428
Chipola College	-350,165
Daytona Beach Community College	-1,804,698
Edison College	-871,237
Florida Community College at Jacksonville	-2,798,523
Florida Keys Community College	-219,293
Gulf Coast Community College	-662,717
Hillsborough Community College	-1,821,769
Indian River Community College	-1,649,430
Lake City Community College	-470,390
Lake-Sumter Community College	-395,471
Manatee Community College	-790,354
Miami-Dade College	-6,241,272
North Florida Community College	-239,463
Okaloosa-Walton College	-668,570
Palm Beach Community College	-1,921,516
Pasco-Hernando Community College	-709,361
Pensacola Junior College	-1,270,210
Polk Community College	-706,864
St. Johns River Community College	-575,793
St. Petersburg College	-2,195,113
Santa Fe Community College	-1,304,503
Seminole Community College	-1,308,266
South Florida Community College	-592,946
Tallahassee Community College	-1,092,902
Valencia Community College	-2,279,443
College Center for Library Automation	-531,162

The reduced appropriation provided in Specific Appropriation 74 includes a reduction of $100,000 to be allocated to the St. Petersburg College Foundation for the Government Institute.

Each community college board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the community college by more than 10 percent during the 2008-2009 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Education.

75 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE BACCALAUREATE PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -417,300

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

The reduced appropriation in Specific Appropriation 75 shall be allocated as follows:

Broward Community College	-3,000
Chipola College	-25,729
Daytona Beach Community College	-25,329
Edison College	-7,739
Florida Community College at Jacksonville	-3,536
Indian River Community College	-17,802
Miami-Dade College	-48,090
Okaloosa-Walton College	-39,268
Palm Beach Community College	-600
St. Petersburg College	-245,607
State College Task Force	-600

76 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND . . . . . -37,650

77 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND . . . . . -20,723

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -38,874,200

TOTAL ALL FUNDS . . . . . -38,874,200

STATE BOARD OF EDUCATION

APPROVED SALARY RATE -999,133

78 SALARIES AND BENEFITS POSITIONS -30.00
FROM GENERAL REVENUE FUND . . . . . -1,403,521

78A RESTORE AS NON-RECURRING-
SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 713,761

79 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -49,612

80 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -340,884

81 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -42,027

82 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND . . . . . -737,761

The reduced appropriation in Specific Appropriation 82 may be allocated by the Commissioner of Education to the appropriation for the high school remediation and college readiness assessment to the extent funds have not been disbursed.

83 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -326,883

The reduced appropriation in Specific Appropriation 83 may be allocated by the Commissioner of Education to the appropriation for the administrative responsibilities of the Florida Schools of Excellence Commission to the extent funds have not been disbursed.

84 SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR THE FLORIDA ACADEMIC COUNSELING AND TRACKING SYSTEM FOR STUDENTS (FACTS)
FROM GENERAL REVENUE FUND . . . . . -350,668

85 SPECIAL CATEGORIES
LITIGATION EXPENSES

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APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -2,492

86 SPECIAL CATEGORIES
EDUCATION DATA WAREHOUSE
FROM GENERAL REVENUE FUND . . . . . -70,879

87 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND . . . . . -82,953

88 DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION SERVICES
FROM GENERAL REVENUE FUND . . . . . -208,407

TOTAL: STATE BOARD OF EDUCATION
FROM GENERAL REVENUE FUND . . . . . -2,902,326

TOTAL POSITIONS . . . . . -30.00
TOTAL ALL FUNDS . . . . . -2,902,326

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

89 AID TO LOCAL GOVERNMENTS
CENTERS OF EXCELLENCE
FROM GENERAL REVENUE FUND . . . . . -6,144,295

The funding reduction in Specific Appropriation 89 includes a reduction of $6,144,295 of nonrecurring general revenue funds that were appropriated in paragraphs (c) and (d) of section 29 of chapter 2008-152, Laws of Florida. The reductions shall be allocated as follows:

Florida International University Center of Excellence for Hurricane Damage Mitigation and Product Development..... -2,501,739
Florida State University Center of Excellence for Advanced Aero-Propulsion..... -3,642,556

90 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MOFFITT CANCER CENTER AND RESEARCH INSTITUTE
FROM GENERAL REVENUE FUND . . . . . -703,119

90A AID TO LOCAL GOVERNMENTS
RESTORE AS NON-RECURRING-
GRANTS AND AIDS - MOFFITT CANCER CENTER AND RESEARCH INSTITUTE
FROM GENERAL REVENUE FUND 234,373

91 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND . . . . . -91,981,841

The reduced appropriation in Specific Appropriation 91 includes a reduction of $79,481,841 for Education and General Activities and university medical/health science programs. This reduction shall be allocated to each university; however, each university board of trustees may allocate the institution's reductions across the institution's Education and General Activities category and the medical/health science program category. Each board of trustees shall provide to the Board of Governors the allocation of reductions by grants and aids category prior to March 1, 2009. The reduction of $79,481,841 shall be allocated as follows:

University of Florida..... -17,576,713
Florida State University..... -12,843,507
Florida A&M University..... -4,179,817
University of South Florida..... -10,832,313
University of South Florida, St. Petersburg..... -1,044,030
University of South Florida, Sarasota/Manatee..... -540,342
Florida Atlantic University..... -6,411,641

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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APPROPRIATION
University of West Florida..... -2,400,696
University of Central Florida..... -9,986,960
Florida International University..... -8,053,784
University of North Florida..... -3,059,632
Florida Gulf Coast University..... -1,897,083
New College of Florida..... -655,323

Each university board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the university by more than 10 percent during the 2008-2009 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors.

The funding reduction in Specific Appropriation 91 also includes a reduction of $12,500,000 of nonrecurring general revenue funds that were appropriated in paragraph (a) of section 29 of chapter 2008-152, Laws of Florida. This reduction shall be allocated as follows:

University of Florida..... -3,750,000
Florida State University..... -2,187,500
University of South Florida..... -2,187,500
University of Central Florida..... -2,187,500
Florida Atlantic University..... -2,187,500

92 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM GENERAL REVENUE FUND . . . . . -4,908,141

93 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTITUTE FOR HUMAN AND MACHINE COGNITION
FROM GENERAL REVENUE FUND . . . . . -96,000

94 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND . . . . . -20,042

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND . . . . . -103,619,065

TOTAL ALL FUNDS . . . . . -103,619,065

BOARD OF GOVERNORS

APPROVED SALARY RATE -196,374

95 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -267,141

96 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,637

97 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -41,821

98 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -485

99 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -19,178

TOTAL: BOARD OF GOVERNORS
FROM GENERAL REVENUE FUND . . . . . -331,262

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -331,262

TOTAL OF SECTION 2

FROM GENERAL REVENUE FUND . . . . . -660,929,180

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

FROM TRUST FUNDS		90,582,359
TOTAL POSITIONS	-36.00	
TOTAL ALL FUNDS		-570,346,821

TOTAL: EDUCATION, DEPARTMENT OF (SECTIONS 1 AND 2)

EDUCATION/EARLY LEARNING		
FROM GENERAL REVENUE FUND	-962,996	
EDUCATION/PUBLIC SCHOOLS		
FROM GENERAL REVENUE FUND	-504,970,456	
FROM TRUST FUNDS		24,748,108
EDUCATION/COMM COLLEGES		
FROM GENERAL REVENUE FUND	-38,874,200	
FROM TRUST FUNDS		-5,198,762
EDUCATION/UNIVERSITIES		
FROM GENERAL REVENUE FUND	-103,619,065	
FROM TRUST FUNDS		-9,140,579
EDUCATION/OTHER		
FROM GENERAL REVENUE FUND	-12,502,463	
FROM TRUST FUNDS		-817,641
EDUCATION RECAP		
FROM GENERAL REVENUE FUND	-660,929,180	
FROM TRUST FUNDS		9,591,126
TOTAL POSITIONS	-36.00	
TOTAL ALL FUNDS		-651,338,054
TOTAL APPROVED SALARY RATE	-1,295,857	

SECTION 3 - HUMAN SERVICES

The moneys contained herein are appropriated from the named funds to the Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Family Services, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts, or as reductions to amounts, to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

APPROVED SALARY RATE 60,930

100 SALARIES AND BENEFITS POSITIONS	2.00	
FROM GENERAL REVENUE FUND	-82,117	
FROM ADMINISTRATIVE TRUST FUND . . .		60,903
101 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	-8,033	
102 EXPENSES		
FROM GENERAL REVENUE FUND	-18,368	
FROM ADMINISTRATIVE TRUST FUND . . .		18,917
103 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	-9,198	
104 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	-33,698	
FROM ADMINISTRATIVE TRUST FUND . . .		434,121
105 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM ADMINISTRATIVE TRUST FUND . . .		1,604

TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT

FROM GENERAL REVENUE FUND	-151,414	

SECTION 3 - HUMAN SERVICES
SPECIFIC
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FROM TRUST FUNDS		515,545
TOTAL POSITIONS	2.00	
TOTAL ALL FUNDS		364,131

PROGRAM: HEALTH CARE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -57,275

106 SALARIES AND BENEFITS POSITIONS	-1.00	
FROM GENERAL REVENUE FUND	-1,952,828	
FROM MEDICAL CARE TRUST FUND		1,828,049
107 EXPENSES		
FROM GENERAL REVENUE FUND	-165,000	
FROM MEDICAL CARE TRUST FUND		170,917
108 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM MEDICAL CARE TRUST FUND		401

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	-2,117,828	
FROM TRUST FUNDS		1,999,367
TOTAL POSITIONS	-1.00	
TOTAL ALL FUNDS		-118,461

MEDICAID SERVICES TO INDIVIDUALS

109 SPECIAL CATEGORIES		
HOSPICE SERVICES		
FROM GENERAL REVENUE FUND	-3,219,759	
FROM TOBACCO SETTLEMENT TRUST FUND .		-130,112
FROM GRANTS AND DONATIONS TRUST FUND		2,712,746
FROM MEDICAL CARE TRUST FUND		-922,393
FROM REFUGEE ASSISTANCE TRUST FUND .		-1,052

The reduced appropriation in Specific Appropriation 109 includes reductions of $3,219,759 from the General Revenue Fund, $130,112 from nonrecurring tobacco settlement trust funds, $4,138,219 from recurring medical care trust funds, $162,012 from nonrecurring medical care trust funds, and $1,052 from the Refugee Assistance Trust Fund as a result of reducing nursing home rates, effective March 1, 2009.

From the funds in Specific Appropriation 109, $2,712,746 from the Grants and Donations Trust Fund and $3,377,838 from the Medical Care Trust Fund are provided to buy back hospice rate reductions, effective April 1, 2009, and are contingent upon passage of SB 8-A or similar legislation becoming law. The agency is authorized to seek a federal Medicaid waiver as necessary to implement this provision. Funds provided in the Grants and Donations Trust Fund are contingent upon the non-federal share being provided through nursing home quality assessments. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

110 SPECIAL CATEGORIES		
HOSPITAL INPATIENT SERVICES		
FROM GENERAL REVENUE FUND	-8,436,812	
FROM TOBACCO SETTLEMENT TRUST FUND .		-1,707,898
FROM GRANTS AND DONATIONS TRUST FUND		10,315,291
FROM MEDICAL CARE TRUST FUND		-5,210,480
FROM REFUGEE ASSISTANCE TRUST FUND .		-25,552

The reduced appropriation in Specific Appropriation 110 includes reductions of $8,436,812 from the General Revenue Fund, $1,707,898 from

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nonrecurring tobacco settlement trust funds, $15,921,250 from recurring medical care trust funds, $2,133,550 from nonrecurring medical care trust funds, and $25,552 from the Refugee Assistance Trust Fund as a result of reducing the reimbursement for inpatient hospital rates, effective March 1, 2009. The agency shall reduce individual hospital rates proportionately until the required savings are achieved. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

Any federal legislation becoming law that results in an improvement to the state's federal medical assistance percentage that is federally restricted for use within state Medicaid programs may first be used to alleviate any Medicaid deficits in the 2008-2009 fiscal year. Any remaining funds that are federally restricted for use within state Medicaid programs may be used to restore reductions made to Hospital Inpatient Services within Specific Appropriation 110 and Hospital Outpatient Services within Specific Appropriation 111. The Agency for Health Care Administration is directed to submit a budget amendment in accordance with the provisions of Chapter 216, Florida Statutes, to restore these reductions.

From the funds in Specific Appropriation 110, $10,315,291 from the Grants and Donations Trust Fund and $12,844,320 from the Medical Care Trust Fund are provided for public hospitals, teaching hospitals as defined in section 408.07 (45) or section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. For this section of proviso the agency shall use the average of 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

111 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES

FROM GENERAL REVENUE FUND	-2,825,209	
FROM TOBACCO SETTLEMENT TRUST FUND .		-282,523
FROM GRANTS AND DONATIONS TRUST FUND		7,777,044
FROM MEDICAL CARE TRUST FUND		5,819,974
FROM REFUGEE ASSISTANCE TRUST FUND .		-12,501

The reduced appropriation in Specific Appropriation 111 includes reductions of $2,825,209 from the General Revenue Fund, $282,523 from nonrecurring tobacco settlement trust funds, $3,512,000 from recurring medical care trust funds, $351,790 from nonrecurring medical care trust funds, and $12,501 from the Refugee Assistance Trust Fund as a result of reducing the outpatient hospital reimbursement rates, effective March 1, 2009. The agency shall reduce individual hospital rates proportionately until the required savings are achieved. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

From the funds in Specific Appropriation 111, $5,359,647 from the Grants and Donations Trust Fund and $6,673,687 from the Medical Care Trust Fund are appropriated so that the agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings. Any payments

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made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds. This provision shall be contingent upon federal approval of a state plan amendment.

From the funds in Specific Appropriation 111, $2,417,397 from the Grants and Donations Trust Fund and $3,010,077 from the Medical Care Trust Fund are provided for public hospitals, teaching hospitals as defined in section 408.07 (45) or section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds twenty five percent to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. For this section of proviso the agency shall use the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

112 SPECIAL CATEGORIES
PREPAID HEALTH PLANS

FROM GENERAL REVENUE FUND	-10,016,977	
FROM TOBACCO SETTLEMENT TRUST FUND .		-520,687
FROM MEDICAL CARE TRUST FUND		-13,310,691
FROM REFUGEE ASSISTANCE TRUST FUND .		-92,350

The reduced appropriations in Specific Appropriation 112 includes reductions of $2,354,483 from the General Revenue Fund, $120,801 from nonrecurring tobacco settlement trust funds, $3,026,605 from recurring medical care trust funds, and $150,418 from nonrecurring medical care trust funds as a result of reducing retail pharmacy dispensing fees from $4.23 to $3.73 per prescription, and implementation of additional prior authorization of drug therapies and utilization controls, effective March 1, 2009.

The reduced appropriation in Specific Appropriation 112 includes reductions of $638,789 from the General Revenue Fund, $34,326 from nonrecurring tobacco settlement trust funds, $890,269 from recurring medical care trust funds, $42,742 from nonrecurring medical care trust funds, and $7,915 from the Refugee Assistance Trust Fund as a result of reducing the capitation rates for Medicaid prepaid behavioral health plans, effective March 1, 2009. No other reduction resulting from changes made to fee-for-service provider reimbursement as a result of this appropriations bill shall be applied to further reduce the capitation rates for Medicaid prepaid behavioral health plans.

The reduced appropriation in Specific Appropriation 112 includes reductions of $161,151 from the General Revenue Fund, $10,252 from nonrecurring tobacco settlement trust funds, $295,527 from recurring medical care trust funds, $12,766 from nonrecurring medical care trust funds, and $2,364 from the Refugee Assistance Trust Fund to HMO and Provider Service Network (PSN) capitation payments as a result of reducing the Medicaid reimbursement rates for clinic services, effective March 1, 2009.

The reduced appropriation in Specific Appropriation 112 includes reductions of $4,848,046 from the General Revenue Fund, $260,161 from nonrecurring tobacco settlement trust funds, $6,225,345 from recurring medical care trust funds, $324,733 from nonrecurring medical care trust funds, and $60,133 from the Refugee Assistance Trust Fund to HMO and Provider Service Network (PSN) capitation payments as a result of reducing the reimbursement of inpatient and outpatient hospital rates, effective March 1, 2009.

The reduced appropriation in Specific Appropriation 112 includes reductions of $2,014,508 from the General Revenue Fund, $95,147 from nonrecurring tobacco settlement trust funds, $2,223,812 from recurring medical care trust funds, $118,474 from nonrecurring medical care trust

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funds, and $21,938 from the Refugee Assistance Trust Fund as a result of reducing HMO and Provider Service Network (PSN) capitation rates, effective March 1, 2009.

113	SPECIAL CATEGORIES PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	-4,750,423	
	FROM TOBACCO SETTLEMENT TRUST FUND .		-210,468
	FROM MEDICAL CARE TRUST FUND		-6,177,168

The reduced appropriations in Specific Appropriation 113 includes reductions of $4,750,423 from the General Revenue Fund, $210,468 from nonrecurring tobacco settlement trust funds, $5,915,099 from recurring medical care trust funds, and $262,069 from nonrecurring medical care trust funds as a result of reducing retail pharmacy dispensing fees from $4.23 to $3.73 per prescription, and implementation of additional prior authorization of drug therapies and utilization controls, effective March 1, 2009.

114	SPECIAL CATEGORIES CLINIC SERVICES		
	FROM GENERAL REVENUE FUND	-842,215	
	FROM TOBACCO SETTLEMENT TRUST FUND .		-10,059
	FROM MEDICAL CARE TRUST FUND		-1,044,998
	FROM REFUGEE ASSISTANCE TRUST FUND .		-10,699

The reduced appropriations in Specific Appropriation 114 includes reductions of $842,215 from the General Revenue Fund, $10,059 from nonrecurring tobacco settlement trust funds, $1,032,473 from recurring medical care trust funds, $12,525 from nonrecurring medical care trust funds, and $10,699 from the Refugee Assistance Trust Fund as a result of reducing the reimbursement for county health department rates, effective March 1, 2009. The agency shall reduce individual county health department rates proportionately until the required savings are achieved. The agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve this reduction.

TOTAL: MEDICAID SERVICES TO INDIVIDUALS		
FROM GENERAL REVENUE FUND	-30,091,395	
FROM TRUST FUNDS		-3,044,576
TOTAL ALL FUNDS		-33,135,971

MEDICAID LONG TERM CARE

116	SPECIAL CATEGORIES NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	-34,349,627	
	FROM GRANTS AND DONATIONS TRUST FUND		71,215,503
	FROM MEDICAL CARE TRUST FUND		45,904,365

The reduced appropriations in Specific Appropriation 116 includes reductions of $34,349,627 from the General Revenue Fund and $42,771,236 from the Medical Care Trust Fund as a result of reducing the reimbursement for nursing home rates, effective March 1, 2009. The agency shall reduce individual nursing home rates proportionately until the required savings are achieved. The agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to achieve this reduction.

From the funds in Specific Appropriation 116, $71,215,503 from the Grants and Donations Trust Fund and $88,675,601 from the Medical Care Trust Fund are provided to buy back nursing home rate reductions, effective April 1, 2009 and are contingent upon passage of SB 8-A or similar legislation becoming law. The agency is authorized to seek a federal Medicaid waiver as necessary to implement this provision. Funds provided in the Grants and Donations Trust Fund are contingent upon the non-federal share being provided through nursing home quality assessments. In the event that the funds are not available in the

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Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

117	SPECIAL CATEGORIES CAPITATED NURSING HOME DIVERSION WAIVER		
	FROM GENERAL REVENUE FUND	-872,648	
	FROM TOBACCO SETTLEMENT TRUST FUND .		-6,511
	FROM MEDICAL CARE TRUST FUND		-1,094,705

The reduced appropriations in Specific Appropriation 117 includes reductions of $872,648 from the General Revenue Fund, $6,511 from nonrecurring tobacco settlement trust funds, $1,086,598 from recurring medical care trust funds, and $8,107 from nonrecurring medical care trust funds as a result of reducing the reimbursement for the nursing home diversion waiver, effective March 1, 2009. No other reduction resulting from changes made to fee-for-services provider reimbursement as a result of this appropriations bill shall be applied to further reduce the capitation rates for Medicaid capitated nursing home diversion waiver providers.

TOTAL: MEDICAID LONG TERM CARE		
FROM GENERAL REVENUE FUND	-35,222,275	
FROM TRUST FUNDS		116,018,652
TOTAL ALL FUNDS		80,796,377

PROGRAM: HEALTH CARE REGULATION

HEALTH CARE REGULATION

118	SALARIES AND BENEFITS		
	FROM GENERAL REVENUE FUND	-1,867,915	
	FROM HEALTH CARE TRUST FUND		1,867,915
119	EXPENSES		
	FROM GENERAL REVENUE FUND	-705,937	
	FROM HEALTH CARE TRUST FUND		705,937
120	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	-24,511	
	FROM HEALTH CARE TRUST FUND		24,511
121	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	-34,692	
	FROM HEALTH CARE TRUST FUND		34,692
122	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	-17,088	
	FROM HEALTH CARE TRUST FUND		17,088
123	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	-13,071	
	FROM HEALTH CARE TRUST FUND		13,071
	TOTAL: HEALTH CARE REGULATION		
	FROM GENERAL REVENUE FUND	-2,663,214	
	FROM TRUST FUNDS		2,663,214
	TOTAL: AGENCY FOR HEALTH CARE ADMINISTRATION		
	FROM GENERAL REVENUE FUND	-70,246,126	
	FROM TRUST FUNDS		118,152,202
	TOTAL POSITIONS	1.00	
	TOTAL ALL FUNDS		47,906,076
	TOTAL APPROVED SALARY RATE	3,655	

AGENCY FOR PERSONS WITH DISABILITIES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
PROGRAM: SERVICES TO PERSONS WITH DISABILITIES

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE -377,979

124 SALARIES AND BENEFITS POSITIONS -13.50
FROM GENERAL REVENUE FUND . . . . . -343,426
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -206,982

125 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -41,438

126 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -1,075

127 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -55,920

128 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND . . . . . -5,610,126
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -6,985,577

The reduced appropriations in Specific Appropriations 128 and 129 include reductions of $6,125,693 from the General Revenue Fund and $7,627,547 from Operations and Maintenance Trust Fund as a result of reducing provider rates for services provided through the Developmental Disabilities Services waivers, the Consumer Directed Care Plus Program waiver and the Family and Supported Living waiver, effective March 1, 2009. Adult dental services, personal care assistance, consumable medical supplies, durable medical equipment, environmental modifications, and transportation service rates contained in waiver service agreements that are at least 20 percent below the average rate paid by the agency for the same service in the same area where the service was provided during Fiscal Year 2007-2008 are specifically excluded from this reduction. The agency shall reduce rates across the included services and waivers proportionately until the required savings are achieved. The agency shall take the actions necessary to achieve this recurring reduction.

129 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM GENERAL REVENUE FUND . . . . . -515,567
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -641,970

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,567,552
FROM TRUST FUNDS . . . . . -7,834,529

TOTAL POSITIONS . . . . . -13.50
TOTAL ALL FUNDS . . . . . -14,402,081

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE -505,958

130 SALARIES AND BENEFITS POSITIONS -15.50
FROM GENERAL REVENUE FUND . . . . . -445,349
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -295,425

131 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -57,241

132 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -1,705

133 SPECIAL CATEGORIES
HOME AND COMMUNITY SERVICES ADMINISTRATION

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FROM GENERAL REVENUE FUND . . . . . -140,654
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -140,654

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE
FROM GENERAL REVENUE FUND . . . . . -644,949
FROM TRUST FUNDS . . . . . -436,079

TOTAL POSITIONS . . . . . -15.50
TOTAL ALL FUNDS . . . . . -1,081,028

DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES

APPROVED SALARY RATE -3,519,985

134 SALARIES AND BENEFITS POSITIONS -146.00
FROM GENERAL REVENUE FUND . . . . . -2,412,193
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -2,988,452

135 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -180,457

TOTAL: DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES
FROM GENERAL REVENUE FUND . . . . . -2,592,650
FROM TRUST FUNDS . . . . . -2,988,452

TOTAL POSITIONS . . . . . -146.00
TOTAL ALL FUNDS . . . . . -5,581,102

TOTAL: AGENCY FOR PERSONS WITH DISABILITIES
FROM GENERAL REVENUE FUND . . . . . -9,805,151
FROM TRUST FUNDS . . . . . -11,259,060

TOTAL POSITIONS . . . . . -175.00
TOTAL ALL FUNDS . . . . . -21,064,211
TOTAL APPROVED SALARY RATE . . . . -4,403,922

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

ADMINISTRATION

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -204,189

136 SALARIES AND BENEFITS POSITIONS -5.00
FROM GENERAL REVENUE FUND . . . . . -274,647

137 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,369

138 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -34,296

139 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,586

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -314,898

TOTAL POSITIONS . . . . . -5.00
TOTAL ALL FUNDS . . . . . -314,898

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

139A SPECIAL CATEGORIES
COMPUTER RELATED EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 500,000

SECTION 3 - HUMAN SERVICES
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ASSISTANT SECRETARY FOR ADMINISTRATION

APPROVED SALARY RATE -333,959

140 SALARIES AND BENEFITS POSITIONS -11.00
FROM GENERAL REVENUE FUND . . . . . -471,562

141 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -10,543

142 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -87,350

143 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -255

144 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -15,777

144A DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM FEDERAL GRANTS TRUST FUND . . . 500,000

TOTAL: ASSISTANT SECRETARY FOR ADMINISTRATION
FROM GENERAL REVENUE FUND . . . . . -585,487
FROM TRUST FUNDS 500,000

TOTAL POSITIONS . . . . . -11.00
TOTAL ALL FUNDS . . . . . -85,487

DISTRICT ADMINISTRATION

APPROVED SALARY RATE -313,971

145 SALARIES AND BENEFITS POSITIONS -9.00
FROM GENERAL REVENUE FUND . . . . . -505,112

146 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -119,016

147 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -10,920

TOTAL: DISTRICT ADMINISTRATION
FROM GENERAL REVENUE FUND . . . . . -635,048

TOTAL POSITIONS . . . . . -9.00
TOTAL ALL FUNDS . . . . . -635,048

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

ADULT PROTECTION

APPROVED SALARY RATE -429,127

148 SALARIES AND BENEFITS POSITIONS -15.00
FROM GENERAL REVENUE FUND . . . . . -463,874
FROM FEDERAL GRANTS TRUST FUND . . . -169,577

149 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -352,597
FROM FEDERAL GRANTS TRUST FUND . . . -128,898

150 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,048
FROM FEDERAL GRANTS TRUST FUND . . . -1,845

151 SPECIAL CATEGORIES
GRANTS AND AIDS - DOMESTIC VIOLENCE

SECTION 3 - HUMAN SERVICES
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PROGRAM
FROM GENERAL REVENUE FUND . . . . . -10,221

TOTAL: ADULT PROTECTION
FROM GENERAL REVENUE FUND . . . . . -831,740
FROM TRUST FUNDS . . . . . -300,320

TOTAL POSITIONS . . . . . -15.00
TOTAL ALL FUNDS . . . . . -1,132,060

CHILD PROTECTION AND PERMANENCY

152 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION
FROM GENERAL REVENUE FUND . . . . . -237,968
FROM FEDERAL GRANTS TRUST FUND . . . -63,240

153 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY BASED CARE
FUNDS FOR PROVIDERS OF CHILD WELFARE
SERVICES
FROM GENERAL REVENUE FUND . . . . . -9,837,274
FROM FEDERAL GRANTS TRUST FUND . . . 9,837,274

TOTAL: CHILD PROTECTION AND PERMANENCY
FROM GENERAL REVENUE FUND . . . . . -10,075,242
FROM TRUST FUNDS 9,774,034

TOTAL ALL FUNDS . . . . . -301,208

FLORIDA ABUSE HOTLINE

154 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,658

155 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -136,652

156 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -7,847

TOTAL: FLORIDA ABUSE HOTLINE
FROM GENERAL REVENUE FUND . . . . . -151,157

TOTAL ALL FUNDS . . . . . -151,157

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE -148,548

157 SALARIES AND BENEFITS POSITIONS -5.00
FROM GENERAL REVENUE FUND . . . . . -226,532
FROM FEDERAL GRANTS TRUST FUND . . . -68,280

158 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -58,979

159 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -168,859
FROM FEDERAL GRANTS TRUST FUND . . . -50,896

160 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -109,171
FROM FEDERAL GRANTS TRUST FUND . . . -32,906

161 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION
FROM GENERAL REVENUE FUND . . . . . -29,337

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE
FROM GENERAL REVENUE FUND . . . . . -592,878
FROM TRUST FUNDS . . . . . -152,082

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	-5.00	
TOTAL ALL FUNDS		-744,960

PROGRAM: MENTAL HEALTH PROGRAM

VIOLENT SEXUAL PREDATOR PROGRAM

162 SALARIES AND BENEFITS		
FROM GENERAL REVENUE FUND	-20,786	
163 EXPENSES		
FROM GENERAL REVENUE FUND	-23,588	
164 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	-1,777	
TOTAL: VIOLENT SEXUAL PREDATOR PROGRAM		
FROM GENERAL REVENUE FUND	-46,151	
TOTAL ALL FUNDS		-46,151

ADULT COMMUNITY MENTAL HEALTH SERVICES

165 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	-6,407,456	
FROM FEDERAL GRANTS TRUST FUND . . .		-8,394
TOTAL: ADULT COMMUNITY MENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	-6,407,456	
FROM TRUST FUNDS		-8,394
TOTAL ALL FUNDS		-6,415,850

CHILDREN's MENTAL HEALTH SERVICES

166 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN's MENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	-407,360	
167 SPECIAL CATEGORIES		
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH		
FROM GENERAL REVENUE FUND	-1,026,480	
TOTAL: CHILDREN's MENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	-1,433,840	
TOTAL ALL FUNDS		-1,433,840

PROGRAM MANAGEMENT AND COMPLIANCE

168 SALARIES AND BENEFITS		
FROM GENERAL REVENUE FUND	-30,000	
169 EXPENSES		
FROM GENERAL REVENUE FUND	-18,604	
170 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	-1,505	
171 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM FEDERAL GRANTS TRUST FUND . . .		-13,960,349

The reduced appropriation in Specific Appropriation 171 includes a recurring reduction of $8,560,349 and a nonrecurring reduction of $5,400,000 from the Federal Grants Trust Fund to reflect a reduction in estimated revenues from the Community Based Medicaid Administrative Claiming (CBMAC) program. The Department of Children and Family Services shall re-direct the nonrecurring sum of $5,400,000 to fund a projected CBMAC revenue shortfall in Specific Appropriation 379, chapter 2008-152, Laws of Florida.

172 SPECIAL CATEGORIES		
FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH CORPORATION		
FROM GENERAL REVENUE FUND	-9,260	
FROM FEDERAL GRANTS TRUST FUND . . .		-2,063
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE		
FROM GENERAL REVENUE FUND	-59,369	
FROM TRUST FUNDS		-13,962,412
TOTAL ALL FUNDS		-14,021,781

PROGRAM: SUBSTANCE ABUSE PROGRAM

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE -43,675

173 SALARIES AND BENEFITS POSITIONS	-1.00	
FROM GENERAL REVENUE FUND	-52,896	
174 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	-1,218	
FROM FEDERAL GRANTS TRUST FUND . . .		-326
175 EXPENSES		
FROM GENERAL REVENUE FUND	-5,411	
176 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	-652	
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE		
FROM GENERAL REVENUE FUND	-60,177	
FROM TRUST FUNDS		-326
TOTAL POSITIONS	-1.00	
TOTAL ALL FUNDS		-60,503

CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

177 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	-1,549,543	

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

178 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	-1,455,074	

PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

179 SALARIES AND BENEFITS		
FROM GENERAL REVENUE FUND	-1,000,000	
FROM FEDERAL GRANTS TRUST FUND . . .		1,000,000
180 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	-33,164	
FROM FEDERAL GRANTS TRUST FUND . . .		-30,907
181 EXPENSES		
FROM GENERAL REVENUE FUND	-2,203,708	

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . -2,054,679

182 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -358,148
FROM FEDERAL GRANTS TRUST FUND . . . -333,776

TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,595,020
FROM TRUST FUNDS . . . . . -1,419,362

TOTAL ALL FUNDS . . . . . -5,014,382

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE -148,552

183 SALARIES AND BENEFITS POSITIONS -5.00
FROM GENERAL REVENUE FUND . . . . . -313,562
FROM FEDERAL GRANTS TRUST FUND . . . -296,990

184 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -21,765
FROM FEDERAL GRANTS TRUST FUND . . . -13,429

185 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -25,501
FROM FEDERAL GRANTS TRUST FUND . . . -24,188

186 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -318,181
FROM FEDERAL GRANTS TRUST FUND . . . -317,344

187 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -130,909
FROM FEDERAL GRANTS TRUST FUND . . . -130,909

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE
FROM GENERAL REVENUE FUND . . . . . -809,918
FROM TRUST FUNDS . . . . . -782,860

TOTAL POSITIONS . . . . . -5.00
TOTAL ALL FUNDS . . . . . -1,592,778

FRAUD PREVENTION AND BENEFIT RECOVERY

188 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -100,402
FROM FEDERAL GRANTS TRUST FUND . . . -308,975

189 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -707
FROM FEDERAL GRANTS TRUST FUND . . . -651

190 SPECIAL CATEGORIES
PUBLIC ASSISTANCE FRAUD CONTRACT
FROM GENERAL REVENUE FUND . . . . . -4,010
FROM FEDERAL GRANTS TRUST FUND . . . -3,694

TOTAL: FRAUD PREVENTION AND BENEFIT RECOVERY
FROM GENERAL REVENUE FUND . . . . . -105,119
FROM TRUST FUNDS . . . . . -313,320

TOTAL ALL FUNDS . . . . . -418,439

SPECIAL ASSISTANCE PAYMENTS

191 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -7,224

192 OTHER PERSONAL SERVICES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -2,329

193 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -7,589

194 SPECIAL CATEGORIES
GRANTS AND AIDS - CHALLENGE GRANTS
FROM GENERAL REVENUE FUND . . . . . -84,671

195 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL EMERGENCY
SHELTER GRANT PROGRAM
FROM GENERAL REVENUE FUND . . . . . -47,456

196 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -35,252

TOTAL: SPECIAL ASSISTANCE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -184,521

TOTAL ALL FUNDS . . . . . -184,521

PROGRAM: INSTITUTIONAL FACILITIES

ADULT MENTAL HEALTH TREATMENT FACILITIES

APPROVED SALARY RATE -1,608,380

197 SALARIES AND BENEFITS POSITIONS -36.00
FROM GENERAL REVENUE FUND . . . . . -2,254,047

198 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,000

199 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -123,750

200 FOOD PRODUCTS
FROM GENERAL REVENUE FUND . . . . . -79,286

201 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,429

202 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL
SERVICES
FROM GENERAL REVENUE FUND . . . . . -681,000

203 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC
MEDICATION PROGRAM
FROM GENERAL REVENUE FUND . . . . . -2,573

204 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM GENERAL REVENUE FUND . . . . . -313,915

TOTAL: ADULT MENTAL HEALTH TREATMENT FACILITIES
FROM GENERAL REVENUE FUND . . . . . -3,463,000

TOTAL POSITIONS . . . . . -36.00
TOTAL ALL FUNDS . . . . . -3,463,000

TOTAL: CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -32,355,638
FROM TRUST FUNDS . . . . . -6,165,042

TOTAL POSITIONS . . . . . -87.00
TOTAL ALL FUNDS . . . . . -38,520,680
TOTAL APPROVED SALARY RATE . . . . -3,230,401

ELDER AFFAIRS, DEPARTMENT OF

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

APPROVED SALARY RATE -119,256

205 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -43,475
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -130,427

206 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,637
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -22,548

207 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -19,990
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -59,970

208 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -350
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -1,050

209 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,001
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -12,000

TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES
FROM GENERAL REVENUE FUND . . . . . -73,453
FROM TRUST FUNDS . . . . . -225,995

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -299,448

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE -78,010

210 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -71,844
FROM FEDERAL GRANTS TRUST FUND . . . -36,745

211 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -9,355

212 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -92,638

213 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMER's DISEASE
PROJECTS/SERVICES
FROM GENERAL REVENUE FUND . . . . . -236,291

214 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMERS DISEASE
RESPITE SERVICES
FROM GENERAL REVENUE FUND . . . . . -280,658

215 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE
ELDERLY
FROM GENERAL REVENUE FUND . . . . . -1,745,307
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -135,483

216 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -128,795

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

217 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -140,656

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,705,544
FROM TRUST FUNDS . . . . . -172,228

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -2,877,772

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -88,745

218 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -74,839
FROM FEDERAL GRANTS TRUST FUND . . . -54,767

219 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,384

220 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -12,889
FROM ADMINISTRATIVE TRUST FUND . . . -5,929

221 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . -27,400

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -93,112
FROM TRUST FUNDS . . . . . -88,096

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -181,208

CONSUMER ADVOCATE SERVICES

APPROVED SALARY RATE -22,455

222 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -34,813

223 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,001

224 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -2,955

225 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,240

TOTAL: CONSUMER ADVOCATE SERVICES
FROM GENERAL REVENUE FUND . . . . . -41,009

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -41,009

TOTAL: ELDER AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -2,913,118
FROM TRUST FUNDS . . . . . -486,319

TOTAL POSITIONS . . . . . -10.00
TOTAL ALL FUNDS . . . . . -3,399,437
TOTAL APPROVED SALARY RATE . . . . -308,466

HEALTH, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

ADMINISTRATIVE SUPPORT

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE -112,402

226 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -149,075

227 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -7,611
FROM ADMINISTRATIVE TRUST FUND . . . 7,611

228 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -16,434

TOTAL: ADMINISTRATIVE SUPPORT
FROM GENERAL REVENUE FUND . . . . . -173,120
FROM TRUST FUNDS 7,611

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -165,509

INFORMATION TECHNOLOGY

229 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -97,631
FROM ADMINISTRATIVE TRUST FUND . . . 97,631

230 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -103,421

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -201,052
FROM TRUST FUNDS 97,631

TOTAL ALL FUNDS . . . . . -103,421

PROGRAM: COMMUNITY PUBLIC HEALTH

FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES

231 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -28,142

232 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -50,000

233 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND . . . . . -184,384

234 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY SERVICES
FROM GENERAL REVENUE FUND . . . . . -87,831
FROM EPILEPSY SERVICES TRUST FUND . 87,831

235 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND . . . . . -214,597

236 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND . . . . . -1,889,045

237 SPECIAL CATEGORIES
GRANTS AND AIDS - CRISIS COUNSELING
FROM GENERAL REVENUE FUND . . . . . -574,728

238 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -8,989

239 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -93,150

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

240 SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTHY START COALITIONS
FROM GENERAL REVENUE FUND . . . . . -339,481

TOTAL: FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,470,347
FROM TRUST FUNDS 87,831

TOTAL ALL FUNDS . . . . . -3,382,516

INFECTIOUS DISEASE CONTROL

APPROVED SALARY RATE -66,843

241 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -95,444

242 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -150,059

243 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE
FROM GENERAL REVENUE FUND . . . . . -118,985

244 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED
IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS
FROM GENERAL REVENUE FUND . . . . . -445,057

245 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND . . . . . -539,029

246 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -42,425

TOTAL: INFECTIOUS DISEASE CONTROL
FROM GENERAL REVENUE FUND . . . . . -1,390,999

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -1,390,999

ENVIRONMENTAL HEALTH SERVICES

247 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -75,763
FROM ADMINISTRATIVE TRUST FUND . . . 75,763

248 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND . . . . . -160,913

TOTAL: ENVIRONMENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND . . . . . -236,676
FROM TRUST FUNDS 75,763

TOTAL ALL FUNDS . . . . . -160,913

COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS

249 SALARIES AND BENEFITS
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND . . . . . -7,688,515

250 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MINORITY HEALTH
INITIATIVES
FROM GENERAL REVENUE FUND . . . . . -207,474

251 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND . . . . . -7,688,515

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
252 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -145,413

TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS
FROM GENERAL REVENUE FUND . . . . . -8,041,402
FROM TRUST FUNDS . . . . . -7,688,515

TOTAL ALL FUNDS . . . . . -15,729,917

STATEWIDE PUBLIC HEALTH SUPPORT SERVICES

APPROVED SALARY RATE -309,489

253 SALARIES AND BENEFITS POSITIONS -10.00
FROM GENERAL REVENUE FUND . . . . . -448,113

254 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND . . . . . -1,070,928

255 SPECIAL CATEGORIES
TRANSFER TO BIOMEDICAL RESEARCH TRUST FUND
FROM GENERAL REVENUE FUND . . . . . -3,750,000

256 SPECIAL CATEGORIES
JAMES AND ESTHER KING BIOMEDICAL RESEARCH
PROGRAM
FROM BIOMEDICAL RESEARCH TRUST
FUND . . . . . -1,500,000

257 SPECIAL CATEGORIES
WILLIAM G. "Bill" BANKHEAD, JR., AND DAVID
COLEY CANCER RESEARCH PROGRAM
FROM BIOMEDICAL RESEARCH TRUST
FUND . . . . . -2,250,000

TOTAL: STATEWIDE PUBLIC HEALTH SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,269,041
FROM TRUST FUNDS . . . . . -3,750,000

TOTAL POSITIONS . . . . . -10.00
TOTAL ALL FUNDS . . . . . -9,019,041

PROGRAM: CHILDREN's MEDICAL SERVICES

CHILDREN's SPECIAL HEALTH CARE

APPROVED SALARY RATE -144,894

258 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -204,082

259 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -548,239
FROM DONATIONS TRUST FUND 548,239

260 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN's MEDICAL
SERVICES NETWORK
FROM GENERAL REVENUE FUND . . . . . -991,724

262 SPECIAL CATEGORIES
POISON CONTROL CENTER
FROM GENERAL REVENUE FUND . . . . . -124,306

TOTAL: CHILDREN's SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND . . . . . -1,868,351
FROM TRUST FUNDS 548,239

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -1,320,112

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
COMMUNITY HEALTH RESOURCES

APPROVED SALARY RATE -22,540

264 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -34,912

265 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -1,979

266 SPECIAL CATEGORIES
AREA HEALTH EDUCATION CENTERS
FROM GENERAL REVENUE FUND . . . . . -850,544

267 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -64,660

TOTAL: COMMUNITY HEALTH RESOURCES
FROM GENERAL REVENUE FUND . . . . . -952,095

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -952,095

PROGRAM: DISABILITY DETERMINATIONS

DISABILITY BENEFITS DETERMINATION

268 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -36,128

TOTAL: HEALTH, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -21,639,211
FROM TRUST FUNDS . . . . . -10,621,440

TOTAL POSITIONS . . . . . -20.00
TOTAL ALL FUNDS . . . . . -32,260,651
TOTAL APPROVED SALARY RATE . . . . -656,168

VETERANS' AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

269 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -351,703
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 351,703

TOTAL: VETERANS' HOMES
FROM GENERAL REVENUE FUND . . . . . -351,703
FROM TRUST FUNDS 351,703

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -35,655

270 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -51,803

VETERANS' BENEFITS AND ASSISTANCE

APPROVED SALARY RATE -38,809

271 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -54,064

272 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -20,641

TOTAL: VETERANS' BENEFITS AND ASSISTANCE
FROM GENERAL REVENUE FUND . . . . . -74,705

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	-1.00	
TOTAL ALL FUNDS		-74,705

TOTAL: VETERANS' AFFAIRS, DEPARTMENT OF

FROM GENERAL REVENUE FUND	-478,211	
FROM TRUST FUNDS		351,703
TOTAL POSITIONS	-2.00	
TOTAL ALL FUNDS		-126,508
TOTAL APPROVED SALARY RATE	-74,464	

TOTAL OF SECTION 3

FROM GENERAL REVENUE FUND	-137,437,455	
FROM TRUST FUNDS		89,972,044
TOTAL POSITIONS	-293.00	
TOTAL ALL FUNDS		-47,465,411

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and the Justice Administration as the amounts, or reductions to amounts, to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

The Department of Corrections may, subject to all applicable provisions of chapter 216, Florida Statutes, transfer funds and positions and salary rate among budget entities and programs within Specific Appropriations 273 through 367 if necessary, to ensure public safety and avoid adversely affecting current employees due to the elimination of vacant positions and other approved reductions. It is the intent of the Legislature that priority shall be placed on preserving positions in correctional institutions and community corrections.

To minimize the impact of funding reductions within Specific Appropriations 273 through 367, the department shall identify vacant correctional work release capacity and has the discretion pursuant to the provisions of chapter 216, Florida Statutes, to transfer funds to enable the filling of such additional capacity in accordance with the provisions of chapter 945, Florida Statutes.

In order to achieve the reductions specified in Specific Appropriations 273 through 367, the Department of Corrections shall evaluate the cost of current lease contracts and current market value, and to the extent possible, renegotiate leases to achieve current year savings. The department shall report findings regarding the evaluation of lease contracts and current market value to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

273	EXPENSES FROM GENERAL REVENUE FUND	-1,763	
274	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	-1,939	

TOTAL: BUSINESS SERVICE CENTERS

FROM GENERAL REVENUE FUND	-3,702	
TOTAL ALL FUNDS		-3,702

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
EXECUTIVE DIRECTION AND SUPPORT SERVICES

275	EXPENSES FROM GENERAL REVENUE FUND	-57,696	
276	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	-11,818	
277	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND	-10,978	

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	-80,492	
TOTAL ALL FUNDS		-80,492

INFORMATION TECHNOLOGY

278	EXPENSES FROM GENERAL REVENUE FUND	-2,093	
279	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	-20,007	

TOTAL: INFORMATION TECHNOLOGY

FROM GENERAL REVENUE FUND	-22,100	
TOTAL ALL FUNDS		-22,100

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

ADULT MALE CUSTODY OPERATIONS

APPROVED SALARY RATE -12,889,179

280	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	POSITIONS -347.00 -9,387,158	
281	EXPENSES FROM GENERAL REVENUE FUND	-2,297,042	
282	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	-440,380	
283	FOOD PRODUCTS FROM GENERAL REVENUE FUND	-1,216,250	
284	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	-53,875	
285	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION FROM GENERAL REVENUE FUND	-53,918	
286	SPECIAL CATEGORIES OVERTIME FROM GENERAL REVENUE FUND	-50,989	
287	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	-481,120	
288	SPECIAL CATEGORIES PRIVATE PRISON OPERATIONS FROM GENERAL REVENUE FUND	-3,420,422	

TOTAL: ADULT MALE CUSTODY OPERATIONS

FROM GENERAL REVENUE FUND	-17,401,154	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -347.00
TOTAL ALL FUNDS . . . . . -17,401,154

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS

289 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -109,441

290 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -26,064

291 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND . . . . . -36,234

292 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -16,081

293 SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND . . . . . -1,107,699

TOTAL: ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND . . . . . -1,295,519

TOTAL ALL FUNDS . . . . . -1,295,519

MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS

294 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -55,402

295 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,234

296 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND . . . . . -36,971

297 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -6,920

298 SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND . . . . . -702,091

TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND . . . . . -802,618

TOTAL ALL FUNDS . . . . . -802,618

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS

299 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -182,347

300 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -73,470

301 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND . . . . . -58,533

302 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -64,257

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS
FROM GENERAL REVENUE FUND . . . . . -378,607

TOTAL ALL FUNDS . . . . . -378,607

RECEPTION CENTER OPERATIONS

303 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -176,323

304 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,632

305 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND . . . . . -27,078

306 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -28,593

TOTAL: RECEPTION CENTER OPERATIONS
FROM GENERAL REVENUE FUND . . . . . -235,626

TOTAL ALL FUNDS . . . . . -235,626

PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION

307 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -24,389

308 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -502,829

309 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND . . . . . -7,753

310 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -12,009

TOTAL: PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION
FROM GENERAL REVENUE FUND . . . . . -546,980

TOTAL ALL FUNDS . . . . . -546,980

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE -255,304

311 SALARIES AND BENEFITS POSITIONS -14.00
FROM GENERAL REVENUE FUND . . . . . -417,843

312 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -11,494

313 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -215,581

314 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,319

315 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -2,704

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND . . . . . -648,941

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -14.00
TOTAL ALL FUNDS . . . . . -648,941

EXECUTIVE DIRECTION AND SUPPORT SERVICES

316 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -87,332

317 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -10,781

318 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -54,483

319 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -4,085

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -156,681

TOTAL ALL FUNDS . . . . . -156,681

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

320 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -3,959,198

321 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -16,116

322 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -200,413

323 FIXED CAPITAL OUTLAY
FACILITIES PROVIDING ADDITIONAL CAPACITY
FROM GENERAL REVENUE FUND . . . . . -2,000,000

TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR
FROM GENERAL REVENUE FUND . . . . . -6,175,727

TOTAL ALL FUNDS . . . . . -6,175,727

INFORMATION TECHNOLOGY

324 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -57,227

325 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -8,038

326 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -175,633

327 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND . . . . . -32,055

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -272,953

TOTAL ALL FUNDS . . . . . -272,953

PROGRAM: COMMUNITY CORRECTIONS

PROBATION SUPERVISION

APPROVED SALARY RATE -2,023,103

327A SALARIES AND BENEFITS POSITIONS -54.00
FROM GENERAL REVENUE FUND . . . . . -2,995,741

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

328 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,396

329 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -969,900

330 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -25,311

331 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,714

332 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -24,056

TOTAL: PROBATION SUPERVISION
FROM GENERAL REVENUE FUND . . . . . -4,025,118

TOTAL POSITIONS . . . . . -54.00
TOTAL ALL FUNDS . . . . . -4,025,118

DRUG OFFENDER PROBATION SUPERVISION

APPROVED SALARY RATE -359,301

332A SALARIES AND BENEFITS POSITIONS -8.00
FROM GENERAL REVENUE FUND . . . . . -489,992

333 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -93,035

334 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -4,603

TOTAL: DRUG OFFENDER PROBATION SUPERVISION
FROM GENERAL REVENUE FUND . . . . . -587,630

TOTAL POSITIONS . . . . . -8.00
TOTAL ALL FUNDS . . . . . -587,630

PRE TRIAL INTERVENTION SUPERVISION

APPROVED SALARY RATE -55,926

334A SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -88,784

335 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -23,515

TOTAL: PRE TRIAL INTERVENTION SUPERVISION
FROM GENERAL REVENUE FUND . . . . . -112,299

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -112,299

COMMUNITY CONTROL SUPERVISION

APPROVED SALARY RATE -446,006

335A SALARIES AND BENEFITS POSITIONS -10.00
FROM GENERAL REVENUE FUND . . . . . -608,818

336 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -150,633

337 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -9,640

338 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
ELECTRONIC MONITORING
FROM GENERAL REVENUE FUND . . . . . -502,118

TOTAL: COMMUNITY CONTROL SUPERVISION
FROM GENERAL REVENUE FUND . . . . . -1,271,209

TOTAL POSITIONS . . . . . -10.00
TOTAL ALL FUNDS . . . . . -1,271,209

POST PRISON RELEASE SUPERVISION

APPROVED SALARY RATE -721,329

338A SALARIES AND BENEFITS POSITIONS -14.00
FROM GENERAL REVENUE FUND . . . . . -966,436

339 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -113,220

340 SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND . . . . . -32,000

341 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -5,456

TOTAL: POST PRISON RELEASE SUPERVISION
FROM GENERAL REVENUE FUND . . . . . -1,117,112

TOTAL POSITIONS . . . . . -14.00
TOTAL ALL FUNDS . . . . . -1,117,112

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

The Department of Corrections shall make every effort to maximize offender subsistence payment rates and implement flexibility in program requirements in order to reduce budget reduction impacts on community substance abuse providers. The department shall report to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care on actions taken to implement these provisions no later than thirty days upon this act becoming law.

345 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG
TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -3,000,000

The funds reduced in Specific Appropriation 345 shall be proportional to the current contracts in place for substance abuse treatment.

INFORMATION TECHNOLOGY

348 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -101,117

349 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -12,295

350 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND . . . . . -13,680

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -127,092

TOTAL ALL FUNDS . . . . . -127,092

COMMUNITY FACILITY OPERATIONS

351 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -117,399

PROGRAM: HEALTH SERVICES

INMATE HEALTH SERVICES

352 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -193,206

353 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -139,287

354 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,493

355 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,623,999

356 SPECIAL CATEGORIES
TREATMENT OF INMATES - GENERAL DRUGS
FROM GENERAL REVENUE FUND . . . . . -426,849

357 SPECIAL CATEGORIES
TREATMENT OF INMATES - PSYCHOTROPIC DRUGS
FROM GENERAL REVENUE FUND . . . . . -278,576

TOTAL: INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,666,410

TOTAL ALL FUNDS . . . . . -3,666,410

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

358 SPECIAL CATEGORIES
TREATMENT OF INMATES - INFECTIOUS DISEASE
DRUGS
FROM GENERAL REVENUE FUND . . . . . -615,561

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

APPROVED SALARY RATE -166,380

358A SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -229,374

359 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -6,266

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES
FROM GENERAL REVENUE FUND . . . . . -235,640

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -235,640

BASIC EDUCATION SKILLS

APPROVED SALARY RATE -2,910,466

360A SALARIES AND BENEFITS POSITIONS -81.00
FROM GENERAL REVENUE FUND . . . . . -4,104,828

361 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -39,775

362 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -107,059

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

363 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -2,080

364 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,138

TOTAL: BASIC EDUCATION SKILLS
FROM GENERAL REVENUE FUND . . . . . -4,256,880

TOTAL POSITIONS . . . . . -81.00
TOTAL ALL FUNDS . . . . . -4,256,880

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

APPROVED SALARY RATE -966,448

364A SALARIES AND BENEFITS POSITIONS -22.00
FROM GENERAL REVENUE FUND . . . . . -1,322,015

365 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -9,622

366 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -29,520

367 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -216,820

TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT
FROM GENERAL REVENUE FUND . . . . . -1,577,977

TOTAL POSITIONS . . . . . -22.00
TOTAL ALL FUNDS . . . . . -1,577,977

TOTAL: CORRECTIONS, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -48,731,427

TOTAL POSITIONS . . . . . -556.00
TOTAL ALL FUNDS . . . . . -48,731,427
TOTAL APPROVED SALARY RATE . . . . -20,793,442

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -82,634

368 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -202,286

369 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -824

370 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -32,922

371 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -2,465

372 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER CARE CITIZEN REVIEW PANEL
FROM GENERAL REVENUE FUND . . . . . -3,840

373 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,605

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

374 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING
FROM GENERAL REVENUE FUND . . . . . -1,397

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -247,339

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -247,339

PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE

APPROVED SALARY RATE -819,651

375 SALARIES AND BENEFITS POSITIONS -19.00
FROM GENERAL REVENUE FUND . . . . . -1,124,074

376 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -20,000

377 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -74,449

378 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -1,600

379 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND . . . . . -35,706

380 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -68,936

TOTAL: PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE
FROM GENERAL REVENUE FUND . . . . . -1,324,765

TOTAL POSITIONS . . . . . -19.00
TOTAL ALL FUNDS . . . . . -1,324,765

STATE ATTORNEYS

PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE -99,798

381 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -241,741
STATE ATTORNEYS REVENUE TRUST FUND . 88,151

382 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -382

383 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -11,129

384 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -124

TOTAL: PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -253,376
FROM TRUST FUNDS 88,151

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -165,225

PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE -55,458

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

385 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -139,681
STATE ATTORNEYS REVENUE TRUST FUND . 50,933

386 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -319

387 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -4,553

388 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -102

TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -144,655
FROM TRUST FUNDS 50,933

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -93,722

PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT

389 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -81,116
STATE ATTORNEYS REVENUE TRUST FUND . 29,579

390 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -99

391 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -2,801

392 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -76

TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -84,092
FROM TRUST FUNDS 29,579

TOTAL ALL FUNDS . . . . . -54,513

PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -171,953

393 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -397,751
STATE ATTORNEYS REVENUE TRUST FUND . 145,037

394 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,756

395 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -3,807

396 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -143

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -403,457
FROM TRUST FUNDS 145,037

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -258,420

PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -113,178

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

397 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -267,692
STATE ATTORNEYS REVENUE TRUST FUND . 97,612

398 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -133

399 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -6,858

400 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -198

TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -274,881
FROM TRUST FUNDS 97,612

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -177,269

PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -209,775

401 SALARIES AND BENEFITS POSITIONS -6.00
FROM GENERAL REVENUE FUND . . . . . -503,222
STATE ATTORNEYS REVENUE TRUST FUND . 183,496

402 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,091

403 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -6,413

404 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -285

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -511,011
FROM TRUST FUNDS 183,496

TOTAL POSITIONS . . . . . -6.00
TOTAL ALL FUNDS . . . . . -327,515

PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -111,819

405 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -265,056
STATE ATTORNEYS REVENUE TRUST FUND . 96,651

406 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -493

407 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -7,993

408 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -77

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -273,619
FROM TRUST FUNDS 96,651

TOTAL POSITIONS . . . . . -3.00

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS . . . . . -176,968

PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -63,404

409 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -155,092
STATE ATTORNEYS REVENUE TRUST FUND . 56,553

410 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -107

411 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -3,770

412 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -170

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -159,139
FROM TRUST FUNDS 56,553

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -102,586

PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -165,834

413 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -385,884
STATE ATTORNEYS REVENUE TRUST FUND . 140,710

414 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,197

415 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -12,564

416 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -333

TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -399,978
FROM TRUST FUNDS 140,710

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -259,268

PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -96,880

417 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -236,079
STATE ATTORNEYS REVENUE TRUST FUND . 86,085

418 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -392

419 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -2,978

420 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -180

TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -239,629
FROM TRUST FUNDS 86,085

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -153,544

PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -397,538

421 SALARIES AND BENEFITS POSITIONS -10.00
FROM GENERAL REVENUE FUND . . . . . -931,566
STATE ATTORNEYS REVENUE TRUST FUND . 339,646

422 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,001

423 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -10,488

424 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -279

TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -945,334
FROM TRUST FUNDS 339,646

TOTAL POSITIONS . . . . . -10.00
TOTAL ALL FUNDS . . . . . -605,688

PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -95,993

425 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -218,306
STATE ATTORNEYS REVENUE TRUST FUND . 79,603

426 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -291

427 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -5,308

428 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -119

TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -224,024
FROM TRUST FUNDS 79,603

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -144,421

PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -170,322

429 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -394,590
STATE ATTORNEYS REVENUE TRUST FUND . 143,884

430 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,497

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

431 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -8,487

432 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -86

TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -404,660
FROM TRUST FUNDS 143,884

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -260,776

PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -57,954

433 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -144,519
STATE ATTORNEYS REVENUE TRUST FUND . 52,698

434 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -3,105

435 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -97

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -147,721
FROM TRUST FUNDS 52,698

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -95,023

PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -165,194

436 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -384,642
STATE ATTORNEYS REVENUE TRUST FUND . 140,257

437 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -934

438 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -7,978

439 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -133

TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -393,687
FROM TRUST FUNDS 140,257

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -253,430

PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT

440 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -74,350

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
STATE ATTORNEYS REVENUE TRUST FUND . 27,111

441 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -194

442 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,786

443 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -88

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -76,418
FROM TRUST FUNDS 27,111

TOTAL ALL FUNDS . . . . . -49,307

PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -247,714

444 SALARIES AND BENEFITS POSITIONS -7.00
FROM GENERAL REVENUE FUND . . . . . -592,866
STATE ATTORNEYS REVENUE TRUST FUND . 216,184

445 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,444

446 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -15,110

447 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -295

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -609,715
FROM TRUST FUNDS 216,184

TOTAL POSITIONS . . . . . -7.00
TOTAL ALL FUNDS . . . . . -393,531

PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -136,667

448 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -329,308
STATE ATTORNEYS REVENUE TRUST FUND . 120,080

449 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -315

450 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -8,041

451 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -120

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -337,784
FROM TRUST FUNDS 120,080

TOTAL POSITIONS . . . . . -4.00

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS . . . . . -217,704

PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -74,697

452 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -176,996
STATE ATTORNEYS REVENUE TRUST FUND . 64,540

453 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -244

454 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -6,677

455 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -110

TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -184,027
FROM TRUST FUNDS 64,540

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -119,487

PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE -127,793

456 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -312,096
STATE ATTORNEYS REVENUE TRUST FUND . 113,803

457 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -403

458 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -10,509

459 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -264

TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -323,272
FROM TRUST FUNDS 113,803

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -209,469

PUBLIC DEFENDERS

PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE -57,185

460 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -140,648
PUBLIC DEFENDERS REVENUE TRUST
FUND 49,941

461 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -284

462 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -2,699

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -143,631
FROM TRUST FUNDS 49,941

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -93,690

PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE -42,800

463 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -97,423
PUBLIC DEFENDERS REVENUE TRUST
FUND 34,591

464 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -257

465 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -2,268

TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -99,948
FROM TRUST FUNDS 34,591

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -65,357

PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT

466 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -45,532
PUBLIC DEFENDERS REVENUE TRUST
FUND 16,167

467 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,287

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -46,819
FROM TRUST FUNDS 16,167

TOTAL ALL FUNDS . . . . . -30,652

PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -83,399

468 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -190,648
PUBLIC DEFENDERS REVENUE TRUST
FUND 67,693

469 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -276

470 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -3,576

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -194,500
FROM TRUST FUNDS 67,693

TOTAL POSITIONS . . . . . -2.00

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS . . . . . -126,807

PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -53,521

471 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -117,873
PUBLIC DEFENDERS REVENUE TRUST
FUND 41,853

472 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -273

473 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,605

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -119,751
FROM TRUST FUNDS 41,853

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -77,898

PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -109,977

474 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -257,127
PUBLIC DEFENDERS REVENUE TRUST
FUND 91,297

475 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -986

476 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -6,710

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -264,823
FROM TRUST FUNDS 91,297

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -173,526

PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE -56,341

477 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -139,037
PUBLIC DEFENDERS REVENUE TRUST
FUND 49,367

478 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -2,004

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -141,041
FROM TRUST FUNDS 49,367

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -91,674

PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL
CIRCUIT

479 SALARIES AND BENEFITS

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -92,150
PUBLIC DEFENDERS REVENUE TRUST
FUND 32,719

480 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -160

481 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,462

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -93,772
FROM TRUST FUNDS 32,719

TOTAL ALL FUNDS . . . . . -61,053

PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -80,125

482 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -184,403
PUBLIC DEFENDERS REVENUE TRUST
FUND 65,475

483 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -9,727

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -194,130
FROM TRUST FUNDS 65,475

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -128,655

PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -59,867

484 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -129,978
PUBLIC DEFENDERS REVENUE TRUST
FUND 46,151

485 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -156

486 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -2,454

TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -132,588
FROM TRUST FUNDS 46,151

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -86,437

PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE -203,144

487 SALARIES AND BENEFITS POSITIONS -6.00
FROM GENERAL REVENUE FUND . . . . . -482,192
PUBLIC DEFENDERS REVENUE TRUST
FUND 171,210

488 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -733

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

489 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -1,141

490 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -5,243

TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -489,309
FROM TRUST FUNDS 171,210

TOTAL POSITIONS . . . . . -6.00
TOTAL ALL FUNDS . . . . . -318,099

PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -48,805

491 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -108,877
PUBLIC DEFENDERS REVENUE TRUST FUND 38,658

492 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -249

493 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -3,022

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -112,148
FROM TRUST FUNDS 38,658

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -73,490

PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -146,214

494 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -236,662
PUBLIC DEFENDERS REVENUE TRUST FUND 84,031

495 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -583

496 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -6,864

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -244,109
FROM TRUST FUNDS 84,031

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -160,078

PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT

497 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -76,395
PUBLIC DEFENDERS REVENUE TRUST FUND 27,125

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

498 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,906

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -78,301
FROM TRUST FUNDS 27,125

TOTAL ALL FUNDS . . . . . -51,176

PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -93,079

499 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -224,897
PUBLIC DEFENDERS REVENUE TRUST FUND 79,854

500 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -598

501 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -2,160

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -227,655
FROM TRUST FUNDS 79,854

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -147,801

PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT

502 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -51,580
PUBLIC DEFENDERS REVENUE TRUST FUND 18,314

503 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,123

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -52,703
FROM TRUST FUNDS 18,314

TOTAL ALL FUNDS . . . . . -34,389

PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -121,216

504 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -278,567
PUBLIC DEFENDERS REVENUE TRUST FUND 98,910

505 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,033

506 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -5,666

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -285,266
FROM TRUST FUNDS 98,910

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -186,356

PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE -56,095

507 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -122,781
PUBLIC DEFENDERS REVENUE TRUST FUND 43,596

508 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -161

509 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -4,474

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -127,416
FROM TRUST FUNDS 43,596

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -83,820

PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT

510 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -87,055
PUBLIC DEFENDERS REVENUE TRUST FUND 30,910

511 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -250

512 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,543

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -88,848
FROM TRUST FUNDS 30,910

TOTAL ALL FUNDS . . . . . -57,938

PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE -54,979

513 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -136,438
PUBLIC DEFENDERS REVENUE TRUST FUND 48,445

514 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -189

515 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -4,527

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -141,154
FROM TRUST FUNDS 48,445

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -92,709

PUBLIC DEFENDERS APPELLATE DIVISION

PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT

516 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -28,072

517 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,822

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -29,894

TOTAL ALL FUNDS . . . . . -29,894

PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT

518 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -27,151

519 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -30

520 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,733

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -28,914

TOTAL ALL FUNDS . . . . . -28,914

PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT

521 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -38,684

522 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -9,133

523 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,756

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -49,573

TOTAL ALL FUNDS . . . . . -49,573

PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT

524 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -24,027

525 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -47

526 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -1,157

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -25,231

TOTAL ALL FUNDS . . . . . -25,231

PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH
JUDICIAL CIRCUIT

527 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -38,892

528 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -503

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH
JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND . . . . . -39,395

TOTAL ALL FUNDS . . . . . -39,395

CAPITAL COLLATERAL REGIONAL COUNSELS

PROGRAM: MIDDLE REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL
REPRESENTATION TO DEATH-ROW INMATES

529 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -30,000

530 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,000

531 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND . . . . . -45,000

532 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND . . . . . -2,000

533 SPECIAL CATEGORIES
OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -76,872

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL
REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND . . . . . -158,872

TOTAL ALL FUNDS . . . . . -158,872

PROGRAM: SOUTHERN REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL
REPRESENTATION TO DEATH-ROW INMATES

534 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -33,585

535 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,800

536 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND . . . . . -75,000

537 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND . . . . . -1,000

538 SPECIAL CATEGORIES
OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND . . . . . -17,200

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL
REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND . . . . . -133,585

TOTAL ALL FUNDS . . . . . -133,585

TOTAL: JUSTICE ADMINISTRATION
FROM GENERAL REVENUE FUND . . . . . -11,705,959
FROM TRUST FUNDS 3,408,920

TOTAL POSITIONS . . . . . -126.00
TOTAL ALL FUNDS . . . . . -8,297,039
TOTAL APPROVED SALARY RATE . . . . -4,731,003

JUVENILE JUSTICE, DEPARTMENT OF

In order to achieve the reductions specified in Specific Appropriations 539 through 581A, the Department of Juvenile Justice shall evaluate the cost of current lease contracts and current market value, and to the extent possible, renegotiate leases to achieve current year savings. The department shall report findings regarding the evaluation of lease contracts and current market value to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care.

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS
PROGRAM

AFTERCARE SERVICES - CONDITIONAL RELEASE

APPROVED SALARY RATE -31,108

539 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -44,155

540 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -5,051

541 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND
PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND . . . . . -59,506

542 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,147,888

TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE
FROM GENERAL REVENUE FUND . . . . . -1,256,600

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -1,256,600

JUVENILE PROBATION

APPROVED SALARY RATE -1,299,008

543 SALARIES AND BENEFITS POSITIONS -46.00
FROM GENERAL REVENUE FUND . . . . . -2,237,430

544 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -43,599

545 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -356,516

546 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -2,863

547 SPECIAL CATEGORIES
JUVENILE REDIRECTIONS PROGRAM
FROM GENERAL REVENUE FUND . . . . . -390,346

548 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
LEGISLATIVE INITIATIVES TO REDUCE AND
PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND . . . . . -11,908

549 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -41,510

550 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -420,336

TOTAL: JUVENILE PROBATION
FROM GENERAL REVENUE FUND . . . . . -3,504,508

TOTAL POSITIONS . . . . . -46.00
TOTAL ALL FUNDS . . . . . -3,504,508

NON-RESIDENTIAL DELINQUENCY REHABILITATION

551 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND
PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND . . . . . -7,683

552 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -774,522

TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION
FROM GENERAL REVENUE FUND . . . . . -782,205

TOTAL ALL FUNDS . . . . . -782,205

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT
SECRETARY FOR ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

553 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -139,030

554 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -324,509

555 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -1,369

556 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -17,286

557 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -23,269

558 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -10,052

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -515,515

TOTAL ALL FUNDS . . . . . -515,515

INFORMATION TECHNOLOGY

APPROVED SALARY RATE -96,820

559 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -147,046

560 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -87,884

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
561 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -3,515

562 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -26,134

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -264,579

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -264,579

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

NON-SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE -302,254

563 SALARIES AND BENEFITS POSITIONS -9.00
FROM GENERAL REVENUE FUND . . . . . -396,650

564 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,305

565 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -54,986

566 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -1,858

567 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -22,105

568 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,949,585

TOTAL: NON-SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND . . . . . -5,429,489

TOTAL POSITIONS . . . . . -9.00
TOTAL ALL FUNDS . . . . . -5,429,489

SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE -866,144

570 SALARIES AND BENEFITS POSITIONS -28.00
FROM GENERAL REVENUE FUND . . . . . -1,345,411

571 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -34,389

572 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -122,059

573 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-
DOZIER TRAINING SCHOOL
FROM GENERAL REVENUE FUND . . . . . -17,201

574 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-
OKEECHOBEE TRAINING SCHOOL
FROM GENERAL REVENUE FUND . . . . . -266,180

575 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -61,410

576 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,483,420

TOTAL: SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND . . . . . -3,330,070

TOTAL POSITIONS . . . . . -28.00
TOTAL ALL FUNDS . . . . . -3,330,070

PROGRAM: PREVENTION AND VICTIM SERVICES

DELINQUENCY PREVENTION AND DIVERSION

577 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -11,971

578 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -29,452

578A SPECIAL CATEGORIES
PACE CENTERS
FROM GENERAL REVENUE FUND . . . . . -404,549

579 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND
PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND . . . . . -32,179

580 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,406

581 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -31,729

581A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN
NEED OF SERVICES
FROM GENERAL REVENUE FUND . . . . . -994,435

TOTAL: DELINQUENCY PREVENTION AND DIVERSION
FROM GENERAL REVENUE FUND . . . . . -1,505,721

TOTAL ALL FUNDS . . . . . -1,505,721

TOTAL: JUVENILE JUSTICE, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -16,588,687

TOTAL POSITIONS . . . . . -86.00
TOTAL ALL FUNDS . . . . . -16,588,687
TOTAL APPROVED SALARY RATE . . . . -2,595,334

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -202,281

582 SALARIES AND BENEFITS POSITIONS -6.00
FROM GENERAL REVENUE FUND . . . . . -197,202
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND . . . . . -39,615
FROM OPERATING TRUST FUND . . . . . -37,700

TOTAL: PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -197,202
FROM TRUST FUNDS . . . . . -77,315

TOTAL POSITIONS . . . . . -6.00
TOTAL ALL FUNDS . . . . . -274,517

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
PROGRAM: INVESTIGATIONS AND FORENSIC SCIENCE
PROGRAM

PROVIDE CRIME LAB SERVICES

APPROVED SALARY RATE -47,147

583 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -63,404

PROVIDE INVESTIGATIVE SERVICES

APPROVED SALARY RATE -1,737,725

584 SALARIES AND BENEFITS POSITIONS -44.00
FROM GENERAL REVENUE FUND . . . . . -3,706,478
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 86,952
FROM OPERATING TRUST FUND 1,137,383

585 EXPENSES
FROM OPERATING TRUST FUND . . . . . -200,000

586 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -401,763

TOTAL: PROVIDE INVESTIGATIVE SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,108,241
FROM TRUST FUNDS 1,024,335

TOTAL POSITIONS . . . . . -44.00
TOTAL ALL FUNDS . . . . . -3,083,906

MUTUAL AID AND PREVENTION SERVICES

APPROVED SALARY RATE -28,033

587 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -37,700

PUBLIC ASSISTANCE FRAUD INVESTIGATIONS

APPROVED SALARY RATE 53,000

587A SALARIES AND BENEFITS POSITIONS -16.00
FROM GENERAL REVENUE FUND . . . . . -439,000
FROM FEDERAL GRANTS TRUST FUND . . . -439,000

TOTAL: PUBLIC ASSISTANCE FRAUD INVESTIGATIONS
FROM GENERAL REVENUE FUND . . . . . -439,000
FROM TRUST FUNDS . . . . . -439,000

TOTAL POSITIONS . . . . . -16.00
TOTAL ALL FUNDS . . . . . -878,000

PROGRAM: CRIMINAL JUSTICE INFORMATION PROGRAM

PROVIDE INFORMATION NETWORK SERVICES TO THE LAW
ENFORCEMENT COMMUNITY

APPROVED SALARY RATE -315,639

588 SALARIES AND BENEFITS POSITIONS -8.00
FROM GENERAL REVENUE FUND . . . . . -66,726
FROM OPERATING TRUST FUND . . . . . -390,546

589 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND . . . . . -100,000

TOTAL: PROVIDE INFORMATION NETWORK SERVICES TO THE LAW
ENFORCEMENT COMMUNITY
FROM GENERAL REVENUE FUND . . . . . -66,726
FROM TRUST FUNDS . . . . . -490,546

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -8.00
TOTAL ALL FUNDS . . . . . -557,272

PROVIDE PREVENTION AND CRIME INFORMATION SERVICES

APPROVED SALARY RATE -329,062

590 SALARIES AND BENEFITS POSITIONS -12.00
FROM OPERATING TRUST FUND . . . . . -457,752

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

LAW ENFORCEMENT STANDARDS COMPLIANCE

APPROVED SALARY RATE -155,286

591 SALARIES AND BENEFITS POSITIONS -4.00
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND . . . . . -208,832

LAW ENFORCEMENT TRAINING AND CERTIFICATION
SERVICES

APPROVED SALARY RATE -103,476

592 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -73,482
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND . . . . . -89,890

TOTAL: LAW ENFORCEMENT TRAINING AND CERTIFICATION
SERVICES
FROM GENERAL REVENUE FUND . . . . . -73,482
FROM TRUST FUNDS . . . . . -89,890

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -163,372

TOTAL: LAW ENFORCEMENT, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -4,985,755
FROM TRUST FUNDS . . . . . -739,000

TOTAL POSITIONS . . . . . -96.00
TOTAL ALL FUNDS . . . . . -5,724,755
TOTAL APPROVED SALARY RATE . . . . -2,865,649

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

CIVIL ENFORCEMENT

APPROVED SALARY RATE -758,661

593 SALARIES AND BENEFITS POSITIONS -5.00
FROM GENERAL REVENUE FUND . . . . . -934,971

594 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,780

595 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -111,661

596 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -4,691

597 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -2,248

598 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,000

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
599 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -2,906

TOTAL: CIVIL ENFORCEMENT
FROM GENERAL REVENUE FUND . . . . . -1,063,257

TOTAL POSITIONS . . . . . -5.00
TOTAL ALL FUNDS . . . . . -1,063,257

CONSTITUTIONAL LEGAL SERVICES

600 SALARIES AND BENEFITS POSITIONS -1.00

CRIMINAL AND CIVIL LITIGATION DEFENSE

601 SALARIES AND BENEFITS POSITIONS -7.00

602 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,920

603 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -7,810

604 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,350

TOTAL: CRIMINAL AND CIVIL LITIGATION DEFENSE
FROM GENERAL REVENUE FUND . . . . . -14,080

TOTAL POSITIONS . . . . . -7.00
TOTAL ALL FUNDS . . . . . -14,080

VICTIM SERVICES

605 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,280

605A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -78,412

605B SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY COMMUNITIES
CRIME PREVENTION PROGRAMS
FROM GENERAL REVENUE FUND . . . . . -182,945

TOTAL: VICTIM SERVICES
FROM GENERAL REVENUE FUND . . . . . -262,637

TOTAL ALL FUNDS . . . . . -262,637

EXECUTIVE DIRECTION AND SUPPORT SERVICES

606 SALARIES AND BENEFITS POSITIONS -4.00

607 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -3,771

608 SPECIAL CATEGORIES
ATTORNEY GENERAL's LAW LIBRARY
FROM GENERAL REVENUE FUND . . . . . -11,783

609 SPECIAL CATEGORIES
COMMISSION ON THE STATUS OF WOMEN
FROM GENERAL REVENUE FUND . . . . . -4,411

610 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,232

611 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -5,645

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -30,842

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -30,842

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

APPROVED SALARY RATE -133,703

612 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -174,150

613 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND . . . . . -34,175

TOTAL: PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME
FROM GENERAL REVENUE FUND . . . . . -208,325

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -208,325

TOTAL: LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL
FROM GENERAL REVENUE FUND . . . . . -1,579,141

TOTAL POSITIONS . . . . . -19.00
TOTAL ALL FUNDS . . . . . -1,579,141
TOTAL APPROVED SALARY RATE . . . . -892,364

PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND
VICTIMS RIGHTS

APPROVED SALARY RATE -144,656

614 SALARIES AND BENEFITS POSITIONS -15.50
FROM GENERAL REVENUE FUND . . . . . -300,162

615 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -20,000

TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND
VICTIMS RIGHTS
FROM GENERAL REVENUE FUND . . . . . -320,162

TOTAL POSITIONS . . . . . -15.50
TOTAL ALL FUNDS . . . . . -320,162

TOTAL: PAROLE COMMISSION
FROM GENERAL REVENUE FUND . . . . . -320,162

TOTAL POSITIONS . . . . . -15.50
TOTAL ALL FUNDS . . . . . -320,162
TOTAL APPROVED SALARY RATE . . . . -144,656

TOTAL OF SECTION 4

FROM GENERAL REVENUE FUND . . . . . -83,911,131

FROM TRUST FUNDS 2,669,920

TOTAL POSITIONS . . . . . -898.50

TOTAL ALL FUNDS . . . . . -81,241,211

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts, or as reductions to amounts, to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

PROGRAM: OFFICE OF THE COMMISSIONER AND
ADMINISTRATION

AGRICULTURAL WATER POLICY COORDINATION

616 SPECIAL CATEGORIES
BEST MANAGEMENT PRACTICES - COST SHARE
FROM GENERAL INSPECTION TRUST FUND . -2,000,000

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -185,807

617 SALARIES AND BENEFITS POSITIONS -6.00
FROM GENERAL REVENUE FUND . . . . . -569,347
FROM GENERAL INSPECTION TRUST FUND . 300,344

618 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,939

619 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -64,722

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -637,008
FROM TRUST FUNDS 300,344

TOTAL POSITIONS . . . . . -6.00
TOTAL ALL FUNDS . . . . . -336,664

PROGRAM: FOREST AND RESOURCE PROTECTION

LAND MANAGEMENT

APPROVED SALARY RATE -252,017

620 SALARIES AND BENEFITS POSITIONS -8.00
FROM GENERAL REVENUE FUND . . . . . -363,701

620A FIXED CAPITAL OUTLAY
CONSERVATION AND RURAL LAND PROTECTION
EASEMENTS AND AGREEMENTS
FROM FLORIDA FOREVER PROGRAM TRUST
FUND . . . . . -10,500,000

TOTAL: LAND MANAGEMENT
FROM GENERAL REVENUE FUND . . . . . -363,701
FROM TRUST FUNDS . . . . . -10,500,000

TOTAL POSITIONS . . . . . -8.00
TOTAL ALL FUNDS . . . . . -10,863,701

WILDFIRE PREVENTION AND MANAGEMENT

APPROVED SALARY RATE -70,134

621 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -1,046,924
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 946,134

622 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -200,000

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

623 SPECIAL CATEGORIES
FORESTRY WILDFIRE PROTECTION/SUPPRESSION
EQUIPMENT
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND . . . . . -946,134

623A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
FORESTRY WILDFIRE PROTECTION/SUPPRESSION
EQUIPMENT
FROM GENERAL REVENUE FUND 946,134

624 SPECIAL CATEGORIES
ON-CALL FEES
FROM GENERAL REVENUE FUND . . . . . -333,296
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 333,296

TOTAL: WILDFIRE PREVENTION AND MANAGEMENT
FROM GENERAL REVENUE FUND . . . . . -634,086
FROM TRUST FUNDS 333,296

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -300,790

PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER

INFORMATION TECHNOLOGY

APPROVED SALARY RATE -22,541

625 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -31,000

626 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -90,000

627 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -104,846

628 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -95,000

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -320,846

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -320,846

PROGRAM: FOOD SAFETY AND QUALITY

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

629 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -9,205

630 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,040

TOTAL: DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT
FROM GENERAL REVENUE FUND . . . . . -10,245

TOTAL ALL FUNDS . . . . . -10,245

FOOD SAFETY INSPECTION AND ENFORCEMENT

APPROVED SALARY RATE -38,809

631 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -204,064
FROM GENERAL INSPECTION TRUST FUND . 150,000

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

632 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -10,309

633 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -30,000

TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT
FROM GENERAL REVENUE FUND . . . . . -244,373
FROM TRUST FUNDS 150,000

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -94,373

PROGRAM: CONSUMER PROTECTION

AGRICULTURAL ENVIRONMENTAL SERVICES

APPROVED SALARY RATE -52,725

634 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -78,825

635 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -409,450
FROM GENERAL INSPECTION TRUST FUND . 380,066

636 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,479

TOTAL: AGRICULTURAL ENVIRONMENTAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -492,754
FROM TRUST FUNDS 380,066

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -112,688

CONSUMER PROTECTION

637 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -78,932
FROM GENERAL INSPECTION TRUST FUND . 78,932

638 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -11,872
FROM GENERAL INSPECTION TRUST FUND . 11,872

639 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -97,177
FROM GENERAL INSPECTION TRUST FUND . 97,177

640 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -12,142
FROM GENERAL INSPECTION TRUST FUND . 12,142

641 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND . . . . . -15,264
FROM GENERAL INSPECTION TRUST FUND . 15,264

TOTAL: CONSUMER PROTECTION
FROM GENERAL REVENUE FUND . . . . . -215,387
FROM TRUST FUNDS 215,387

STANDARDS AND PETROLEUM QUALITY INSPECTION

APPROVED SALARY RATE -82,712

642 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -122,503

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE -45,190

643 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -69,954

644 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,400

645 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -75,000

646 SPECIAL CATEGORIES
FLORIDA AGRICULTURE PROMOTION CAMPAIGN
FROM GENERAL REVENUE FUND . . . . . -730,000

646A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
FLORIDA AGRICULTURE PROMOTION CAMPAIGN
FROM GENERAL REVENUE FUND 730,000

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM GENERAL REVENUE FUND . . . . . -151,354

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -151,354

AQUACULTURE

APPROVED SALARY RATE -24,675

647 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -37,426

648 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,421

648A RESTORE AS NON-RECURRING-
OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,421

649 SPECIAL CATEGORIES
OYSTER PLANTING
FROM GENERAL REVENUE FUND . . . . . -350,201
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 350,201

650 SPECIAL CATEGORIES
AQUACULTURE DEVELOPMENT
FROM GENERAL REVENUE FUND . . . . . -65,480

650A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
AQUACULTURE DEVELOPMENT
FROM GENERAL REVENUE FUND 65,480

TOTAL: AQUACULTURE
FROM GENERAL REVENUE FUND . . . . . -387,627
FROM TRUST FUNDS 350,201

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -37,426

ANIMAL PEST AND DISEASE CONTROL

APPROVED SALARY RATE -56,068

651 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -82,760

652 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -80,000

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TOTAL: ANIMAL PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND . . . . . -162,760

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -162,760

PLANT PEST AND DISEASE CONTROL

APPROVED SALARY RATE -83,834

653 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -125,247

654 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,888

TOTAL: PLANT PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND . . . . . -127,135

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -127,135

TOTAL: AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE
FROM GENERAL REVENUE FUND . . . . . -3,869,779
FROM TRUST FUNDS . . . . . -10,770,706

TOTAL POSITIONS . . . . . -31.00
TOTAL ALL FUNDS . . . . . -14,640,485
TOTAL APPROVED SALARY RATE . . . . -914,512

COMMUNITY AFFAIRS, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY

EXECUTIVE DIRECTION AND SUPPORT SERVICES

655 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -100,000
FROM ADMINISTRATIVE TRUST FUND . . . 100,000
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -7,000

656 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . -80,000

657 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -20,000
FROM ADMINISTRATIVE TRUST FUND . . . -48,117
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -736

658 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . -3,595

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -120,000
FROM TRUST FUNDS . . . . . -39,448

TOTAL ALL FUNDS . . . . . -159,448

PROGRAM: EMERGENCY MANAGEMENT

PRE-DISASTER MITIGATION

659 SALARIES AND BENEFITS
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -226

660 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -2,173

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

661 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -500
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -295

TOTAL: PRE-DISASTER MITIGATION
FROM TRUST FUNDS . . . . . -3,194

TOTAL ALL FUNDS . . . . . -3,194

EMERGENCY PLANNING

662 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -17,309

663 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -22,882

664 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/
CIVIL AIR PATROL
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -1,980

665 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT
PROGRAMS
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -283,562

TOTAL: EMERGENCY PLANNING
FROM TRUST FUNDS . . . . . -325,733

TOTAL ALL FUNDS . . . . . -325,733

EMERGENCY RECOVERY

666 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -2,173
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -44

667 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -853
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -5,254

TOTAL: EMERGENCY RECOVERY
FROM TRUST FUNDS . . . . . -8,324

TOTAL ALL FUNDS . . . . . -8,324

EMERGENCY RESPONSE

668 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -2,173

669 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FUND . . . . . -583

670 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -75
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -128

TOTAL: EMERGENCY RESPONSE
FROM TRUST FUNDS . . . . . -2,959

TOTAL ALL FUNDS . . . . . -2,959

HAZARDOUS MATERIALS COMPLIANCE PLANNING

671 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND . . . . . -880
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . -626

TOTAL: HAZARDOUS MATERIALS COMPLIANCE PLANNING
FROM TRUST FUNDS . . . . . -1,506

TOTAL ALL FUNDS . . . . . -1,506

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

APPROVED SALARY RATE -46,381

672 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -110,000
FROM FLORIDA COMMUNITIES TRUST
FUND . . . . . -255

673 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -3,094
FROM OPERATING TRUST FUND . . . . . -1,092

674 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -40

675 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -20
FROM OPERATING TRUST FUND . . . . . -20

TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT
FROM GENERAL REVENUE FUND . . . . . -113,154
FROM TRUST FUNDS . . . . . -1,367

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -114,521

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION

677 SALARIES AND BENEFITS
FROM OPERATING TRUST FUND . . . . . -13,000

678 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND . . . . . -107,842

679 EXPENSES
FROM OPERATING TRUST FUND . . . . . -13,565

680 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND . . . . . -80

681 SPECIAL CATEGORIES
CONTRACTED SERVICES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM OPERATING TRUST FUND . . . . . -487

TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION
FROM TRUST FUNDS . . . . . -134,974

TOTAL ALL FUNDS . . . . . -134,974

LAND ACQUISITION AND ADMINISTRATION

682 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST
FUND . . . . . -11,420

683 EXPENSES
FROM FLORIDA COMMUNITIES TRUST
FUND . . . . . -38,807

684 OPERATING CAPITAL OUTLAY
FROM FLORIDA COMMUNITIES TRUST
FUND . . . . . -80

684A FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST
FUND . . . . . -63,000,000

TOTAL: LAND ACQUISITION AND ADMINISTRATION
FROM TRUST FUNDS . . . . . -63,050,307

TOTAL ALL FUNDS . . . . . -63,050,307

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

AFFORDABLE HOUSING FINANCING

685 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE
CORPORATION (HFC) - AFFORDABLE HOUSING
PROGRAMS
FROM LOCAL GOVERNMENT HOUSING
TRUST FUND . . . . . -9,000,000
FROM STATE HOUSING TRUST FUND . . . -1,027,511

The nonrecurring reduction in Specific Appropriation 685 from the Local Government Housing Trust Fund shall be allocated as follows:

Preservation Rehabilitation Pilot Program..... -5,000,000
State Apartment Incentive Loan Program..... -4,000,000

The nonrecurring reduction in Specific Appropriation 685 from the State Housing Trust Fund shall be for the State Apartment Incentive Loan (SAIL).

686 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE
CORPORATION (HFC) - STATE HOUSING
INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING
TRUST FUND . . . . . -13,000,000

The nonrecurring reduction in Specific Appropriation 686 from the Local Government Housing Trust Fund shall be for the State Housing Initiatives Partnership (SHIP) Program.

TOTAL: AFFORDABLE HOUSING FINANCING
FROM TRUST FUNDS . . . . . -23,027,511

TOTAL ALL FUNDS . . . . . -23,027,511

TOTAL: COMMUNITY AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -233,154
FROM TRUST FUNDS . . . . . -86,595,323

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -86,828,477
TOTAL APPROVED SALARY RATE . . . . -46,381

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -293,063

687 SALARIES AND BENEFITS POSITIONS -10.50
FROM GENERAL REVENUE FUND . . . . . -183,497
FROM ADMINISTRATIVE TRUST FUND . . . 132,176

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -183,497
FROM TRUST FUNDS 132,176

TOTAL POSITIONS . . . . . -10.50
TOTAL ALL FUNDS . . . . . -51,321

TECHNOLOGY AND INFORMATION SERVICES

APPROVED SALARY RATE -74,506

689 SALARIES AND BENEFITS POSITIONS -3.00
FROM WORKING CAPITAL TRUST FUND . . -106,055

PROGRAM: STATE LANDS

LAND ADMINISTRATION

689A FIXED CAPITAL OUTLAY
DEBT SERVICE - FLORIDA FOREVER BONDS - NEW
SERIES
FROM LAND ACQUISITION TRUST FUND . . -4,265,000

For Fiscal Year 2008-2009, the Division of Bond Finance of the State Board of Administration shall not issue any additional series of Florida Forever bonds.

689B FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FLORIDA FOREVER TRUST FUND . . -105,000,000

690 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND
ACQUISITION
FROM FLORIDA FOREVER TRUST FUND . . -90,000,000
FROM WATER MANAGEMENT LANDS TRUST
FUND . . . . . -3,540,000

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS . . . . . -202,805,000

TOTAL ALL FUNDS . . . . . -202,805,000

LAND MANAGEMENT

691 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM
PROPERTY SALES
FROM INTERNAL IMPROVEMENT TRUST
FUND . . . . . -111,135

PROGRAM: DISTRICT OFFICES

WATER RESOURCE PROTECTION AND RESTORATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE -30,109

692 SALARIES AND BENEFITS POSITIONS -1.00
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND . . . . . -43,822

693 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WATER PROTECTION AND
SUSTAINABILITY PROGRAM TRUST FUND . -100,000

The reduced appropriation in Specific Appropriation 693 from the Water Protection and Sustainability Program Trust Fund reduces $100,000 from the funds provided in Specific Appropriation 1682 of chapter 2008-152, Laws of Florida, and designated in proviso for transfer to the Department of Health. The funds were provided as phase 1 of a 3-year project to develop passive strategies for nitrogen reduction that complements the use of conventional onsite wastewater treatment systems.

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM TRUST FUNDS . . . . . -143,822

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -143,822

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -22,618

695 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -401,256
FROM ADMINISTRATIVE TRUST FUND . . . 383,754

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -401,256
FROM TRUST FUNDS 383,754

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -17,502

PROGRAM: ENVIRONMENTAL ASSESSMENT AND RESTORATION

WATER SCIENCE AND LABORATORY SERVICES

APPROVED SALARY RATE -76,826

696 SALARIES AND BENEFITS POSITIONS -2.00
FROM ENVIRONMENTAL LABORATORY
TRUST FUND . . . . . -42,700
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND . . . . . -37,697

697 FIXED CAPITAL OUTLAY
TOTAL MAXIMUM DAILY LOADS
FROM WATER QUALITY ASSURANCE TRUST
FUND . . . . . -10,281,262

698 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - NON-POINT SOURCE (NPS)
MANAGEMENT PLANNING GRANTS
FROM WATER QUALITY ASSURANCE TRUST
FUND . . . . . -1,724,294

TOTAL: WATER SCIENCE AND LABORATORY SERVICES
FROM TRUST FUNDS . . . . . -12,085,953

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -12,085,953

PROGRAM: WATER RESOURCE MANAGEMENT

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
WATER RESOURCE PROTECTION AND RESTORATION

700 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SMALL COUNTY WASTEWATER TREATMENT GRANTS
FROM WATER PROTECTION AND
SUSTAINABILITY PROGRAM TRUST FUND . -2,558,738

The reduced appropriation in Specific Appropriation 700 from the Water Protection and Sustainability Program Trust Fund removes the requirement specified in proviso immediately following Specific Appropriation 1777 of chapter 2008-152, Laws of Florida, that the Department of Environmental Protection reserve $2 million until March 31, 2009, in order to provide financial incentives for local governments seeking financing from a commercial lender for projects on the contingency portion of the Water Pollution Control State Revolving Fund (SRF) Priority List adopted by the department pursuant to section 403.1835, Florida Statutes.

701 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID WATER MANAGEMENT DISTRICT
ALTERNATIVE WATER SUPPLY
FROM WATER PROTECTION AND
SUSTAINABILITY PROGRAM TRUST FUND . -2,160,000

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM TRUST FUNDS . . . . . -4,718,738

TOTAL ALL FUNDS . . . . . -4,718,738

PROGRAM: WASTE MANAGEMENT

WASTE CLEANUP

702 FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND . -15,377,749

PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

703 FIXED CAPITAL OUTLAY
LAKE OKEECHOBEE SCENIC TRAIL
FROM LAND ACQUISITION TRUST FUND . . -500,000

704 FIXED CAPITAL OUTLAY
CONSTRUCTION AND IMPROVEMENTS - INGLIS
LOCK
FROM LAND ACQUISITION TRUST FUND . . -3,999,872

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS . . . . . -4,499,872

TOTAL ALL FUNDS . . . . . -4,499,872

STATE PARK OPERATIONS

APPROVED SALARY RATE -46,329

705 SALARIES AND BENEFITS POSITIONS -2.00
FROM STATE PARK TRUST FUND . . . . . -53,471

TOTAL: ENVIRONMENTAL PROTECTION, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -584,753
FROM TRUST FUNDS . . . . . -239,385,865

TOTAL POSITIONS . . . . . -19.50
TOTAL ALL FUNDS . . . . . -239,970,618
TOTAL APPROVED SALARY RATE . . . . -543,451

FISH AND WILDLIFE CONSERVATION COMMISSION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
PROGRAM: LAW ENFORCEMENT

FISH, WILDLIFE AND BOATING LAW ENFORCEMENT

707	SALARIES AND BENEFITS		
	FROM GENERAL REVENUE FUND	-1,091,093	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,091,093
708	EXPENSES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		-1,100,000
709	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	-34,320	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		34,320
710	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	-8,822	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		8,822
711	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	FLORIDA BOATING IMPROVEMENT PROGRAM		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		-946,995
TOTAL: FISH, WILDLIFE AND BOATING LAW ENFORCEMENT			
	FROM GENERAL REVENUE FUND	-1,134,235	
	FROM TRUST FUNDS		-912,760
	TOTAL ALL FUNDS		-2,046,995

PROGRAM: HABITAT AND SPECIES CONSERVATION

HABITAT AND SPECIES CONSERVATION

713	SPECIAL CATEGORIES		
	INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		-1,605,587
714	FIXED CAPITAL OUTLAY		
	MITIGATION PARK LAND ACQUISITION		
	FROM LAND ACQUISITION TRUST FUND . .		-5,000,000
TOTAL: HABITAT AND SPECIES CONSERVATION			
	FROM TRUST FUNDS		-6,605,587
	TOTAL ALL FUNDS		-6,605,587

PROGRAM: RESEARCH

FISH AND WILDLIFE RESEARCH INSTITUTE

717	SALARIES AND BENEFITS		
	FROM GENERAL REVENUE FUND	-1,283,714	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,283,714
718	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	-6,817	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		6,817

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

719	SPECIAL CATEGORIES		
	RED TIDE RESEARCH		
	FROM GENERAL REVENUE FUND	-475,000	
TOTAL: FISH AND WILDLIFE RESEARCH INSTITUTE			
	FROM GENERAL REVENUE FUND	-1,765,531	
	FROM TRUST FUNDS		1,290,531
	TOTAL ALL FUNDS		-475,000
TOTAL: FISH AND WILDLIFE CONSERVATION COMMISSION			
	FROM GENERAL REVENUE FUND	-2,899,766	
	FROM TRUST FUNDS		-6,227,816
	TOTAL ALL FUNDS		-9,127,582
	TOTAL APPROVED SALARY RATE	0	

TRANSPORTATION, DEPARTMENT OF

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT

720	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-28,950
721	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-60,000
722	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-334,665
723	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-220,000
724	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-165,678
725	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-63,079
726	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-37,749
TOTAL: PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT			
	FROM TRUST FUNDS		-910,121
	TOTAL ALL FUNDS		-910,121

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

727	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-134,462
728	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		-50,000
729	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
(PRIMARY) TRUST FUND . . . . . -210,000

730 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -365,460

731 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -60,000

732 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -70,000

733 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -79,700

734 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -80,000

735 SPECIAL CATEGORIES
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -20,000

TOTAL: PROGRAM: HIGHWAY OPERATIONS
FROM TRUST FUNDS . . . . . -1,069,622

TOTAL ALL FUNDS . . . . . -1,069,622

EXECUTIVE DIRECTION AND SUPPORT SERVICES

736 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -82,288

737 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -68,397

738 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -22,882

739 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -187,851

740 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -8,684

741 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -4,073

742 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -17,804

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS . . . . . -391,979

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS . . . . . -391,979

INFORMATION TECHNOLOGY

743 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -4,000

744 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -200,000

745 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -139,719

746 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -381,815

747 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -2,760

748 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -3,059

749 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -23,319

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS . . . . . -754,672

TOTAL ALL FUNDS . . . . . -754,672

FLORIDA's TURNPIKE SYSTEMS

FLORIDA's TURNPIKE ENTERPRISE

750 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -46,587

751 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -274,758

752 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -60,000

753 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND . . . . . -37,721

TOTAL: FLORIDA's TURNPIKE ENTERPRISE
FROM TRUST FUNDS . . . . . -419,066

TOTAL ALL FUNDS . . . . . -419,066

TOTAL: TRANSPORTATION, DEPARTMENT OF
FROM TRUST FUNDS . . . . . -3,545,460

TOTAL ALL FUNDS . . . . . -3,545,460
TOTAL APPROVED SALARY RATE 0

TOTAL OF SECTION 5

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND . . . . . -7,587,452

FROM TRUST FUNDS . . . . . -346,525,170

TOTAL POSITIONS . . . . . -51.50

TOTAL ALL FUNDS . . . . . -354,112,622

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Agency for Workforce Innovation, Department of Business and Professional Regulation, Department of Citrus, Department of Financial Services, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State as the amounts, or as reductions to amounts, to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: ADMINISTERED FUNDS

754 LUMP SUM
EXECUTIVE AIRCRAFT POOL RATE SUPPLEMENT
FROM GENERAL REVENUE FUND . . . . . -91,380

755 LUMP SUM
CASUALTY INSURANCE PREMIUM DEFICIT
FROM GENERAL REVENUE FUND . . . . . -2,000,000

756 SPECIAL CATEGORIES
STATEWIDE CONTRACT FOR HUMAN RESOURCES
SERVICES
FROM GENERAL REVENUE FUND . . . . . -114,172

TOTAL: PROGRAM: ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND . . . . . -2,205,552

TOTAL ALL FUNDS . . . . . -2,205,552

AGENCY FOR WORKFORCE INNOVATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

EXECUTIVE LEADERSHIP

757 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -29,200

AGENCY SUPPORT SERVICES

758 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -16,000

759 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -1,040

760 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -23,600

TOTAL: AGENCY SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -40,640

TOTAL ALL FUNDS . . . . . -40,640

PROGRAM: WORKFORCE SERVICES

PROGRAM SUPPORT

761 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND . . . . . -1,500,000

The nonrecurring reduction in Specific Appropriation 761, from the Special Employment Security Administration Trust Fund, reflects the elimination of $1,500,000 provided in Specific Appropriation 2201 of chapter 2008-152, Laws of Florida, to continue existing Banner Centers.

EARLY LEARNING

EARLY LEARNING SERVICES

762 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -50,000

763 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -58,150

764 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL READINESS
SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,849,247

765 SPECIAL CATEGORIES
GRANTS AND AIDS - DATA SYSTEMS FOR SCHOOL
READINESS
FROM GENERAL REVENUE FUND . . . . . -1,940

766 SPECIAL CATEGORIES
GRANTS AND AIDS - VOLUNTARY
PREKINDERGARTEN PROGRAM
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND . . . . . -860,748

Funds reduced in Specific Appropriation 766 shall be allocated and distributed in accordance with the proviso associated with Specific Appropriation 40 in this act.

767 QUALIFIED EXPENDITURE CATEGORY
EARLY LEARNING INFO SYSTEM DEVELOPMENT
(ELIS)
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND . . . . . -175,000

TOTAL: EARLY LEARNING SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,959,337
FROM TRUST FUNDS . . . . . -1,035,748

TOTAL ALL FUNDS . . . . . -6,995,085

TOTAL: AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND . . . . . -6,029,177
FROM TRUST FUNDS . . . . . -2,535,748

TOTAL ALL FUNDS . . . . . -8,564,925
TOTAL APPROVED SALARY RATE 0

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT
OF

PROGRAM: OFFICE OF THE SECRETARY AND
ADMINISTRATION

INFORMATION TECHNOLOGY

769 SPECIAL CATEGORIES
DEPARTMENT WIDE DOCUMENT MANAGEMENT SYSTEM
FROM ADMINISTRATIVE TRUST FUND . . . -373,229

770 SPECIAL CATEGORIES
MAINTENANCE AND SUPPORT CONTRACT FOR
SINGLE LICENSING SYSTEM
FROM ADMINISTRATIVE TRUST FUND . . . -200,000

TOTAL: INFORMATION TECHNOLOGY

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM TRUST FUNDS . . . . . -573,229

TOTAL ALL FUNDS . . . . . -573,229

PROGRAM: PROFESSIONAL REGULATION

COMPLIANCE AND ENFORCEMENT

772 SALARIES AND BENEFITS
FROM PROFESSIONAL REGULATION TRUST FUND . . . . . -100,000

773 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . . . . . -39,425

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS . . . . . -139,425

TOTAL ALL FUNDS . . . . . -139,425

STANDARDS AND LICENSURE

774 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . . . . . -41,637

PROGRAM: PARI-MUTUEL WAGERING

SLOT MACHINE REGULATION

APPROVED SALARY RATE -30,900

775 SALARIES AND BENEFITS POSITIONS -1.00
FROM PARI-MUTUEL WAGERING TRUST FUND . . . . . -44,187

776 SPECIAL CATEGORIES
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT - SLOT INVESTIGATIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . . . -300,000

777 SPECIAL CATEGORIES
TRANSFER TO THE OFFICE OF THE STATE ATTORNEY - SLOT INVESTIGATIONS AND PROSECUTIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . . . -7,508

778 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . . . -250,000

TOTAL: SLOT MACHINE REGULATION
FROM TRUST FUNDS . . . . . -601,695

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -601,695

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE -74,491

779 SALARIES AND BENEFITS POSITIONS -2.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . . -104,447

STANDARDS AND LICENSURE

780 SALARIES AND BENEFITS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . . -45,004

781 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . . -21,804

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS . . . . . -66,808

TOTAL ALL FUNDS . . . . . -66,808

TAX COLLECTION

APPROVED SALARY RATE -50,210

782 SALARIES AND BENEFITS POSITIONS -2.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . . -90,040

783 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . . -32,120

TOTAL: TAX COLLECTION
FROM TRUST FUNDS . . . . . -122,160

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -122,160

PROGRAM: FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE -32,823

784 SALARIES AND BENEFITS POSITIONS -1.00
FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . . -137,017

785 EXPENSES
FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . . -55,885

786 SPECIAL CATEGORIES
GRANTS AND AIDS - CONDOMINIUM/COOPERATIVE ASSOCIATION MANAGEMENT EDUCATION
FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . . -150,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS . . . . . -342,902

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -342,902

STANDARDS AND LICENSURE

787 SALARIES AND BENEFITS
FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . . -64,033

788 EXPENSES
FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . . -10,050

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS . . . . . -74,083

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS . . . . . -74,083

TOTAL: BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF
FROM TRUST FUNDS . . . . . -2,066,386

TOTAL POSITIONS . . . . . -6.00
TOTAL ALL FUNDS . . . . . -2,066,386
TOTAL APPROVED SALARY RATE . . . . -188,424

FINANCIAL SERVICES, DEPARTMENT OF

PROGRAM: OFFICE OF CHIEF FINANCIAL OFFICER AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

790 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . -9,240
FROM INSURANCE REGULATORY TRUST FUND . . . . . -12,289

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS . . . . . -21,529

TOTAL ALL FUNDS . . . . . -21,529

INFORMATION TECHNOLOGY

793 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . -1,958
FROM INSURANCE REGULATORY TRUST FUND . . . . . -23,670

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS . . . . . -25,628

TOTAL ALL FUNDS . . . . . -25,628

INFORMATION TECHNOLOGY - FLAIR INFRASTRUCTURE

APPROVED SALARY RATE -70,821

794A SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -92,803

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING

APPROVED SALARY RATE -114,986

794B SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -149,510

PROGRAM: FIRE MARSHAL

COMPLIANCE AND ENFORCEMENT

795 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . . . -12,144

PROFESSIONAL TRAINING AND STANDARDS

APPROVED SALARY RATE -34,888

798 SALARIES AND BENEFITS POSITIONS -1.00
FROM INSURANCE REGULATORY TRUST FUND . . . . . -49,448

799 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . . . -10,000

800 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . . . -26,619

801 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . . . -6,404

TOTAL: PROFESSIONAL TRAINING AND STANDARDS
FROM TRUST FUNDS . . . . . -92,471

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -92,471

FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES

802 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . . . -2,720

PROGRAM: LICENSING AND CONSUMER PROTECTION

INSURANCE COMPANY REHABILITATION AND LIQUIDATION

APPROVED SALARY RATE -41,247

803 SALARIES AND BENEFITS POSITIONS -1.00
FROM INSURANCE REGULATORY TRUST FUND . . . . . -56,934

LICENSURE, SALES APPOINTMENT AND OVERSIGHT

APPROVED SALARY RATE -63,629

805 SALARIES AND BENEFITS POSITIONS -2.00
FROM INSURANCE REGULATORY TRUST FUND . . . . . -91,660

807 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . . . -15,804

TOTAL: LICENSURE, SALES APPOINTMENT AND OVERSIGHT
FROM TRUST FUNDS . . . . . -107,464

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -107,464

INSURANCE FRAUD

APPROVED SALARY RATE -27,052

809 SALARIES AND BENEFITS POSITIONS -1.00
FROM INSURANCE REGULATORY TRUST FUND . . . . . -40,224

812 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . . . -8,942

813 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST FUND . . . . . -9,844

TOTAL: INSURANCE FRAUD
FROM TRUST FUNDS . . . . . -59,010

TOTAL POSITIONS . . . . . -1.00

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS . . . . . -59,010

CONSUMER ASSISTANCE

814 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND . . . . . -6,989

815 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND . . . . . -76,486

816 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND . . . . . -26,891

TOTAL: CONSUMER ASSISTANCE
FROM TRUST FUNDS . . . . . -110,366

TOTAL ALL FUNDS . . . . . -110,366

FUNERAL AND CEMETERY SERVICES

APPROVED SALARY RATE -126,005

817 SALARIES AND BENEFITS POSITIONS -4.00
FROM REGULATORY TRUST FUND . . . . . -181,845

818 LUMP SUM
FUNERAL AND CEMETERIES REGULATION
POSITIONS -2.00
FROM REGULATORY TRUST FUND . . . . . -284,860

TOTAL: FUNERAL AND CEMETERY SERVICES
FROM TRUST FUNDS . . . . . -466,705

TOTAL POSITIONS . . . . . -6.00
TOTAL ALL FUNDS . . . . . -466,705

PROGRAM: WORKERS' COMPENSATION

WORKERS' COMPENSATION

APPROVED SALARY RATE -132,448

819 SALARIES AND BENEFITS POSITIONS -4.00
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND . . . . . -189,430

TOTAL: FINANCIAL SERVICES, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -242,313
FROM TRUST FUNDS . . . . . -1,144,401

TOTAL POSITIONS . . . . . -20.00
TOTAL ALL FUNDS . . . . . -1,386,714
TOTAL APPROVED SALARY RATE . . . . -611,076

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

820 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND . . . . . -656,295

821 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
WASHINGTON OFFICE
FROM GENERAL REVENUE FUND . . . . . -7,492

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -663,787

TOTAL ALL FUNDS . . . . . -663,787

DRUG CONTROL COORDINATION

822 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND . . . . . -36,574

EXECUTIVE PLANNING AND BUDGETING

823 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE
OF PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND . . . . . -614,455

FLORIDA ENERGY AND CLIMATE COMMISSION

824 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - FLORIDA
ENERGY AND CLIMATE COMMISSION
FROM GENERAL REVENUE FUND . . . . . -53,199

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC
DEVELOPMENT

EXECUTIVE DIRECTION AND SUPPORT SERVICES

825 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -10,072

826 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -24,451
FROM FLORIDA INTERNATIONAL TRADE
AND PROMOTION TRUST FUND . . . . . -2,916
FROM TOURISM PROMOTION TRUST FUND . -3,305

827 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -15,405

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -49,928
FROM TRUST FUNDS . . . . . -6,221

TOTAL ALL FUNDS . . . . . -56,149

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

828 SPECIAL CATEGORIES
GRANTS AND AIDS - BLACK BUSINESS
INVESTMENT BOARD
FROM GENERAL REVENUE FUND . . . . . -110,039

828A SPECIAL CATEGORIES
QUICK ACTION CLOSING FUND
FROM GENERAL REVENUE FUND . . . . . -11,781,543

829 SPECIAL CATEGORIES
GRANTS AND AIDS - ADVOCATING INTERNATIONAL
RELATIONSHIPS
FROM GENERAL REVENUE FUND . . . . . -36,013

830 SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT PROJECTS
FROM GENERAL REVENUE FUND . . . . . -70,025

831 SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND . . . . . -8,003

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

832 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS FOUNDATION
FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND . . . . . -110,039

833 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA PROGRAM
FROM GENERAL REVENUE FUND . . . . . -182,065
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND . . . . . -294,105

834 SPECIAL CATEGORIES
GRANTS AND AIDS - MILITARY BASE PROTECTION
FROM GENERAL REVENUE FUND . . . . . -40,014

835 SPECIAL CATEGORIES
ECONOMIC RECOVERY ASSISTANCE PROGRAM
FROM GENERAL REVENUE FUND . . . . . -127,600

836 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON TOURISM
FROM GENERAL REVENUE FUND . . . . . -4,649,995
FROM TOURISM PROMOTION TRUST FUND . -5,272,480

837 SPECIAL CATEGORIES
FILM AND ENTERTAINMENT
FROM GENERAL REVENUE FUND . . . . . -200,071

838 SPECIAL CATEGORIES
GRANTS AND AIDS - SPACE FLORIDA
FROM GENERAL REVENUE FUND . . . . . -160,057

TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND . . . . . -17,365,425
FROM TRUST FUNDS . . . . . -5,676,624

TOTAL ALL FUNDS . . . . . -23,042,049

PROGRAM: AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

839 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -90,978

TOTAL: GOVERNOR, EXECUTIVE OFFICE OF THE
FROM GENERAL REVENUE FUND . . . . . -18,874,346
FROM TRUST FUNDS . . . . . -5,682,845

TOTAL ALL FUNDS . . . . . -24,557,191
TOTAL APPROVED SALARY RATE 0

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -79,812

840 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -5,321
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . -227,526
FROM LAW ENFORCEMENT TRUST FUND . . -5,661

840A RESTORE AS NON-RECURRING-
SALARIES AND BENEFITS

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

FROM HIGHWAY SAFETY OPERATING TRUST FUND 95,602

841 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . -3,718

842 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . -12,000

843 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . -36,831

844 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . -15,034

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,321
FROM TRUST FUNDS . . . . . -205,168

TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -210,489

PROGRAM: FLORIDA HIGHWAY PATROL

HIGHWAY SAFETY

APPROVED SALARY RATE -956,640

845 SALARIES AND BENEFITS POSITIONS -30.00
FROM GENERAL REVENUE FUND . . . . . -10,983,402
FROM HIGHWAY SAFETY OPERATING TRUST FUND 8,000,000

846 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -250,299
FROM LAW ENFORCEMENT TRUST FUND . . -2,728
FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . . -7,750

847 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -143,560
FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . . -10,528

848 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -1,540,698
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . -1,541,609

848A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
ACQUISITION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING TRUST FUND 550,820

849 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -500,000

850 SPECIAL CATEGORIES
AUXILLIARY UNIFORMS AND EQUIPMENT
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . -5,762

851 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -58,244

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

852 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -260,000

853 SPECIAL CATEGORIES
MOBILE DATA TERMINAL SYSTEM
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -97,887

TOTAL: HIGHWAY SAFETY
FROM GENERAL REVENUE FUND . . . . . -13,476,203
FROM TRUST FUNDS 6,624,556

TOTAL POSITIONS . . . . . -30.00
TOTAL ALL FUNDS . . . . . -6,851,647

EXECUTIVE DIRECTION AND SUPPORT SERVICES

854 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -39,011

855 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -18,065

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -57,076

TOTAL ALL FUNDS . . . . . -57,076

PROGRAM: LICENSES, TITLES AND REGULATIONS

DRIVER LICENSURE

APPROVED SALARY RATE -269,999

856 SALARIES AND BENEFITS POSITIONS -11.00
FROM GENERAL REVENUE FUND . . . . . -348,928
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -2,489,035

857 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -90,150

858 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -47,119
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -260,366

859 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -34,531

860 SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF
DRIVER LICENSE APPLICATIONS AND MOTOR
VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -40,000

861 SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS
OF DRIVER LICENSE APPLICATIONS AND MOTOR
VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -75,000

862 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -50,149

863 SPECIAL CATEGORIES
AUTOMATED UNIFORM TRAFFIC ACCOUNTING

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

SYSTEM
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -38,094

864 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND . . . . . -529,642

865 SPECIAL CATEGORIES
TRANSFER TO TRANSPORTATION SECURITY
ADMINISTRATION AND FLORIDA DEPARTMENT OF
LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -4,600,000

TOTAL: DRIVER LICENSURE
FROM GENERAL REVENUE FUND . . . . . -960,220
FROM TRUST FUNDS . . . . . -7,642,794

TOTAL POSITIONS . . . . . -11.00
TOTAL ALL FUNDS . . . . . -8,603,014

MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE

866 SALARIES AND BENEFITS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -95,816

867 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -10,833

TOTAL: MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE
FROM TRUST FUNDS . . . . . -106,649

TOTAL ALL FUNDS . . . . . -106,649

IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS

868 SALARIES AND BENEFITS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -134,949

869 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -100,000

870 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -30,218
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -19,441

871 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -7,373

TOTAL: IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS
FROM GENERAL REVENUE FUND . . . . . -30,218
FROM TRUST FUNDS . . . . . -261,763

TOTAL ALL FUNDS . . . . . -291,981

MOBILE HOME COMPLIANCE AND ENFORCEMENT

872 SALARIES AND BENEFITS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -31,215

873 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -5,820

TOTAL: MOBILE HOME COMPLIANCE AND ENFORCEMENT

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM TRUST FUNDS . . . . . -37,035

TOTAL ALL FUNDS . . . . . -37,035

VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES

APPROVED SALARY RATE -87,820

874 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -90,777
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -129,521
FROM GAS TAX COLLECTION TRUST FUND . -249,608

875 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -31,157

876 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -11,672
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -105,815
FROM GAS TAX COLLECTION TRUST FUND . -22,366

877 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO SCHOOLS - MOBILE HOME
DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST
FUND . . . . . -420,150

878 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOBILE HOME
DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST
FUND . . . . . -244,887

879 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO CITIES - MOBILE HOME DECAL
REVENUE
FROM LICENSE TAX COLLECTION TRUST
FUND . . . . . -195,270

880 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -54,426

881 SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF
DRIVER LICENSE APPLICATIONS AND MOTOR
VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -45,000

882 SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS
OF DRIVER LICENSE APPLICATIONS AND MOTOR
VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -10,000

883 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -109,344

884 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE
PLATES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -865,177

TOTAL: VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES
FROM GENERAL REVENUE FUND . . . . . -102,449
FROM TRUST FUNDS . . . . . -2,482,721

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -2,585,170

EXECUTIVE DIRECTION AND SUPPORT SERVICES

885 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -35,926

886 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -1,537

887 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -2,667
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -4,238

888 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -2,893

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -38,593
FROM TRUST FUNDS . . . . . -8,668

TOTAL ALL FUNDS . . . . . -47,261

PROGRAM: KIRKMAN DATA CENTER

INFORMATION TECHNOLOGY

889 SALARIES AND BENEFITS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -155,591

890 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -71,604

891 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -167,254
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -39,759
FROM GAS TAX COLLECTION TRUST FUND . -8,534

892 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -9,376

893 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -96,835

894 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND . . . . . -147,763

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -264,089
FROM TRUST FUNDS . . . . . -432,627

TOTAL ALL FUNDS . . . . . -696,716

TOTAL: HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -14,934,169
FROM TRUST FUNDS . . . . . -4,552,869

TOTAL POSITIONS . . . . . -48.00
TOTAL ALL FUNDS . . . . . -19,487,038
TOTAL APPROVED SALARY RATE . . . . -1,394,271

LEGISLATIVE BRANCH

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
SENATE

895 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND . . . . . -2,177,658

HOUSE OF REPRESENTATIVES

896 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND . . . . . -3,401,156

LEGISLATIVE SUPPORT SERVICES

897 LUMP SUM
JOINT LEGISLATIVE SUNSET COMMITTEE
FROM GENERAL REVENUE FUND . . . . . -34,476

898 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - SENATE
FROM GENERAL REVENUE FUND . . . . . -1,350,739

899 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - HOUSE
FROM GENERAL REVENUE FUND . . . . . -1,341,422

TOTAL: LEGISLATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,726,637

TOTAL ALL FUNDS . . . . . -2,726,637

ADMINISTRATIVE PROCEDURES COMMITTEE

900 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND . . . . . -76,908

INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON

901 LUMP SUM
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
FROM GENERAL REVENUE FUND . . . . . -50,366

OFFICE OF PUBLIC COUNSEL

902 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND . . . . . -173,947

ETHICS, COMMISSION ON

903 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND . . . . . -143,509

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

904 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -4,515

PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

905 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY
FROM GENERAL REVENUE FUND . . . . . -544,947

AUDITOR GENERAL

906 LUMP SUM

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
AUDITOR GENERAL
FROM GENERAL REVENUE FUND . . . . . -2,416,398

AUDITING COMMITTEE

907 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND . . . . . -23,137

TOTAL: LEGISLATIVE BRANCH
FROM GENERAL REVENUE FUND . . . . . -11,739,178

TOTAL ALL FUNDS . . . . . -11,739,178

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

APPROVED SALARY RATE -71,036

908 SALARIES AND BENEFITS POSITIONS -2.00
FROM OPERATING TRUST FUND . . . . . -50,550

909 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM OPERATING TRUST FUND . . . . . -10,500,000

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS . . . . . -10,550,550

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -10,550,550

TOTAL: LOTTERY, DEPARTMENT OF THE
FROM TRUST FUNDS . . . . . -10,550,550

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -10,550,550
TOTAL APPROVED SALARY RATE . . . . -71,036

MANAGEMENT SERVICES, DEPARTMENT OF

PROGRAM: ADMINISTRATION PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -282,518

910 SALARIES AND BENEFITS POSITIONS -6.50
FROM GENERAL REVENUE FUND . . . . . -6,556
FROM ADMINISTRATIVE TRUST FUND . . . -196,695

911 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -6,522
FROM ADMINISTRATIVE TRUST FUND . . . -21,775

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -13,078
FROM TRUST FUNDS . . . . . -218,470

TOTAL POSITIONS . . . . . -6.50
TOTAL ALL FUNDS . . . . . -231,548

STATE EMPLOYEE LEASING

APPROVED SALARY RATE -33,790

912 SALARIES AND BENEFITS POSITIONS -1.00
FROM ADMINISTRATIVE TRUST FUND . . . -25,575

PROGRAM: FACILITIES PROGRAM

FACILITIES MANAGEMENT

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

912A AID TO LOCAL GOVERNMENTS
GRANT AND AIDS - DEBT SERVICE PAYMENT
FROM GENERAL REVENUE FUND . . . . . -1,500,000

PROGRAM: SUPPORT PROGRAM

AIRCRAFT MANAGEMENT

APPROVED SALARY RATE -129,560

913 SALARIES AND BENEFITS POSITIONS -3.00
FROM BUREAU OF AIRCRAFT TRUST FUND . -50,000

914 EXPENSES
FROM BUREAU OF AIRCRAFT TRUST FUND . -452,240

915 SPECIAL CATEGORIES
SPECIAL CATEGORIES- AIRCRAFT MAINTENANCE AND REPAIRS
FROM BUREAU OF AIRCRAFT TRUST FUND . -82,000

TOTAL: AIRCRAFT MANAGEMENT
FROM TRUST FUNDS . . . . . -584,240

TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -584,240

PURCHASING OVERSIGHT

APPROVED SALARY RATE -100,000

916 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -95,071

917 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -7,480

918 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -38,400

919 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GENERAL REVENUE FUND . . . . . -24,110

TOTAL: PURCHASING OVERSIGHT
FROM GENERAL REVENUE FUND . . . . . -165,061

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -165,061

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

APPROVED SALARY RATE -34,502

920 SALARIES AND BENEFITS POSITIONS -1.00
FROM STATE PERSONNEL SYSTEM TRUST FUND . . . . . -24,688

921 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -2,497
FROM STATE PERSONNEL SYSTEM TRUST FUND . . . . . -3,350

922 SPECIAL CATEGORIES
ADMINISTRATIVE OVERHEAD
FROM GENERAL REVENUE FUND . . . . . -26,406

923 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GENERAL REVENUE FUND . . . . . -7,604

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT
FROM GENERAL REVENUE FUND . . . . . -36,507
FROM TRUST FUNDS . . . . . -28,038

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -64,545

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

APPROVED SALARY RATE -46,381

924 SALARIES AND BENEFITS POSITIONS -1.00
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . . -31,677

925 EXPENSES
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . . -3,350

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION
FROM TRUST FUNDS . . . . . -35,027

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -35,027

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

926 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,481

927 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND . . . . . -59,731

928 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND . . . . . -535,600

929 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND . . . . . -221,887

930 PENSIONS AND BENEFITS
TEACHER's SPECIAL PENSIONS
FROM GENERAL REVENUE FUND . . . . . -670

TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION
FROM GENERAL REVENUE FUND . . . . . -819,369

TOTAL ALL FUNDS . . . . . -819,369

PROGRAM: TECHNOLOGY PROGRAM

TELECOMMUNICATIONS SERVICES

APPROVED SALARY RATE -75,945

931 SALARIES AND BENEFITS POSITIONS -1.50
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND . . . . . -34,715
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST . . . . . -15,485

932 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND . . . . . -3,350
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST . . . . . -1,675

TOTAL: TELECOMMUNICATIONS SERVICES
FROM TRUST FUNDS . . . . . -55,225

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -1.50
TOTAL ALL FUNDS . . . . . -55,225

WIRELESS SERVICES

APPROVED SALARY RATE -40,948

933 SALARIES AND BENEFITS POSITIONS -1.00
FROM COMMUNICATIONS WORKING
CAPITAL TRUST FUND . . . . . -27,777

934 EXPENSES
FROM COMMUNICATIONS WORKING
CAPITAL TRUST FUND . . . . . -3,350

935 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND . . . . . -3,768,000

TOTAL: WIRELESS SERVICES
FROM TRUST FUNDS . . . . . -3,799,127

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -3,799,127

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

PUBLIC EMPLOYEES RELATIONS

936 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -31,781

937 SPECIAL CATEGORIES
ADMINISTRATIVE OVERHEAD
FROM GENERAL REVENUE FUND . . . . . -17,000

TOTAL: PUBLIC EMPLOYEES RELATIONS
FROM GENERAL REVENUE FUND . . . . . -48,781

TOTAL ALL FUNDS . . . . . -48,781

PROGRAM: COMMISSION ON HUMAN RELATIONS

HUMAN RELATIONS

APPROVED SALARY RATE -137,338

938 SALARIES AND BENEFITS POSITIONS -3.50
FROM GENERAL REVENUE FUND . . . . . -121,868

939 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -19,709

TOTAL: HUMAN RELATIONS
FROM GENERAL REVENUE FUND . . . . . -141,577

TOTAL POSITIONS . . . . . -3.50
TOTAL ALL FUNDS . . . . . -141,577

ADMINISTRATIVE HEARINGS

PROGRAM: ADJUDICATION OF DISPUTES

APPROVED SALARY RATE -82,175

940 SALARIES AND BENEFITS POSITIONS -1.00
FROM OPERATING TRUST FUND . . . . . -105,113

941 EXPENSES
FROM OPERATING TRUST FUND . . . . . -6,700

TOTAL: PROGRAM: ADJUDICATION OF DISPUTES
FROM TRUST FUNDS . . . . . -111,813

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -111,813

TOTAL: MANAGEMENT SERVICES, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -2,724,373
FROM TRUST FUNDS . . . . . -4,857,515

TOTAL POSITIONS . . . . . -21.50
TOTAL ALL FUNDS . . . . . -7,581,888
TOTAL APPROVED SALARY RATE . . . . -963,157

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

MILITARY READINESS AND RESPONSE

942 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -219,250

943 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -26,120

944 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -91,869

945 SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND . . . . . -300,000

946 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -38,500

947 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM GENERAL REVENUE FUND . . . . . -19,000

947A SPECIAL CATEGORIES
MILITARY FAMILY READINESS PROGRAM
FROM GENERAL REVENUE FUND . . . . . -200,000

TOTAL: MILITARY READINESS AND RESPONSE
FROM GENERAL REVENUE FUND . . . . . -894,739

TOTAL ALL FUNDS . . . . . -894,739

EXECUTIVE DIRECTION AND SUPPORT SERVICES

948 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -16,211

949 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -104,497

950 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -8,224

951 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND . . . . . -18,939

951A SPECIAL CATEGORIES
INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -23,025

952 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,800

953 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM GENERAL REVENUE FUND . . . . . -8,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -183,696

TOTAL ALL FUNDS . . . . . -183,696

TOTAL: MILITARY AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -1,078,435

TOTAL ALL FUNDS . . . . . -1,078,435
TOTAL APPROVED SALARY RATE 0

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -49,459

954 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -2,449,189
FROM FEDERAL GRANTS TRUST FUND . . . 2,093,508

955 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -100,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,549,189
FROM TRUST FUNDS 2,093,508

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -455,681

PROGRAM: PROPERTY TAX OVERSIGHT PROGRAM

COMPLIANCE DETERMINATION

956 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -75,000

COMPLIANCE ASSISTANCE

957 AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM GENERAL REVENUE FUND . . . . . -229,109
FROM FEDERAL GRANTS TRUST FUND . . . 229,109

TOTAL: COMPLIANCE ASSISTANCE
FROM GENERAL REVENUE FUND . . . . . -229,109
FROM TRUST FUNDS 229,109

PROGRAM: CHILD SUPPORT ENFORCEMENT PROGRAM

CASE PROCESSING

APPROVED SALARY RATE -163,893

958 SALARIES AND BENEFITS POSITIONS -7.00
FROM GENERAL REVENUE FUND . . . . . -114,258
FROM FEDERAL GRANTS TRUST FUND . . . -221,796

959 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -210,991
FROM FEDERAL GRANTS TRUST FUND . . . -409,571

960 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -16,872
FROM FEDERAL GRANTS TRUST FUND . . . -32,751

961 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT
ENFORCEMENT
FROM GENERAL REVENUE FUND . . . . . -132,566

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . -257,334

TOTAL: CASE PROCESSING
FROM GENERAL REVENUE FUND . . . . . -474,687
FROM TRUST FUNDS . . . . . -921,452

TOTAL POSITIONS . . . . . -7.00
TOTAL ALL FUNDS . . . . . -1,396,139

REMITTANCE AND DISTRIBUTION

APPROVED SALARY RATE -20,735

962 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -11,148
FROM FEDERAL GRANTS TRUST FUND . . . -21,639

963 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -25,087
FROM FEDERAL GRANTS TRUST FUND . . . -48,699

964 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT
ENFORCEMENT
FROM GENERAL REVENUE FUND . . . . . -50,820
FROM FEDERAL GRANTS TRUST FUND . . . -98,651

TOTAL: REMITTANCE AND DISTRIBUTION
FROM GENERAL REVENUE FUND . . . . . -87,055
FROM TRUST FUNDS . . . . . -168,989

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -256,044

ESTABLISHMENT

APPROVED SALARY RATE -21,533

965 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -11,467
FROM FEDERAL GRANTS TRUST FUND . . . -22,260

966 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -157,206
FROM FEDERAL GRANTS TRUST FUND . . . -305,164

967 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -8,859
FROM FEDERAL GRANTS TRUST FUND . . . -17,197

968 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT
ENFORCEMENT
FROM GENERAL REVENUE FUND . . . . . -216,296
FROM FEDERAL GRANTS TRUST FUND . . . -419,869

TOTAL: ESTABLISHMENT
FROM GENERAL REVENUE FUND . . . . . -393,828
FROM TRUST FUNDS . . . . . -764,490

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -1,158,318

COMPLIANCE

APPROVED SALARY RATE -90,081

969 SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -47,449
FROM FEDERAL GRANTS TRUST FUND . . . -92,107

970 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -137,677
FROM FEDERAL GRANTS TRUST FUND . . . -267,255

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

971 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -8,269
FROM FEDERAL GRANTS TRUST FUND . . . -16,052

972 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND . . . . . -30,706
FROM FEDERAL GRANTS TRUST FUND . . . -59,605

TOTAL: COMPLIANCE
FROM GENERAL REVENUE FUND . . . . . -224,101
FROM TRUST FUNDS . . . . . -435,019
TOTAL POSITIONS . . . . . -4.00
TOTAL ALL FUNDS . . . . . -659,120

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

TAX PROCESSING

APPROVED SALARY RATE -57,785

973 SALARIES AND BENEFITS POSITIONS -3.00
FROM GENERAL REVENUE FUND . . . . . -93,159

974 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -1,398,000
FROM OPERATING TRUST FUND 1,300,000

975 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -200,000

TOTAL: TAX PROCESSING
FROM GENERAL REVENUE FUND . . . . . -1,691,159
FROM TRUST FUNDS 1,300,000
TOTAL POSITIONS . . . . . -3.00
TOTAL ALL FUNDS . . . . . -391,159

TAXPAYER AID

APPROVED SALARY RATE -26,541

976 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -39,622

COMPLIANCE DETERMINATION

APPROVED SALARY RATE -287,050

977 SALARIES AND BENEFITS POSITIONS -8.00
FROM GENERAL REVENUE FUND . . . . . -1,181,007

978 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -909,089
FROM OPERATING TRUST FUND 811,089

TOTAL: COMPLIANCE DETERMINATION
FROM GENERAL REVENUE FUND . . . . . -2,090,096
FROM TRUST FUNDS 811,089
TOTAL POSITIONS . . . . . -8.00
TOTAL ALL FUNDS . . . . . -1,279,007

COMPLIANCE RESOLUTION

APPROVED SALARY RATE -20,735

979 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -32,787

980 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -100,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

TOTAL: COMPLIANCE RESOLUTION
FROM GENERAL REVENUE FUND . . . . . -132,787
TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -132,787

PROGRAM: INFORMATION SERVICES PROGRAM

INFORMATION TECHNOLOGY

APPROVED SALARY RATE -48,962

981 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -2,468,541
FROM FEDERAL GRANTS TRUST FUND . . . 2,000,000

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND . . . . . -2,468,541
FROM TRUST FUNDS 2,000,000
TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -468,541

TOTAL: REVENUE, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -10,455,174
FROM TRUST FUNDS 4,143,756
TOTAL POSITIONS . . . . . -30.00
TOTAL ALL FUNDS . . . . . -6,311,418
TOTAL APPROVED SALARY RATE . . . . -786,774

STATE, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE -61,268

982 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -210,570

982A RESTORE AS NON-RECURRING-
SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 165,788

983 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -25,404

983A RESTORE AS NON-RECURRING-
EXPENSES
FROM GENERAL REVENUE FUND 18,996

984 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,761

984A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,760

985 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND . . . . . -11,273

985A DATA PROCESSING SERVICES
RESTORE AS NON-RECURRING-
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 11,272

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -51,192

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -51,192

PROGRAM: ELECTIONS

ELECTIONS

986 SPECIAL CATEGORIES
ELECTION FRAUD PREVENTION
FROM GENERAL REVENUE FUND . . . . . -154,621

PROGRAM: HISTORICAL RESOURCES

HISTORICAL RESOURCES PRESERVATION AND EXHIBITION

APPROVED SALARY RATE -61,980

987 SALARIES AND BENEFITS POSITIONS -2.00
FROM GENERAL REVENUE FUND . . . . . -149,829

987A RESTORE AS NON-RECURRING-
SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 157,433

988 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,222

988A RESTORE AS NON-RECURRING-
OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,222

989 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -114,648

989A RESTORE AS NON-RECURRING-
EXPENSES
FROM GENERAL REVENUE FUND 28,249

990 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -24,982

990A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,980

991 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC PRESERVATION
GRANTS
FROM GENERAL REVENUE FUND . . . . . -24,009

TOTAL: HISTORICAL RESOURCES PRESERVATION AND EXHIBITION
FROM GENERAL REVENUE FUND . . . . . -122,806

TOTAL POSITIONS . . . . . -2.00
TOTAL ALL FUNDS . . . . . -122,806

PROGRAM: CORPORATIONS

COMMERCIAL RECORDINGS AND REGISTRATIONS

992 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -233,315

992A RESTORE AS NON-RECURRING-
SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 218,290

993 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -116,550

993A RESTORE AS NON-RECURRING-
EXPENSES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 116,509

994 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -1,080

994A RESTORE AS NON-RECURRING-
OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,080

995 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -85,279

995A SPECIAL CATEGORIES
RESTORE AS NON-RECURRING-
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 85,267

996 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM GENERAL REVENUE FUND . . . . . -7,203

997 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND . . . . . -8,980

997A DATA PROCESSING SERVICES
RESTORE AS NON-RECURRING-
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 8,977

TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS
FROM GENERAL REVENUE FUND . . . . . -22,284

TOTAL ALL FUNDS . . . . . -22,284

PROGRAM: LIBRARY AND INFORMATION SERVICES

LIBRARY, ARCHIVES AND INFORMATION SERVICES

APPROVED SALARY RATE -38,661

998 SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -148,736

998A RESTORE AS NON-RECURRING-
SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 54,926

999 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,527

1000 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -74,009

1001 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY COOPERATIVES
FROM GENERAL REVENUE FUND . . . . . -60,021

1002 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND . . . . . -3,423,997

1002A AID TO LOCAL GOVERNMENTS
RESTORE AS NON-RECURRING-
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND 88,798

1003 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS COMMUNITY LIBRARIES IN
CARING
FROM GENERAL REVENUE FUND . . . . . -4,001

1004 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,436

1005 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND . . . . . -22,187

TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,601,190

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -3,601,190

PROGRAM: CULTURAL AFFAIRS

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1006 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -67,636
FROM GRANTS AND DONATIONS TRUST
FUND 21,461

1007 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -2,488

1008 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -13,230

1009 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,820

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -87,174
FROM TRUST FUNDS 21,461

TOTAL ALL FUNDS . . . . . -65,713

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

1010 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS GRANTS
FROM GENERAL REVENUE FUND . . . . . -63,431

1011 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCIENCES GRANTS
FROM GENERAL REVENUE FUND . . . . . -17,443

1012 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS IN EDUCATION GRANTS
FROM GENERAL REVENUE FUND . . . . . -17,443

1013 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL ARTS AGENCIES/
STATE SERVICE ORGANIZATIONS
FROM GENERAL REVENUE FUND . . . . . -12,686

1014 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - YOUTH AND CHILDREN's
MUSEUMS GRANTS
FROM GENERAL REVENUE FUND . . . . . -8,563

1015 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS
FROM GENERAL REVENUE FUND . . . . . -20,007

1016 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL INSTITUTIONS
FROM GENERAL REVENUE FUND . . . . . -99,000

1017 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR
THE HUMANITIES
FROM GENERAL REVENUE FUND . . . . . -12,004

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
1018 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM GENERAL REVENUE FUND . . . . . -9,515

TOTAL: CULTURAL SUPPORT AND DEVELOPMENT GRANTS
FROM GENERAL REVENUE FUND . . . . . -260,092

TOTAL ALL FUNDS . . . . . -260,092

TOTAL: STATE, DEPARTMENT OF
FROM GENERAL REVENUE FUND . . . . . -4,299,359
FROM TRUST FUNDS 21,461

TOTAL POSITIONS . . . . . -5.00
TOTAL ALL FUNDS . . . . . -4,277,898
TOTAL APPROVED SALARY RATE . . . . -161,909

TOTAL OF SECTION 6

FROM GENERAL REVENUE FUND . . . . . -72,582,076

FROM TRUST FUNDS . . . . . -27,225,097

TOTAL POSITIONS . . . . . -132.50

TOTAL ALL FUNDS . . . . . -99,807,173

SECTION 7 - JUDICIAL BRANCH

The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts, or reductions to amounts, to be used to pay salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

The reductions in Specific Appropriations 1018A through 1054 shall not be transferred to Specific Appropriation 3238 of Chapter 2008-152, Laws of Florida.

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

APPROVED SALARY RATE -46,506

1018A SALARIES AND BENEFITS POSITIONS -1.00
FROM GENERAL REVENUE FUND . . . . . -63,125

1019 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,751

1020 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -33,318

1021 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -807

1022 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -19,362

1023 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM GENERAL REVENUE FUND . . . . . -55,614

TOTAL: COURT OPERATIONS - SUPREME COURT
FROM GENERAL REVENUE FUND . . . . . -175,977

TOTAL POSITIONS . . . . . -1.00
TOTAL ALL FUNDS . . . . . -175,977

EXECUTIVE DIRECTION AND SUPPORT SERVICES

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION

1025 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,598

1026 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -134,365

1027 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -20,326

1028 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -8,103

1029 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND . . . . . -24,565

1030 SPECIAL CATEGORIES
COMPUTER SUBSCRIPTION SERVICES
FROM GENERAL REVENUE FUND . . . . . -7,560

1031 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND . . . . . -42,224

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND . . . . . -240,741

TOTAL ALL FUNDS . . . . . -240,741

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - APPELLATE COURTS

1032 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,686

1033 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -29,955

1034 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -5,767

1035 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND . . . . . -1,493

1036 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -14,831

1037 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND . . . . . -40,332

1038 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,682

TOTAL: COURT OPERATIONS - APPELLATE COURTS
FROM GENERAL REVENUE FUND . . . . . -103,746

TOTAL ALL FUNDS . . . . . -103,746

PROGRAM: TRIAL COURTS

COURT OPERATIONS - CIRCUIT COURTS

APPROVED SALARY RATE -217,068

1039 SALARIES AND BENEFITS POSITIONS -20.00
FROM GENERAL REVENUE FUND . . . . . -12,041,305
STATE COURTS REVENUE TRUST FUND . . 10,804,925

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION

1040 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -347,084

1041 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -360,958

1042 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ADVOCACY CENTERS
FROM GENERAL REVENUE FUND . . . . . -5,760

1043 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND . . . . . -335,409

1044 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -284,671

1045 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND . . . . . -5,971

1046 SPECIAL CATEGORIES
STATE COURTS DUE PROCESS COSTS
FROM GENERAL REVENUE FUND . . . . . -1,311,930

1047 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND . . . . . -4,340

TOTAL: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND . . . . . -14,697,428
FROM TRUST FUNDS 10,804,925

TOTAL POSITIONS . . . . . -20.00
TOTAL ALL FUNDS . . . . . -3,892,503

COURT OPERATIONS - COUNTY COURTS

1048 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -614,822

1049 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND . . . . . -5,000

1050 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -8,500

TOTAL: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND . . . . . -628,322

TOTAL ALL FUNDS . . . . . -628,322

PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

1051 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -6,196

1052 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -68

1053 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -5,949

1054 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND . . . . . -9,541

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	-21,754	
TOTAL ALL FUNDS		-21,754

TOTAL: STATE COURT SYSTEM

FROM GENERAL REVENUE FUND	-15,867,968	
FROM TRUST FUNDS		10,804,925
TOTAL POSITIONS	-21.00	
TOTAL ALL FUNDS		-5,063,043
TOTAL APPROVED SALARY RATE	-263,574	

TOTAL OF SECTION 7

FROM GENERAL REVENUE FUND	-15,867,968	
FROM TRUST FUNDS		10,804,925
TOTAL POSITIONS	-21.00	
TOTAL ALL FUNDS		-5,063,043

SECTION 8. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0435 as submitted on January 10, 2009, by the Governor on behalf of the Department of Education for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-2009 consistent with the amendment.

SECTION 9. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0452 as submitted on January 10, 2009, by the Governor on behalf of the Department of Veterans' Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 10. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0455 as submitted on January 10, 2009, by the Governor on behalf of the Department of Children and Family Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 11. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0458 as submitted on January 10, 2009, by the Governor on behalf of the Department of Children and Family Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 12. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0456 as submitted on January 10, 2009, by the Governor on behalf of the Department of Children and Family Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 13. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0461 as submitted on January 10, 2009, by the Governor on behalf of the Department of Children and Family Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 14. The Department of Children and Family Services is authorized to transfer $1 million from the General Revenue Fund from Specific Appropriation 464 Grants and Aids - Contracted Professional Services to Specific Appropriation 379 Grants and Aids - Community Mental Health Services appropriated in chapter 2008-152, Laws of Florida, for the Mental Health and Substance Abuse Treatment and Crime Reduction Pilot

SECTION 14
SPECIFIC
APPROPRIATION
Program.

SECTION 15. The Agency for Health Care Administration, in consultation with the Department of Elder Affairs, is authorized to transfer, in accordance with the provisions of chapter 216, F.S., funds from Specific Appropriation 236 Nursing Home Care to Specific Appropriation 232 Home and Community Based Services, Specific Appropriation Assisted Living Facility Waiver, Specific Appropriation 240 Community Supported Living Waiver and Specific Appropriation Capitated Nursing Home Diversion Waiver appropriated in chapter 2008-152, Laws of Florida, to transition the greatest number of appropriate eligible beneficiaries from skilled nursing facilities to community-based alternatives in order to maximize the reduction in Medicaid nursing home occupancy. Priority for the use of these funds will be given to the planning and service areas with the greatest potential for diversion.

SECTION 16. Any federal legislation becoming law that results in an improvement to the state's federal medical assistance percentage(FMAP) shall result in a realignment of the associated budget authority provided in Chapter 2008-152, Laws of Florida, and any subsequent amendments thereto. The affected agencies are hereby directed to submit budget amendments in accordance with the provisions of Chapter 216, Florida Statutes, within 30 days of such a federal change becoming law. The amendments shall be developed to reduce the state's reliance on general revenue, while preserving the total funding level anticipated within Chapter 2008-152, Laws of Florida, and any subsequent amendments thereto.

SECTION 17. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0419 as submitted on January 10, 2009 by the Governor on behalf of the Department of Legal Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment. This section shall become effective upon becoming law.

SECTION 18. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0427 as submitted on January 10, 2009 by the Governor on behalf of the Department of Law Enforcement for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment. This section shall become effective upon becoming law.

SECTION 19. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0433 as submitted on January 10, 2009 by the Governor on behalf of the Justice Administrative Commission for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment. This section shall become effective upon becoming law.

SECTION 20. The unobligated balance of funds provided to the Fish and Wildlife Conservation Commission in Specific Appropriation 1911 of chapter 2005-70, Laws of Florida, shall revert immediately.

SECTION 21. The unobligated balance of funds provided to the Fish and Wildlife Conservation Commission in Specific Appropriation 2036 of chapter 2006-25, Laws of Florida, shall revert immediately.

SECTION 22. The sum of $200,000 from unexpended funds in Specific Appropriation 1755H of chapter 2004-268, Laws of Florida, provided to the Department of Environmental Protection for Florida Recreation Development Assistance Grants shall revert immediately.

SECTION 23. The sum of $241,458 from unexpended funds in Specific Appropriation 1778 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for Florida Recreation Development Assistance Grants shall revert immediately.

SECTION 24. The sum of $584,822 from unexpended funds in Specific Appropriation 1885H of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Florida Recreation Development Assistance Grants shall revert immediately.

SECTION 25
SPECIFIC
APPROPRIATION
SECTION 25. There is appropriated $20,443,442 to the Department of Environmental Protection from the Florida Forever Trust Fund for the purposes of implementing s. 259.105(22)(a)1. and 2., Florida Statutes.

SECTION 26. From the unexpended balance of funds appropriated in section 42 of chapter 2006-12, Laws of Florida, $10,000,000 from the General Revenue Fund shall revert immediately.

SECTION 27. From the unexpended balance of funds appropriated in section 42 of chapter 2006-12, Laws of Florida, $10,000,000 from the Insurance Regulatory Trust Fund shall revert immediately.

SECTION 28. No funds are provided in chapter 2008-152, Laws of Florida for the mitigation provisions set forth in s. 373.4137(4)(c), Florida Statutes, as created in chapter 96-238, Laws of Florida, and as amended by chapter 2005-281, Laws of Florida.

SECTION 29. Within fifteen days of this act becoming law, the State Board of Administration is directed to transfer all unrestricted moneys received as repayments of principal, interest, and late fees from insurers participating in the Insurance Capital Build-Up Incentive Program to the General Revenue Fund. Additionally, the board shall transfer all unrestricted investment earnings accumulated pursuant to s. 215.5595(7), Florida Statutes, to the General Revenue Fund. "Unrestricted funds" for the purposes of this section means funds other than those invested in the portion of the Commingled Asset Management Program-Money Market Account currently restricted by the State Board of Administration. Once all restrictions are lifted, the remaining funds will be transferred within fifteen days.

SECTION 30. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0348 as submitted on January 10, 2009, by the Governor on behalf of the Department of Agriculture and Consumer Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment.

SECTION 31. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0367 as submitted on January 10, 2009, by the Governor on behalf of the Fish and Wildlife Conservation Commission for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment.

SECTION 32. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0407 as submitted on January 10, 2009, by the Governor on behalf of the Fish and Wildlife Conservation Commission for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment.

SECTION 33. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0423 as submitted on January 10, 2009, by the Governor on behalf of the Department of Lottery for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment.

SECTION 34. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0431 as submitted on January 10, 2009, by the Governor on behalf of the Department of Environmental Protection for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for FY 2008-09 consistent with the amendment.

SECTION 35. From the unexpended balance in Specific Appropriation 2804 of chapter 2005-70, Laws of Florida, provided to the Department of Military Affairs for the Florida Readiness Centers Revitalization Plan, $8,760 shall revert immediately and is appropriated to the Department of Military Affairs for the State Residence Renovations project in the Small Construction Projects category for Fiscal Year 2008-2009.

SECTION 36. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG
SECTION 36
SPECIFIC
APPROPRIATION
#B2009-0438 as submitted on January 10, 2009, by the Governor on behalf of the Department of Highway Safety and Motor Vehicles for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 37. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0359 as submitted on January 10, 2009, by the Governor on behalf of the Department of Highway Safety and Motor Vehicles for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 38. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0375 as submitted on January 10, 2009, by the Governor on behalf of the Department of Community Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 39. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0389 as submitted on January 10, 2009, by the Governor on behalf of the Department of Community Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 40. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0463 submitted on January 10, 2009, by the Governor on behalf of the Department of Transportation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 41. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0398 submitted on January 10, 2009, by the Governor on behalf of the Department of Community Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 42. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0286 as submitted on January 10, 2009, by the Governor on behalf of the Department of Community Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 43. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2009-0448 as submitted on January 10, 2009, by the Governor on behalf of the Agency for Workforce Innovation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2008-2009 consistent with the amendment.

SECTION 44. From the unexpended balance of funds appropriated to the Florida Housing Finance Corporation in Specific Appropriation 1616 of chapter 2008-152, Laws of Florida, for homeownership assistance in counties and municipalities in the state which have reduced impact fees or imposed no impact fees for homeownership purposes, $10,000,000 shall be transferred to the State Housing Initiatives Partnership program and used in accordance with the provisions in section 420.9072, Florida Statutes.

SECTION 45. From the unexpended balance of funds appropriated to the Florida Housing Finance Corporation in section 31 of chapter 2006-69, Laws of Florida, for farmworker housing recovery and special housing assistance and development programs, $9,846,695 shall be transferred to the State Housing Initiatives Partnership program and used in accordance with the provisions in section 420.9072, Florida Statutes.

SECTION 46. From the unexpended balance of funds appropriated to the Florida Housing Finance Corporation in Specific Appropriation 1694 of

SECTION 46
SPECIFIC
APPROPRIATION
chapter 2007-72, Laws of Florida, and Specific Appropriation 1616 of chapter 2008-152, Laws of Florida, for the State Apartment Incentive Loan program, $23,000,000 shall be transferred to the State Housing Initiatives Partnership program and used in accordance with the provisions in section 420.9072, Florida Statutes.

SECTION 47. The unexpended balance of funds appropriated by the Legislature to the Florida Housing Finance Corporation in the amount of $190,000,000 shall be returned to the State treasury for deposit into the General Revenue Fund before June 1, 2009.

In order to implement this section, and to the maximum extent feasible, the Florida Housing Finance Corporation shall first reduce unexpended funds allocated by the corporation that increase new housing construction.

SECTION 48. There is appropriated to the Department of Highway Safety and Motor Vehicles for Fiscal Year 2008-2009, $250,000 in nonrecurring funds from the Highway Safety Operating Trust Fund for the purpose of promoting motorcycle safety awareness through public information and education campaigns. The department may contract with private entities for this purpose.

SECTION 49. There is hereby appropriated $91,141,478 from the Community Development Block Grant Trust Fund to the Department of Community Affairs to implement the Neighborhood Stabilization Program. These funds are contingent upon the receipt of federal supplemental funds from Title III of Division B of the Housing and Economic Recovery Act, 2008 (HERA) (Pub. L. 110-289, approved July 30, 2008) and upon approval of Florida's Neighborhood Stabilization Program Substantial Amendment by the US Department of Housing and Urban Development. Funds are to be used consistent with the Federal Register Notice, Volume 73, No. 194, dated October 6, 2008 and Title III of Division B of the Housing and Economic Recovery Act, 2008 (HERA) (Pub. L. 110-289, approved July 30, 2008). The department is authorized to expend up to $1,150,000 for administrative costs and up to $2,000,000 for technical assistance and training. The department shall utilize funds to the greatest extent possible for grant awards.

SECTION 50. Pursuant to section 215.32(2)(b)4.a., Florida Statutes, $296,772,480 from unobligated cash balance amounts specified from the following trust funds shall be transferred to the General Revenue Fund for Fiscal Year 2008-2009:

DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Land Acquisition Trust Fund	25,000,000
Invasive Plant Control Trust Fund	6,000,000
Internal Improvement Trust Fund	5,000,000
FISH AND WILDLIFE CONSERVATION COMMISSION	
Land Acquisition Trust Fund	5,000,000
Marine Resources Conservation Trust Fund	1,750,000
Conservation and Recreation Lands Trust Fund	2,100,000
State Game Trust Fund	6,000,000
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	
General Inspection Trust Fund	1,000,000
DEPARTMENT OF FINANCIAL SERVICES	
Insurance Regulatory Trust Fund	70,000,000
Workers' Compensation Administration Trust Fund	35,000,000
Anti-Fraud Trust Fund	1,500,000
Financial Institutions Regulatory Trust Fund	3,000,000
PUBLIC SERVICE COMMISSION	
Regulatory Trust Fund	2,500,000
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION	
Hotel and Restaurant Trust Fund	7,000,000
Professional Regulation Trust Fund	4,200,000
Florida Division of Condominiums, Timeshares and Mobile Homes Trust Fund	16,000,000
DEPARTMENT OF MANAGEMENT SERVICES	
Architects Incidental Trust Fund	1,000,000
Operating Trust Fund	8,000,000
Law Enforcement Radio System Trust Fund	6,000,000
Bureau of Aircraft Trust Fund	500,000
AGENCY FOR HEALTH CARE ADMINISTRATION	
Health Care Trust Fund	12,000,000

SECTION 50
SPECIFIC
APPROPRIATION

DEPARTMENT OF HEALTH	
Medical Quality Assurance Trust Fund	35,000,000
Grants and Donations Trust Fund	1,000,000
Radiation Protection Trust Fund	4,000,000
Drugs, Devices, and Cosmetic Trust Fund	3,500,000
DEPARTMENT OF LEGAL AFFAIRS	
Crime Stoppers Training Trust Fund	1,000,000
DEPARTMENT OF CORRECTIONS	
Federal Grants Trust Fund	4,400,000
Private Inmate Welfare Trust Fund	4,200,000
FLORIDA DEPARTMENT OF LAW ENFORCEMENT	
Criminal Justice Standards and Training Trust Fund	1,500,000
DEPARTMENT OF JUVENILE JUSTICE	
Social Services Block Grant Trust Fund	2,000,000
STATE COURTS SYSTEM	
Mediation and Arbitration Trust Fund	1,450,000
Court Education Trust Fund	2,000,000
AGENCY FOR WORKFORCE INNOVATION	
Special Employment Security Administration Trust Fund	6,000,000
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES	
Motor Vehicle License Clearing Trust Fund	5,700,000
DUI School Coordination Trust Fund	1,200,000
OFFICE OF TOURISM TRADE AND ECONOMIC DEVELOPMENT	
Tourism Promotion Trust Fund	5,272,480

SECTION 51. Consistent with the provisions of section 216.222, Florida Statutes, relating to the transfer of funds from the Budget Stabilization Fund to the General Revenue Fund to offset deficits in the General Revenue Fund, $400 million is transferred from the Budget Stabilization Fund to the General Revenue Fund on February 20, 2009.

SECTION 52. (1) As authorized by section 215.32(2)(b)4.a., Florida Statutes, the sum of $700 million shall be transferred from the Lawton Chiles Endowment Fund to the General Revenue Fund on June 15, 2009.

(2) Any federal economic stimulus funds received for expenditure in the 2008-2009 fiscal year may be transferred to the General Revenue Fund to the extent permissible by federal requirements. The transfer from the Lawton Chiles Endowment Fund to the General Revenue Fund as provided in subsection (1) shall be reduced by that portion of any transfer of economic stimulus funds to the General Revenue Fund or general revenue funds made available through other transfers of federal economic stimulus funds that reduces the need for the transfer from the Lawton Chiles Endowment Fund.

SECTION 53. Section 77 of chapter 2008-152, Laws of Florida, is repealed.

SECTION 54. Contingent upon SB 38-A or similar legislation from the 2009 Special Session A creating the Economic Gardening Business Loan Pilot Program and the Economic Gardening Technical Assistance Pilot Program becoming a law, the sum of $10 million is transferred from the General Revenue Fund to the Economic Development Trust Fund in the Governor's Office of Tourism, Trade and Economic Development on a nonrecurring basis for the purposes of implementing such legislation.

SECTION 55. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or Specific Appropriations contained in this act.

SECTION 56. This act shall take effect upon becoming a law.

TOTAL THIS GENERAL APPROPRIATION ACT

FROM GENERAL REVENUE FUND . . . . . -978,315,262

FROM TRUST FUNDS . . . . . -260,712,252

TOTAL POSITIONS . . . . . -1,432.50

TOTAL ALL FUNDS . . . . . -1,239,027,514

TOTAL APPROVED SALARY RATE . . . . -47,932,636

SECTION 56
SPECIFIC
APPROPRIATION

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act making special appropriations; providing appropriations and reductions in appropriations for the 2008 - 2009 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

On motion by Senator Alexander, the rules were waived and the Conference Committee Report on **SB 2-A** was read the second time.

On motion by Senator Alexander, the Conference Committee Report on **SB 2-A** was adopted. **SB 2-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—27

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

Nays—13

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Deutch	Lawson	Wilson
Gelber	Rich	
Hill	Ring	

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 4-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 4-A, same being:

An act relating to Implementing Special Appropriations.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (625680) to SB 4-A attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata
s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (625680)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to Senate Bill 2-A, the act making appropriations and reductions in appropriations for the 2008-2009 fiscal year.*

Section 2. In order to implement the transfer of moneys to the General Revenue Fund from trust funds as provided in Senate Bill 2-A, an act making appropriations and reductions in appropriations for the 2008-2009 fiscal year, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)

1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 3. In order to implement section 52 of Senate Bill 2-A, paragraph (f) is added to subsection (5) of section 215.5601, Florida Statutes, to read:

215.5601 Lawton Chiles Endowment Fund.—

(5) AVAILABILITY OF FUNDS; USES.—

(f) Notwithstanding any provision of this section to the contrary, during the 2008-2009 fiscal year, up to $700 million may be transferred from the endowment to the General Revenue Fund. This paragraph expires June 30, 2009.

Section 4. *It is the intent of the Legislature that the repayment of the distribution from the Lawton Chiles Endowment Fund will begin in the first year that recurring General Revenue Fund receipts are estimated to exceed the prior year's recurring General Revenue Fund receipts by 5 percent. In addition, it is the intent of the Legislature that, from the growth in general revenue receipts, up to $150 million may be used to repay the fund in each year.*

Section 5. In order to implement Specific Appropriations 620A, 684A, 689A, 689B, and 690 of Senate Bill 2-A, subsections (21) and (22) are added to section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(21) Notwithstanding the provisions of subsection (3), proceeds from bonds issued pursuant to this section as authorized pursuant to Specific Appropriation 1656 of chapter 2008-152, Laws of Florida, shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The first $31.5 million of these proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Nineteen and four hundredths percent to the Department of Environmental Protection for grants pursuant to s. 375.075.

(b) Fourteen and twenty-nine hundredths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks and for capital project expenditures as described in this section.

(c) Fourteen and twenty-nine hundredths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures as described in this section.

(d) Fourteen and twenty-nine hundredths percent to the Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife and for capital project expenditures as described in this section.

(e) Fourteen and twenty-nine hundredths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trail systems pursuant to chapter 260, including, but not limited to, abandoned rail-

road rights-of-way and the Florida National Scenic Trail and for capital project expenditures as described in this section.

(f) Twenty-three and eight-tenths percent to the Department of Community Affairs for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida Communities Trust pursuant to s. 380.5105.

(22)(a) Of the money remaining in the Florida Forever Trust Fund, the distribution shall be made as follows:

1. To purchase lands acquired by third parties with the understanding that the state would reimburse and take title of the land and the land was identified in a multiparty acquisition agreement or acquired pursuant to statute. The multiparty agreements must have been entered into by the Division of State Lands of the Department of Environmental Protection prior to January 1, 2009. These acquisitions are not subject to the provisions of paragraph (b).

2. To the Department of Environmental Protection from interest earnings and from the money remaining an amount sufficient to cover previously expended funds from the 2008-2009 fiscal year.

3. The remaining funds shall be distributed pursuant to the General Appropriations Act in effect when the appropriation was made.

(b) For those programs receiving funds from the Florida Forever Trust Fund, any approved or pending acquisitions, contracts, options, or other instruments used to indicate an intent to purchase shall not be performed but are hereby discharged and of no further force or effect.

(c) Project lists that have been approved for funding by the Florida Communities Trust Governing Board shall remain in force and effect but project grants shall be amended to provide for an extension until such time that funds become available to complete the terms of the grant. Such extension of time shall be conditioned upon the project being reappraised prior to the expenditure of funds. The new appraisals shall be submitted to the governing board of the trust and the terms of the grant shall be amended as necessary.

Section 6. In order to implement Specific Appropriation 701 of Senate Bill 2-A, subsection (6) is added to section 373.1961, Florida Statutes, to read:

373.1961 Water production; general powers and duties; identification of needs; funding criteria; economic incentives; reuse funding.—

(6) For the 2008-2009 fiscal year only, funds remaining to be distributed, after the distribution provided for in subsection (5), pursuant to paragraph (3)(b) shall be allocated as follows:

(a) Fifty percent to the Northwest Florida Water Management District.

(b) Fifty percent to the Suwannee River Water Management District.

Section 7. *To the extent that revenues have been distributed before March 1, 2009, for the 2008-2009 fiscal year in excess of the amounts authorized in s. 373.1961(6), Florida Statutes, the Department of Environmental Protection shall reallocate funds so that the total distribution in the 2008-2009 fiscal year is consistent with the distribution set forth in s. 373.1961, Florida Statutes.*

Section 8. In order to implement Specific Appropriations 616, 697, 700, and 701 of Senate Bill 2-A, subsection (3) of section 403.890, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

403.890 Water Protection and Sustainability Program; intent; goals; purposes.—

(3) ~~In addition to the uses allowed in subsection (1)~~ For the 2008-2009 fiscal year *only*, moneys in the Water Protection and Sustainability Program Trust Fund shall be transferred to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects as provided in the General Appropriations Act. This subsection expires July 1, 2009.

(6) For the 2008-2009 fiscal year only, in lieu of the distributions authorized in subsection (2) for revenues transferred from the Department of Revenue pursuant to s. 201.15(1)(c)2., and after the distribution authorized in subsection (3), remaining funds shall be distributed as follows:

(a) Thirty-one and twenty-one hundredths percent to the Department of Environmental Protection for the implementation of an alternative water supply program as provided in s. 373.1961.

(b) Twenty-six and eighty-seven hundredths percent for the implementation of best-management practices and capital project expenditures necessary for the implementation of the goals of the total maximum daily load program established in s. 403.067. Of these funds, 86 percent shall be transferred to the credit of the Water Quality Assurance Trust Fund of the Department of Environmental Protection to address water quality impacts associated with nonagricultural nonpoint sources. Fourteen percent of these funds shall be transferred to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to address water quality impacts associated with agricultural nonpoint sources. These funds shall be used for research, development, demonstration, and implementation of the total maximum daily load program under s. 403.067, suitable best-management practices, or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best-management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of capital projects, best-management practices, and other measures. These funds may not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Increased priority shall be given by the department and the water management district governing boards to those projects that have secured a cost-sharing agreement that allocates responsibility for the cleanup of point and nonpoint sources.

(c) Forty-one and ninety-two hundredths percent to the Department of Environmental Protection for the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838.

This subsection expires July 1, 2009.

Section 9. *To the extent that revenues have been distributed before March 1, 2009, for the 2008-2009 fiscal year in excess of the amounts authorized in s. 403.890(6), Florida Statutes, the Department of Environmental Protection shall reallocate funds so that the total distribution in the 2008-2009 fiscal year is consistent with the distribution set forth in s. 403.890(6), Florida Statutes.*

Section 10. In order to implement sections 44 through 47 of Senate Bill 2-A, section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—

(1) There is hereby established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the Secretary of Community Affairs that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of

the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

(2) Notwithstanding any provision of this section to the contrary and for the 2008-2009 fiscal year only, the corporation shall return unexpended funds held by the corporation pursuant to this section and part V of this chapter to the State Treasury as directed by law. This subsection expires June 30, 2009.

Section 11. In order to implement sections 44 through 47 of Senate Bill 2-A, section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(1) There is created in the State Treasury the Local Government Housing Trust Fund, which shall be administered by the corporation on behalf of the department according to the provisions of ss. 420.907-420.9078 and this section. There shall be deposited into the fund a portion of the documentary stamp tax revenues as provided in s. 201.15, moneys received from any other source for the purposes of ss. 420.907-420.9078 and this section, and all proceeds derived from the investment of such moneys. Moneys in the fund that are not currently needed for the purposes of the programs administered pursuant to ss. 420.907-420.9078 and this section shall be deposited to the credit of the fund and may be invested as provided by law. The interest received on any such investment shall be credited to the fund.

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9078 and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

(3) Notwithstanding any provision of this section to the contrary and for the 2008-2009 fiscal year only, the corporation shall return unexpended funds held by the corporation pursuant to this section and part V of this chapter to the State Treasury as directed by law. This subsection expires June 30, 2009.

Section 12. *In order to ensure that the funds transferred by sections 44 through 47 of SB 2-A are available, the Florida Housing Finance Corporation shall adopt emergency rules pursuant to s. 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of s. 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessitated by the immediate danger to the preservation of the rights and welfare of the people and is immediately necessary in order to implement the action of the Legislature to address the revenue shortfall of the 2008-2009 fiscal year. Therefore, in adopting such emergency rules, the corporation need not publish the facts, reasons, and findings required by s. 120.54(4)(a)3., Florida Statutes. Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect for 180 days.*

Section 13. *Section 47 of chapter 2008-153, Laws of Florida, is repealed.*

Section 14. *Any section of this act which implements a specific appropriation or specifically identified proviso language in the act making appropriations and reductions in appropriations for the 2008-2009 fiscal year is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the act making appropriations and reductions in appropriations for the 2008-2009 fiscal year is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 15. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 16. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2008-2009 Special Appropriations Act; providing legislative intent; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds, in order to implement the transfer of moneys to the General Revenue Fund from trust funds as provided in the 2008-2009 Special Appropriations Act; amending s. 215.5601, F.S.; authorizing the transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund for the 2008-2009 fiscal year; providing legislative intent with respect to the repayment of moneys to the Lawton Chiles Endowment Fund; amending s. 259.105, F.S.; requiring that proceeds from bonds issued under the Florida Forever Act be deposited into the Florida Forever Trust Fund; revising the distribution of bond proceeds; declaring of no force or effect certain approved or pending acquisitions, contracts, options, or other instruments indicating an intent to purchase; requiring that project lists approved by the Florida Communities Trust Governing Board be amended to provide for an extension of time; amending s. 373.1961, F.S.; providing for the allocation of certain funds for alternative water supply trust fund accounts; providing for the reallocation of such funds for the 2008-2009 fiscal year only; amending s. 403.890, F.S.; revising the distribution of funds from the Water Protection and Sustainability Program Trust Fund; providing for future expiration of such provisions; providing for the reallocation of funds to conform to changes made by the act; amending ss. 420.0005 and 420.9079, F.S.; requiring that the Florida Housing Finance Corporation return to the State Treasury for the 2008-2009 fiscal year only certain unexpended funds held by the corporation; authorizing the corporation to adopt emergency rules; providing legislative findings with respect to the necessity for such emergency rules; exempting the corporation from certain requirements and limitations with respect to the emergency rules; repealing s. 47 of chapter 2008-153, Laws of Florida, relating to transfers of funds from the Budget Stabilization Fund; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for severability; providing an effective date.

On motion by Senator Alexander, the rules were waived and the Conference Committee Report on **SB 4-A** was read the second time.

On motion by Senator Alexander, the Conference Committee Report on **SB 4-A** was adopted. **SB 4-A** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—31

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

Nays—9

Aronberg	Hill	Rich
Bullard	Joyner	Ring
Deutch	Justice	Sobel

Vote after roll call:

Yea to Nay—Gelber, Smith, Wilson

MOTION

By direction of the President, by unanimous consent, Senator Lynn was shown as voting in the affirmative on **SB 4-A**.

By direction of the President, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5113-A, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5113-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5113-A, same being:

An act relating to Water Management Lands Trust Fund.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise
s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
s/ Debbie Boyd
s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford
s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (715423)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (8) of section 373.59, Florida Statutes, are amended to read:

373.59 Water Management Lands Trust Fund.—

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements of land titled to the districts, payments in lieu of taxes, debt service on bonds issued prior to July 1, 1999, debt service on bonds issued on or after July 1, 1999, which are issued to refund bonds issued before July 1, 1999, preacquisition costs associated with land purchases, and the department's costs of administration of the fund. *No refunding bonds may be issued which mature after the final maturity date of the bonds being refunded or which provide for higher debt service in any year than is payable on such bonds as of February 1, 2009.* The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. The moneys in the fund may also be appropriated to supplement operational expenditures at the Northwest Florida Water Management District and the Suwannee River Water Management District, with such appropriations allocated prior to the allocations set out in subsection (8) to the five water management districts.

(8) Moneys from the Water Management Lands Trust Fund shall be allocated *as follows* ~~to the five water management districts in the following percentages~~:

(a) *Through the 2008-2009 fiscal year,* thirty percent to the South Florida Water Management District. *Beginning with the 2009-2010 fiscal year, thirty percent shall be used first to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District which are secured by revenues provided by this section or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds, then to transfer $3,000,000 to the credit of the General Revenue Fund in each fiscal year, and lastly to distribute the remainder to the South Florida Water Management District.*

(b) *Through the 2008-2009 fiscal year,* twenty-five percent to the Southwest Florida Water Management District. *Beginning with the 2009-2010 fiscal year, twenty-five percent shall be used first to transfer $2,500,000 to the credit of the General Revenue Fund in each fiscal year and then to distribute the remainder to the Southwest Florida Water Management District.*

(c) *Through the 2008-2009 fiscal year,* twenty-five percent to the St. Johns River Water Management District. *Beginning with the 2009-2010 fiscal year, twenty-five percent shall be used first to pay debt service on bonds issued before February 1, 2009, by the St. Johns River Water Management District which are secured by revenues provided by this section or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds, then to transfer $2,500,000 to the credit of the General Revenue Fund in each fiscal year, and to distribute the remainder to the St. Johns River Water Management District.*

(d) Ten percent to the Suwannee River Water Management District.

(e) Ten percent to the Northwest Florida Water Management District.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled an Act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; prohibiting the issuance of certain refunding bonds; revising, as of a specified fiscal year, distributions from the trust fund to certain water management districts to include distribution priorities and allocation of specified amounts of such distributions to the General Revenue Fund each fiscal year; providing an effective date.

On motion by Senator Baker, the rules were waived and the Conference Committee Report on **HB 5113-A** was read the second time.

On motion by Senator Baker, the Conference Committee Report on **HB 5113-A** was adopted. **HB 5113-A** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—37

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

Nays—3

Dockery	Rich	Villalobos

Vote after roll call:

Yea to Nay—Sobel

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5115-A, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5115-A

The Honorable Jeff Atwater January 11, 2009
President of the Senate

The Honorable Ray Sansom
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5115-A, same being:

An act relating to Distribution of the Proceeds of the Excise Tax on Documents.

Having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
s/ Andy Gardiner
s/ Mike Haridopolos
s/ Dennis L. Jones, D.C.
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Durell Peaden, Jr.
s/ Nan H. Rich
s/ Gary Siplin
s/ Eleanor Sobel
J. Alex Villalobos
s/ Stephen R. Wise

s/ Ted Deutch
Vice Chair
Dave Aronberg
s/ Michael S. "Mike" Bennett
s/ Lee Constantine
Charles S. "Charlie" Dean, Sr.
Alex Diaz de la Portilla
s/ Mike Fasano
s/ Rudy Garcia
s/ Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
Alfred "Al" Lawson, Jr.
Steve Oelrich
s/ Ken Pruitt, At Large
s/ Garrett S. Richter
Christopher L. "Chris" Smith
s/ Ronda Storms
Frederica S. Wilson

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
Joseph Abruzzo
s/ Janet H Adkins
s/ Thomas "Tom" Anderson
s/ Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
s/ Debbie Boyd
Oscar Braynon, II
Dwight M. Bullard
James Bush, III
s/ Jennifer Carroll
Gwyndolen "Gwyn" Clarke-Reed
s/ Larry Cretul, At Large
s/ Faye B. Culp
s/ Brad Drake
s/ Greg Evers
s/ Clay Ford

s/ David Rivera
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg, At Large
Ronald A. Brisé
s/ Rachel V. Burgin
s/ Dean Cannon, At Large
Charles S. "Chuck" Chestnut, IV
s/ Marti Coley
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Eric Eisnaugle
s/ Anitere Flores
s/ Erik Fresen

s/ James C. "Jim" Frishe
Luis R. Garcia, Jr.
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Hooper
s/ Matt Hudson
Evan Jenne
s/ Kurt Kelly
s/ Paige Kreegel
Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J. C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Lake Ray
Michelle Rehwinkel Vasilinda
s/ Julio Robaina
Hazelle P. "Hazel" Rogers
Ron Saunders
Kelly Skidmore
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ Charles E. Van Zant
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata
s/ Bill Galvano, At Large
Audrey Gibson, At Large
s/ Denise Grimsley
s/ D. Alan Hays
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
s/ H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
Scott Randolph, At Large
Betty Reed
s/ Ronald "Doc" Renuart
s/ Kenneth L. "Ken" Roberson
Darryl Ervin Rouson
s/ Robert C. "Rob" Schenck
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr.
At Large
s/ Michael B. "Mike" Weinstein
s/ Trudi K. Williams

Managers on the part of the House

Conference Committee Amendment (165177)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(3)*(a) Through the 2008-2009 fiscal year,* the lesser of 1.94 percent of the remaining taxes collected under this chapter or $26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(b) Beginning with the 2009-2010 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or $26 million in each fiscal year shall be distributed in the following order:

1. Amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

3. The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(c) Moneys deposited in the *Land Acquisition* Trust Fund pursuant to this *subsection* ~~section~~ shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the ~~Land Acquisition~~ trust fund.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to distribution of the proceeds of the excise tax on documents; amending s. 201.15, F.S.; revising, as of a specified fiscal year, distribution of a portion of the proceeds of the excise tax on documents to the Land Acquisition Trust Fund to provide for debt service obligations funded through the trust fund with respect to bonds issued before a specified date, to allocate a specified amount to the General Revenue Fund each fiscal year, and to retain allocation of the remainder to the trust fund; providing an effective date.

On motion by Senator Baker, the rules were waived and the Conference Committee Report on **HB 5115-A** was read the second time.

On motion by Senator Baker, the Conference Committee Report on **HB 5115-A** was adopted. **HB 5115-A** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—36

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

Nays—4

Dockery	Justice	Rich
Sobel		

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the committees in Group II were granted permission to meet from 1:15 p.m. until 3:30 p.m. in lieu of 1:00 p.m. until 3:15 p.m.; and the committees in Group III were granted permission to meet at 3:45 p.m. in lieu of 3:30 p.m. this day as published in the Senate Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Reports in their entirety, and passed SB 2-A, SB 4-A, CS for CS for SB 6-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 20-A, CS for SB 24-A, CS for SB 28-A, CS for SB 38-A, CS for SB 40-A, and CS for SB 44-A; and passed by the required constitutional three-fifths vote of the membership of the House CS for SB 14-A, CS for SB 16-A, and CS for SB 18-A as amended by the Conference Committee Reports.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

ENROLLING REPORTS

SB 2-A, SB 4-A, CS for CS for SB 6-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 14-A, CS for SB 16-A, CS for SB 18-A, CS for SB 20-A, CS for SB 24-A, CS for SB 28-A, CS for SB 38-A, CS for SB 40-A, and CS for SB 44-A have been enrolled, signed by the required Constitutional Officers and presented to the Governor on January 14, 2009.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 9 was corrected and approved.

ADJOURNMENT

On motion by Senator Villalobos, the Senate in Special Session adjourned sine die at 12:53 p.m.

Journal of the Senate

Final Reports After Adjournment Sine Die — 2009 Special Session A

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which he approved—

SB 2-A, SB 4-A, CS for CS for SB 6-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 14-A, CS for SB 16-A, CS for SB 18-A, CS for SB 20-A, CS for SB 24-A, CS for SB 28-A, CS for SB 38-A, CS for SB 40-A and CS for SB 44-A on January 27, 2009.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 151, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida in Special Session, convened at 11:00 a.m. on the 5th day of January 2009, and adjourned at 12:53 p.m. on the 14th day of January 2009. Additionally, there has been included a record of the actions taken by the Governor subsequent to the sine die adjournment of the Special Session.

R. Philip Twogood
Secretary of the Senate

Tallahassee, Florida
January 27, 2009

MEMBERS OF THE SENATE; BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED; AND COMMITTEE ASSIGNMENTS

SPECIAL SESSION A
January 5 - 14, 2009

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

ALEXANDER, JD—17th District
Introduced: 42-A, **44-A**, 46-A, 48-A, 50-A, 52-A

Committees: Policy and Steering Committee on Ways and Means, Chair; Ethics and Elections, Chair; Policy and Steering Committee on Governmental Operations; Banking and Insurance; Rules; *Select Committee on Florida's Economy*; and *Joint Legislative Budget Commission*

ARONBERG, DAVE—27th District
Co-introduced: **66-A**

Committees: Policy and Steering Committee on Governmental Operations, Vice Chair; Military Affairs and Domestic Security, Chair; Rules, Vice Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Agriculture; General Government Appropriations; Health Regulation; and Regulated Industries

BAKER, CAREY—20th District
Introduced: **20-A**, 22-A, **24-A**, 26-A, **28-A**, 30-A, 32-A, 34-A, 36-A
Co-introduced: **66-A**

Committees: General Government Appropriations, Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Agriculture; Ethics and Elections; Judiciary; and Transportation

CRIST, VICTOR D.—12th District
Introduced: **12-A**, **14-A**, **16-A**, **18-A**

Committees: Criminal and Civil Justice Appropriations, Chair; Policy and Steering Committee on Ways and Means; Commerce; Criminal Justice; Governmental Oversight and Accountability; and Rules

DEUTCH, TED—30th District
Introduced: **66-A**

Committees: Policy and Steering Committee on Ways and Means, Vice Chair; Regulated Industries, Vice Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Governmental Operations; Community Affairs; Criminal Justice; Higher Education Appropriations; Military Affairs and Domestic Security; and Rules

DOCKERY, PAULA—15th District
Co-introduced: **66-A**

Committees: Criminal Justice, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Social Responsibility; Environmental Preservation and Conservation; Transportation; Transportation and Economic Development Appropriations; and *Joint Committee on Public Counsel Oversight*

FASANO, MIKE—11th District
Introduced: **38-A**, **40-A**
Co-introduced: **66-A**

Committees: Transportation and Economic Development Appropriations, Chair; Policy and Steering Committee on Governmental Operations; Policy and Steering Committee on Ways and Means; Banking and Insurance, Communications, Energy, and Public Utilities; Ethics and Elections; Judiciary; and *Joint Legislative Budget Commission*

GAETZ, DON—4th District
Co-introduced: **66-A**

Committees: Policy and Steering Committee on Commerce and Industry, Chair; Health Regulation, Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Education Pre-K - 12; Health and Human Services Appropriations; Rules; and *Select Committee on Florida's Economy, Chair*

GELBER, DAN—35th District
Co-introduced: **66-A**

Committees: Commerce, Vice Chair; Higher Education Appropriations, Vice Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Communications, Energy, and Public Utilities; Judiciary; *Select Committee on Florida's Economy*; and *Joint Committee on Public Counsel Oversight*

HARIDOPOLOS, MIKE—26th District
Co-introduced: **66-A**

Committees: Policy and Steering Committee on Governmental Operations, Chair; Governmental Oversight and Accountability, Chair; Reapportionment, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Ways and Means; Communications, Energy, and Public Utilities; Health and Human Services Appropriations; Judiciary; Transportation; *Select Committee on Florida's Economy*; *Florida Legislative Committee on Intergovernmental Relations*; and *Joint Select Committee on Collective Bargaining, Co-Chair*

HILL, ANTHONY C. "TONY", SR.—1st District
Co-introduced: **66-A**

Committees: Transportation and Economic Development Appropriations, Vice Chair; Policy and Steering Committee on Governmental Operations; Policy and Steering Committee on Ways and Means; Children, Families, and Elder Affairs; Community Affairs; Military Affairs and Domestic Security; Regulated Industries; *Select Committee on Florida's Economy*; and *Florida Legislative Committee on Intergovernmental Relations, Chair*

PEADEN, DURELL, JR.—2nd District
Introduced: **8-A**, **10-A**

Committees: Health and Human Services Appropriations, Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Ways and Means; Agriculture; Commerce; Judiciary; Military Affairs and Domestic Security; and *Joint Legislative Sunset Committee*

RICH, NAN H.—34th District
Co-introduced: **66-A**

Committees: Policy and Steering Committee on Energy, Environment, and Land Use, Vice Chair; Children, Families, and Elder

Affairs, Vice Chair; Health and Human Services Appropriations, Vice Chair; Policy and Steering Committee on Ways and Means; Commerce; Environmental Preservation and Conservation; Ethics and Elections; and *Joint Legislative Sunset Committee*

SMITH, CHRISTOPHER L. "CHRIS"—29th District
Co-introduced: **66-A**

Committees: Banking and Insurance, Vice Chair; Higher Education, Vice Chair; Reapportionment, Vice Chair; Policy and Steering Committee on Commerce and Industry; Communications, Energy, and Public Utilities; Rules; Transportation and Economic Development Appropriations; and *Joint Committee on Public Counsel Oversight*

SOBEL, ELEANOR—31st District
Co-introduced: **66-A**

Committees: Environmental Preservation and Conservation, Vice Chair; Health Regulation, Vice Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Commerce; Education Pre-K - 12; Health and Human Services Appropriations; Rules; *Select Committee on Florida's Economy*; and *Joint Legislative Sunset Committee*

WISE, STEPHEN R.—5th District
Introduced: **6-A**

Committees: Education Pre-K - 12 Appropriations, Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Children, Families, and Elder Affairs; Community Affairs; Education Pre-K - 12; Regulated Industries; Rules; and *Joint Legislative Auditing Committee*

BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED BY COMMITTEES

SPECIAL SESSION A
January 5 - 14, 2009

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Introduced: 60-A
Committee Substitutes: **12-A**, **14-A**, **16-A**, **18-A**

EDUCATION PRE-K - 12 APPROPRIATIONS
Introduced: 54-A
Committee Substitutes: **6-A**

GENERAL GOVERNMENT APPROPRIATIONS
Introduced: 62-A
Committee Substitutes: **20-A**, 22-A, **24-A**, 26-A, **28-A**

HEALTH AND HUMAN SERVICES APPROPRIATIONS
Introduced: 58-A
Committee Substitutes: **8-A**, **10-A**

HIGHER EDUCATION APPROPRIATIONS
Introduced: 56-A

POLICY AND STEERING COMMITTEE ON WAYS AND MEANS
Introduced: **2-A**, **4-A**
Committee Substitutes: **6-A**, **44-A**

TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS
Introduced: 64-A
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SPECIAL SESSION A
January 5 - 14, 2009

[Source: Office of Legislative Services]

This index embraces all measures introduced in both the Senate and House. The house of origin is identified by the letter preceding each bill: S-Senate, H-House. House bills shown in this index include those never received by the Senate, and their inclusion here is only for the convenience of the user interested in all bills introduced in the Legislature on a particular subject.

(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

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SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER WITH SUBJECT, INTRODUCER AND DISPOSITION

SPECIAL SESSION A
January 5 - 14, 2009

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
RC — Reference Change
Boldfaced Page Numbers — Passage of Bill

Types of Bills

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition

Adopted
CSP — Companion or Similar Bill Passed
DCC — Died in Conference Committee
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
Vetoed
WNI — Withdrawn, Not Introduced
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2-A Special Appropriations (Policy & Steering Committee on Ways and Means) (FR)37, (BA)41, (MO)**43**, (CR)55, 58, 83, (BA)**144**, 150, 151 Ch. 2009-1 CSP-SB 4-A, CS/CS/SB 6-A, CS/SB 8-A, CS/SB 38-A

4-A Implementing Special Appropriations (Policy & Steering Committee on Ways and Means) (FR)37, (BA)**43**, (MO)43, (CR) 55, 144, (BA)**147**, 150, 151 Ch. 2009-2 CSP-SB 2-A

6-A Education Funding (Policy & Steering Committee on Ways and Means and others) (FR)2, (CR)37, (CS)37, (CS/CS)38, (BA)47, (MO)**49**, (CR)55, 58, (BA)**62**, 150, 151 Ch. 2009-3 CSP-SB 2-A

8-A Medicaid (Health and Human Services Appropriations and Peaden) (FR)2, (CR)37, (CS)38, (BA)43, (MO)**44**, (CR)55, 63, (BA)**64**, 150, 151 Ch. 2009-4 CSP-SB 2-A

10-A Biomedical Research/Trust Fund (Health and Human Services Appropriations and Peaden) (FR)2, (CR)37, (CS)38, (BA)**44**, (MO)44, (CR)55, (BA)**65**, 150, 151 Ch. 2009-5

12-A State Judicial System (Criminal and Civil Justice Appropriations and Crist) (FR)2, (CR)37, (CS)38, (BA)**44**, (MO)45, (CR) 55, 66, (BA)**68**, 150, 151 Ch. 2009-6 CSP-CS/SB 14-A, CS/SB 16-A, CS/SB 18-A

14-A State Courts Revenue Trust Fund (Criminal and Civil Justice Appropriations and Crist) (FR)2, (CR)37, (CS)38, (BA)**45**, (MO) 45, (CR)55, (BA)**69**, 150, 151 Ch. 2009-7 CSP-CS/SB 12-A

16-A State Attorneys Revenue Trust Fund/JAC (Criminal and Civil Justice Appropriations and Crist) (FR)2, (CR)37, (CS)38, (BA) **45**, (MO)45, (CR)55, (BA)**70**, 150, 151 Ch. 2009-8 CSP-CS/SB 12-A

18-A Public Defenders Revenue Trust Fund/JAC (Criminal and Civil Justice Appropriations and Crist) (FR)2, (CR)37, (CS)39, (BA)**45**, (MO)45, (CR)55, 56, (BA)**71**, 150, 151 Ch. 2009-9 CSP-CS/SB 12-A

20-A My Safe Florida Home Program (General Government Appropriations and Baker) (FR)2, (CR)37, (CS)39, (BA)**45**, (MO)46, (CR)55, 72, (BA)**73**, 150, 151 Ch. 2009-10

22-A Water Resources Development (General Government Appropriations and Baker) (FR)2, (CR)37, (CS)39, (BA)**46**, (MO)46, (CR)55 DCC/CSP-SB 4-A

24-A Transportation Projects/Mitigation Funding (General Government Appropriations and Baker) (FR)2, (CR)37, (CS)39, (BA) **46**, (MO)46, (CR)55, 73, (BA)**74**, 150, 151 Ch. 2009-11

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26-A Marine Resources Conservation Trust Fund (General Government Appropriations and Baker) (FR)2, (CR)37, (CS)39 DCS

28-A Insurance Capital Build-Up Incentive Program (General Government Appropriations and Baker) (FR)2, (CR)37, (CS)39, (BA)**46**, (MO)46, (CR)55, (BA)**75**, 150, 151 Ch. 2009-12

30-A Adjustments to General Government Appropriations (Baker) (FR)3 DSC

32-A Adjustments to General Government Appropriations (Baker) (FR)3 DSC

34-A Adjustments to General Government Appropriations (Baker) (FR)3 DSC

36-A Adjustments to General Government Appropriations (Baker) (FR)3 DSC

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40-A Department of Highway Safety and Motor Vehicles (Transportation and Economic Development Appropriations and Fasano) (FR)3, (CR)37, (CS)39, (BA)**46**, (MO)47, (CR)55, 79, (BA)**81**, 150, 151 Ch. 2009-14

42-A Governmental Operations (Alexander) (FR)3 DSC

44-A Governmental Operations (Policy & Steering Committee on Ways and Means and Alexander) (FR)3, (CR)37, (CS)39, (BA) **47**, (MO)47, (CR)55, 81, (BA)**82**, 150, 151 Ch. 2009-15

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50-A Governmental Operations (Alexander) (FR)3 DSC

52-A Governmental Operations (Alexander) (FR)3 DSC

54-A DNI/CSP-SB 2-A, SB 4-A

56-A DNI/CSP-SB 2-A, SB 4-A

58-A DNI/CSP-SB 2-A, SB 4-A

60-A DNI/CSP-SB 2-A, SB 4-A

62-A DNI/CSP-SB 2-A, SB 4-A

64-A DNI/CSP-SB 2-A, SB 4-A

SR

66-A Solidarity with Israel (Deutch and others) (FR)**40**, (CO)56 Adopted

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5113-A Water Management Lands Trust Fund (Natural Resources Appropriations (CGHC)) (BA)**54**, (MO)54, (FR)55, 56, 148, (BA) **149** Ch. 2009-16

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5115-A Distribution/Proceeds of Excise Tax on Documents (Natural Resources Appropriations (CGHC)) (BA)54, (BA)**55**, (FR)55, (MO)55, 56, 149, (BA)**150** Ch. 2009-17

Journal

of the

S E N A T E

State of Florida

FORTY-FIRST REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 3 THROUGH MAY 8, 2009

MEMBERS OF THE SENATE

(26 Republicans, 14 Democrats)

REGULAR SESSION

March 3 through May 8, 2009

District 1: Anthony C. "Tony" Hill, Sr. (D), Jacksonville**
Parts of Duval, Flagler, Putnam, St. Johns and Volusia

District 2: Durell Peaden, Jr. (R), Crestview*
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 3: Charles S. "Charlie" Dean, Sr. (R), Inverness**
Baker, Dixie, Hamilton, Lafayette, Suwannee, Taylor and parts of Citrus, Columbia, Jefferson, Leon, Levy, Madison and Marion

District 4: Don Gaetz (R), Niceville*
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 5: Stephen R. Wise (R), Jacksonville**
Parts of Clay, Duval, Nassau and St. Johns

District 6: Alfred "Al" Lawson, Jr. (D), Tallahassee*
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 7: Evelyn J. Lynn (R), Ormond Beach**
Parts of Clay, Marion, Putnam and Volusia

District 8: James E. "Jim" King, Jr. (R), Jacksonville*
Parts of Duval, Flagler, Nassau, St. Johns and Volusia

District 9: Andy Gardiner (R), Orlando**
Parts of Orange, Osceola and Seminole

District 10: Ronda Storms (R), Valrico*
Parts of Hillsborough, Pasco and Polk

District 11: Mike Fasano (R), New Port Richey**
Parts of Citrus, Hernando, Pasco and Pinellas

District 12: Victor D. Crist (R), Tampa*
Parts of Hillsborough and Pasco

District 13: Dennis L. Jones, D.C. (R), Seminole**
Part of Pinellas

District 14: Steve Oelrich (R), Gainesville*
Alachua, Bradford, Gilchrist, Union and parts of Columbia, Levy, Marion and Putnam

District 15: Paula Dockery (R), Lakeland**
Parts of Hernando, Lake, Osceola, Polk and Sumter

District 16: Charlie Justice (D), St. Petersburg*
Parts of Hillsborough and Pinellas

District 17: JD Alexander (R), Lake Wales**
Hardee, Highlands, and parts of DeSoto, Glades, Okeechobee, Polk and St. Lucie

District 18: Arthenia L. Joyner (D), Tampa*
Parts of Hillsborough, Manatee and Pinellas

District 19: Gary Siplin (D), Orlando**
Parts of Orange and Osceola

District 20: Carey Baker (R), Eustis*
Parts of Lake, Marion, Seminole, Sumter and Volusia

District 21: Michael S. "Mike" Bennett (R), Bradenton**
Parts of Charlotte, DeSoto, Lee, Manatee and Sarasota

District 22: Lee Constantine (R), Altamonte Springs*
Parts of Orange and Seminole

District 23: Nancy C. Detert (R), Venice**
Parts of Charlotte, Manatee and Sarasota

District 24: Thad Altman (R), Viera***
Parts of Brevard, Orange and Seminole

District 25: Jeff Atwater (R), North Palm Beach**
Parts of Broward and Palm Beach

District 26: Mike Haridopolos (R), Melbourne*
Parts of Brevard, Indian River, Osceola and St. Lucie

District 27: Dave Aronberg (D), Greenacres**
Parts of Charlotte, Glades, Hendry, Lee and Palm Beach

District 28: Ken Pruitt (R), Port St. Lucie*
Martin and parts of Indian River, Okeechobee, Palm Beach and St. Lucie

District 29: Christopher L. "Chris" Smith (D), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 30: Ted Deutch (D), Boca Raton*
Parts of Broward and Palm Beach

District 31: Eleanor Sobel (D), Hollywood**
Part of Broward

District 32: Jeremy Ring (D), Margate*
Part of Broward

District 33: Frederica S. Wilson (D), Miami**
Part of Miami-Dade

District 34: Nan H. Rich (D), Weston*
Parts of Broward and Miami-Dade

District 35: Dan Gelber (D), Miami Beach**
Parts of Broward and Miami-Dade

District 36: Alex Diaz de la Portilla (R), Miami*
Part of Miami-Dade

District 37: Garrett S. Richter (R), Naples**
Parts of Collier and Lee

District 38: J. Alex Villalobos (R), Miami*
Part of Miami-Dade

District 39: Larcenia J. Bullard (D), Miami**
Monroe and parts of Broward, Collier, Hendry, Miami-Dade and Palm Beach

District 40: Rudy Garcia (R), Hialeah*
Part of Miami-Dade

* Holdovers
** Elected General Election November 4, 2008, for a term of 4 years
*** Elected General Election November 4, 2008, for a term of 2 years

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OFFICERS OF THE SENATE

Jeff Atwater, *President*
Mike Fasano, *President Pro Tempore*
Alex Diaz de la Portilla, *Majority (Republican) Leader*
Alfred "Al" Lawson, Jr., *Minority (Democratic) Leader*

Non-member Elected Officer

R. Philip Twogood, *Secretary of the Senate*

Journal of the Senate

Number 1—Regular Session **Tuesday, March 3, 2009**

Beginning the Forty-first Regular Session of the Legislature of Florida convened under the Florida Constitution as revised in 1968, and subsequently amended, and the 111th Regular Session since Statehood in 1845, at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the 3rd of March, A.D., 2009, being the day fixed by the Constitution of the State of Florida for convening the Legislature.

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CALL TO ORDER

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

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

PRAYER

The following prayer was offered by Dr. Larry L. Thompson, Senior Pastor, First Baptist Church, Fort Lauderdale:

Father, I thank you for the men and women who have been elected by the people of this great state, and I ask your blessing on these Senators today. We realize that we hold a sacred trust and nothing truly worth doing is completed in our lifetime alone; therefore, we must ask today that we be led by our hope, our trust and our confidence in you. Nothing we do, however virtuous, can be accomplished alone; therefore, I ask that as we work together in the power of your wisdom that we identify those truths that bind us together and we minimize those issues that would divide us and keep us from accomplishing your will for this hour.

Father, I realize that our state as well as our nation, faces some difficult days ahead, and yet I thank you, Lord, that in you we do not face them alone. So I pray, Father, for your wisdom on the lives of these who are elected. I would ask, Lord, your hedge of protection around their families. I pray, Father, that you would guide them and lead them and, Father, as they make decisions that will encourage the people of this great state, I pray, Father, for your perfect will to be done. We thank you, Father, for the privilege of serving, and we ask your blessing on this session for it is in your matchless name we pray. Amen.

SPECIAL CEREMONY

President Atwater: Today marks the 164th anniversary of Florida's statehood. On this date in 1845, President John Tyler signed the Act of Admission declaring Florida the 27th state. Throughout our history our state has weathered wars, economic challenges, and natural disasters. It has also been on the front lines of new exploration. Each challenge was met with strength, courage, and commitment.

Before Florida was even a state, it was home to military of the United States. Today, military bases for each branch of the Armed Forces now call Florida home. The men and women in the Armed Forces sacrifice daily to ensure that our way of life and the cherished freedoms are protected. The challenges we face diminish in size when compared with what our military men and women face on any given day. The contributions made by these individuals will forever impact the heritage, the history, and the values of our nation and our state.

What better way to celebrate our state's birthday and the beginning of this new session than to pay a special tribute to all members of the Senate family, here and extended, who are serving in the Armed Forces to protect our freedoms; and to recognize the past services of our Senators in our military. To join us in this celebration today is our Governor. Will you please join me in welcoming our Commander in Chief, the Honorable Governor Charlie Crist. I would also like to welcome Major General Douglas Burnett, Adjutant General of Florida, who is here with us today as our guest.

Governor Crist was invited to join the President at the rostrum.

The President recognized the following Senator and Senate professional staff member currently serving in the military and invited them to the rostrum: Senator Carey Baker, First Sergeant, Florida National Guard, who served a tour of duty in Iraq; and Scott Clodfelter, Committee on Criminal Justice, Staff Judge Advocate, 83rd Troop Command, Florida National Guard, who served a tour of duty in Afghanistan.

The President recognized the following current Senators with military service and invited them to the rostrum: Senator Michael S. "Mike" Bennett, United States Navy, served three tours in Vietnam; Senator Charles S. "Charlie" Dean, Sr., United States Marine Corps Reserves; Senator Anthony C. "Tony" Hill, Sr., United States Army, served in Baumholder, West Germany; Senator James E. "Jim" King, Jr., United

States Coast Guard; and Senator Garrett Richter, United States Army and United States Air Force Reserves, Vietnam Bronze Star, combat infantry badge.

The President recognized those in the chamber with immediate family members serving in the military. Senator Ken Pruitt stood in honor of his son, Steven Pruitt, United States Marine Corps. Also recognized to stand in honor of their loved ones were the following Senate professional staff members: Susan Miller, Senate President's Office, in honor of her son, Ric Miller, United States Marine Corps; Chris Clark, Legislative Assistant to Senator Gaetz, in honor of his brother, James L. Clark, Jr., United States Marine Corps, Staff Sergeant; Mandy O'Callaghan, Committee on Commerce, in honor of her brother, Scott Parker, United States Marine Corps, Staff Sergeant; Joe Pileggi, Legislative Assistant to Senator Oelrich, in honor of his brother, Mario Martinez, United States Air Force; Rachel Rogers, Legislative Assistant to Senator Dockery, in honor of her brother, Andrew R. Perrin, United States Army Reserves, Staff Sergeant; Mike Thurmond, Senate Secretary's Office, in honor of his brother, Anthony Thurmond, United States Air Force, Staff Sergeant; Christine Wayne, Legislative Assistant to Senator Altman, in honor of her brother, Ryan Wayne, United States Navy; and Carol Chastain, Legislative Assistant to Senator Wise, in honor of her son, Christopher Chastain, United States Navy. Currently deployed in the Persian Gulf, Chris Chastain sent a note of gratitude to his mother and the Senate.

President Atwater: Senators and guests, I would like to briefly recount a very special story in American history. In 1814, a 35-year old attorney made his way out to a British frigate that was off the shores of Baltimore. He was there on a prisoner exchange. He was successful but, because he learned while on that ship that the British were going to begin the bombardment of Baltimore, he was held and could not go back. He then watched that bombardment on September 13th and 14th of 1814. He was finally let go and on his way back to Baltimore he wrote a poem that would forever remind him of that incident. That poem was called "The Defense of Fort McHenry." He could see during the night, when the flashes of the brilliant lights from the bombardment were going off, that the flag kept flying. One hundred years later, in 1916, Woodrow Wilson thought enough of that poem that, by executive order, he would make it our National Anthem. That 35-year old lawyer was Francis Scott Key and the name of the poem was later changed to "The Star-Spangled Banner."

We have a wonderful treat today. Keeping with the Senate family, we have the daughter of our staff director of the Finance and Tax Committee, Bob McKee and his wife Amy, who are with us today. Their daughter Joeli Alana is a seventh grader at Cobb Middle School. She is 12 years old and has a beautiful voice. She is going to sing for us, that wonderful poem written so long ago, that we now honor as our National Anthem.

SPECIAL PERFORMANCE

Joeli Alana McKee sang the National Anthem for the Senate.

PLEDGE

The President introduced Sergeant Kenneth Oelrich, United States Marine Corps, son of Senator Oelrich. Sergeant Oelrich served tours of duty in the Asian-Pacific and Iraq, and is currently stationed at Camp Pendleton. The President invited Sergeant Oelrich to the rostrum where he led the Senate in the pledge of allegiance to the flag of the United States.

Following the Pledge, the President thanked the Senators for their military service and dismissed them from the rostrum.

President Atwater: At this time it is a true honor to present to you someone who carries a tremendous amount of weight on his shoulders, and is guiding our state through some challenging times. He is an optimist. He is a visionary. He is also our Commander in Chief. Please join me in welcoming our Governor, Charlie Crist.

Governor Crist: Good morning. Thank you very much, Mr. President. I just want to say how humbled I am to be in the presence of so many courageous people who are willing to sacrifice their very lives for the freedom that we hold so dear. To be with you is an honor greater than I can express. God bless you and thank you very much.

President Atwater: Thank you, Governor. This morning, to greet the sunrise on our 164th birthday, I had the privilege of raising a flag with our Speaker on top of the dome of the Old Capitol. We raised a state flag for each of the loved ones of our Senate family who are serving in our military today. I will now ask Sergeant Severance to escort our Governor to the front so that he may present the flag that was flown this morning on our birthday to each one of our guests of our Senate family for the loved one that they have serving in our military. He will be joined by General Burnett for this presentation.

General Burnett handed the flags to Governor Crist, who presented one to Sergeant Oelrich and to each of the family members standing in for their loved ones.

Following the presentation, the President thanked the Governor and Major General Burnett for their participation and thanked Sergeant Oelrich and the others for their service.

SPECIAL GUESTS

The President introduced the following guests: Lieutenant Governor Jeff Kottkamp, former Representative; Commissioner of Agriculture Charles H. Bronson, former Senator; and Chief Financial Officer Alex Sink.

The President recognized the following Supreme Court Justices: Chief Justice Peggy Quince; Justice Barbara Pariente, Justice R. Fred Lewis, Justice Ricky Polston, and Justice Jorge Labarga.

The President recognized the following former Senate Presidents: John Vogt, 1986-88; James Scott, 1994-96; John McKay, 2000-02, and his wife, Michelle; Jim King, 2002-04, and his wife, Linda; Tom Lee, 2004-06; and Ken Pruitt, 2006-08.

The President also recognized former Senator Daniel Webster, who was Speaker of the House and Senate Majority Leader; former Senators John Grant; Rich Crotty, Mayor of Orange County; and Frank Brogan, former Lieutenant Governor, current President of Florida Atlantic University.

The President recognized Senator Villalobos who acknowledged the Senate spouses.

DOCTOR OF THE DAY

The President recognized Dr. Robert Brooks of Tallahassee, sponsored by President Atwater, as doctor of the day. Dr. Brooks specializes in Infectious Diseases.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Poppell, Brandenburg, Culp, Patterson, and Anderson was received and informed the Senate that the House of Representatives was convened and ready to proceed to the business of the session. The committee then withdrew from the chamber.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 8001 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative Galvano—

HCR 8001—A concurrent resolution providing that the House of Representatives and the Senate convene in Joint Session for the purpose of receiving a message from the Governor.

—was read the first time in full. On motion by Senator Villalobos, by two-thirds vote **HCR 8001** was read the second time by title, unanimously adopted and certified to the House.

COMMITTEE APPOINTED

On motion by Senator Altman that a committee be appointed to notify the House of Representatives that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators Gardiner, Bullard, Dean, Detert, Richter, Smith, Sobel and Altman. The committee was excused.

COMMITTEE DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

ADDRESS BY PRESIDENT JEFF ATWATER

As we open the 111th session of the Florida Senate, let me take this moment to thank all of you who have traveled here to share with us in the honored traditions of opening day. I want to thank especially our spouses and families who sacrifice daily so that we can participate in, and contribute to, the great deliberations of this body. Your willingness to share and support those of us in this chamber will mean more to us than we could ever fully express to you.

I would also like to acknowledge our partnership in the Governor's Office and in the Florida House of Representatives. Governor Crist's love for Florida goes beyond party politics, and his vision of our state and its future is uplifting and inspiring. He has taken the lead on building a cleaner, greener Florida for future generations and has been powerful in his support of a small business economy. Governor Crist shares a deep connection with Floridians from every walk of life, and I salute him as a good friend and as a strong leader. Governor Crist, thank you.

Representative Cretul has stepped into the Speaker's role under unique and challenging circumstances; and he has done so with dignity, grace, and humility. The leadership that both the Governor and the Speaker have demonstrated augers well for the working relationship that will be needed over the next nine weeks. I thank them both for their support and I look forward to working with them each day.

Senators, welcome back. I know that each of you–no matter where you call home, no matter your party, no matter your philosophy–is as honored as I am to serve the people of this great state. Each of you brings a spirit and determination to make Florida the very best it can be, and I am honored and inspired by your commitment to the people of this great state.

As we worked through the special session and the subsequent weeks of committee meetings, and as we reassemble in the regular session now, our deliberations will be shaped by two distinct sets of obligations. First, we have been confronted with an enormous fiscal challenge, and a constitutional obligation to balance our budget. At the beginning of the special session, I shared with you some sobering economic statistics. Regrettably, we continue to hear how our economic circumstances have further deteriorated in the intervening weeks. Yet, I have been consistently impressed by the gravity with which every one of you took the data and information to heart.

I have spoken also of our second obligation–the unwritten, but no less crucial, moral obligation to act on principle, with clarity and honesty. We must have the courage to speak forthrightly to Floridians and recognize that they have the capacity and the will to accept the truth and assess the facts. These are the obligations of integrity and trust that leaders share with the people they serve.

During times such as these, with resources frighteningly scarce, we must lead with ideals, letting them shape our political conversations. We must establish principled baselines first, and let our subsequent actions be guided by them. We have an obligation to the citizens of Florida to deliver value, not just "services." That is the litmus test we must apply. We cannot let harsh economic realities deter us from clearly defining our value equations.

The special character of Florida's environment can be protected even in austere economic times. We will hold ourselves to ideals that will unshackle the small business economy, reduce the stifling hand of regulation on entrepreneurs and ignite a fundamental transformation of our economy. We can build intellectual capital from within and create a state where hard work and brilliant minds can establish careers, raise families and transform Florida into the economic powerhouse of a knowledge economy.

Senators, transforming Florida's future begins with preparing Florida's children to own the future. Investing in a quality education is vital to building intellectual capital. We must ensure that Florida's next generation of entrepreneurs, next small business owners, next scientists, is today receiving the educational training for him or her that will help them succeed in life. I commit to you to do everything in my ability to prevent further spending cuts to Florida's classrooms, but I need your help. We must examine every area of spending–is there a program, a service, a board, commission, or a mountain of unread reports or studies that if suspended or eliminated would provide another dollar to Florida's classrooms?

Senators, I said this in the special session so I'll say it again today–if it doesn't house, teach, feed, protect, heal, or create a job for a Floridian, this is the time to end it. If it does house, teach, feed, protect, heal, or create a new job for a Floridian then this is the time to make it work better than it ever has before.

Members, let us have some perspective. Since 2004, state spending has increased 20 percent. Has the increase in spending created a commensurate increase in student achievement or enabled us to responsibly address the needs of the elderly, the mentally ill, those most at risk in our society–or do we merely feel better for having spent the money?

This is both an opportunity and an obligation for the Florida Senate. To dig deep inside every budget line item, to critically assess everything we do and ask the hard questions. We have begun this task and I wish to thank Chairman Alexander and the Appropriations committee chairs–Senator Crist, Senator Wise, Senator Lynn, Senator Baker, Senator Fasano, and Senator Peaden–for the leadership they have shown in having their committees diligently and thoroughly analyze the base budget down to every line item and to every dollar spent.

Senator Alexander will introduce legislation designed to enhance transparency, which will provide increased accountability in government spending. He will also submit legislation to bring accountability and clarity to how Florida commits its resources. This legislation is the first step in ensuring we hold ourselves and every function of government to the highest standards of performance and the most rigorous tests of necessity. A case in point–the Federal stimulus package–a one-time, stop-gap measure. Now we will deploy Medicaid, infrastructure, and education dollars, if waivers are granted–and we will remain hopeful that these will affect us in Florida immediately.

However, even if we forecast a modest economic recovery, projections paint a sobering picture: balancing our budget on non-recurring dollars, without reductions in spending or new resources of revenue, will leave us with a bigger budget gap three years from now than the one we face today. I am not advocating a budget balancing solution based purely on reductions or new taxes. I have said that everything must be on the table. While we are reviewing every line item of every budget we are also reviewing our tax structure and our capacity for future borrowing. Florida does not have a day or a dollar to waste.

There are a hundred reasons why the task is too big, why the decisions are too hard, why the issues are too tough. None of us here as we sat at the kitchen table and asked our families to support our efforts to pursue public service, ever thought we would be called upon to lead in times like these. None of us bargained for this. But, neither did one in thirteen of our neighbors who have now lost their homes. Nor did one in twelve of our neighbors who today are unemployed. Nor did one in ten of our fellow Floridians who are now dependent on food stamps. They didn't bargain for this either. We did not choose it. We did not cause it. But Senators, we are obligated to confront it.

From this chair I can see each of you. I know something of your story, your struggles, your successes, the paths you have worn down and the obstacles you have climbed over to earn your place here. There is strength in this chamber. Our successes now rest in our ability to unite our stories and our experiences to find solutions. Not Republican solutions, not Democrat solutions, but Florida solutions.

The budget, jobs, helping Florida's families in the face of the national economic downturn will rightfully be the focus of most of our discussions; however, we must not lose sight of the opportunity we have to introduce policy reforms. In doing so, we will draw again on the wisdom found in this chamber.

Due to the vision and leadership of President Pruitt, no child with the capacity and the potential to learn will be denied the brighter future that comes with a college education. Due to the unwavering commitment of Senator Wilson, young men and their futures are championed by community leaders, teachers, and business owners determined to mentor and challenge them to become success stories of their neighborhood. President King and Senator Ring persevere in the area of biomedical research and technology positioning Florida as a magnet for capital investment, national grants and international acclaim. I am confident that Florida will be the place where cancer is cured, Alzheimer's arrested and Multiple Sclerosis subdued. Leader Lawson and Senator Constantine have dedicated their careers to environmental protection–ensuring that our exceptional and irreplaceable ecosystems are protected for generations to come. Members, I could go on and on–each of you has invested time, talent, and skills to make Florida a better place to live. I am honored to work at your side at this time of great challenge. You are statesmen and stateswomen, blessed with the insights, skills and political courage to succeed in this effort.

From Miami to Pensacola, from Jacksonville to Tampa, from Orlando to Ft. Myers, from Marianna to Yulee, from Dunnellon to St. Cloud, from Port Charlotte to Homestead, yes, our economy is struggling and Florida's families are hurting. But even in these times, Florida is the magnificent jewel of this nation. Our people are good and kind, they are strong and resilient, they are entrepreneurers and hard workers.

In times such as these, we hearken back to the principles, courage, and values of those who forged this great nation, who pioneered Florida's wilderness and who shaped our story. They were not motivated by polls or politics; they were driven by ideals and values. A great 19th century American statesman, Carl Schurz, declared "Ideals are like stars; you will not succeed in touching them with your hands. But like the seafaring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny."

On your desks is a box, and inside is a sextant. It is a navigational tool that was utilized by explorers in the 16th through the 19th centuries. In the darkest of nights, tumbling on the most perilous seas, captains would take up the sextant and with the stars as their guide, would chart their position, adjust their course and press onward in their journey to make and capture their destiny.

Ideals are indeed like stars. If we are faithful, guided by principles, and remain true to our course, we will not be lost. Florida's prospects for the future are bright and bold, our destiny not yet fully written. This is our challenge: to shut out the extraneous noises that would pull us off course, and remain faithful to our ideals and that which we hold most dear. Let us discover anew our destiny and let history judge this generation of Florida's leaders as those who charted the higher course.

On this day of celebration, the anniversary of our statehood, we celebrate the first steps Florida took as a member of this great union. In keeping with those who came before us, who embraced difficult times as opportunities to shape a more prosperous Florida, let us join together in taking up that work anew with willing hands and strong hearts.

Let us say together "Happy Birthday Florida." May God bless Florida. May God always bless this great country.

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:03 a.m.to reconvene at 4:30 p.m.or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 4:30 p.m.Bryan Detert, grandson of Senator Detert, gaveled the Senate to order. A quorum present—40:

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

ADOPTION OF RESOLUTIONS

On motion by Senator Aronberg—

By Senators Aronberg, Atwater, Pruitt, and Deutch—

SR 2698—A resolution recognizing Palm Beach County on the occasion of its Centennial celebration.

WHEREAS, Palm Beach County was born on July 1, 1909, following the signing of the Palm Beach County Charter on April 30, 1909, and

WHEREAS, the development of Palm Beach County coincided with the realization of railroad tycoon and Palm Beach resident Henry Flagler's vision of establishing a railroad line from Jacksonville to Key West, and

WHEREAS, with a total area of 2,386 square miles, Palm Beach County is the largest county in Florida by area, and one of the most ecologically and economically diverse, and

WHEREAS, Palm Beach County is composed of 38 incorporated municipalities, from the Village of Tequesta in the north to the City of Boca Raton in the south and including the cities of Atlantis, Belle Glade, Boynton Beach, Delray Beach, Greenacres, Lake Worth, Pahokee, Palm Beach Gardens, Riviera Beach, South Bay, and West Palm Beach, the towns of Briny Breezes, Cloud Lake, Glen Ridge, Gulf Stream, Haverhill, Highland Beach, Hypoluxo, Juno Beach, Jupiter, Jupiter Inlet Colony, Lake Clarke Shores, Lake Park, Lantana, Loxahatchee Groves, Manalapan, Mangonia Park, Ocean Ridge, Palm Beach, Palm Beach Shores, and South Palm Beach, and the villages of Golf, North Palm Beach, Palm Springs, Royal Palm Beach, and Wellington, and unincorporated areas, and

WHEREAS, Palm Beach County has shown a dramatic growth in population, from 5,577 in 1910 to approximately 1.3 million in 2009, and

WHEREAS, Palm Beach County is a significant contributor to the State of Florida's overall economic health, rich history, and cultural diversity, and its county seat, West Palm Beach, is the oldest incorporated municipality in South Florida, NOW, THEREFORE,

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

That the Florida Senate hereby recognizes Palm Beach County on the occasion of its Centennial celebration and honors the residents, community leaders, and elected officials of Palm Beach County for its 100 years of distinctive history.

—was introduced out of order and read by title. On motion by Senator Aronberg, **SR 2698** was read the second time in full and adopted.

On motion by Senator Baker—

By Senator Baker—

SR 1546—A resolution recognizing February 6, 2010, as "Ronald Reagan Day" in Florida.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life for the cause of freedom and advancing the public good, and

WHEREAS, Ronald Reagan worked as an entertainer, union leader, and corporate spokesman before his election as Governor of the State of California, and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th president of the United States of America, during his second term earning the confidence of three-fifths of the electorate, and was victorious in 49 of the 50 states in the general election, a record unsurpassed in the history of American presidential elections, and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment, and

WHEREAS, during his presidency Ronald Reagan worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to unprecedented economic expansion and opportunity for millions of Americans, and

WHEREAS, President Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in many neighborhoods, and

WHEREAS, President Reagan's commitment to the United States Armed Forces contributed to the restoration of pride in the United States of America and in the values cherished by the free world, and prepared the United States to meet the challenges of the 21st Century, and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people, and

WHEREAS, February 6, 2010, will be the 99th anniversary of Ronald Reagan's birth, and the fifth since his passing, NOW, THEREFORE,

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

That the Florida Senate recognizes February 6, 2010, as "Ronald Reagan Day" in Florida and urges all residents of this state to take cognizance of this event and participate fittingly in its observance.

—was introduced out of order and read by title. On motion by Senator Baker, **SR 1546** was read the second time in full and adopted.

SPECIAL ORDER CALENDAR

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

SB 1280—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2009 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2009 shall be effective immediately upon publication; providing that general laws enacted during the 2008 regular session and prior thereto and not included in the Florida Statutes 2009 are repealed; providing that general laws enacted during the January 5-14, 2009, special session and the 2009 regular session are not repealed by this adoption act.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1280** was placed on the calendar of Bills on Third Reading.

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

CS for SB 1282—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 220.19, 420.5087, and 624.5107, F.S., and repealing ss. 110.1245(4)(b), 185.085(6), 215.96(4), 216.292(3)(c)-(e) and (5)(b), 253.03(17), 253.034(6)(f)2., 320.08058(1)(d), 322.025(2), 403.890(5), 408.036(3)(m), 475.278(2)(b) and (c), 487.041(1), 509.302(8), 561.121(4), 561.501, 570.957, 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, 985.803, 985.804, 985.805, 985.806, 985.807, and 1010.78, F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2009 Florida Statutes only through a reviser's bill duly enacted by the Legislature; repealing ss. 626.97411 and 1006.20(10), F.S., to confirm the October 2, 2008, repeal of exemptions in accordance with the Open Government Sunset Review Act; and amending s. 775.0845, F.S., to conform to the repeal of ss. 921.0012 and 921.0013, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1282** was placed on the calendar of Bills on Third Reading.

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

SB 1284—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 39.01, 39.806, 45.035, 61.122, 112.661, 121.051, 121.153, 161.085, 163.3177, 193.074, 193.1554, 193.1555, 201.15, 211.31, 215.50, 215.555, 215.5595, 218.409, 253.03, 259.032, 259.105, 259.1053, 282.201, 288.1089, 288.8175, 316.2128, 316.650, 319.001, 320.08058, 323.001, 336.41, 336.44, 364.051, 373.118, 373.4145, 374.977, 378.021, 378.403, 379.2495, 379.353, 379.407, 380.061, 380.510, 381.0063, 403.087, 403.0871, 403.511, 403.5115, 403.531, 403.7264, 403.813, 403.862, 403.890, 403.9416, 409.2598, 468.432, 489.145, 499.003, 499.012, 499.0121, 499.015, 500.12, 553.885, 553.975, 560.111, 560.124, 560.141, 560.142, 560.143, 560.209, 560.404, 560.406, 570.07, 597.004, 597.010, 624.4213, 626.8541, 626.8796, 626.8797, 627.0621, 627.0628, 627.736, 718.111, 718.112, 718.113, 718.501, 718.503, 828.25, 937.021, 1000.36, 1001.395, 1002.36, 1006.035, 1006.59, 1008.22, 1008.34, 1008.341, 1008.345, 1009.73, 1012.56, 1012.795, and 1013.12, F.S.; amending and reenacting s. 409.2563, F.S.; and reenacting ss. 61.13001 and 627.351(2), F.S., pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1284** was placed on the calendar of Bills on Third Reading.

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

SB 1112—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; deleting certain provisions relating to federal amendments to federal law dealing with bonus depreciation for purposes of adjusted federal income and corporate income tax liability; amending s. 220.13, F.S.; deleting certain adjustments to federal income; specifying the treatment by this state of certain depreciation and expensing of assets that are allowed for federal income tax purposes; requiring the Department of Revenue to compromise certain penalties and interest under certain circumstances; specifying application; authorizing the department to adopt emergency rules for certain administrative purposes; providing for retroactive operation; providing an effective date.

—was read the second time by title.

Senator Altman moved the following amendment which was adopted:

Amendment 1 (260288)—Delete lines 133-157 and insert:

1. There shall be added to such taxable income an amount equal to 100 percent of any amount deducted for federal income tax purposes as bonus depreciation for the taxable year pursuant to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as amended by s. 103 of Pub. L. No. 110-185, for property placed in service after December 31, 2007, and before January 1, 2009. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income an amount equal to one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

2. There shall be added to such taxable income an amount equal to 100 percent of any amount in excess of $128,000 deducted for federal income tax purposes for the taxable year pursuant to s. 179 of the Internal Revenue Code of 1986, as amended by s. 102 of Pub. L. No. 110-185, for taxable years beginning after December 31, 2007, and before January 1, 2009. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

On motions by Senator Altman, by two-thirds vote **SB 1112** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Bullard

SPECIAL GUESTS

Senator Rich introduced former Representative Jack Tobin who was present in the gallery.

RECESS

On motion by Senator Villalobos, the Senate recessed at 5:00 p.m., and pursuant to **HCR 8001**, the Senate will meet in joint session at 5:30 p.m.this day for the purpose of receiving a message from the Governor. Jacob Siplin, son of Senator Siplin, gaveled the Senate into recess.

JOINT SESSION

Pursuant to **HCR 8001**, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where they were received in due form. The joint session was called to order by The Honorable Larry Cretul, Speaker of the House of Representatives.

The Lieutenant Governor, members of the Cabinet and Justices of the Supreme Court were received and seated.

The Speaker invited Senator Atwater, President of the Senate to the rostrum, and requested the President to preside over the joint session.

THE PRESIDENT PRESIDING

The President declared a quorum of the joint session present.

Pastor Larry Thompson, First Baptist Church, Fort Lauderdale, delivered the prayer.

Sergeant Kenneth Oelrich, United States Marine Corps, son of Senator Oelrich, led the pledge of allegiance to the flag of the United States of America.

SPECIAL PERFORMANCE

The President introduced Miss Jeanne Plakon, daughter of Representative Plakon, who sang "America the Beautiful."

The President recognized Doctor Karl Altenburger, a retired allergist from Ocala, sponsored by Speaker Cretul, as doctor of the day.

On motion by Representative Thompson that a committee be appointed to notify the Governor that the joint session was assembled to receive his message, the President appointed Senator Constantine, Cochair; Senators Crist, Dockery, Gelber, Peaden, Rich, Ring and Siplin; and on behalf of the Speaker, appointed Representative Zapata, Cochair; Representatives Evers, Domino, Gibson, Planas and Yolly Roberson. The committee withdrew from the chamber.

The committee appointed to wait upon the Governor subsequently returned to the chamber escorting His Excellency, The Honorable Charlie Crist, Governor, who was escorted to the rostrum.

SPECIAL GUESTS

The President recognized the following guests: First Lady of the State of Florida, Carole Crist; First Lady of the Senate, Carole Atwater; First Lady of the House of Representatives, Lana Cretul; former Lieutenant Governor, Frank Brogan; and spouses of the House and Senate Members.

The President presented the Governor to the joint assembly.

ADDRESS BY GOVERNOR CHARLIE CRIST

For the nearly 20 million people who choose to call Florida home, to not just raise their children and build their businesses, but to truly live out their dreams; the future is now.

The strength of our state and national economies are being tested in ways not seen in decades: unemployment is at a 16-year high. We are in a national housing crisis and foreclosures continue to rise; businesses are shutting their doors in the communities they have long served; and a weakened Wall Street has left us in a credit crunch that is cutting into hardworking families' nest eggs and college savings. Our people are struggling, as a state and as a nation. And like never before, we have an obligation to serve them well.

The state of our state may be challenged today, but my friends, the determination of our people is stronger than ever.

Because I believe that with every crisis comes opportunity. We gather here tonight with the tools and the resolve – the opportunity – to preserve investments in our students and teachers, the opportunity to preserve investments in the safety and security of our people, in the health and well-being of the most vulnerable among us – and the opportunity to preserve our investments in the very reasons government exists to serve.

Since I took office two years ago, we have cut state spending by $7 billion, lowered property taxes by an estimated $25 billion over five years and created innovative no-cost solutions like the Florida Discount Drug Card and Cover Florida. In fact, the CATO institute has recognized our state as the most fiscally responsible in the nation. And while we have taken these prudent steps, tough decisions lie ahead. We are going to have to work to make people our priority and to spend their money wisely while continuing to lessen their tax burden.

Ten days ago I sent to you a budget recommendation that addresses the people's priorities for our future. The $66 billion plan includes more than $10 billion for infrastructure improvements in transportation and economic development – including Central Florida's commuter rail; a $21 billion investment in our students and teachers; more than $2 billion to protect and preserve Florida's natural resources; nearly $5 billion to keep our people and our neighborhoods safe – the most critical function of government; and more than $25 billion to fund critical health care services for our citizens.

I am grateful for Florida's share of the federal stimulus bill. These funds will serve as a bridge to better economic times. This money will help us avoid tax increases and prevent deep cuts that would further burden Florida's families and businesses. The Federal Stimulus bill is not perfect; I've never seen a bill that is. But, this package will provide much needed tax relief, as well as immediate assistance in education, transportation, unemployment compensation, renewable energy and other aid and is expected to save or create as many as 206,000 jobs that the people of Florida desperately need. Of the more than $12 billion our state will receive over three years our budget proposes using nearly $5 billion next year.

Our administration looks forward to working with this Legislature, our cities and counties to begin implementing these dollars quickly and efficiently. I'm proud to announce that Don Winstead, a long-time public servant and deputy secretary of the Department of Children and Families, will serve as Special Advisor to the Governor for the Implementation of the American Recovery Act.

We must use every dollar available to us to adequately fund education, and I again call upon this Legislature to quickly approve the Compact between the state of Florida and the Seminole Tribe. Approval will release at least $2.5 billion over 25 years to help educate our children. Approval of the Compact will preserve and create thousands of jobs for Floridians and will safeguard us against the expansion of gambling to every corner of our state. Failure to act will take the process out of our hands, and may lead to the loss of all revenues. Whether you are for or against gaming, the Compact makes sense and deserves your support.

There is no doubt, that for our economy to recover, we must get people back to work. In the past several weeks I have visited with Floridians at seven unemployment offices across our state. I have looked into their eyes and I saw worry. I saw good, honest people who desperately want the opportunity to help themselves. Some argue the politics of the federal stimulus plan. My friends, while our people worry, we cannot put politics over their needs – the needs of our students and teachers, the sick and the infirm, or those out of work. We should not ask what it means to be Republican nor should we ask what it means to be Democrat; but rather what a good human being is supposed to do. In each and every one of us is the hope of the millions who sent us here. We must honor that sacred trust, to put them first.

To help our workforce adapt to a changing economy, I recommend $2 billion in workforce investments. These initiatives include over $800 million for career education and employment services that will retain 3,000 jobs. They also include the School Readiness program, which helps preschoolers develop the skills they need to succeed in kindergarten and beyond – and helps parents maintain employment and achieve financial independence. An investment of $621 million in getting the next generation off to a good academic start will retain more than 12,800 jobs for child-care providers and allow families to remain in the workforce. $6.6 million for Ready to Work will ensure job-seekers of all ages have the skills needed for most jobs today, giving them an edge with employers – in Florida, and nationwide.

Employers like Shands Jacksonville and Lockheed Martin rely on Ready to Work because it ensures high-quality applicants. They have reduced turnover among new employees, as well as their hiring and training costs; and are giving long-time employees the opportunity to learn more – and earn more.

Perhaps, the ingenuity of Floridians is no better represented than in the creativity and entrepreneurial spirit of our state's business community. Small business owners, in particular, are embracing the challenges of the economy, driven by a hope for prosperity. They are inspired by a vision of a better way of life for their families and their employees.

We must reward – not penalize or stifle – innovation and productivity in our business community. As we pursue our efforts in this Legislative Session, let us remember that the circle of prosperity in the Sunshine State begins with business.

To this end, our Office of Tourism, Trade and Economic Development, working with its public/private partnerships, helps jump-start high-potential business sectors throughout our state. As a result, Florida's sports industry has grown to a $36-billion-a-year business sector – film and entertainment, nearly $18-billion-a-year – and international trade, $130 billion in 2008 alone. More than 550 aerospace companies call Florida home, securing the Sunshine State's place as a leader in space. With more than 600 biotech pharmaceutical and medical companies and a foundation of nearly 40,000 healthcare facilities, Florida's life sciences cluster continues to gain critical mass.

Our goal is to create a business environment where productivity and growth flourish – and to create quality, high-paying jobs. My recommendation for the Quick Action Closing Fund invests $45 million to attract and retain industries, aimed at providing more than 17,000 high-wage jobs.

We look ahead to strengthen our economic development efforts and embrace the success of companies who already call Florida home. While we seek a return to the enduring principles of smart lending to restore the flow of capital and credit into our business communities, we must lift from our shoulders fear and pessimism and take up the mantle of persistence and determination to make the coming year better than the last. And we must do so with the realization that our actions today affect every future generation.

So, for our precious children, the future is now.

We must build on the foundation of accountability laid by my predecessor that has taken Florida's schools from 31st in the nation in 2007 to 10th in the nation today. More of our students are graduating than ever before, with our African-American and Hispanic students showing some of the greatest gains. I urge you to pass legislation requiring school districts to spend 70 percent of their budgets in the classroom for our students and teachers, and to instill transparency by requiring school districts to provide dollar-by-dollar details online. Floridians deserve to know how their hard-earned dollars are being spent, and parents have a right to demand accountability. And I ask you to consider, as I have proposed, increasing per-student funding – Florida's children deserve it.

We must also renew our commitment to higher education. The strength of Florida's economy is dependent upon a workforce able to compete in an increasingly global economy. Our 28 community colleges are already recognized as the number one in the U.S. and I am committed to giving our universities the resources they need to be among the best in the nation. I am as committed as ever to keeping our schools affordable, but we must also enable them to achieve excellence.

These reforms cannot wait. The doctors, nurses, entrepreneurs and engineers of tomorrow are sitting in our grade school classrooms, and walking our college campuses right now. For them, the future is now.

And for Florida's beautiful environment, the future is now.

From sugar-sand beaches and coral reefs, to crystal clear springs and rivers among lush forests, all with glorious sunrises and amazing sunsets. We must take action in our lifetime to protect these treasures, or future generations will not experience the Florida we know and love.

Now more than ever, we have before us a historic opportunity to save America's Everglades so that students and teachers can learn from this living classroom – a place known throughout the world as a true wonder, a mosaic of freshwater ponds, prairies and forested uplands.

We have taken the first steps toward what promises to be a historic move to save our Everglades. This move is as significant as the creation of the Everglades National Park itself. By acquiring nearly 300 square miles, we can reconnect Lake Okeechobee to the Park; allowing us to clean, move and store water and protect the coastal estuaries. We have a once in a lifetime opportunity before us now.

This administration is committed to a diverse energy supply that balances solar, wind and nuclear. Last year's energy bill was made possible by the strong support of our departed friend Representative

Stan Mayfield. Stan's vision for Florida continues. Thank you, Representative Debbie Mayfield for your courage and leadership in seeing Stan's vision. We have a chance to diversify our energy supply and I urge the members in this chamber to pass this important legislation.

We must remember that the strength of our state is not in the might of our laws or the power of our bully pulpits, but in our ability to protect the hopes and dreams of the very people we serve.

The future is now, my friends, and if we endeavor to strengthen and diversify our economy by capitalizing on the opportunities before us; if we seek to preserve God's majestic creation for generations to come; if we believe today's students can flourish as tomorrow's leaders, and if we hope to preserve the promise of the future for all Floridians – then we must come together as never before.

We must commit to one another and to each and every Floridian that we will work toward more than just the perception of bipartisanship, but strive to seek honest-to-goodness cooperation. There will be disagreements and differences of opinion, and that is the mark of a healthy democracy. But we have to be willing to put solutions above who gets the credit, and results above individual gain. People are counting on us, and for those of you who wish to keep score, I ask you to mark your wins and losses not for our parties, but for the people we serve.

Each of us in this chamber tonight remembers the moment we first decided to run for office, to aspire to be public servants. We are going to have to dig, and I mean really dig deep, for the hope and the optimism and the determination that inspired you to put your name on a ballot and declare to the people of this state, you deserve their vote! They sent us here through a sacred trust and we'd better fight to earn every bit of it over the next 60 days, because the future is now and the people we serve are counting on us to work – not for the next election – but for them and for Florida's next generation.

May God bless you and may he continue to bless our beautiful Florida.

DISSOLUTION OF JOINT SESSION

Following the Governor's address, the previously appointed committee escorted the Governor from the rostrum and from the House chamber, followed by the Lieutenant Governor, members of the Cabinet and justices of the Supreme Court.

On motion by Senator Villalobos, the joint session was dissolved at 6:27 p.m.and the Senators were escorted from the House chamber by the Senate Sergeant at Arms.

(Remainder of Senate Business taken up prior to joint session.)

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Bills 2-10—Not used.

By Senator Haridopolos—

SB 12—A bill to be entitled An act for the relief of Pierreisna Archille; providing an appropriation to compensate Pierreisna Archille, a mentally disabled person, by and through Darlene Archille, Limited Guardian of Property for Pierreisna Archille, for injuries and damages sustained as a result of the negligence of employees of the Department of Children and Family Services; providing for reversion of funds; providing a limitation on the payment of attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Aronberg—

SB 14—A bill to be entitled An act for the relief of J. Rae Hoyer by the Office of the Sheriff of Collier County; providing an appropriation to compensate J. Rae Hoyer, individually, and as Personal Representative of the Estate of David J. Hoyer, M.D., deceased, whose demise was due in part to the negligence of the Sheriff of Collier County; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Dean—

SB 16—A bill to be entitled An act for the relief of Doretta Spurway; providing an appropriation to compensate her for injuries she sustained as result of the negligence of an employee of the Department of Highway Safety and Motor Vehicles; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Crist—

SB 18—A bill to be entitled An act for the relief of Ashraf Kamel and Marguerite Dimitri by the Palm Beach County School Board; providing for an appropriation to compensate Ashraf Kamel and Marguerite Dimitri for the wrongful death of their minor child, Jean A. Pierre Kamel, as a result of the negligence of the Palm Beach County School Board; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Baker—

SB 20—A bill to be entitled An act for the relief of Timothy Kulik and Theresa Ann Kulik; providing an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the Department of Highway Safety and Motor Vehicles; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Fasano—

SB 22—A bill to be entitled An act for the relief of Amie Draiemann Stephenson, individually, and as Personal Representative of the Estate of Christian Darby Stephenson, deceased, and for the relief of Hailey Morgan Stephenson and Christian Darby Stephenson, II, as surviving minor children of the decedent; providing an appropriation to compensate them for the wrongful death of Christian Darby Stephenson, which was due in part to the negligence of the Department of Transportation; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Lawson—

SB 24—A bill to be entitled An act for the relief of Eddie Weekley and Charlotte Williams, individually and as co-personal representatives of the Estate of Franklin Weekley, their deceased son, for the disappearance and death of their son while he was in the care of the Marianna Sunland Center, currently operated by the Agency for Persons with Disabilities; providing an appropriation to compensate them for injuries and damages sustained as result of the negligence of the Department of Children and Family Services; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Lawson—

SB 26—A bill to be entitled An act for the relief of Dennis Darling, Sr., and Wendy Smith, parents of Devaughn Darling, deceased; providing an appropriation for the loss of their son, Devaughn Darling, while he was engaged in football preseason training on the Florida State University campus; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Aronberg—

SB 28—A bill to be entitled An act for the relief of Laura D. Strazza; providing an appropriation to compensate her for injuries she sustained as a result of the negligence of an employee of the Department of Agriculture and Consumer Services; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Hill—

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

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

SB 32—Withdrawn prior to introduction.

By Senator Hill—

SB 34—A bill to be entitled An act for the relief of the descendents of Mrs. Johnnie Mae Chappell, Claimants; directing the Division of Administrative Hearings to appoint an administrative law judge to determine whether a basis for equitable relief exists for the purpose of compensating the descendents of Mrs. Johnnie Mae Chappell for any wrongful act or omission by the State of Florida, or officials thereof; authorizing such compensation upon a determination by the administrative law judge; requiring a report to the Legislature; providing a limitation on the payment of fees and costs; providing an appropriation; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Haridopolos—

SB 36—A bill to be entitled An act for the relief of Stephen Hall; providing an appropriation to compensate him for injuries and damages sustained as result of the negligence of an employee of the Department of Transportation; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Baker—

SB 38—A bill to be entitled An act for the relief of the Estate of Dr. Sherrill Lynn Aversa; providing an appropriation to compensate the Estate of Dr. Sherrill Lynn Aversa for Dr. Aversa's death as result of the negligence of the Department of Transportation; providing for attorney's fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Pruitt—

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

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Fasano—

SB 42—A bill to be entitled An act for the relief of Joseph G. Donahey, Jr., and Tena Donahey, his spouse; providing an appropriation to compensate them for injuries received by Joseph Donahey, Jr., and for damages sustained by Mr. and Mrs. Donahey as a result of the medical treatment of Joseph G. Donahey, Jr., provided by employees of the University of South Florida; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

SB 44—Withdrawn prior to introduction.

By Senator Ring—

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

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Aronberg—

SB 48—A bill to be entitled An act for the relief of Cristina Alvarez and George Patnode; providing appropriations to compensate them for the death of their son, Nicholas Patnode, a minor, due to the negligence of the Department of Health; providing for the repayment of Medicaid liens; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Rich—

SB 50—A bill to be entitled An act for the relief of Charles Pandrea by the North Broward Hospital District; providing for an appropriation to compensate Charles Pandrea, husband of Janet Pandrea, for the death of Janet Pandrea as a result of the negligence of the North Broward Hospital District; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Pruitt—

SB 52—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Siplin—

SB 54—A bill to be entitled An act for the relief of Donna Sofka by Polk County; providing for an appropriation to compensate the claimant for injuries suffered as a result of the negligence of Polk County; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Rich—

SB 56—A bill to be entitled An act for the relief of Madonna Castillo, a minor, and Reyna Castillo, individually and as the natural guardian of Madonna Castillo, by the City of Hialeah; providing for an appropriation to compensate them for injuries and damages sustained by Madonna Castillo as a result of the negligence of the City of Hialeah; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Pruitt—

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

—was referred to the Special Master on Claim Bills.

By Senator Rich—

SB 60—A bill to be entitled An act for the relief of Ronald Miller by the City of Hollywood; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of the City of Hollywood; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Haridopolos—

SB 62—A bill to be entitled An act for the relief of Angela Sozzani; providing an appropriation to compensate her, by and through her next friend, for injuries and damages sustained as a result of the negligence of employees of the Department of Children and Family Services; providing for the reversion of funds; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Lawson—

SB 64—A bill to be entitled An act for the relief of Karen W. Stripling; providing an appropriation to compensate her for damages sustained as a result of a breach of contract by the Department of Education; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills.

By Senator Lawson—

SB 66—A bill to be entitled An act for the relief of Irving Hoffman and Marjorie Weiss, parents of Rachel Hoffman, by the City of Tallahassee; providing for an appropriation to compensate Irving Hoffman and Marjorie Weiss, individually and as co-personal representatives of the Estate of Rachel Hoffman, for the wrongful death of Rachel Hoffman, which was allegedly due to the negligence of the Tallahassee Police Department; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Aronberg—

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

—was referred to the Committees on Agriculture; Transportation; Judiciary; and General Government Appropriations.

By Senator Aronberg—

SB 70—A bill to be entitled An act relating to public school student health services; amending s. 1006.062, F.S.; providing that a district school board may authorize a school nurse to maintain supplies of prefilled epinephrine auto-injectors at schools in the school district; providing requirements for prescriptions; authorizing use for emergency treatment; amending s. 1002.20, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

SR 72—Not referenced.

By Senator Wilson—

SB 74—A bill to be entitled An act relating to the use of the term "illegal alien"; prohibiting the term's use by a state agency or official in an official document of the state; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Judiciary.

By Senator Wilson—

SB 76—A bill to be entitled An act relating to juvenile records; amending s. 943.052, F.S.; requiring each clerk of court to submit information concerning juvenile arrest records to the Department of Law Enforcement; amending s. 943.053, F.S.; revising the criteria for disseminating criminal justice information; amending s. 985.04, F.S.; providing for agents of the Department of Juvenile Justice to administer oaths and affirmations; providing confidentiality for certain information; providing for authorized disclosures; providing for an interagency agreement; providing for records retention; providing penalties for violations of disclosure laws; amending s. 985.11, F.S.; requiring that fingerprints and photographs be taken from certain juveniles for use in investigating other violations of law; requiring that the photographs and fingerprints be retained in a separate file; amending ss. 985.045,

1006.08, and 1012.797, F.S., relating to court records and duties of school superintendents concerning charges against students and employees; conforming cross-references; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SB 78—A bill to be entitled An act relating to the school grading system; amending s. 1008.34, F.S.; removing letter grades from the performance grade categories by which schools must be identified in the Commissioner of Education's annual report of the results of the statewide assessment program; amending ss. 1001.42, 1002.33, 1002.38, 1002.415, 1003.62, 1008.33, 1008.345, 1008.36, and 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Wilson—

SB 80—A bill to be entitled An act relating to public school student progression; amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines for allocating resources for school district remedial and supplemental instruction; providing for the retention of students under specified circumstances; eliminating mandatory retention requirements for certain students in grade 3; eliminating midyear promotion; providing procedures for parental requests for retention; providing for appeals; eliminating standards for exemption from mandatory retention; revising the parental notification requirements; revising guidelines for remedial reading instruction and intervention strategies; revising the purpose of the Reading Enhancement and Acceleration Development Initiative; revising the eligibility criteria for the Intensive Acceleration Class; revising the requirements for reports by district school boards; specifying required rules; amending s. 1002.20, F.S.; conforming a cross-reference; amending s. 1002.23, F.S.; conforming provisions to changes made by the act; requiring the State Board of Education to initiate the adoption of rules by a time certain; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Wilson—

SB 82—A bill to be entitled An act relating to mandatory school attendance; amending ss. 1002.20, 1003.21, and 1003.51, F.S.; changing the ending age for mandatory school attendance from 16 to 18 years of age; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Wilson—

SB 84—A bill to be entitled An act relating to the sentencing of juveniles; amending s. 985.565, F.S.; authorizing the court to sentence a juvenile using juvenile sanctions, adult sanctions, or a blend of juvenile and adult sanctions; requiring the Department of Juvenile Justice to file a written report with the court if the department believes that the child's sanction is inappropriate; authorizing the court to place the child on probation; requiring the department to notify the court before it discharges a child from a sanction; requiring the court to review the child's educational needs assessment and make specific findings as to the child's educational status; authorizing the court to order that the child attain appropriate educational goals; listing certain appropriate education goals; reenacting s. 985.556(1), F.S., relating to the voluntary waiver of juvenile court jurisdiction, to incorporate the amendments made to s. 985.565, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SB 86—A bill to be entitled An act relating to criminal records; amending s. 943.0515, F.S.; requiring the Department of Law Enforcement to notify certain specified agencies of the criminal records of a minor which are expunged; requiring the arresting agency, the county, and the department to notify those entities that received the criminal records information; requiring that criminal history records that are to be expunged be physically destroyed or obliterated by the criminal justice agency having physical custody of the records; amending s. 943.0585, F.S.; prohibiting certain criminal records from being expunged; providing that other records may be expunged under certain circumstances; providing that certain information be included in the application for a certificate of eligibility for expunction; prohibiting an agency, organization, or company to which criminal history information was disseminated from releasing the expunged information after a specified period; amending s. 943.059, F.S.; prohibiting certain criminal records from being sealed; providing that other records may be sealed under certain circumstances; requiring that certain information be included in the application for a certificate of eligibility for sealing; prohibiting an agency, organization, or company to which criminal history information was disseminated from releasing the sealed information after a specified period; amending s. 943.0582, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SB 88—A bill to be entitled An act relating to the statewide educational assessment program; amending s. 1008.22, F.S.; requiring that the Commissioner of Education receive input as to the statewide educational assessment program from a minimum of two persons recommended by the Florida School for the Deaf and the Blind and from a minimum of two persons recommended by the Americans with Disabilities Working Group; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Children, Families, and Elder Affairs.

SR 90—Not referenced.

By Senator Wilson—

SB 92—A bill to be entitled An act relating to school attendance; amending s. 1003.21, F.S.; requiring that a student who is withdrawing from school be assigned a counselor or other school personnel to provide educational information until the student is 18 years old; amending s. 1003.428, F.S.; requiring 9th graders and students who are withdrawing from school to receive instruction about the effects of withdrawing from high school and certain available options; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Wilson—

SB 94—A bill to be entitled An act relating to public school teachers; creating s. 1011.635, F.S.; requiring the Legislature to fund a cost-of-living increase in the General Appropriations Act for teachers who teach prekindergarten through grade 12 in the public school system; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

SR 96—Not referenced.

By Senator Wilson—

SB 98—A bill to be entitled An act relating to teaching students in grades 1 through 3 in public elementary schools; creating s. 1008.26, F.S.; requiring that certain students who are enrolled in a public elementary school and reading below grade level be placed into an intensive reading lab; specifying criteria for an intensive reading lab; providing for oversight of the progress of students assigned to a lab; encouraging the principal of a school where reading labs are required to solicit donations to secure instructional materials; requiring the principal of a public school where students in grades 1 through 3 are enrolled to create, by hiring or training, a team of teachers having expertise in specified areas; specifying requirements for training teachers to teach reading; requiring the principal to assign teachers on the team for a specified time to classes of students in grades 1 through 3; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Wilson—

SB 100—A bill to be entitled An act relating to the Voluntary Prekindergarten Education Program; amending s. 1002.55, F.S.; revising the number of instructional hours that are required for a school-year prekindergarten program delivered by a private kindergarten provider; amending s. 1002.63, F.S.; revising the number of instructional hours that are required for a school-year prekindergarten program delivered by a public school; amending s. 1002.71, F.S.; revising the number of instructional hours that are required in order for a student in a school-year prekindergarten program delivered by a public school or a private prekindergarten provider to be considered a full-time equivalent student in the Voluntary Prekindergarten Education Program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

SR 102—Not referenced.

By Senator Wilson—

SB 104—A bill to be entitled An act relating to female inmates who are parents of minor children; providing legislative findings and intent with respect to the importance of a female inmate maintaining a relationship with her minor child; requiring the Department of Corrections to collect certain information concerning the children of female inmates in the state correctional system; requiring the department to analyze the institutional assignment of each female inmate who is a parent and determine the inmate's proximity to her minor child; providing an exception if the court has restricted a female inmate's contact with her child; amending s. 944.17, F.S.; requiring the department to consider a female inmate's proximity to her minor child when transferring the inmate; amending s. 944.24, F.S.; requiring that a female inmate be assigned to a facility as near as possible to her minor child; providing an exception if the court has restricted the inmate's contact with the child; amending s. 944.8031, F.S.; revising legislative findings with respect to the benefit of fostering relationships between a female inmate and her minor children; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SB 106—A bill to be entitled An act relating to racial profiling; prescribing responses that the Attorney General may take upon the filing of a complaint alleging racial profiling against a law enforcement officer or agency; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SB 108—A bill to be entitled An act relating to the use of restraints on a child during juvenile proceedings; amending s. 985.35, F.S., and creating s. 985.602, F.S.; prohibiting the use of instruments of restraint on a child during court proceedings or elsewhere in a courthouse; providing specified exceptions; requiring the Department of Juvenile Justice to comply with the Protective Action Response policy whenever mechanical restraints are used; amending s. 985.483, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Bullard—

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

—was referred to the Committees on Community Affairs; Military Affairs and Domestic Security; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Bullard—

SB 112—A bill to be entitled An act relating to cellular telephone use; creating s. 316.305, F.S.; prohibiting the use of a cellular telephone while operating a motor vehicle in a school zone; providing an enhanced penalty; providing an effective date.

—was referred to the Committees on Transportation; Communications, Energy, and Public Utilities; and Transportation and Economic Development Appropriations.

By Senator Justice—

SB 114—A bill to be entitled An act relating to site contamination notification; amending s. 376.30702, F.S.; requiring the Department of Environmental Protection to provide notice to certain property owners within a 1-mile radius of contaminated property; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Education Pre-K - 12; and General Government Appropriations.

By Senator Justice—

SB 116—A bill to be entitled An act relating to political contributions; amending s. 106.08, F.S.; limiting the amount of contributions to electioneering communication organizations to a specified amount per person or committee; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary.

By Senator Constantine—

SB 118—A bill to be entitled An act relating to the Wekiva Onsite Sewage Treatment and Disposal System Compliance Grant Program; creating the program in the Department of Health; providing purposes; authorizing low-income property owners in certain areas of the Wekiva basin to apply for grants to improve onsite sewage treatment and disposal systems; providing grant limitations; requiring the grant to be a rebate of costs incurred; requiring documentation of costs; requiring the department to adopt rules to administer the grant program; requiring

continued evaluation of nitrogen levels due to onsite sewage treatment and disposal systems; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Health Regulation; and Health and Human Services Appropriations.

By Senator Constantine—

SB 120—A bill to be entitled An act relating to the Money Transmitters' Code; creating s. 560.4031, F.S.; providing that any deferred presentment transaction entered into by a drawer with a nonexempt person who is not registered under ch. 560, F.S., is void; providing penalties and civil remedies; providing that it is a felony of the third degree to collect on any deferred presentment transaction known to be void; providing criminal penalties; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Constantine—

SB 122—A bill to be entitled An act relating to exceptional students with a disability; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring review of the student's individual educational plan; providing for determining responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education to adopt rules; requiring certain agencies to implement procedures; requiring a cooperative agreement between school districts; providing an exception; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; and Education Pre-K - 12 Appropriations.

By Senator Constantine—

SB 124—A bill to be entitled An act relating to the restoration of Lake Jesup; requiring the Department of Environmental Protection, the St. Johns River Water Management District, the Fish and Wildlife Conservation Commission, and the City of Sanford to develop a plan concerning the progress of the commission's project to restore aquatic habitats in Lake Jesup; requiring the commission to report to the Legislature concerning the development of the plan; providing that the acquisition of a site to dispose of muck from the project is a conservation and restoration acquisition under the Florida Forever program; encouraging state agencies to help fund the removal of muck from Lake Jesup; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

By Senators Dockery, Bennett, and Lynn—

SB 126—A bill to be entitled An act relating to the confidential records of children and vulnerable adults; creating s. 39.00145, F.S.; requiring that the case file of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case file and records in the file; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; amending s. 39.202, F.S.; limiting the public-records exemption provided for reports relating to child abandonment, abuse, or neglect to personally identifying information in the reports; revising the list of persons or entities that have access to such information; authorizing the secretary of the department to release certain records in the public domain; amending s. 415.107, F.S.; limiting the public-records exemption provided for reports relating to adult abuse, neglect, or exploitation to personally identifying information in the reports; revising the list of persons or entities that have access to such information; authorizing the secretary of the department to release certain records in the public domain; amending ss. 39.01 and 39.201, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Bullard—

SB 128—A bill to be entitled An act relating to emergency management; amending s. 414.095, F.S.; requiring the Department of Children and Family Services, to the extent permitted by federal law, to expedite application procedures for persons who reside in an area damaged by a major disaster and who apply for temporary cash assistance; requiring that the application process be completed within a specified time; requiring the department to train its employees who are responsible for determining eligibility for temporary cash assistance in order to expedite the application process for the victims of a major disaster and to assist the victims in contacting agencies that provide temporary shelter, food, food stamps, and other relief; amending s. 252.36, F.S.; authorizing the Governor to employ such measures and give such directions to certain specified agencies as are necessary for the purpose of addressing the needs for immediate cash, shelter, or food assistance for children, families, and the elderly and disabled during an emergency; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Military Affairs and Domestic Security; and Health and Human Services Appropriations.

By Senator Bullard—

SB 130—A bill to be entitled An act relating to motor vehicle safety; requiring limited access facilities that are adjacent to a canal or other water body to have a system of guardrails, retention cables, or other barriers between the highway and the canal or water body; requiring the Department of Transportation to establish certain standards governing the installation and maintenance of the barriers; requiring that barriers be installed for existing highways by a specified date; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

Senate Bills 132 - 134—Withdrawn prior to introduction.

By Senator Bullard—

SB 136—A bill to be entitled An act relating to the receipt of gifts by candidates, officers, and state employees; amending s. 112.3148, F.S.; deleting a limitation on the amount of time that a gift accepted on behalf of a governmental entity or charitable organization may be retained; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules.

By Senator Bullard—

SB 138—A bill to be entitled An act relating to culpable negligence; providing a short title; amending s. 784.05, F.S.; prohibiting storing or leaving an assault weapon within the reach or easy access of another person if the person obtains the weapon and uses it to inflict injury or death; providing criminal penalties; defining the term "assault weapon"; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Bullard—

SB 140—A bill to be entitled An act relating to licensure to carry a concealed weapon or firearm; amending s. 790.06, F.S.; revising conditions precedent to the issuance of a license to carry a concealed weapon or firearm; revising conditions under which a license to carry a concealed weapon or firearm is suspended or revoked and under which an application for such license is denied or the processing thereof suspended; making technical corrections; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; and General Government Appropriations.

By Senator Bullard—

SB 142—A bill to be entitled An act relating to debtors and creditors; creating s. 687.072, F.S.; requiring lenders or creditors to verify the identity of persons applying for a loan, credit card, or extension of credit; providing that knowing and willful use of personal identifying information of another individual creates a rebuttable presumption; providing for the forfeiture of any future indebtedness for failure to verify an applicant's identity; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Bullard—

SB 144—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; expanding the beach safety program administered by the Department of Environmental Protection to apply to certain private beaches; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations.

By Senator Bullard—

SB 146—A bill to be entitled An act relating to requirements for school entry; amending s. 1003.22, F.S.; requiring children who enter public or private schools in the state to present evidence of having completed a class in swimming life skills conducted by a certified instructor; providing for certain exemptions from the requirement; amending ss. 1002.20 and 1002.42, F.S., relating to student and parent rights and requirements for private schools; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; and Education Pre-K - 12 Appropriations.

By Senator Aronberg—

SB 148—A bill to be entitled An act relating to mangrove protection; amending s. 403.121, F.S.; expanding the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations.

By Senators Aronberg and Rich—

SB 150—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.30, F.S.; prohibiting the department for a specified period from entering into an agreement with a private entity to lease an existing transportation facility; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Aronberg—

SM 152—A memorial to the Congress of the United States, urging Congress to increase federal funding for home health services for the elderly.

—was referred to the Committee on Health Regulation.

SB 154—Withdrawn prior to introduction.

By Senator Ring—

SB 156—A bill to be entitled An act relating to nonpublic postsecondary educational institutions; amending s. 1005.02, F.S.; defining the term "academic degree"; amending s. 1005.31, F.S.; requiring that a licensed independent postsecondary educational institution notify the Commission for Independent Education of changes in its accreditation status; providing penalties for failure to provide the notice; revising criteria concerning the standards by which the commission evaluates institutions for licensure; requiring that institutions become accredited within a specified period after licensure; requiring a licensed institution that is not accredited to include certain information on the institution's website; restricting the recognition of academic degrees conferred by that institution; requiring that the institution notify the Department of Education and the Office of the Attorney General of its progress in obtaining accreditation; requiring that institutions maintain records and provide the commission with information concerning nationally recognized standards used to grant credit for a student's prior work or life experience; requiring compliance with laws concerning the reporting of crime statistics; requiring that such reports be made available to the public; requiring that the commission maintain a list on its website concerning the accreditation of institutions licensed by the commission; requiring the Department of Education and the Office of the Attorney General to maintain a link to the commission's list on their respective websites; amending s. 1005.38, F.S.; requiring that the commission revoke the license or authorization of an institution that does not meet requirements concerning accreditation; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By Senators Ring and Gaetz—

SB 158—A bill to be entitled An act relating to student financial assistance; creating s. 1009.893, F.S.; creating the Sure Futures Postgraduate Scholarship Program; providing purposes and goals for the program; creating s. 1009.894, F.S.; providing legislative findings; providing definitions; establishing the Sure Futures Foundation and a foundation board to administer the program; providing for membership of the board; providing duties of the board; providing eligibility criteria for participation in the program by students and sponsors; providing procedures for application to the program; providing procedures for the selection of participants; providing benefits to students selected to participate in the program; providing requirements for such students; requiring that a participating student who graduates with an advanced degree remain employed by his or her sponsor in this state for a specified period; requiring that a prorated portion of the scholarship convert to a low-interest loan under certain conditions; requiring that sponsors and

students participating in the program enter into a contract; requiring that such contract contain certain terms; requiring that a sponsor make a specified monetary contribution for scholarships; requiring that a sponsor make a specified additional contribution per year to cover administrative costs of the program; authorizing sponsors to establish terms of sponsorship and specify specific universities at which a student must enroll in order to receive sponsorship; relieving an employee for his or her obligations under a contract of sponsorship under certain conditions; requiring that the Office of Student Financial Assistance of the Department of Education establish a database containing certain information; requiring that the foundation establish a standard application form; requiring that the Department of Education annually establish the amount necessary to cover certain costs; requiring that state universities make available certain information regarding the program; requiring that certain entities promote participation in the program; requiring that the Department of Education adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Higher Education; Commerce; Finance and Tax; and Higher Education Appropriations.

By Senator Ring—

SB 160—A bill to be entitled An act relating to criminal history record checks; defining the terms "sports coach" and "independent youth athletic team"; requiring the sanctioning authority of an independent youth athletic team to screen any person who is a sports coach of an independent youth athletic team; requiring the sanctioning authority to screen the sports coach through the designated public websites of the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any sports coach appearing on either registry; requiring the sanctioning authority to notify the sports coach of his or her right to obtain a copy of the screening and to challenge the accuracy and completeness of a screening report; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all sports coaches under its jurisdiction have been screened or are newly hired and awaiting the results of the screening; allowing a sports coach to be placed on probationary status pending compliance with the screening requirement; creating a rebuttable presumption that a sports coach was not negligently hired if the sanctioning authority completed the required screening process of the sports coach; creating a rebuttable presumption that a sports coach was negligently hired if the sanctioning authority did not complete the required screening of the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Ring—

SB 162—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient's medical records to facilitate the electronic exchange of data between certain health care facilities, practitioners, and providers and attending physicians; revising terminology regarding disclosure of patient records to conform to changes made by the act; amending s. 408.05, F.S.; removing responsibility of the Agency for Health Care Administration for monitoring certain grants and health care data; creating s. 408.051, F.S.; creating the "Florida eHealth Initiative Act"; providing legislative intent; providing definitions; requiring the agency to award and monitor grants to certain health information organizations; providing rulemaking authority regarding the establishment of eligibility criteria; authorizing the agency to operate an Electronic Medical Records System Adoption Loan Program, subject to a specific appropriation; providing eligibility criteria; providing rulemaking authority regarding terms and conditions for the granting of loans; creating the Florida Health Information Exchange Advisory Council; providing for purpose, membership, terms of office, and duties of the council; requiring the council to consult with certain experts regarding the use of health information in medical research to conform with provisions in the Health Insurance Portability and Accountability Act; requiring the Florida Center for Health Information and Policy Analysis to provide staff support; requiring reports to the Governor and Legislature; providing for future abolition of the council; providing duties of the agency with regard to the availability of specified information on the agency's Internet website; requiring the agency to develop and implement a plan to promote participation in regional and statewide health information exchanges; requiring the Office of Program Policy Analysis and Government Accountability to complete an independent evaluation of the grants program administered by the agency and submit the report to the Governor and Legislature; repealing s. 408.062(5), F.S., relating to the removal of the agency's responsibility for developing an electronic health information network; amending s. 483.181, F.S.; expanding access to laboratory reports to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Ring—

SB 164—A bill to be entitled An act relating to offenses against computer users; amending s. 815.03, F.S.; defining the term "spyware"; amending s. 815.06, F.S.; providing that whoever willfully, knowingly, and without authorization introduces any computer contaminant, including spyware, into any computer, computer system, computer program, or computer network commits an offense against computer users, a misdemeanor of the first degree; providing enhanced criminal penalties under certain circumstances; authorizing the Department of Legal Affairs or a state attorney to file a civil action for injunctive relief against any person or group to restrain prohibited activities; authorizing a court to award court costs and reasonable attorney's fees to the prevailing party; permitting a court to impose a civil penalty not to exceed a stated amount for each offense against computer users; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Ring—

SB 166—A bill to be entitled An act relating to public records; defining the term "publicly owned building or facility"; creating an exemption from public-records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility if the donor desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; Higher Education; Governmental Oversight and Accountability; and Rules.

By Senators Joyner and Rich—

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

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

SB 170—A bill to be entitled An act relating to breast cancer treatment; providing a short title; amending ss. 627.64171, 627.66121, and 641.31, F.S.; including lymph node dissections under provisions pre-

scribing the length of hospital stay relating to a mastectomy and the outpatient postsurgical followup care that specified health insurers and health maintenance organizations must cover; limiting application; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Regulation; and the Policy and Steering Committee on Ways and Means.

By Senators Wilson and Dockery—

SB 172—A bill to be entitled An act relating to the use of cellular telephones; providing a short title; prohibiting the use of a cellular telephone while operating a motor vehicle except when using a headset or hands-free device; providing exemptions; providing a penalty; providing for enforcement only as a secondary offense; providing an effective date.

—was referred to the Committees on Transportation; Communications, Energy, and Public Utilities; and Transportation and Economic Development Appropriations.

By Senator Wilson—

SB 174—A bill to be entitled An act relating to the testing of children for infectious diseases in certain juvenile detention facilities or juvenile assessment centers; creating s. 985.1351, F.S.; requiring each juvenile assessment center or juvenile detention facility to have a written procedure regarding the testing of juveniles for infectious diseases; requiring the Department of Juvenile Justice to designate certain counties, if approved by the county's governing body, to participate in a program to test each juvenile for HIV who is referred to or who is under the supervision of the department; requiring certain juvenile assessment centers or juvenile detention facilities to comply with certain requirements regarding the release of juveniles who are HIV positive; requiring the disclosure of certain juveniles' HIV tests under certain circumstances; providing that any serologic blood test results of a juvenile is part of the juvenile's permanent medical file; providing sovereign immunity to certain state agencies or employees for negligently causing death or personal injury arising out of compliance with the act; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of a juvenile which is performed during the intake process at a juvenile assessment center or juvenile detention facility; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SB 176—A bill to be entitled An act relating to public records; amending s. 985.1351, F.S.; providing an exemption from public-records requirements for serologic blood test results from juveniles referred to or under the supervision of the Department of Juvenile Justice; providing for future legislative review and repeal of the exemption; providing a statement of necessity; providing a contingent effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; and Governmental Oversight and Accountability.

By Senator Wilson—

SB 178—A bill to be entitled An act relating to school-based AIDS education; requiring the Department of Education to award grants to public school districts to implement school-based AIDS educational activities; providing for the grant awards to be made from funds appropriated by the Legislature; specifying requirements for grant proposals by school districts; requiring that the department consider specified factors in awarding grants; requiring each school district that receives a grant to file an annual report with the department; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

Senate Resolutions 180-182—Not referenced.

By Senator Wilson—

SB 184—A bill to be entitled An act relating to the testing of inmates for HIV infection in certain county detention facilities; amending s. 951.27, F.S.; requiring the Department of Health to designate certain counties, if approved by the county's governing body, to participate in a program to test each inmate for HIV before the inmate is released if the inmate's HIV status is unknown; providing certain exceptions; requiring that certain county detention facilities notify the Department of Health and the county health department in the county where the inmate plans to reside following release if the inmate is HIV positive; requiring certain detention facilities to provide special transitional assistance to an inmate who is HIV positive; providing immunity from liability for complying entities; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate before the inmate's release from a municipal or county detention facility; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 186—A bill to be entitled An act relating to HIV testing in the state correctional system; creating s. 945.351, F.S.; defining the term "HIV test"; requiring the Department of Corrections to perform an HIV test upon inmates upon entry into prison; requiring the department to record the results of an inmate's HIV test in his or her medical record; requiring an HIV-positive inmate to participate in an education program regarding HIV; providing that the state and its agencies, subdivisions, and employees are not liable for the death or personal injury of an inmate arising from compliance with the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 188—A bill to be entitled An act relating to state inmates; authorizing a nonprofit or public health care organization to distribute sexual barrier protection devices to inmates in the state correctional system; requiring the Department of Corrections to develop a plan to properly dispose of used sexual barrier protection devices; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SB 190—A bill to be entitled An act relating to the school health services program; amending s. 381.0056, F.S.; defining the term "school-based health center" for purposes of the School Health Services Act; providing that such a center is a health care entity acting as an instrumentality of the state for purposes of certain limitations on liability; providing an effective date.

—was referred to the Committees on Health Regulation; Education Pre-K - 12; Judiciary; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 192—A bill to be entitled An act relating to infant eye care; amending s. 383.04, F.S.; requiring certain eye examinations for all in-

fants born in hospitals in the state; revising an exception to the applicability of certain requirements concerning infant eye care; amending s. 383.07, F.S.; clarifying the application of a penalty; amending ss. 627.6416 and 641.31, F.S.; providing that coverage for children under health insurance policies and health maintenance organization contracts must include certain eye examinations for infants and children; providing that the act fulfills an important state interest; providing for application; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 194—A bill to be entitled An act relating to school-entry health and vision examinations; amending s. 1003.22, F.S.; requiring children who enter public or private schools in the state to present evidence of having received a comprehensive vision examination; providing an exemption; amending ss. 1002.20 and 1002.42, F.S.; conforming provisions; requiring the imposition of a fee on the retail sale of nonprescription eyeglasses; providing for the fee to be used by the Department of Health to assist parents in paying for school-entry comprehensive vision examinations; requiring rules for eligibility for and the distribution of funds; providing effective dates.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; Finance and Tax; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 196—A bill to be entitled An act relating to school wellness and physical education policies; amending s. 1003.453, F.S.; revising each school district's requirement for reviewing its wellness and physical education policies; providing specific guidelines for a school district's wellness and physical education policies with regard to nutrition education, physical activity, school-based activities, and nutritional guidelines for food and beverages sold or served on campus; requiring the Department of Education to designate the superintendent of each school district as responsible for implementing and administering the wellness and physical education policies of the school district; prohibiting guidelines for reimbursable school meals from being less restrictive than certain federal regulations and guidelines; requiring that the superintendent report to the department on the school district's compliance with the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

By Senators Justice, Smith, Joyner, Bennett, Lawson, and Fasano—

SB 198—A bill to be entitled An act relating to firefighters; providing for the creation of an official state Firefighter Memorial Flag; providing for the use of the flag; providing for the Division of State Fire Marshal of the Department of Financial Services to provide for the creation and distribution of the flag; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; and General Government Appropriations.

By Senator Bennett—

SB 200—A bill to be entitled An act relating to the regulation of drugs; providing a short title; amending s. 499.005, F.S.; prohibiting the sale, purchase, manufacture, delivery, importation, administration, and distribution of vaccines containing organic or inorganic mercury compounds in excess of a certain amount; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Justice—

SJR 202—A joint resolution proposing repeal of Section 16 of Article III of the State Constitution, relating to legislative apportionment, and the creation of Section 10 of Article II of the State Constitution to prescribe reapportionment standards and procedures.

—was referred to the Committees on Reapportionment; Ethics and Elections; Judiciary; and Rules; and the Policy and Steering Committee on Ways and Means.

By Senator Aronberg—

SB 204—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.30, F.S.; prohibiting the department from entering into an agreement for the lease of an existing transportation facility to a corporation that obtains more than a specified percentage of its financing from extraterritorial corporations; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senators Justice and Deutch—

SB 206—A bill to be entitled An act relating to military affairs; amending s. 250.82, F.S.; providing that a person who knowingly omits, neglects, or refuses to comply with any duty imposed upon him or her by ch. 250, F.S., is liable, in addition to any other penalty provided by law, for a civil penalty of up to $1,000 per violation, attorney's fees, and court costs; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; and Judiciary.

By Senator Crist—

SB 208—A bill to be entitled An act relating to tuition waivers; providing a short title; amending s. 1009.26, F.S.; requiring state universities and community colleges to waive a percentage of the in-state tuition rate for veterans who meet specified criteria; providing a percentage cap on the number of required credit hours for which a tuition waiver may be received; providing an effective date.

—was referred to the Committees on Higher Education; Military Affairs and Domestic Security; and Higher Education Appropriations.

By Senators Baker and Oelrich—

SB 210—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.535, F.S.; increasing the maximum weight limits on certain vehicles to compensate for weight increases that result from the installation of idle-reduction technologies; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Senators Baker and Oelrich—

SB 212—A bill to be entitled An act relating to the use of an electronic wireless communications device while driving; amending s. 316.304, F.S.; prohibiting certain persons from using an electronic wireless communications device while operating a motor vehicle; providing for enforcement; providing penalties; amending s. 322.27, F.S.; providing for a point assessment against the driver's license; providing an effective date.

—was referred to the Committees on Transportation; Communications, Energy, and Public Utilities; and Transportation and Economic Development Appropriations.

By Senator Baker—

SB 214—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period; providing an exception for sales within a public lodging establishment, theme park, entertainment complex, or airport; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senators Justice and Gaetz—

SB 216—A bill to be entitled An act relating to campaign financing; creating s. 106.113, F.S.; defining the terms "local government" and "public funds"; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; providing an effective date.

—was referred to the Committees on Ethics and Elections; Community Affairs; and Judiciary.

By Senator Ring—

SB 218—A bill to be entitled An act relating to employment for the homeless; amending s. 220.02, F.S.; specifying the order for applying the tax credit for employment of the homeless; creating s. 220.194, F.S.; providing a tax credit for a corporation that hires a homeless person residing in a transitional housing facility; specifying the information that must be provided to the Department of Revenue when applying for the credit; providing for the carryover of unused credits; providing penalties for fraudulently claiming the tax credit; limiting the total of amount of tax credits that may be granted per taxable year; authorizing the department to adopt rules; providing for the expiration of the tax credit; requiring the department to collect certain data; providing an effective date.

—was referred to the Committees on Commerce; Children, Families, and Elder Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Deutch, Rich, Bennett, and Sobel—

SB 220—A bill to be entitled An act relating to education in public schools concerning human sexuality; providing a short title; providing definitions; requiring public schools that provide certain information or programs to students concerning human sexuality to provide information that meets specified criteria; providing a process to review compliance with such requirement; authorizing parents and guardians to seek review of a school's compliance; providing for school superintendents, district schools boards, and the Commissioner of Education to review compliance and corrective actions; providing for severability; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; Health Regulation; and Education Pre-K - 12 Appropriations.

SB 222—Withdrawn prior to introduction.

Senate Resolutions 224-226—Not referenced.

By Senator Joyner—

SB 228—A bill to be entitled An act relating to judicial and execution sales of property; creating s. 702.55, F.S.; requiring a leinholder to serve a certain notice on a homestead owner before a foreclosure sale; specifying that the notice must inform of bankruptcy as a potential alternative to foreclosure and warning against foreclosure "saving" schemes; providing for an affirmative defense from foreclosure for failure to provide notice; amending s. 56.021, F.S., relating to the required service of notice of potential relief through bankruptcy; conforming provisions to changes made by the act; providing for application; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Wilson—

SB 230—A bill to be entitled An act relating to elections; amending s. 99.092, F.S.; requiring a write-in candidate who seeks to qualify for nomination or election to any office to pay a qualifying fee equal to a specified percentage of the annual salary for the office sought; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator Wilson—

SJR 232—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution to establish minimum salaries for full-time public school teachers.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

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

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 236—A bill to be entitled An act relating to unlawful use of utility services; amending s. 812.14, F.S.; providing a definition; prohibiting trespass and larceny in relation to utility fixtures for the purpose of manufacturing a controlled substance; providing for prima facie evidence of the intent to commit such offense; providing that trespass and larceny in relation to utility fixtures for the purpose of manufacturing a controlled substance is a third-degree felony; providing that prosecution for trespass and larceny in relation to utility fixtures does not preclude prosecution for theft of utility services; providing that theft of utility services for the purpose of manufacturing a controlled substance is a third-degree felony; providing that prosecution of theft of utility services for the purpose of manufacturing a controlled substance is in lieu of prosecution for theft pursuant to s. 812.014, F.S.; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

SB 238—Withdrawn prior to introduction.

By Senator Bennett—

SB 240—A bill to be entitled An act relating to specifications for ballots; amending s. 101.151, F.S.; requiring that each ballot include a selection allowing the voter to indicate that he or she chooses not to vote for any candidate; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Rules.

By Senators Ring and Fasano—

SB 242—A bill to be entitled An act relating to autism; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances; defining the term "appropriate specialist"; defining the term "neuropsychologist"; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; Banking and Insurance; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

Senate Bills 244 - 246—Withdrawn prior to introduction.

By Senator Ring—

SB 248—A bill to be entitled An act relating to the collection of court-related fees, service charges, costs, and fines by circuit courts and county courts; amending s. 938.30, F.S.; requiring certain persons who owe court-related fees, service charges, costs, and fines to appear before the court; amending s. 938.301, F.S.; requiring each circuit court to implement the Comprehensive Court Enforcement Program; amending s. 939.185, F.S.; requiring the clerk of the court to record in the official record a certified copy of any court order imposing additional court costs; providing that the court order constitutes a lien against the person upon whom the costs are imposed and attaches as a lien on any real and personal property owned by the person; providing an exception; requiring the Legislature to establish a joint select committee to review methods of collecting court-related fees, service charges, costs, and fines used by circuit courts and county courts; providing for appointment of committee members; providing for designation of a chair and vice chair; requiring the committee to submit recommendations for a uniform statewide method for collecting such court-related fees, service charges, costs, and fines; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and Criminal and Civil Justice Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Bullard—

SB 250—A bill to be entitled An act relating to funeral and burial arrangements; amending s. 382.011, F.S.; authorizing a medical examiner to record the identity of certain persons who may have unlawfully participated in the death of a decedent; providing immunity for such findings; directing a medical examiner to provide to the funeral director findings of the identity of certain persons who may have unlawfully participated in a decedent's death; requiring a medical examiner to report the arrest of certain individuals to the funeral director; amending s. 406.135, F.S.; narrowing a public-records exemption to authorize the parent or adult child of a decedent to obtain autopsy records; prohibiting disclosure of autopsy records; providing penalties; amending s. 497.005, F.S.; redefining the term "legally authorized person" for purposes of the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 732.804, F.S.; prohibiting a person who may have unlawfully participated in the death of a decedent from making decisions relating to the decedent's body and funeral and burial arrangements; prohibiting persons who have been arrested for unlawfully participating in the death of a decedent from making decisions relating to the decedent's body and funeral and burial arrangements; providing an effective date.

—was referred to the Committees on Health Regulation; Regulated Industries; Judiciary; and Governmental Oversight and Accountability.

By Senators Constantine and Rich—

SB 252—A bill to be entitled An act relating to local government; creating s. 112.3136, F.S.; specifying standards of conduct for officers and employees of entities serving as the chief administrative officer of a political subdivision; amending s. 112.317, F.S.; providing for penalties to be imposed against persons other than lobbyists or public officers and employers for violations of the Code of Ethics for Public Officers and Employees; amending s. 112.324, F.S.; providing for the Commission on Ethics to report to the Governor violations involving persons other than lobbyists or public officers and employees; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Governmental Oversight and Accountability.

By Senator Siplin—

SB 254—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Agriculture and Consumer Services; providing legislative intent; requiring the department to work with the Department of Education to recommend policies and rules to the State Board of Education relating to school food services which encourage schools and school districts in this state to buy fresh and local food; requiring the Department of Agriculture and Consumer Services to provide outreach services regarding the benefits of fresh food products from this state; exempting the procurement of fresh fruits and vegetables purchased for the Florida Farm Fresh Schools Program from certain bid limits pursuant to s. 287.057, F.S.; requiring the program to maintain compliance with the rules and regulations of the National School Lunch Program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Wise—

SB 256—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.537, F.S.; requiring that an electrical journeyman be present on any industrial or commercial new construction site when certain electrical work is being performed; providing an effective date.

—was referred to the Committees on Regulated Industries; and Community Affairs.

By Senator Wise—

SB 258—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name submit fingerprints for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and conducting criminal history checks; requiring the return of the results of a criminal history records check to the clerk of court; providing for the scheduling of a hearing on a petition to restore a former name when a criminal history records check is required; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Wise—

SB 260—A bill to be entitled An act relating to Alzheimer's disease; creating s. 430.5025, F.S.; directing the Department of Elderly Affairs to develop and implement a public education program relating to screening for Alzheimer's disease; providing criteria for awarding grants; providing

a definition; requiring grant recipients to submit an evaluation of certain activities to the department; authorizing the department to provide technical support; requiring an annual report to the Legislature; requiring the department to conduct or support a study on memory-impairment screening; requiring a report to the Legislature; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 262—A bill to be entitled An act relating to blood testing of persons involved in a traffic accident causing death; amending s. 316.1933, F.S.; requiring a law enforcement officer who has a reasonable suspicion that a person was driving or in actual physical control of a motor vehicle when it was involved in an accident that may have caused or contributed to the death of a human being to require that the person submit to a blood test to determine the alcoholic content thereof or the presence of specified substances; authorizing the law enforcement officer to use reasonable force if necessary; requiring that the blood test be performed in a reasonable manner; providing that the test need not be incidental to a lawful arrest of the person; providing for admissibility of the test result at trial; providing testing requirements and procedures; providing a limitation of liability; providing for the disposition of charges; limiting the use of test results; authorizing the release of results to certain persons; reenacting ss. 316.066(7), 316.1934(2), 322.2616(18), and 322.27(1), F.S., relating to written reports of crashes, presumption of impairment and testing methods, suspension of license, and the authority of the Department of Highway Safety and Motor Vehicles to suspend or revoke a license, to incorporate the amendment to s. 316.1933, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Joyner—

SB 264—A bill to be entitled An act relating to voter information cards; amending s. 97.071, F.S.; requiring the Department of State to prescribe by rule a uniform statewide voter information card; requiring voter information cards to contain the address of the polling place of the registered voter; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules.

By Senator Justice—

SB 266—A bill to be entitled An act relating to challenging a person desiring to vote; amending s. 101.111, F.S.; prohibiting a voter from being challenged on the basis of certain documents; prohibiting certain persons from submitting a formal challenge to an individual's eligibility to register to vote or to vote in any election under certain circumstances; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules.

By Senator Ring—

SB 268—A bill to be entitled An act relating to public K-12 educational instruction; amending s. 1003.46, F.S., relating to health education; deleting provisions that require schools to teach abstinence from sexual activity outside of marriage as the expected standard for all school-age students as part of instruction in human sexuality; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Health Regulation.

By Senator Dockery—

SB 270—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public-records requirements for personal identifying information of certain insured dependents; providing a statement of retroactive application of the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

By Senator Dockery—

SB 272—A bill to be entitled An act relating to the Beverage Law; creating s. 561.585, F.S.; authorizing certain direct shipments of wine; requiring licensure of winery shippers; providing requirements for licensure; providing prohibitions; requiring that a winery shipper licensee file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; requiring that each container of wine shipped directly be labeled with a notice; providing signature and identification requirements; limiting the size of wine containers; providing age requirements for those purchasing wine for direct shipment or receiving direct shipments of wine; providing a defense to certain actions; requiring monthly reports by winery shipper licensees; requiring the collection, remittance, and payment of certain taxes by direct shippers; requiring certain proceeds from discretionary sales surtaxes to be deposited into an account in the Discretionary Sales Surtax Clearing Trust Fund; requiring that winery shippers maintain certain records for a certain period; providing for jurisdiction; providing penalties; amending s. 561.14, F.S.; classifying the winery shipper license; amending s. 561.54, F.S.; removing a provision requiring that the licensee be aggrieved by a violation involving prohibited delivery from without the state to have standing to bring an action; exempting from such prohibition shipment of wine by a winery shipper licensee; amending s. 561.545, F.S.; exempting applicability of the prohibition against direct shipment of alcoholic beverages to the shipment of wine by a winery shipper licensee; amending s. 561.57, F.S.; requiring that Internet orders be construed as telephone orders; exempting common carriers, licensees, or licensees using common carriers as their agents from certain report filing requirements; requiring common carriers to verify the age of persons receiving shipments; providing a defense to certain actions; providing criteria for the defense; amending s. 599.004, F.S.; revising qualifications for the certification of Florida Farm Wineries; providing for severability; providing for nonimpairment of contracts; providing for rulemaking authority; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and Finance and Tax; the Policy and Steering Committee on Commerce and Industry; and the Committee on General Government Appropriations.

By Senator Constantine—

SB 274—A bill to be entitled An act relating to the protection of springs; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and ground water; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan;

amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Northwest Florida Water Management District, the Suwannee River Water Management District, the St. Johns River Water Management District, and the Southwest Florida Water Management District to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; Health Regulation; and General Government Appropriations.

By Senator Crist—

SB 276—A bill to be entitled An act relating to contract carriers; amending s. 316.302, F.S.; applying specific requirements to contract carriers employed by railroad companies; providing requirements for drug and alcohol testing and rest periods; requiring that contract carriers keep logs and maintain certain insurance coverage; requiring the Department of Transportation to adopt rules regulating such contract carriers; requiring the department to inform contract carriers and railroad companies of applicable requirements and statutes; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Transportation and Economic Development Appropriations.

By Senator Gaetz—

SB 278—A bill to be entitled An act relating to charter schools; amending ss. 11.45, 218.39, 218.50, and 218.501, F.S., relating to audit reports by the Auditor General; conforming provisions to changes made by the act; amending ss. 218.503 and 218.504, F.S.; providing that a charter technical career center is subject to certain requirements in a financial emergency; requiring that the sponsor be notified of certain conditions; providing for the development of a financial recovery plan, which may be approved by the Commissioner of Education; amending s. 1002.33, F.S.; providing for duties of a charter school sponsor and governing board if a charter school or charter technical career center experiences a deteriorating financial condition or is in a financial emergency; specifying forms to be used by a charter school applicant and sponsor; requiring applicant training and documentation; deleting requirements relating to auditing and being in a state of financial emergency; requiring charter schools to disclose the identity of relatives of charter school personnel; providing that the immediate termination of a charter is exempt from requirements for an informal hearing or for a hearing under ch. 120, F.S.; requiring that a charter school comply with constitutional limitations on class size; providing for a limitation on funding; providing for the disclosure of the performance of a charter school that is not given a school grade or school improvement rating; revising the requirements for providing certain information to the public; providing reporting requirements; providing restrictions for the employment of relatives by charter school personnel; providing that members of a charter school governing board are subject to certain standards of conduct specified in ss. 112.313 and 112.3143, F.S.; amending s. 1002.335, F.S.; eliminating the requirement for a district school board to annually seek continued exclusivity from the State Board of Education; providing for challenges to such exclusivity; providing a presumption; providing for informal hearings; specifying additional components of cosponsor agreements; amending s. 1002.34, F.S.; providing additional duties for charter technical career centers, applicants, sponsors, and governing boards; requiring the Department of Education to offer or arrange training and assistance to applicants for a charter technical career center; requiring that an applicant participate in the training; creating s. 1002.345, F.S.; establishing criteria and requirements for charter schools and charter technical career centers that have a deteriorating financial condition or are in a state of financial emergency; establishing requirements for charter schools, charter technical career centers, governing bodies, and sponsors; providing for corrective action and financial recovery plans; providing for duties of auditors, the Commissioner of Education, and the Department of Education; requiring the State Board of Education to adopt rules; providing grounds for termination or nonrenewal of a charter; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

SB 280—Withdrawn prior to introduction.

By Senator Bullard—

SB 282—A bill to be entitled An act relating to congenital craniofacial anomalies; requiring that the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation, conduct a study concerning the medical necessity, costs, and efficacy of mandating coverage for certain treatments and therapies; requiring that the agency report its findings and recommendations to the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bullard—

SB 284—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.044, F.S.; directing the department to maintain specified training programs for employees and prospective employees; amending s. 339.155, F.S.; eliminating the requirement for annual updating of the Florida Transportation Plan; removing obsolete provisions; deleting the requirement to develop a short-range component of the Florida Transportation Plan; eliminating the requirement to develop an annual performance report; amending ss. 338.223, 339.2819, and 339.285, F.S., relating to proposed turnpike projects, the Transportation Regional Incentive Program, and the Enhanced Bridge Program for Sustainable Transportation; conforming cross-references; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bullard—

SB 286—A bill to be entitled An act relating to super enterprise zones; amending s. 212.02, F.S.; defining the term "certified business" for purposes of a tax exemption provided to certain businesses located within a super enterprise zone; providing for future expiration; amending s. 212.08, F.S.; providing a tax exemption for certain property purchased for use or consumption by businesses in a super enterprise zone and for retail sales made by certified businesses in a super enterprise zone; providing an exception; specifying periods for applying the exemptions for certain businesses; providing for future expiration of the exemption; amending s. 290.0056, F.S.; providing additional responsibilities of an enterprise zone development agency relating to super enterprise zones; requiring an economic impact report; providing for future expiration; amending s. 290.0057, F.S.; applying requirements for an enterprise zone development plan to super enterprise zones; creating s. 290.00681, F.S.; requiring the Office of Tourism, Trade, and Economic Development to designate specified areas in Miami-Dade County as pilot project super enterprise zones for a certain period; providing qualification criteria; providing application requirements; providing for future expiration and revocation of the designation; creating s. 290.00682, F.S.; providing requirements for qualification as a certified business for purposes of the sales tax exemption; authorizing a local enterprise zone development agency to certify businesses; requiring the agency to provide lists of certified businesses; providing for disqualifying certified businesses under certain circumstances; providing for future expiration and revocation of certifications; amending s. 290.007, F.S.; specifying incentives for the revitalization of super enterprise zones; requiring interim and final reviews of super enterprise zones by the Office of Program Policy Analysis and Government Accountability; providing review criteria; requiring reports to the Legislature; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Bullard—

SB 288—A bill to be entitled An act relating to the sale of dogs and cats; amending s. 828.29, F.S.; requiring that additional information relating to the genetic disorders to which dogs and cats are susceptible be included in the written notice that pet dealers provide to a consumer at the time of sale; redefining the term "pet dealer" for purposes of provisions authorizing a purchaser to return an animal to the pet dealer and receive a refund, exchange the animal, or receive a reimbursement of expenses; authorizing the Department of Agriculture and Consumer Services to enforce statutory provisions related to the sale of dogs and cats; providing powers and duties of the department; providing for the adoption of rules; revising penalties; providing an appropriation and authorizing an additional position; providing an effective date.

—was referred to the Committees on Agriculture; Judiciary; and General Government Appropriations.

By Senator Bullard—

SB 290—A bill to be entitled An act relating to the Florida Comprehensive Assessment Test; amending s. 1003.03, F.S.; removing the requirement that a district school board adopt policies for meeting class size maximums which allow a student to graduate from high school if the student passes the grade 10 FCAT; amending s. 1003.428, F.S.; removing the requirement that a student earn a passing score on the FCAT or alternative assessment to graduate from high school; amending s. 1003.429, F.S.; removing the requirement that a student pursuing an accelerated 3-year high school graduation earn a passing score on the FCAT or alternative assessment; amending s. 1003.43, F.S.; conforming provisions to changes made by the act; amending s. 1003.433, F.S.; conforming provisions to changes made by the act relating to out-of-state and out-of-country transfer students and students needing additional instruction to meet the requirements for high school graduation; amending s. 1008.22, F.S.; conforming provisions to changes made by the act relating to the statewide assessment program; amending s. 1008.25, F.S.; removing provisions relating to the mandatory retention of a student in grade 3 who does not meet the proficiency level required on the reading portion of the FCAT; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Bullard—

SB 292—A bill to be entitled An act relating to the statewide legacy communities initiative; providing findings, intent, and definitions; establishing the statewide legacy communities initiative; providing criteria and declarations concerning the initiative; providing criteria governing the services and activities to be supported under the initiative; providing requirements and goals concerning the provision of such services or assistance; creating the Urban Empowerment Corporation within the Department of Community Affairs; providing criteria concerning the creation, purpose, and duties of the corporation; providing that the corporation is an instrumentality of the state for purposes of sovereign immunity; providing that the corporation is not a state agency; providing that the corporation is subject to specified laws concerning open records and meetings requirements; exempting the corporation from a specified law concerning procurement; providing that the corporation is subject to specified laws concerning ethical requirements; prohibiting the corporation from creating subsidiaries; providing that the corporation does not supplant, replace, or direct existing operations or other programs; providing for the department to approve the corporation's articles of incorporation; providing criteria concerning such articles; providing for management of the corporation by a board of directors; providing criteria for appointment and operation of the board of directors; requiring that the board of directors develop and implement a plan of action; providing criteria concerning the plan of action; requiring that the board of directors provide annual reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that the corporation establish a legacy consulting team that meets specified criteria; specifying the deliverables that the team is to provide for legacy communities; providing criteria for the funding of proposals concerning the legacy community initiative; requiring that the corporation issue requests for proposals; providing criteria for the issuance of such requests; providing criteria for the review and approval of proposals; requiring an objective scoring process; requiring acceptance by the residents of a legacy community; providing requirements for the board of directors concerning the revitalization plans of legacy communities; designating a pilot legacy community; providing objectives concerning the designated community; specifying additional communities to be included in the initiative; providing criteria concerning the revitalization plans of legacy communities; providing an appropriation; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Bullard—

SB 294—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of alternative highway routes parallel to Interstate 95; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

Senate Resolutions 296-298—Not referenced.

By Senator Wise—

SB 300—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other provisions; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Sobel—

SB 302—A bill to be entitled An act relating to K-12 public education funding; amending s. 551.106, F.S.; providing that funds derived from the slot machine revenue tax, which are transferred to the Educational Enhancement Trust Fund, be used only to supplement funding for K-12 public education; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Bennett and Gaetz—

SB 304—A bill to be entitled An act relating to homestead property assessments; amending s. 193.155, F.S.; permitting an increase in the assessed value of homestead property only when the just value increases; providing for retroactive application of the act; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Rich, Sobel, and Detert—

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

—was referred to the Committees on Environmental Preservation and Conservation; Commerce; and General Government Appropriations.

By Senator Ring—

SB 308—A bill to be entitled An act relating to childhood vaccinations; requiring that health care providers disclose information about childhood vaccinations to a minor's parent or legal guardian before vaccinating the minor; requiring the Department of Health to develop a standardized form; prohibiting a health care provider from administering a vaccination to a minor until after the minor's parent or guardian signs the form; requiring that the parent or legal guardian sign the form within a certain time; requiring certain health care providers to provide information about childhood vaccines to patients who are pregnant; requiring the department to create and maintain a website; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senators Rich, Deutch, Sobel, and Bennett—

SB 310—A bill to be entitled An act relating to reproductive health services and family planning; creating the "Prevention First Act"; providing definitions; providing duties of licensed health care practitioners and facilities relating to the treatment of rape survivors; requiring the Department of Health to provide certain information; requiring the Agency for Health Care Administration to provide for enforcement and impose penalties; requiring the agency to adopt rules; amending s. 390.011, F.S.; defining the term "contraception"; creating s. 390.027, F.S.; specifying that the provision of contraception is not subject to ch. 390, F.S., relating to the termination of pregnancies; creating s. 465.191, F.S.; providing definitions; requiring licensed pharmacies to dispense certain forms of contraception without delay; specifying conditions under which a pharmacy may refuse to provide a contraceptive; providing for a person to file a complaint with the Department of Health if he or she believes that a violation of such provisions has occurred; providing for the Attorney General to bring a civil action; amending ss. 465.016 and 465.023, F.S.; providing that a violation of requirements for dispensing contraception constitutes grounds for the Department of Health or the Board of Pharmacy to impose disciplinary action or suspend or revoke a pharmacist's license or permit; providing for severability; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Ring—

SB 312—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1254, F.S.; renaming the entertainment industry financial incentive program as the entertainment industry financial incentive and tax credit program; revising the program to provide qualified entertainment entities with a choice of corporate income tax and sales and use tax credits or reimbursement from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, queues, fraud, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing a total amount available for tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for use of consolidated returns; providing for partnerships and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; requiring a purchaser of transferred tax credits to pay a percentage of the amount paid to fund specified film education grants; providing priority allocation of financial incentive and tax credits; providing for withdrawal of tax credit eligibility; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; providing for future expiration of tax credit authorization except for carryforward of tax credits authorized prior to that date; creating s. 288.1256, F.S.; establishing the Florida Graduate Film Investment Program; requiring administration by the Office of Film and Entertainment; providing for deposit of funds; requiring that funds be used for certain family friendly films; amending s. 288.1252, F.S.; requiring the Florida Film and Entertainment Advisory Council to advise on films produced under the Florida Graduate Film Investment Program; amending s. 220.13, F.S.; including a portion of the entertainment industry tax credit, as provided in s. 288.1254, F.S., for the purpose of calculating a taxpayer's net income; amending s. 220.02, F.S.; including tax credits enumerated in s. 288.1254, F.S., in the order of application of credits against certain taxes; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 212.08, F.S.; requiring electronic funds transfer for the entertainment industry tax credit; providing procedures; providing rulemaking authority; providing for severability; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Sobel, Haridopolos, and Joyner—

SJR 314—A joint resolution proposing an amendment to Section 2 of Article I of the State Constitution, relating to basic rights.

—was referred to the Committees on Judiciary; Military Affairs and Domestic Security; and Rules.

By Senator Constantine—

SB 316—A bill to be entitled An act relating to high school diplomas; amending s. 1003.43, F.S.; authorizing the Commissioner of Education to award a high school diploma to honorably discharged Vietnam War veterans; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Military Affairs and Domestic Security.

By Senator Sobel—

SB 318—A bill to be entitled An act relating to the removal of discriminatory language in the criminal usury laws; amending s. 687.071, F.S.; removing the term "shylocking" from certain provisions of state law relating to loan sharking; deleting the terms "shylock" and "shylocking" from the definitions of "loan shark" and "loan sharking," respectively; amending s. 772.102, F.S.; conforming a reference to changes made by the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Criminal Justice.

By Senator Crist—

SB 320—A bill to be entitled An act relating to sexual offenders and predators; creating s. 856.022, F.S.; prohibiting loitering or prowling by certain offenders within a specified distance of places where children regularly congregate; providing exceptions; providing penalties; amending s. 775.21, F.S.; revising and providing definitions; revising provisions relating to reporting requirements for sexual predators in transient status; amending s. 943.0435, F.S.; revising provisions relating to reporting requirements for sexual offenders in transient status; amending s. 943.04352, F.S.; requiring search in an additional specified sex offender registry for information regarding sexual predators and sexual offenders when an offender is placed on misdemeanor probation; amending s. 944.606, F.S.; revising address reporting requirements for sexual offenders; amending s. 944.607, F.S.; requiring additional registration information from sex offenders under the supervision of the Department of Corrections but not incarcerated; amending s. 947.1405, F.S.; revising provisions relating to polygraph examinations of specified

conditional releasees who have committed specified sexual offenses; providing additional restrictions for certain conditional releasees who committed sexual offenses with minors under the age of 16 or who have been designated as sexual predators or received similar designations or determinations in another jurisdiction; amending s. 948.30, F.S.; revising provisions relating to polygraph examinations of specified probationers or community controllees who have committed specified sexual offenses; providing additional restrictions for certain probationers or community controllees who committed sexual offenses with minors under the age of 16 or who have been designated as sexual predators or received similar designations or determinations in another jurisdiction; amending s. 948.31, F.S.; deleting a requirement for diagnosis of certain sexual predators and sexual offenders on community control; revising provisions relating to treatment for such offenders and predators; amending s. 985.481, F.S.; providing additional address reporting requirements for sexual offenders adjudicated delinquent; amending s. 985.4815, F.S.; providing transient and temporary residence reporting requirements for sexual offenders adjudicated delinquent; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

SB 322—Withdrawn prior to introduction.

By Senator Crist—

SB 324—A bill to be entitled An act relating to state aid to public libraries; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senator Dean—

SB 326—A bill to be entitled An act relating to optometry; amending s. 463.002, F.S.; revising definitions to conform to provisions authorizing the oral administration of ocular pharmaceutical agents by certain practitioners; amending s. 463.005, F.S.; requiring the Board of Optometry to adopt rules governing the administration and prescription of oral ocular pharmaceutical agents; amending s. 463.0055, F.S.; requiring an advisory committee to review requests for modifications of a formulary of topical and oral ocular pharmaceutical agents; requiring that the formulary consist of topical and oral pharmaceutical agents and those pharmaceutical agents appropriate to treat and diagnose ocular disease or disorders; requiring the prescriber number to be printed on a prescription for an oral ocular pharmaceutical agent; amending ss. 463.0057 and 463.006, F.S., relating to faculty certificates and licensure and certification by examination; conforming provisions to changes made by the act; amending s. 893.02, F.S.; redefining the term "practitioner" for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act to include certified optometrists; amending s. 893.05, F.S.; prohibiting an optometrist from administering or prescribing certain controlled substances; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Wilson—

SB 328—A bill to be entitled An act relating to low-income and moderate-income homeowners; providing for counties to establish a fund for providing no-interest loans to assist low-income and moderate-income homeowners in paying homeowners' insurance premiums; authorizing the governing authority of a county to levy surtaxes on building-related permits to finance the assistance fund; limiting the amount a family may receive from the fund in any year; requiring that a loan be repaid if the homestead is sold or refinanced; requiring that any proceeds from refinancing or selling a homestead be deposited back into the fund; defining the terms "low-income family" and "moderate-income family"; providing requirements for the ordinance levying the surtax and creating the fund; specifying the amount of the surtaxes; providing limitations on the use of the fund; providing for the program to be adopted initially by the governing authority of certain constitutional charter counties and for later adoption in the remaining counties of the state; providing effective dates.

—was referred to the Committees on Community Affairs; Banking and Insurance; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 330—A bill to be entitled An act relating to school health services; creating s. 381.0058, F.S., relating to public-private partnerships for the provision of school nurse services; providing legislative intent and purpose; providing duties of the Department of Health and the Department of Education; providing a process for a community to submit a proposal to receive matching funds; providing for the scope of services to be provided; providing review and selection criteria; providing legislative intent relating to funding the act; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Regulation; Education Pre-K - 12; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 332—A bill to be entitled An act relating to the employment of ex-offenders; providing legislative intent; requiring state agencies and regulatory boards to submit to legislative officers and committees a report that states current restrictions on the employment of ex-offenders and possible alternatives that are compatible with protecting public safety; requiring that a report be submitted biennially; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Regulated Industries; Criminal Justice; and General Government Appropriations.

By Senator Wilson—

SB 334—A bill to be entitled An act relating to the State Housing Trust Fund; amending s. 201.15, F.S.; revising provisions governing the distribution of a portion of the proceeds of the excise tax on documents to the State Housing Trust Fund; providing for the annual appropriation of a portion of the taxes distributed to the State Housing Trust Fund for specified uses conforming to the purposes for which the fund was created; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Aronberg—

SB 336—A bill to be entitled An act relating to campaign contributions; amending 106.08, F.S.; prohibiting a person or political committee from contributing in excess of a certain monetary amount to a committee of continuous existence or an electioneering communication organization; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules.

By Senator Wilson—

SB 338—A bill to be entitled An act relating to the Kidcare; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the outreach efforts of the Kidcare program; providing requirements for the study; requiring a report to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Ring—

SB 340—A bill to be entitled An act relating to sexual offenders and sexual predators; amending s. 775.21, F.S.; requiring a sexual predator to register telephone numbers with the Department of Law Enforcement; providing penalties; amending s. 943.0435, F.S.; requiring a sexual offender to register telephone numbers with the Department of Law Enforcement; providing penalties; providing for designation of a person as a repeat sexual offender; amending s. 944.606, F.S.; requiring the Department of Corrections to provide notice of the telephone numbers of a sexual offender who is being released; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senators King, Hill, and Wise—

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

—was referred to the Committees on Transportation; Environmental Preservation and Conservation; and Transportation and Economic Development Appropriations.

By Senators Rich, Oelrich, Jones, Hill, and Altman—

SB 344—A bill to be entitled An act relating to safety belt law enforcement; creating the Dori Slosberg and Katie Marchetti Safety Belt Law; amending s. 316.614, F.S.; deleting a requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations.

By Senators Justice and Sobel—

SB 346—A bill to be entitled An act relating to health education; amending s. 1003.428, F.S.; providing for a mandatory one-half credit in health education, independent of physical education credit requirements, for high school students who enter their first year of high school in 2008-2009; providing a waiver for students who request to take and successfully complete a health education assessment developed by the Department of Education; reducing the number of credits in elective courses; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

By Senator Crist—

SB 348—A bill to be entitled An act relating to Medicaid buy-in for persons with disabilities; amending s. 409.904, F.S.; providing for Medicaid eligibility for certain persons with disabilities under a Medicaid buy-in program, subject to specific federal authorization; requiring the Agency for Health Care Administration to seek amendments to specified Medicaid waivers for certain persons with disabilities; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Haridopolos and Detert—

SB 350—A bill to be entitled An act relating to entertainment industry economic development; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; amending s. 220.02, F.S.; including tax credits enumerated in s. 288.1254, F.S., in the order of application of credits against certain taxes; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 212.08, F.S.; requiring electronic funds transfer for the entertainment industry tax credit; providing procedures; providing for severability; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Bennett and Gaetz—

SB 352—A bill to be entitled An act relating to illegal or undocumented aliens; requiring the Department of Corrections and the Parole Commission to establish agreements to implement a federal deportation program for state inmates; specifying the goals of the program; amending s. 947.146, F.S., relating to the Control Release Authority; requiring the authority to implement a program to execute an immediate deportation order; creating s. 947.1461, F.S., relating to control release for removal and deportation; requiring the department to identify eligible inmates at the reception process; specifying eligibility criteria; requiring the department to coordinate with federal authorities to determine immigration status and eligibility for removal; specifying that eligible inmates waive administrative and appellate rights; requiring the Control Release Authority to establish control release dates; authorizing the control release dates to be set after the alien has served a minimum 50 percent of his or her court-imposed sentence; requiring the Control Release Authority to give notice to aliens concerning reentering the United States; prohibiting aliens from benefiting from control release awards when removal is not reasonably foreseeable; requiring the department to compile and report certain statistics; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 354—A bill to be entitled An act relating to health insurance policies; amending s. 627.668, F.S.; revising the requirements for optional coverage for mental and nervous disorders; prohibiting the durational limits, dollar amounts, deductibles, or coinsurance factors for certain specified illnesses or conditions from being less favorable than those for physical illness; increasing the number of days for which inpatient

benefits may be limited; increasing the monetary amount by which outpatient benefits may be limited for consultations with certain health care professionals and therapists; repealing s. 627.669, F.S., relating to optional coverage for substance abuse impaired persons; amending s. 627.6675, F.S., relating to required benefits; conforming provisions to changes made by the act; providing for application; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Regulation; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Justice—

SB 356—A bill to be entitled An act relating to local government officers and employees; amending s. 110.1228, F.S.; expanding eligibility for participation in the state group health insurance program and the prescription drug coverage program to include all counties, municipalities, special taxing districts, and district school boards rather than only small counties and municipalities and certain school boards; specifying prerequisites and conditions for participation; providing a minimum period of enrollment; requiring that a participating county, municipality, special taxing district, or school board reimburse the Department of Management Services for its costs, including administrative costs; prohibiting a county, municipality, special taxing district, or school board from participating in the state's plan allowing for pretax treatment of premium contributions; authorizing the Department of Management Services to adopt rules; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dockery—

SB 358—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing definitions; providing that proprietary confidential business information held by an agency is confidential and exempt from public-records requirements; authorizing a request to inspect or copy a record that contains proprietary confidential business information to be granted under certain circumstances; authorizing any person to petition a court for the public release of those portions of a record made confidential and exempt by the act; providing requirements for the petition and the court order; providing that the act does not supersede any other applicable public-records exemptions that existed before a certain date; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; repealing s. 815.045, F.S., relating to trade secret information; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Rules.

By Senators Bennett, Gaetz, Ring, Pruitt, Haridopolos, Richter, Hill, and King—

SB 360—A bill to be entitled An act relating to the Department of Community Affairs; expressing the legislative intent to revise laws relating to the Department of Community Affairs; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 362—A bill to be entitled An act relating to growth management; expressing the legislative intent to revise laws relating to growth management; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation and Conservation; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 364—A bill to be entitled An act relating to the Department of Community Affairs; expressing the legislative intent to revise laws relating to the Department of Community Affairs; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 366—A bill to be entitled An act relating to building codes; expressing the legislative intent to revise laws relating to building codes; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 368—A bill to be entitled An act relating to building codes; expressing the legislative intent to revise laws relating to building codes; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 370—A bill to be entitled An act relating to growth management; expressing the legislative intent to revise laws relating to growth management; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation and Conservation; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 372—A bill to be entitled An act relating to damage by dogs; expressing the legislative intent to revise laws relating to damage by dogs; providing an effective date.

—was referred to the Committees on Community Affairs; Agriculture; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 374—A bill to be entitled An act relating to affordable housing; expressing the legislative intent to revise laws relating to affordable housing; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 376—A bill to be entitled An act relating to property taxes; expressing the legislative intent to revise laws relating to property taxes; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Bennett—

SB 378—A bill to be entitled An act relating to affordable housing; expressing the legislative intent to revise laws relating to affordable housing; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 380—A bill to be entitled An act relating to property taxes; expressing the legislative intent to revise laws relating to property taxes; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Bennett—

SB 382—A bill to be entitled An act relating to corporations; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and Rules.

By Senator Ring—

SB 384—A bill to be entitled An act relating to firefighters; amending s. 112.82, F.S.; requiring that all identifiable witnesses involved in a complaint against a firefighter be interviewed before the firefighter is interrogated; requiring that the complaint and all witness statements be provided to the firefighter; providing that a firefighter may not be subjected to offensive language, threatened with transfer, dismissal, or disciplinary action, or offered any incentive as an inducement to answer an interrogation question; creating s. 112.825, F.S.; providing that a firefighter may not be dismissed, demoted, transferred, reassigned, or otherwise subjected to an action that might result in the loss of pay or benefits unless the firefighter is first notified of the pending action; requiring that a complete copy of the investigative report prepared by, or in the possession of, the employing agency be given to the firefighter before discipline is imposed on the firefighter; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Judiciary.

By Senator Deutch—

SB 386—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Korean War Veterans license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Military Affairs and Domestic Security; and Transportation and Economic Development Appropriations.

By Senator Ring—

SB 388—A bill to be entitled An act relating to statutes of limitation for murder and manslaughter; providing a short title; amending s. 95.11, F.S.; eliminating the statute of limitations in tort for murder and manslaughter; providing for the applicability of the amendatory provision allowing an unlimited limitations period for murder and manslaughter claims; amending s. 775.15, F.S.; clarifying that prosecutions of specified murder and manslaughter offenses may be commenced at any time; providing for the applicability of revisions to the limitations period for specified murder and manslaughter offenses; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Siplin—

SB 390—A bill to be entitled An act relating to the indecent wearing of below-waist underwear; prohibiting a student from exposing below-waist underwear in a specified manner while on the grounds of a public school; providing penalties; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Judiciary.

By Senator Haridopolos—

SB 392—A bill to be entitled An act relating to timeshare resort taxation; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; providing application and construction; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 394—A bill to be entitled An act relating to the marketing of credit cards to undergraduate students; providing definitions; requiring that a university, community college, or related direct-support organization obtain an undergraduate student's written consent before providing the student's contact information to a card issuer; prohibiting a university, community college, or related direct-support organization from entering into an agreement with a card issuer to offer or facilitate the marketing of credit cards to undergraduate students; providing for the continuation of existing agreements; providing for enforcement under the Florida Deceptive and Unfair Trade Practices Act; providing an effective date.

—was referred to the Committees on Higher Education; Commerce; and Higher Education Appropriations.

By Senator Baker—

SB 396—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies is exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committee on Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Sobel—

SB 398—A bill to be entitled An act relating to district and school advisory councils; amending s. 1001.452, F.S.; providing that a majority of the members of a school advisory council not be employed by the school; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

By Senator Fasano—

SB 400—A bill to be entitled An act relating to bingo games; amending s. 849.0931, F.S.; authorizing the use of electronics or other technology in lieu of vocal verification for bingo games; amending s. 849.0935, F.S.; redefining the term "organization" to include chambers of commerce; exempting chambers of commerce from provisions prohibiting drawings by chance; authorizing an organization to place signs at a

bingo game event disclosing certain required information; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Sobel—

SB 402—A bill to be entitled An act relating to teen drivers; amending s. 322.05, F.S.; revising the age by which a person may receive a driver's license or driver's learner's license; requiring that a person younger than a certain age provide proof of completing a driver's education course that includes a minimum of 10 hours of driving instruction provided by a state-licensed driver's education school before receiving a license; amending s. 322.16, F.S.; restricting the number of passengers permitted in a motor vehicle operated by a person younger than a certain age unless the person is accompanied by a parent or guardian; providing exceptions; providing for penalties; amending s. 322.1615, F.S.; conforming provisions to changes made by the act; reenacting s. 318.14(1), F.S., relating to noncriminal traffic infractions, to incorporate amendments to s. 322.16, F.S., in a reference thereto; providing effective dates.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Sobel—

SB 404—A bill to be entitled An act relating to the Commissioner of Education; amending s. 1001.10, F.S.; authorizing the Commissioner of Education, upon the request of a district school board, to waive the final examination requirement for a student who meets certain criteria; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Sobel—

SB 406—A bill to be entitled An act relating to school safety; amending s. 1006.13, F.S.; revising a provision relating to a policy of zero tolerance to include the victimization of teachers and other school personnel; clarifying a provision that requires students who have committed certain felony offenses to be expelled; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Fasano—

SB 408—A bill to be entitled An act relating to clinical laboratories; amending s. 483.181, F.S.; requiring clinical laboratories to accept human specimens submitted by advanced registered nurse practitioners; providing an effective date.

—was referred to the Committees on Health Regulation; and Judiciary.

By Senators Fasano and Lynn—

SB 410—A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; providing that an insurer's failure to offer in this state any kind or line of insurance which it offers in another jurisdiction constitutes an unfair method of competition and unfair or deceptive act; requiring that the Financial Services Commission adopt rules; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Crist—

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

—was referred to the Committees on Judiciary; Criminal Justice; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator Crist—

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

—was referred to the Committees on Governmental Oversight and Accountability; and Health Regulation.

By Senator Fasano—

SB 416—A bill to be entitled An act relating to health care management; amending s. 627.6044, F.S.; prohibiting certain insurers from engaging in actions that encourage insureds not to make payments before medical service is rendered or before receipt of an insurer's explanation of benefits; amending s. 627.6131, F.S.; providing additional circumstances in which a health insurer may not retroactively deny a claim; amending s. 627.6141, F.S.; requiring a claimant whose claim is denied for failure to obtain an authorization under certain circumstances to be provided an opportunity for an appeal; requiring that the insurer reverse a denial under certain circumstances; requiring the insurer to submit a written justification for a determination of a service that was not medically necessary; amending ss. 627.6474 and 641.315, F.S.; prohibiting a health insurer or health maintenance organization from modifying a policy or procedure that would affect the underlying contract terms without having a written mutual agreement; amending s. 641.3155, F.S.; providing additional circumstances in which a health maintenance organization may not retroactively deny a claim; amending s. 641.3156, F.S.; requiring a health maintenance organization to conduct a retrospective review of the medical necessity of a service under certain circumstances; requiring the insurer to submit a written justification for a determination of a service that was not medically necessary; amending s. 641.54, F.S.; prohibiting a health maintenance organization from engaging in certain actions that encourage subscribers not to make payments before medical service is rendered or before receipt of the health maintenance organization's explanation of benefits; creating a study group to evaluate increases in a patient's financial responsibility for hospital services; providing for membership; requiring the Office of Insurance Regulation, the Agency for Health Care Administration, and the organizations appointing members to the study group to provide organizational support; providing for the duties of the study group;

providing for per diem and travel expenses for members; requiring the study group to present a final report to the Legislature; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce; and Health Regulation; and the Policy and Steering Committee on Ways and Means.

By Senator Sobel—

SB 418—A bill to be entitled An act relating to enterprise zones; creating s. 290.0078, F.S.; authorizing the cities of Hollywood, Hallandale Beach, Pembroke Park, and West Park to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of a single enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

SR 420—Not referenced.

By Senator Gardiner—

SB 422—A bill to be entitled An act relating to the Department of Transportation; expressing the legislative intent to revise laws relating to the Department of Transportation; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; and Rules.

By Senator Gardiner—

SB 424—A bill to be entitled An act relating to transportation; expressing the legislative intent to revise laws relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Transportation and Economic Development Appropriations; and Rules.

By Senator Bennett—

SB 426—A bill to be entitled An act relating to advanced registered nurse practitioners; amending s. 893.02, F.S.; redefining the term "practitioner" for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act to include advanced registered nurse practitioners; providing an effective date.

—was referred to the Committees on Health Regulation; and Criminal Justice.

By Senator Gardiner—

SB 428—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; expressing the legislative intent to revise laws relating to the Department of Highway Safety and Motor Vehicles; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; and Rules.

By Senator Gardiner—

SB 430—A bill to be entitled An act relating to highway safety; expressing the legislative intent to revise laws relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Transportation and Economic Development Appropriations; and Rules.

By Senator Dean—

SB 432—A bill to be entitled An act relating to agriculture; expressing the legislative intent to revise laws relating to agriculture; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senators Fasano and Joyner—

SB 434—A bill to be entitled An act relating to violations of injunctions for protection; amending s. 784.047, F.S.; adding circumstances that violate an injunction for protection against repeat violence, sexual violence, or dating violence; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Dean—

SB 436—A bill to be entitled An act relating to agriculture; expressing the legislative intent to revise laws relating to agriculture; providing an effective date.

—was referred to the Committees on Agriculture; General Government Appropriations; and Rules.

By Senator Dean—

SB 438—A bill to be entitled An act relating to agriculture; expressing the legislative intent to revise laws relating to agriculture; providing an effective date.

—was referred to the Committees on Agriculture; General Government Appropriations; and Rules.

By Senator Fasano—

SB 440—A bill to be entitled An act relating to public records; creating s. 893.056, F.S.; exempting from public-records requirements information and records reported to the Agency for Health Care Administration under the electronic-monitoring system for the tracking of prescriptions of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Rules.

By Senator Fasano—

SB 442—A bill to be entitled An act relating to the Education Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors and the State Board of Education for the Education Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in a private institution; revising the application requirements for the program to include active drilling

members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes to conform to changes made by the act; amending s. 1009.26, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Higher Education; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 444—A bill to be entitled An act relating to title insurance; creating s. 626.8422, F.S.; authorizing a title insurance agent or agency to charge a reasonable fee for certain services; providing that such charges are not part of the rate charged by the title insurer; requiring that certain information regarding each charge be filed with the Office of Insurance Regulation; requiring that the office publish such information by specified means; prohibiting charges for certain services from being set below the cost to provide such services; amending s. 626.9541, F.S.; deleting certain portions of clarifying language related to the payment of certain portions of premium; prohibiting the payment of any portion of the premium as consideration for the referral of title insurance business; amending s. 627.7711, F.S.; expanding the definition of "premium" to include endorsements, commitments, or other contracts; providing additional exceptions to the scope of the term "premium"; providing a method of calculation of premium; creating s. 627.7712, F.S.; authorizing a title insurance agent or agency to charge a reasonable fee for certain services; providing that such charges are not part of the rate charged by the title insurer; requiring that certain information regarding each charge be filed with the office; requiring that the office publish such information by specified means; prohibiting charges for certain services from being set below the cost to provide such services; amending s. 627.780, F.S.; prohibiting a person from knowingly quoting, charging, accepting, collecting, or receiving a premium for title insurance other than the premium approved by the office; amending s. 627.782, F.S.; providing for the approval of rates; requiring that each title insurer make an annual filing with the office on or before a specified deadline demonstrating that the rate for such insurance is actuarially sound; prohibiting rates for such filing from including certain charges, commission, or compensation; providing methods by which filing requirements may be satisfied; requiring that the office issue a notice of intent to approve or disapprove the filing on or before a specified deadline; providing that such notice constitutes agency action; providing that requests for supporting information, mathematical or mechanical corrections, or notification of the office's preliminary findings do not toll the deadline date; providing that a rate be deemed approved if the office does not issue the required notice within the specified period; requiring that the office review a rate filing to determine if the rate is excessive, inadequate, or unfairly discriminatory; requiring that the office consider certain factors and information when making such review; providing standards upon which a rate may be found excessive, inadequate, or unfairly discriminatory; authorizing the office to require an insurer to provide, at the insurer's expense, any information necessary to evaluate the condition of the company and reasonableness of the filing; authorizing the office to review certain information at any time; requiring that the office initiate proceedings to disapprove a rate and notify the insurer if the office finds on a preliminary basis that a rate is excessive, inadequate, or unfairly discriminatory; requiring that an insurer, upon receipt of such notice from the office, provide certain information within a specified period; requiring that the office issue a notice of intent to approve or a notice of intent to disapprove within a specified period; providing that an insurer has the burden of proof to show by a preponderance of the evidence that a rate is not excessive, inadequate, or unfairly discriminatory; prohibiting an insurer from altering a rate after its receipt of notice from the office that a rate may be excessive, inadequate, or unfairly discriminatory for a specified period; providing exceptions; authorizing the office to disapprove without notice any rate increase filed by an insurer during the prohibited period; requiring that certain individuals affiliated with a title insurer certify specified information on a form approved by the Financial Services Commission when submitting a rate filing; providing that it is a violation of state law for a certifying officer or actuary to knowingly make a false certification; providing that failure to provide such certification results in a filing being disapproved without prejudice; authorizing an insurer to refile a rate filing under such circumstances; defining the term "actuary"; authorizing an insurer to apply for an extension of time to make a filing under certain circumstances; authorizing the office to exempt a company from filing rates or rate certifications under certain circumstances; authorizing the office to order insurers not meeting certain filing requirements to discontinue the issuance of policies for which the required filing was not made until such time that the office determines that the required filing has been submitted properly; providing for application of an approved rate; authorizing the commission to require by rule that licensees submit certain information determined by the office as necessary to analyze premium rates, retention rates, or the condition of the title insurance industry; authorizing the commission to adopt rules; amending s. 627.7845, F.S.; providing that an insurer is liable to the insured for damages up to three times the amount of coverage under certain conditions; repealing s. 627.783, F.S., relating to rate deviation; providing for application of the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Baker—

SB 446—A bill to be entitled An act relating to the Florida Farm Winery Program; amending s. 599.004, F.S.; revising the standards a winery must meet in order to qualify as a certified Florida Farm Winery; providing an effective date.

—was referred to the Committees on Agriculture; and Regulated Industries.

By Senator Rich—

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

—was referred to the Committees on Criminal Justice; Agriculture; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Fasano—

SB 450—A bill to be entitled An act relating to service-learning programs; creating s. 1003.497, F.S.; requiring that the Department of Education encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12; defining the term "service learning"; requiring that the department assist a school district that elects to implement service-learning activities; requiring that the department develop and adopt elective service-learning courses; providing that course-based, service-learning activities may be counted toward high school graduation or academic award requirements; encouraging school districts to include service learning in courses or activities required for high school graduation or receipt of academic awards; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Garcia—

SB 452—A bill to be entitled An act relating to street designations; designating Orange Bowl Way in Miami Lakes; directing the Department of Transportation to erect markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Fasano and Lynn—

SB 454—A bill to be entitled An act relating to statements of nonforeclosure or pending foreclosure of residential property; creating s. 83.675, F.S.; requiring that a lessor of a residential dwelling unit notify the lessee of the dwelling unit whether the dwelling unit that is the subject of the rental agreement is or is not in foreclosure or in short-sale status and whether the mortgage lender intends to initiate foreclosure proceedings or short-sale procedures within a specified time; requiring that the notice be included in the rental agreement; providing a form for the notice; providing that a lessor who fails to comply with the notice requirement is liable to the lessee for actual damages sustained, a civil penalty, and reasonable attorney's fees and costs; requiring that an action to recover damages be brought within a specified time; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Gaetz—

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

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

By Senator Dean—

SB 458—A bill to be entitled An act relating to agriculture; expressing the legislative intent to revise laws relating to agriculture; providing an effective date.

—was referred to the Committees on Agriculture; General Government Appropriations; and Rules.

By Senator Rich—

SB 460—A bill to be entitled An act relating to adoption; amending s. 63.042, F.S.; providing that a person who is a homosexual may adopt a child under certain circumstances; requiring that certain eligibility criteria be met by clear and convincing evidence; providing that a person who is a homosexual is eligible to adopt a child if the child's parents are deceased, the person proposing to adopt the child is the guardian of the child, and certain additional specified conditions have been met on or after a certain date; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Judiciary.

By Senator Fasano—

SB 462—A bill to be entitled An act relating to controlled substances; creating s. 893.055, F.S.; providing definitions; requiring the Agency for Health Care Administration to establish a statewide, comprehensive electronic system to monitor the prescribing and dispensing of controlled substances listed in Schedule II, Schedule III, or Schedule IV; providing reporting requirements; requiring the agency to notify certain dispensers and prescribers of the implementation date for the reporting of controlled substances; specifying circumstances under which a pharmacy or practitioner is exempt from participating in the system; requiring prescribing or dispensing pharmacists and practitioners to submit information in a certain format; providing a penalty; requiring that the department and regulatory boards adopt rules; requiring that all costs incurred by the agency be paid through federal, private, or grant funding sources; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Fasano—

SB 464—A bill to be entitled An act relating to homestead assessments; amending s. 193.155, F.S.; providing additional limitations on annual changes in assessments of homestead real property; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 466—A bill to be entitled An act relating to construction contracts; amending s. 713.015, F.S.; requiring a contractor to provide an owner with a statement of an Owner's Rights and Responsibilities Under Florida's Construction Lien Law; requiring that a signed copy of the statement be filed with the building permit application; specifying the form and content of the notice; deleting the requirement that notice be included in the direct contract between the contractor and the owner; amending s. 713.13, F.S.; removing a warning provision from the Notice to Owners; amending s. 713.135, F.S.; providing that a building permit application may not be processed unless the signed statement of an Owner's Rights and Responsibilities Under Florida's Construction Lien Law is filed with the building permit authority; deleting the requirement that the permit authority provide the applicant with a printed statement relating to construction lien law; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Fasano—

SB 468—A bill to be entitled An act relating to public records; amending s. 1012.31, F.S.; exempting from public-records requirements personal identifying information regarding the health and benefit coverage of public school employees, including employees of charter schools, charter technical career centers, the Florida School for the Deaf and the Blind, the Florida Virtual School, and developmental research schools; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Senator Crist—

SB 470—A bill to be entitled An act relating to penalties for driving under the influence; amending s. 316.193, F.S.; requiring a court to order a defendant, after a first conviction for driving under the influence, to participate in a minimum of 50 hours of community service as a condition of probation; authorizing a court to impose a specified fine under certain conditions; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Aronberg—

SB 472—A bill to be entitled An act relating to early voting; amending s. 101.657, F.S.; authorizing the supervisor of elections to designate any public community college facility as an early voting site; requiring that the supervisor for each county establish early voting hours; providing a minimum and a maximum daily duration for such early voting hours; providing an effective date.

—was referred to the Committees on Ethics and Elections; Higher Education; and Health and Human Services Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Bennett—

SB 474—A bill to be entitled An act relating to the use of public moneys and property; defining the terms "governmental entity," "professional sports team," and "public funds"; prohibiting the use of public funds for certain purposes benefiting a professional sports team; providing exceptions; amending s. 196.199, F.S.; providing for the ad valorem taxation of property owned by a governmental entity if the property is used by a private entity for a nonexempt purpose; providing effective dates.

—was referred to the Committees on Community Affairs; Commerce; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Sobel—

SB 476—A bill to be entitled An act relating to emergency management; creating part V of ch. 252, F.S., the Uniform Emergency Volunteer Health Practitioners Act; providing definitions; providing for applicability of the act to specified volunteer health practitioners; providing for the regulation of specified health services by the Division of Emergency Management of the Department of Community Affairs, in cooperation with the Department of Health, the Agency for Health Care Administration, and the Board of Veterinary Medicine, while an emergency declaration is in effect; providing requirements with respect to volunteer health practitioner registration systems; providing procedures with respect to the use of such systems; authorizing specified volunteer health practitioners who are licensed outside the state to practice in this state; providing limitations with respect to the protections afforded under the act; defining "credentialing" and "privileging"; providing that the act does not affect the credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect; providing for regulation, modification, and restriction of health or veterinary services provided by volunteer health practitioners under the act; providing for imposition of administrative sanctions under specified conditions; providing for relation of the act to other laws; authorizing the Division of Emergency Management, the Department of Health, the Agency for Health Care Administration, and the Board of Veterinary Medicine to adopt rules; providing limitations on civil liability for volunteer health practitioners; providing for vicarious liability; providing for workers' compensation coverage under the act; providing duties and responsibilities of the Division of Emergency Management, the Department of Health, the Agency for Health Care Administration, and the Board of Veterinary Medicine with respect to workers' compensation coverage, including the adoption of rules; providing for uniformity of application and construction of the act; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Health Regulation; Banking and Insurance; and Judiciary.

By Senator Baker—

SB 478—A bill to be entitled An act relating to secondary metals recyclers; creating s. 538.27, F.S.; prohibiting a political subdivision of the state or a municipality from adopting or enforcing any local ordinance, special law, or local regulation governing secondary metals recyclers which is more stringent or restrictive than the provisions of part II of ch. 538, F.S.; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce; and Criminal Justice.

By Senator Baker—

SB 480—A bill to be entitled An act relating to the advertisement of tax certificate sales; amending s. 197.402, F.S.; reducing the number of times that a tax certificate sale must be advertised in a newspaper to one time at least 21 days before the date of the sale; eliminating a pilot program relating to the advertisement of tax certificate sales in certain counties; amending s. 197.403, F.S., relating to proof of publication, to conform; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations.

By Senator Baker—

SB 482—A bill to be entitled An act relating to auctioneers; amending s. 468.385, F.S.; revising requirements for licensure as an auctioneer, auctioneer apprentice, and auction business; requiring the submission of fingerprints for a criminal records check; requiring that an applicant for a license bear the cost of fingerprinting and a criminal records check; prohibiting reissuance of a license for a specified period following license revocation; amending s. 468.3855, F.S.; requiring the sponsor of an auctioneer apprentice to review records of the apprentice; amending s. 468.389, F.S.; authorizing the board of auctioneers to impose penalties on a business that violates laws pertaining to auctions; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and General Government Appropriations.

By Senator Gaetz—

SB 484—A bill to be entitled An act relating to operators of motor vehicles involved in multiple crashes; amending s. 322.0261, F.S.; requiring that the Department of Highway Safety and Motor Vehicles screen crash reports to identify a third crash by the same operator within a specified period after the driver's first crash; requiring a driver who is convicted of or who pleads nolo contendere to a traffic offense giving rise to three or more crashes within a specified period to attend a department-approved driver improvement course in order to maintain his or her driving privileges; describing the content of the driving course; requiring successful completion of a behind-the-wheel examination; requiring that the department cancel an operator's driver's license if the operator fails to complete the course within a specified time; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Senator Gaetz—

SB 486—A bill to be entitled An act relating to driving while the operator's license is suspended or revoked; amending s. 322.34, F.S.; removing provisions requiring a law enforcement officer to immediately impound or immobilize a motor vehicle under certain circumstances if the operator's driver's license or driving privilege is suspended or revoked; removing a requirement that the arresting agency or towing service in possession of the impounded or immobilized vehicle send notice to any coregistered owner of the vehicle and to each person of record claiming a lien against the vehicle; requiring that a vehicle be impounded or immobilized for specified periods depending on the seriousness of the violation committed; prohibiting the court from ordering that the impoundment or immobilization run concurrently with the defendant's incarceration; requiring that all costs of impounding or immobilizing a vehicle be borne by the defendant; providing for a person who owns or coowns a motor vehicle when a violation of law was committed to petition the sentencing court for an order setting aside the impoundment or immobilization order; requiring that the court set aside an impoundment or immobilization order under certain circumstances; amending s. 932.701, F.S., relating to the Florida Contraband Forfeiture Act; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Justice—

SB 488—A bill to be entitled An act relating to public access to beaches; creating part V of ch. 161, F.S.; providing definitions; providing policy and effect; declaring that the public policy of this state is to provide free access to public beaches; prohibiting persons from restricting access; prohibiting obstruction of beach access under certain conditions; prohibiting the use of signs declaring that a public beach is private property; providing that a violation of such prohibition is a first-degree misdemeanor; providing a penalty; prohibiting a governmental entity from placing an obstruction upon a public beach under certain conditions; prohibiting ordinances that limit public access; authorizing owners of land within a specified distance of certain coastal waters to record or revoke a notice concerning the granting of permission for the public's recreational use of the land; providing limitations on the duty or liability of an owner while such a notice is recorded; prohibiting an owner from preventing certain public uses of the land while such a notice is recorded; providing for the use of prima facie evidence in suits to exclude the public from accessing and using a sandy beach; requiring notice to the Board of Trustees of the Internal Improvement Trust Fund of the sale or closure of access to a public beach; providing for the purchase of such access by the board; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; Judiciary; and General Government Appropriations.

By Senator Sobel—

SB 490—A bill to be entitled An act relating to the public broadcasting program system; amending s. 1001.26, F.S.; including certain television stations licensed by the Federal Communications Commission for which support and funding may be given; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Sobel—

SB 492—A bill to be entitled An act relating to the Revised Uniform Anatomical Gift Act; creating s. 765.5101, F.S.; providing a short title; creating s. 765.5102, F.S.; providing definitions; creating s. 765.5103, F.S.; providing that the revised act applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made; creating s. 765.5104, F.S.; specifying who may make an anatomical gift before the donor's death; creating s. 765.5105, F.S.; providing the manner of making an anatomical gift before the donor's death; creating s. 765.5106, F.S.; providing for amending or revoking an anatomical gift before the donor's death; creating s. 765.5107, F.S.; specifying the manner of refusal to make an anatomical gift; providing the effect of such a refusal; creating s. 765.5108, F.S.; providing for the preclusive effect of an anatomical gift, amendment, or revocation in certain circumstances; providing exceptions; creating s. 765.5109, F.S.; specifying who may make an anatomical gift of a decedent's body or part; creating s. 765.5110, F.S.; specifying the manner of making, amending, or revoking an anatomical gift of a decedent's body or part; creating s. 765.5111, F.S.; specifying persons that may receive an anatomical gift; providing for the purpose of an anatomical gift; providing that a person may not accept an anatomical gift if the person knows that the gift was not effectively made under specified provisions or if the person knows that the decedent made a refusal that was not revoked; creating s. 765.5112, F.S.; requiring specified persons to make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal; providing duties if a document of gift or a refusal to make an anatomical gift is located; providing immunity from criminal or civil liability for failure to discharge specified duties; creating s. 765.5113, F.S.; providing that delivery of a document of gift is not a requirement for its effectiveness; requiring a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual to allow examination and copying of the document; creating s. 765.5114, F.S.; specifying rights and duties of procurement organizations when an individual has been referred to them; allowing the person to whom a part passes under specified provisions to conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose unless otherwise prohibited; requiring a procurement organization, upon the death of a minor who was a donor or who had refused, to conduct a reasonable search for the parents of the minor and provide them with an opportunity to revoke or amend the gift or revoke the refusal; providing that the rights of the person to whom a part passes under a specified provision are superior to the rights of all others with respect to the part; prohibiting both the physician who attends the decedent at death and the physician who determines the time of death from participating in removing or transplanting a part; creating s. 765.5115, F.S.; requiring each hospital in this state to enter into agreements or affiliations with procurement organizations for specified purposes; creating s. 765.5117, F.S.; prohibiting intentional falsification, forgery, and other acts concerning a document of gift, an amendment or revocation of a document of gift, or a refusal in order to obtain a financial gain; providing criminal penalties; creating s. 765.5118, F.S.; providing immunity in a civil action, criminal prosecution, or administrative proceeding to a person who acts in accordance with the act or with the applicable anatomical gift law of another state, or attempts in good faith to do so; providing immunity from liability to the donor and the donor's estate for use of the gift; permitting reliance on specified representations in determining whether an anatomical gift has been made, amended, or revoked; creating s. 765.5119, F.S.; specifying the law governing validity of a document of gift; providing for the law governing the interpretation of a document of gift in certain circumstances; providing a presumption of validity; renumbering s. 765.5155, F.S., relating to the organ and tissue donor registry, as s. 765.5120, F.S.; renumbering s. 765.51551, F.S., relating to an organ and tissue donor registry public records exemption, as s. 765.51201, F.S.; creating s. 765.5121, F.S.; providing for the effect of an anatomical gift on an advance health care directive; creating s. 765.5122, F.S.; requiring cooperation between medical examiners and procurement organizations; creating s. 765.5123, F.S.; providing for facilitation of anatomical gifts from decedents whose bodies are under the jurisdiction of medical examiners; requiring persons with information requested by a medical examiner conducting a medicolegal examination about a donor or prospective donor whose body is under the examiner's jurisdiction to provide that information as expeditiously as possible; requiring a medical examiner and procurement organization to cooperate in the timely removal of a part when recovery of the part will not interfere with the examination; requiring consultation between a medical examiner and a procurement organization when the medical examiner believes that recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death; requiring a medical examiner who intends to deny recovery to attend, if requested, the removal procedure for the part before making a final determination not to allow recovery of the part; requiring a medical examiner denying recovery to make specified recorded findings; requiring a procurement organization in certain circumstances, upon request, to provide the medical examiner with a records concerning a part assist in the postmortem examination; requiring a procurement organization to reimburse a medical examiner for additional costs incurred by the examiner who is required to be present in certain circumstances; creating s. 765.5124, F.S.; providing for uniformity of application and construction of the revised act; creating s. 765.5125, F.S.; providing for relation of the revised act to the Electronic Signatures in Global and National Commerce Act; repealing s. 765.510, F.S., relating to a legislative declaration; repealing s. 765.511, F.S., relating to definitions; repealing s. 765.512, F.S., relating to persons who may make an anatomical gift; repealing s. 765.513, F.S., relating to persons and entities that may become donees and purposes for which anatomical gifts may be made; repealing s. 765.514, F.S., relating to manner of making anatomical gifts; repealing s. 765.515, F.S., relating to delivery of a donor document; repealing s. 765.516, F.S., relating to amendment of the terms of or the revocation of the gift; repealing s. 765.517, F.S., relating to rights and duties at death; amending ss. 381.0041, 765.521, and 765.522, F.S.; revising cross-references to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; and Judiciary.

By Senator Bennett—

SB 494—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic lawn sprinkler systems; requiring irrigation contractors to inspect such systems for compliance with requirements for rain or soil-moisture sensor devices or switches and ensure that such systems are in compliance before completing other work on the systems; authorizing the Department of Environmental Protection to adopt rules; providing penalties; providing for the disposition of funds raised through penalties imposed; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations.

By Senator Oelrich—

SB 496—A bill to be entitled An act relating to public employee collective bargaining; amending s. 447.203, F.S.; specifying that the sheriff, the tax collector, the property appraiser, the supervisor of elections, or the clerk of the circuit court is the legislative body for its respective employees for purposes of resolving an impasse; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 498—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under ch. 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

—was referred to the Committees on Health Regulation; and Judiciary.

By Senators Rich, Smith, Gelber, and Sobel—

SB 500—A bill to be entitled An act relating to adoption; repealing s. 63.042(3), F.S., relating to the prohibition against adoption by a homosexual; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Judiciary.

By Senator Dockery—

SB 502—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; providing that a person commits a third degree felony if he or she transports an individual into this state and knows, or should know, that the individual is illegally entering the United States or has illegally remained in the United States; providing criminal penalties; providing enhanced penalties if the individual being transported is a minor or suffers great bodily harm or death; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

By Senator Oelrich—

SM 504—A memorial to the Congress of the United States, urging Congress to support the expiration and removal of moratoria prohibiting exploration and production of domestic supplies of oil and natural gas in federal waters surrounding Florida and to include Florida in revenue sharing resulting from the production of oil and natural gas in federal waters surrounding Florida.

—was referred to the Committees on Environmental Preservation and Conservation; and Rules.

By Senator Hill—

SM 506—A memorial to the Congress of the United States, urging Congress to support the Employee Free Choice Act.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Rules.

By Senator Hill—

SB 508—A bill to be entitled An act relating to law enforcement explorers; amending s. 784.07, F.S.; defining the term "law enforcement explorer"; providing for reclassification of certain offenses against law enforcement explorers; reenacting s. 921.0022(3)(d), (f), and (g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to s. 784.07, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Hill—

SB 510—A bill to be entitled An act relating to injunctions for protection against domestic violence, repeat violence, sexual violence, or dating violence; amending ss. 741.30 and 784.046, F.S.; requiring the sheriff or other law enforcement officer who serves such an injunction upon a respondent to notify the petitioner within a specified period that the respondent has been served if the petitioner has requested notification and has registered a telephone number or e-mail address with the sheriff; providing for the content of the notice; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Hill—

SB 512—A bill to be entitled An act relating to false reports of child abuse; amending s. 39.402, F.S.; requiring a child to be returned to a parent or guardian within 3 days following a determination that an order for shelter care was based on a false report of child abuse, abandonment, or neglect; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By Senator Hill—

SB 514—A bill to be entitled An act relating to forensic services; amending s. 916.105, F.S.; providing legislative intent that forensic services be provided to a person charged with a misdemeanor as well as a felony offense; amending ss. 916.106, 916.107, 916.13, and 916.302, F.S., relating to definitions, the rights of forensic clients, the involuntary commitment of a defendant with mental illness, and the involuntary commitment of a defendant determined to be incompetent; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; Judiciary; and Health and Human Services Appropriations.

By Senator Hill—

SB 516—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; redefining the term "base period"; requiring an employer to provide wage information to support an in-

dividual's eligibility for benefits; providing for an alternative base period after a certain date; defining the term "alternative base period"; authorizing the Agency for Workforce Innovation to accept an affidavit from the claimant to support eligibility for benefits; amending s. 443.101, F.S.; prohibiting an individual from being disqualified from benefits if he or she leaves work due to certain compelling family reasons; prohibiting unemployed individuals from being disqualified for unemployment benefits based solely on the individual's availability for only part-time work under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Hill—

SB 518—A bill to be entitled An act relating to presidential elections; defining terms; establishing the Agreement Among the States to Elect the President by National Popular Vote; providing legislative intent; providing a method by which any state may become a member state; requiring a statewide popular election for President and Vice President of the United States; establishing a procedure for appointing presidential electors in member states; providing that the agreement becomes effective upon the occurrence of specified actions; providing for the withdrawal of a member state; requiring notification of member states when the agreement takes effect in a previously nonmember state or when a member state withdraws from the agreement; providing for severability; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules.

By Senator Hill—

SB 520—A bill to be entitled An act relating to public school attendance; creating s. 1003.215, F.S.; creating the Student Preparedness Pilot Program; requiring selected school districts, including the Duval County School District, to review and identify curricula options for certain students; requiring students who attain the age of 16 years but have not reached the age of 18 years in pilot program districts who do not regularly attend school to be subject to specific attendance and completion requirements; providing for an application and selection process for school district participation; specifying procedures for termination of school enrollment and requirements for pilot program attendance and completion; specifying that students who select a nontraditional academic option are not eligible students for purposes of school grading; requiring an annual study and reporting by the Office of Program Policy Analysis and Government Accountability; amending s. 1003.01, F.S.; providing that habitual truancy provisions apply to students subject to pilot program requirements; defining regular program attendance in a pilot program school district; amending s. 1003.21, F.S.; requiring a student in a pilot program school district to be informed of the program's attendance and completion requirements; amending s. 1003.26, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Criminal Justice; and Education Pre-K - 12 Appropriations.

By Senator Smith—

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

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Smith—

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

Proof of publication of the required notice was attached.

—was referred to the Special Master on Claim Bills.

By Senator Lynn—

SB 526—A bill to be entitled An act relating to court costs imposed in cases of certain crimes against minors; amending s. 938.10, F.S.; requiring a court to impose court costs against an offender for committing certain additional enumerated crimes against minors; reenacting s. 39.3035(3)(a), F.S., relating to the funding of the Florida Network of Child Advocacy Centers, to incorporate the amendment made to s. 938.10, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

SB 528—Withdrawn prior to introduction.

By Senator Lynn—

SB 530—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 1011.60, F.S.; revising provisions relating to the minimum requirements that each school district must meet to participate in the Florida Education Finance Program; amending s. 1011.61, F.S.; revising the term "full-time equivalent student" to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Lynn—

SJR 532—A joint resolution proposing amendments to Sections 4 and 6 of Article VII of the State Constitution to provide for a limitation on increases in assessments of commercial or residential rental property and to provide an additional homestead exemption for first-time homestead property owners.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 534—A bill to be entitled An act relating to the defined contribution retirement program; amending s. 121.4501, F.S.; changing the name of the Public Employee Optional Retirement Program to the Public Employee Retirement Investment Program; limiting the option of enrolling in the State Retirement System's defined benefit program or defined contribution program to public employees employed before January 1, 2010; requiring public employees employed on or after January 1, 2010, to enroll in the defined contribution program; deleting obsolete provisions relating to the 2002 optional transfer of public employees from the defined benefit program to the defined contribution program; deleting requirements for an educational program that compares retirement programs; amending s. 121.4502, F.S.; changing the name of the Public Employee Optional Retirement Program Trust Fund to the Public Employee Retirement Investment Program Trust Fund; amending ss. 110.123, 112.0801, 112.363, 112.65, 121.021, 121.051, 121.35, 121.71, 121.72, 121.73, 121.74, 121.77, and 121.78, F.S.; conforming cross-references; substituting references to the defined contribution program for references to the Public Employee Optional Retirement Program; amending ss. 121.091, 121.4503, 121.571, 121.591,

and 121.5911, F.S.; conforming cross-references; substituting the name of the Public Employee Retirement Investment Program and the Public Employee Retirement Investment Program Trust Fund; amending s. 121.055, F.S.; conforming changes relating to the name of the Florida Employee Retirement Investment Program and deleting obsolete provisions; amending s. 121.70, F.S.; changing the name of the Public Employee Optional Retirement Program to the defined contribution program; deleting provisions relating to having a choice in retirement plans; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Justice—

SB 536—A bill to be entitled An act relating to elections; amending s. 98.015, F.S.; requiring that a supervisor of elections in each county be elected in a nonpartisan election; amending s. 101.151, F.S.; deleting a provision requiring that the title "supervisor of elections" and the names of candidates running for such office appear under the heading entitled "County" on election ballots; amending s. 105.031, F.S.; requiring that candidates for the office of supervisor of elections pay a specified qualifying fee, subscribe to an oath, and file certain items with the supervisor of elections before the end of the qualifying period; amending s. 105.035, F.S.; including candidates for the office of supervisor of elections among the list of candidates who may qualify for election by a specified petition process; amending s. 105.041, F.S.; requiring that space be made available on a general election ballot for an elector to write in the name of a write-in candidate for the office of supervisor of elections if such candidate has qualified as a write-in candidate pursuant to state law; amending s. 105.051, F.S.; prohibiting the name of an unopposed candidate for the office of supervisor of elections from appearing on any ballot; amending s. 105.061, F.S.; requiring that the election of a supervisor of elections be by vote of the qualified electors of a county; amending s. 105.08, F.S.; limiting the contributions that may be accepted and the expenses that may be incurred by a candidate for the office of supervisor of elections; requiring such candidates to keep an accurate record of such contributions and expenses; requiring that such information be reported in accordance with state law; amending s. 105.09, F.S.; prohibiting a political party or partisan political organization from endorsing, supporting, or assisting any candidate in a campaign for election to the office of supervisor of elections; providing that it is a second-degree misdemeanor to knowingly commit such acts; providing an effective date.

—was referred to the Committees on Ethics and Elections; Community Affairs; Transportation and Economic Development Appropriations; and Rules.

By Senator Baker—

SB 538—A bill to be entitled An act relating to firefighters and municipal police officers; amending s. 175.032, F.S.; revising the definition of the term "creditable service" for purposes of determining credit for prior service as a firefighter; revising the definition of the term "firefighter"; amending s. 175.061, F.S.; authorizing the terms of office for the board of trustees of the firefighters' pension trust fund to be revised under certain circumstances; authorizing the firefighters' pension trust fund plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 175.071, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the firefighters' pension trust fund that the board of trustees may invest in foreign securities on a market-value basis; authorizing certain individuals to sign drafts issued upon the firefighters' pension trust fund; amending s. 175.101, F.S.; clarifying boundaries of a special fire control district for purposes of assessment and imposition of the excise tax on property insurance premiums; amending s. 175.171, F.S.; authorizing retired firefighters to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; amending s. 175.361, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; amending s. 185.02, F.S.; revising the definition of the term "creditable service" for purposes of determining credit for prior service as a police officer; amending s. 185.03, F.S.; providing that a municipality that has entered into an interlocal agreement to provide police protection services to another incorporated municipality, in its entirety, is eligible to receive the premium taxes reported for the other municipality under certain circumstances; authorizing the municipality receiving the police protection services to enact an ordinance levying a tax as provided by law; amending s. 185.05, F.S.; revising municipal police officers' retirement trust fund board of trustee selection procedures; authorizing the terms of office for the board of trustees of the municipal police officers' retirement trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 185.06, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the municipal police officers' retirement trust fund that the board of trustees may invest in foreign securities on a market-value basis; authorizing certain individuals to sign drafts issued upon the municipal police officers' retirement trust fund; amending s. 185.08, F.S.; authorizing certain municipalities to assess and impose the excise tax on casualty insurance premiums to receive certain police protection services; providing for distribution of premium tax proceeds; amending s. 185.161, F.S.; authorizing retired police officers to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; amending s. 185.37, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 540—A bill to be entitled An act relating to health care representatives; amending s. 765.101, F.S.; defining the terms "health care," "health care representative," and "health information" for purposes of ch. 765, F.S.; revising definitions to conform to changes made by the act; amending s. 765.102, F.S.; revising legislative intent provisions to remove references to incapacity of a principal; amending s. 765.103, F.S.; revising the date for confirming the validity of advanced directives validly made under prior law; amending s. 765.104, F.S.; conforming provisions to changes made by the act; amending s. 765.105, F.S.; conforming provisions to changes made by the act; providing for expedited judicial intervention upon belief that a health care representative has not kept the principal reasonably informed of matters that he or she has performed on behalf of the principal under specified provisions; amending ss. 765.109, 765.1103, 765.1105, and 765.113, F.S.; conforming provisions to changes made by the act; amending s. 765.202, F.S.; revising provisions relating to the designation of health care surrogates; amending s. 765.203, F.S.; conforming provisions to changes made by the act; amending s. 765.204, F.S.; conforming provisions to changes made by the act; deleting references to medical powers of attorney; conforming a cross-reference to changes made by the act; amending s. 765.205, F.S.; conforming provisions to changes made by the act; creating s. 765.251, F.S.; providing a short title; creating s. 765.252, F.S.; providing for designation of a health care representative; providing for execution of a designation; providing for an alternate representative; providing for a designation of a separate health care representative to consent to mental health treatment in certain circumstances; providing for the effective date of a designation; providing that a written designation creates a rebuttable presumption of clear and convincing evidence of the principal's designation; creating s. 765.253, F.S.; providing a suggested form for designation of a health care representative; creating s. 765.254, F.S.; providing that the designation of a health care representative is not affected by a principal's subsequent incapacity; creating s. 765.255, F.S.; specifying the responsibilities of a health care representative; providing that the authority of a health care representative is not terminated upon the appointment of a guardian for a principal unless so ordered by a guardianship court; amending ss. 765.304, 765.305, 765.401, 765.512,

765.522, 744.3115, and 872.04, F.S.; conforming provisions to changes made by the act; amending ss. 394.4598 and 406.11, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Health Regulation; and Judiciary.

By Senators Fasano and Gaetz—

SB 542—A bill to be entitled An act relating to efficiency in procurement and contracting; creating s. 287.0575, F.S.; establishing the Advisory Committee on State Procurement for the purpose of evaluating the state procurement process and carrying out the legislative policy created under the act; providing policy of the Legislature with respect to the procurement of goods, services, and facilities by the state; providing for membership and organization of the committee; providing duties of the committee; providing powers of the committee; requiring state agency cooperation with the committee; requiring reports of the committee; providing for termination of the committee; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Sobel—

SB 544—A bill to be entitled An act relating to class size; amending s. 1003.01, F.S.; redefining the term "extracurricular courses"; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Sobel—

SB 546—A bill to be entitled An act relating to tanning facilities; amending s. 381.89, F.S.; requiring the parent or legal guardian of a minor to sign a written statement before the minor is allowed to use a tanning device; providing requirements for the written statement; revising the age at which a minor is allowed to use a tanning device; prohibiting a minor younger than a certain age from using a tanning device at a tanning facility; deleting provisions authorizing the use of a tanning device by certain minors if accompanied by a parent or legal guardian; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Sobel—

SJR 548—A joint resolution proposing an amendment to Section 12 of Article IV of the State Constitution to redesignate the Department of Elderly Affairs as the Department of Elder Affairs.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Health and Human Services Appropriations; and Rules.

By Senators Aronberg and Lynn—

SB 550—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.111, F.S.; authorizing additional persons to purchase credit for prior military wartime service; revising the payroll contribution rates for the membership classes of the system; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 552—A bill to be entitled An act relating to the use of pancreatic enzyme prescription supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use pancreatic enzyme prescription supplements under certain circumstances; requiring the State Board of Education to adopt rules; providing for indemnification; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

By Senator Dean—

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

—was referred to the Committees on Higher Education; Criminal Justice; and Higher Education Appropriations.

By Senators Gaetz, Bennett, Detert, Dean, Wise, Smith, Fasano, Altman, Siplin, Garcia, Pruitt, Lawson, Haridopolos, Lynn, and Baker—

SB 556—A bill to be entitled An act relating to the Medicaid program; amending s. 409.911, F.S.; requiring the Agency for Health Care Administration to make and submit recommendations to the Governor and the Legislature regarding the financing of and distribution of funds for the low-income pool plan and the disproportionate share program; abolishing the Medicaid Low-Income Pool Council; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 558—A bill to be entitled An act relating to insurance coverage for prescription drugs; prohibiting health insurance policies or contracts for a health care service plan from limiting, reducing, or denying coverage for a prescription drug under certain circumstances; providing that the act does not prohibit an insurer from making uniform changes in its benefit design or increasing cost-sharing obligations for a prescription drug due to an increase in price; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 560—A bill to be entitled An act relating to construction bonds; amending s. 255.05, F.S.; requiring a surety to record in the public records a payment bond for a public works construction project; requiring that the bond number be stated on the first page of a bond; prohibiting the issuing authority for a building permit or a private provider providing inspection services from inspecting certain improvements until the filing of a payment bond or statement that the contract is exempt from the requirements for a payment bond; requiring the clerk of court to serve a notice of contest of lien; amending s. 713.13, F.S.; revising the date on which a notice of commencement expires; revising the form of a notice of commencement; requiring the posting of a payment bond on a job site; replacing the warning to owner on the notice of commencement with a notice to subcontractors; amending s. 713.135, F.S.; revising the warning to the owner which is printed on permit cards; deleting a re-

quirement for filing a notice of commencement before certain inspections; revising the warning to the owner which is provided on a building permit form; creating s. 713.137, F.S.; prohibiting the issuing authority of a building permit or a private provider providing inspection services from inspecting an improvement until documents relating to the notice of commencement and payment bond have been filed; providing exceptions; amending s. 713.16, F.S.; authorizing a lienor who submits or mails a claim of lien to the clerk for recording to make certain demands for certain written statements of an owner; amending s. 713.18, F.S.; providing additional methods by which instruments may be served by mail; amending s. 713.22, F.S.; requiring the clerk of court to serve a notice of contest of lien; amending s. 713.23, F.S.; requiring the clerk of court to serve a notice of contest of nonpayment; conforming cross-references; amending s. 713.24, F.S.; requiring the clerk of court to serve a copy of the certificate showing the transfer of a lien and a copy of the bond if the lien is transferred to a bond; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 562—A bill to be entitled An act relating to travel buying clubs and travel buying services; amending s. 559.3903, F.S.; authorizing a person who has elected to become a member of a travel buying club or travel buying service to cancel the membership within a specified period; requiring the travel buying club or travel buying service to hold in escrow the membership fee paid by the person until the end of the cancellation period; amending s. 559.3904, F.S.; requiring that every contract for a travel buying club or travel buying service be in writing, be signed by the member, designate the date on which the member signed the contract, and state, clearly and conspicuously in boldfaced type, specified information regarding cancellation of the contract; amending s. 559.3905, F.S.; requiring each buying club, travel buying club, or travel buying service to disclose to each prospective member in writing, before signing a contract for buying services all complaints filed with the Department of Agriculture and Consumer Services and the Department of Legal Affairs; amending s. 559.927, F.S.; redefining the term "seller of travel" for purposes of part XI of ch. 559, F.S., to include travel buying clubs and travel buying services; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce; Judiciary; and General Government Appropriations.

By Senators Haridopolos, Gaetz, Oelrich, and Dean—

SB 564—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senators Haridopolos, Oelrich, Gaetz, and Dean—

SJR 566—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 568—A bill to be entitled An act relating to Medicaid; expressing the legislative intent to revise laws relating to Medicaid; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 570—A bill to be entitled An act relating to the regulation of health care facilities and services; expressing the legislative intent to revise laws relating to the regulation of health care facilities and services; providing an effective date.

—was referred to the Committees on Health Regulation; Health and Human Services Appropriations; and Rules.

By Senator Gaetz—

SB 572—A bill to be entitled An act relating to the regulation of health care practitioners; expressing the legislative intent to revise laws relating to the regulation of health care practitioners; providing an effective date.

—was referred to the Committees on Health Regulation; Health and Human Services Appropriations; and Rules.

By Senator Gaetz—

SB 574—A bill to be entitled An act relating to health care; expressing the legislative intent to revise laws relating to health care; providing an effective date.

—was referred to the Committees on Health Regulation; Health and Human Services Appropriations; and Rules.

By Senator Gaetz—

SB 576—A bill to be entitled An act relating to health insurance; expressing the legislative intent to revise laws relating to health insurance; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; Health and Human Services Appropriations; and Rules.

By Senator Gaetz—

SB 578—A bill to be entitled An act relating to public health; expressing the legislative intent to revise laws relating to public health; providing an effective date.

—was referred to the Committees on Health Regulation; Health and Human Services Appropriations; and Rules.

By Senators Haridopolos, Gaetz, and Altman—

SB 580—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; requiring that the challenger of an impact fee prove certain elements by a preponderance of the evidence; prohibiting a court from using a deferential standard that favors either party to such an action; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Baker—

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

—was referred to the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Gaetz—

SB 584—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to revise laws relating to an exemption from requirements for public records and meetings; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; Health and Human Services Appropriations; and Rules.

By Senator Gaetz—

SB 586—A bill to be entitled An act relating to the Agency for Health Care Administration; expressing the legislative intent to revise laws relating to the Agency for Health Care Administration; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; Health and Human Services Appropriations; and Rules.

By Senator Gaetz—

SB 588—A bill to be entitled An act relating to the Department of Health; expressing the legislative intent to revise laws relating to the Department of Health; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; Health and Human Services Appropriations; and Rules.

By Senator Wise—

SB 590—A bill to be entitled An act relating to termination of pregnancy; amending s. 390.01114, F.S.; prohibiting a nonresident minor from petitioning a circuit court in this state for judicial waiver of notice of termination of pregnancy; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Constantine—

SB 592—A bill to be entitled An act relating to automated external defibrillators; requiring public schools to have an automated external defibrillator on school grounds; encouraging public and private partnerships to assist with the cost of the defibrillators; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; Judiciary; and Education Pre-K - 12 Appropriations.

By Senator Aronberg—

SB 594—A bill to be entitled An act relating to the state budget; creating s. 216.352, F.S.; providing a short title; providing legislative intent; providing definitions; requiring the Office of Policy and Budget in the Executive Office of the Governor to create a searchable budget data website; specifying factors to be used to search the website; requiring the office to establish the website by a certain date; requiring state agencies to provide data; requiring the website to be updated annually; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Rich and Altman—

SB 596—A bill to be entitled An act relating to residential tenancies; creating s. 83.683, F.S.; providing definitions; prohibiting landlords from discriminating against or retaliating against victims of domestic violence, dating violence, repeat violence, or sexual violence; authorizing certain victims to terminate a rental agreement before the end of the rental period; limiting damages for early termination; requiring a landlord to change a lock or authorize the tenant to change a lock under certain circumstances; requiring the tenant to bear the cost of changing a lock; requiring that the tenant provide a key to a changed lock to the landlord; prohibiting a landlord from providing access to a dwelling unit to a tenant who has been excluded from the dwelling unit by court order; providing a landlord with immunity for certain actions; prohibiting waiver of certain statutory rights; providing for application; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Baker—

SB 598—A bill to be entitled An act relating to funds for the operation of schools; amending s. 1011.62, F.S.; revising provisions relating to the computation of the statewide adjusted aggregate amount for the required local effort millage rate of each school district; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 600—A bill to be entitled An act relating to the optional retirement program in the State University System; amending s. 121.35, F.S.; revising provisions relating to provider contracts that provide benefits to program participants; increasing the number of companies that may provide contracts from five to seven; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 602—A bill to be entitled An act relating to prekindergarten education; amending s. 1002.65, F.S.; providing legislative findings; requiring that prekindergarten instructors meet certain educational goals by a specified period; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Fasano and Joyner—

SB 604—A bill to be entitled An act relating to confidential informants; providing a short title; providing legislative intent; defining

terms; prohibiting a law enforcement agency from selecting certain specified persons to act as confidential informants; providing exceptions; requiring that any agreement between a law enforcement agency and a confidential informant be reduced to writing and signed by certain designated parties; requiring a law enforcement agency to notify the confidential informant of his or her right to legal counsel before executing an assistance agreement; requiring recordkeeping; providing requirements for the proper use of confidential informants; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senators Wise and Fasano—

SB 606—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; revising provisions relating to the transfer of benefits received from the Florida Prepaid College Program to private and out-of-state colleges and universities and to career centers; amending s. 744.1083, F.S., relating to professional guardians; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By Senator Lynn—

SB 608—A bill to be entitled An act relating to driver's license restrictions; amending s. 322.16, F.S.; restricting the number of passengers under the age of 18 permitted in a vehicle operated by a person under the age of 18 unless accompanied by a driver at least 21 years of age; providing exceptions; providing for secondary enforcement; providing penalties; providing for applicability; amending s. 318.14, F.S.; providing citation procedures for violation of such restrictions; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senator Wise—

SB 610—A bill to be entitled An act relating to the Florida Schools of Excellence; amending s. 1002.335, F.S.; revising legislative findings and intent; providing the purpose of the Florida Schools of Excellence Commission; providing that the commission may authorize new sources of community support to participate as cosponsors in developing and supporting charter schools; deleting obsolete provisions; authorizing the commission to meet by teleconference; revising the powers and duties of the commission; revising the application requirements to sponsor a Florida School of Excellence (FSE) charter school; providing requirements under which the commission may sponsor a conversion charter school and a FSE charter school; deleting provisions that authorize a school board to retain exclusive authority to authorize charter schools; deleting provisions that authorize a party to challenge the grant of a school board's exclusive authority to authorize a charter school; conforming provisions to changes made by the act; specifying the number of charter schools that a cosponsor may approve; revising requirements of the cosponsor agreement; authorizing a cosponsor to approve certain charter schools; authorizing a charter school's governing body to seek permanent commission sponsorship under certain circumstances; authorizing the commission to consider certain application review criteria when reviewing a charter school application; revising the application requirements of existing charter schools; requiring the Department of Education to provide mediation services when the district school board and conversion charter school cannot agree on terms for the continued use of the conversion charter school's assets by the conversion charter school; requiring that the district school board and the conversion charter school submit to binding arbitration if a settlement cannot be reached through mediation; providing additional criteria for charter contracts; providing terms of the charter contracts; providing circumstances under which a charter contract is terminated or when new applications are solicited to assume the charter contract; providing that an employee of a charter school is an eligible employee pursuant to s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; prohibiting charter school employees from participating in the Florida Retirement System; revising the funding for charter schools; requiring that the State Board of Education adopt rules approved by the commission; creating s. 1002.337, F.S.; requiring school districts to make timely and efficient payment and reimbursement of funding to the commission; requiring the Department of Education to distribute certain funds; requiring the distribution of funds by the commission and the cosponsors; authorizing the commission or the cosponsor to retain a certain amount of the funds to ensure compliance by the charter schools; requiring that funds payable to the commission and the cosponsors be deposited in an approved depository; providing that a school district is not required to offer special instruction, facilities, or services to students enrolled in a FSE charter school; authorizing FSE charter schools to contract for certain functions and services; prohibiting FSE charter schools from offering special instruction, facilities, or services to certain students with disabilities; requiring FSE charter school applicants to explain how they will provide certain services; requiring the charter agreement to specify that the board of directors for the charter school is required to post a bond; authorizing certain students who are enrolled in a FSE charter school to participate in the John M. McKay Scholarships for Students with Disabilities Program; requiring the department to transfer funds from the commission's and cosponsors' total funding entitlement to a separate account for the scholarship program; authorizing the commission to establish a direct-support organization; providing criteria for the direct-support organization; authorizing the commission to allow the use of property, facilities, and personal services by the direct-support organization; authorizing the commission, cosponsors, and charter schools to enter into risk-management and self-insurance programs or to purchase liability insurance; requiring the State Board of Education to adopt rules; providing for severability; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; Judiciary; and Education Pre-K - 12 Appropriations.

By Senator Aronberg—

SB 612—A bill to be entitled An act relating to public records; creating s. 893.0551, F.S.; exempting from public-records requirements information and records reported to the Department of Health under the electronic system for monitoring the dispensing of certain controlled substances; authorizing certain persons and entities access to information; providing guidelines for the use of such information and criminal penalties for violations; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; Governmental Oversight and Accountability; and Rules.

By Senator Aronberg—

SB 614—A bill to be entitled An act relating to monitoring the dispensing of controlled substances; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic system to monitor the dispensing of certain controlled substances and to collect biometric identifiers of recipients; requiring health care practitioners and pharmacies who dispense certain controlled substances to have an active and operational biometric scanning device connected to a database and to submit specified information to the database before dispensing such substances; requiring the database to assign a unique identifier to each prescription and to provide specified information concerning any conflicting or overlapping prescriptions to the prescribing practitioner; providing exceptions to reporting requirements; requiring that data be submitted in an approved electronic format; providing for data retention; requiring that data transmissions comply with privacy and security laws; providing for rulemaking concerning data to be reported and for reporting formats; providing criminal penalties for violations; specifying an effective date for criminal penalties; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Haridopolos—

SB 616—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; revising exceptions to the requirement that certain public projects be competitively awarded; defining the term "maintenance"; prohibiting an exception if the local government contributed to a delay in funding or awarding a project; requiring a local government to support a decision to perform a project with its own employees and to make a factual finding that the project cost will be the same or less than the lowest bid; providing additional exceptions for projects related to public-use airports, certain ports, and certain public transit systems; authorizing a project to be awarded to a contractor that maintains a local presence under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Altman—

SB 618—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "fractional aircraft ownership program"; amending s. 212.08, F.S.; providing tax exemptions on the sale or use of aircraft primarily used in a fractional aircraft ownership program and for the parts and labor used in the maintenance, repair, and overhaul of such aircraft; creating s. 212.0597, F.S.; providing a maximum tax on the sale or use of fractional aircraft ownership interests; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 620—A bill to be entitled An act relating to health facilities; amending s. 154.205, F.S.; redefining the term "health facility" for the purpose of allowing additional types of health facilities to receive assistance from a health facilities authority; providing an effective date.

—was referred to the Committees on Health Regulation; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 622—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing the Board of Trustees of Santa Fe College to establish a transportation fee; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By Senator Fasano—

SB 624—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement officer or correctional officer is entitled to specified rights if the officer is subject to suspension in a disciplinary proceeding; providing that a law enforcement officer or correctional officer is entitled to review witness statements by other officers and other evidence before the officer under investigation is interrogated; providing that an investigation is void if the law enforcement agency or correctional agency violates the disciplinary procedures set forth in law; amending s. 112.533, F.S.; authorizing a law enforcement officer or correctional officer who is subject to an investigation, and the officer's legal counsel, to review specified documents and recordings before the investigative interview; amending s. 112.534, F.S.; providing remedies to the officer if an agency fails to comply with disciplinary procedures; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Fasano—

SB 626—A bill to be entitled An act relating to patient lifting and handling practices; creating s. 381.029, F.S.; providing a definition; requiring hospitals to establish a policy concerning the lifting and handling of patients by hospital employees; requiring a committee to develop the policy; providing for membership and duties of the committee; requiring continuing evaluation of the policy; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senators Lynn and Oelrich—

SB 628—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring that the office establish the initial effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Bennett—

SB 630—A bill to be entitled An act relating to impact fees; providing for a 3-year moratorium on the imposition or collection of impact fees by a county or municipality; providing for future expiration of the moratorium; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dockery—

SB 632—A bill to be entitled An act relating to voting conflicts; providing a short title; amending s. 112.3143, F.S.; providing an exception to provisions relating to voting conflicts, to conform to changes made by the act; creating s. 112.31435, F.S.; providing definitions; prohibiting a member of the Legislature from voting upon or participating in any legislation inuring to the personal gain or loss of the member or his or her relative; prohibiting a member of the Legislature from participating in any legislation inuring to the personal gain or loss of a business associate, employer, board on which the member sits, principal by whom the member is retained, or parent corporation or subsidiary of such principal; requiring that a member disclose all such interests to the applicable legislative body or committee before such legislation is considered; requiring that the member disclose the specific nature of any such interests within a specified period after the date on which a vote on the legislation occurs; requiring that such disclosure be made by written memorandum and filed with the Secretary of the Senate or the Clerk of the House of Representatives; requiring that the memorandum be displayed in the journal of the house of which the legislator is a member; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Accountability; Judiciary; and Rules.

By Senator Gaetz—

SB 634—A bill to be entitled An act relating to the Florida Research Commercialization Matching Grant Program; creating s. 288.9552, F.S.; providing legislative findings and intent; creating the program; designating an existing committee, or subcommittee thereof, within Enterprise Florida, Inc., for certain purposes; providing for committee

members to serve without compensation; providing a deadline for processing applications; requiring reports to the Governor and Legislature; providing eligibility guidelines for applicants; providing for a program administrator; providing responsibilities of the program administrator; providing for program administrative costs; designating a fiduciary entity; specifying eligibility requirements; providing for awards; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the matching grant program; requiring the office to submit a report of its findings and recommendations to the Governor and the Legislature; providing appropriations; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 636—A bill to be entitled An act relating to public records; creating s. 925.131, F.S.; providing definitions; providing an exemption from the public-records law for investigative or crime scene photographs or video recordings of a deceased person, a part of a deceased person, or any part of a person's extreme, severe, or acute injuries held by a law enforcement agency; providing exceptions for certain relatives, injured persons, or their designees; permitting a local or county governmental entity, or a state or federal agency, in furtherance of its official duties, to access such records pursuant to a written request to the law enforcement agency in possession of such records; permitting a court, upon a showing of good cause, to authorize any person to view or copy such a record and impose any restrictions or stipulations that it deems appropriate; requiring notice of such a proceeding, a copy of the petition, and notice of the opportunity to be present and heard at any hearing to be provided to an injured person or to specified relatives of a deceased person; requiring that the viewing, copying, or other handling of such a record be under the direct supervision of the custodian of the record or his or her designee; providing criminal penalties for violations of statute or court order; exempting specified proceedings; permitting a judge or other presiding officer in a criminal, civil, or administrative proceeding upon good cause shown to restrict or otherwise control the disclosure of such a record; providing for future legislative review and repeal; providing a finding of public necessity; providing for retroactive effect; providing a contingent effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

By Senator Dean—

SB 638—A bill to be entitled An act relating to use of law enforcement photographs or video recordings; creating s. 925.13, F.S.; prohibiting the commercial use or distribution of law enforcement photographs or video recordings of a deceased person or that show a person's extreme, severe, or acute injuries, which photographs or recordings are confidential and exempt from the public-records laws; providing that such photographs and video recordings remain confidential and exempt from the public-records laws when used or transmitted under certain circumstances; providing criminal penalties; providing that these provisions do not prohibit constitutionally protected acts; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Garcia—

SB 640—A bill to be entitled An act relating to the false impersonation of a law enforcement officer or other person; amending s. 316.2397, F.S., relating to unlawfully showing or displaying certain lights; providing that the unlawful display of blue lights is a misdemeanor of the first degree; amending s. 843.08, F.S., relating to falsely impersonating an officer; subdividing penalty provisions for the purpose of referencing such provisions; amending s. 843.081, F.S.; providing that the unlawful use of flashing or rotating blue lights is a felony of the third degree rather than a misdemeanor of the first degree; amending s. 843.085, F.S., relating to the unlawful use of police badges or other indicia of authority; providing that unlawfully wearing, displaying, selling, transferring, or giving away specified indicia of authority of a criminal justice agency, or unlawfully owning or operating a motor vehicle marked with such indicia, is a felony of the third degree rather than a misdemeanor of the first degree; clarifying that the intent to mislead is an element of unlawfully wearing or displaying specified indicia of authority of a criminal justice agency; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking violations of ss. 843.08, 843.081, 843.085, and 843.0855, F.S., within the chart; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Altman—

SB 642—A bill to be entitled An act relating to programs for autism and related disabilities; amending ss. 320.08056 and 320.08058, F.S.; creating an Autism license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to the Autism License Plate Fund; amending s. 322.08, F.S.; requiring the application form for a driver's license or duplicate thereof to include language permitting a voluntary contribution to the Autism License Plate Fund; providing an effective date.

—was referred to the Committees on Transportation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Fasano—

SB 644—A bill to be entitled An act relating to veterans; amending s. 295.16, F.S.; revising an exemption from license or permit fees required for improvements to a dwelling owned by a disabled veteran if the improvements are for the purpose of making the dwelling safe; removing a provision limiting the exemption to veterans confined to wheelchairs; amending s. 320.089, F.S.; deleting the monetary limitation on the amount of general revenue deposited into the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs; amending s. 1009.27, F.S.; authorizing an eligible student who receives benefits as a veteran who served on active duty in the Armed Forces after September 11, 2001, to defer college tuition and fees under certain circumstances; providing effective dates.

—was referred to the Committees on Military Affairs and Domestic Security; Community Affairs; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 646—A bill to be entitled An act relating to residential foreclosure proceedings; amending s. 501.1377, F.S.; excluding from the definition of the term "foreclosure-rescue consultant" a person or entity employed or engaged, directly or indirectly, by the holder of an obligation or lien on any residential real property in foreclosure, an attorney in the course of the practice of law, and title insurers and title agents and agencies that are licensed or admitted under the Florida Insurance Code and providing limited services; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Fasano—

SB 648—A bill to be entitled An act relating to public records and meetings; amending s. 430.82, F.S.; providing an exemption from public-records requirements for information concerning certain donors and prospective donors to the direct-support organization of the Department of Elderly Affairs; providing an exemption from public-meetings requirements for portions of meetings of the direct-support organization at which the identity of donors and prospective donors is discussed; providing for future legislative review and repeal of the exemption under

the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

By Senator Garcia—

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

—was referred to the Committees on Transportation; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Crist—

SB 652—A bill to be entitled An act relating to fraudulently taking or using a credit card; amending s. 817.60, F.S.; providing that a person who takes a credit card from the possession, custody, or control of another without the cardholder's consent or who, with the knowledge that it has been taken, receives the credit card with the intent to use it, to sell it, or to transfer it to a person other than the issuer or the cardholder commits a felony of the third degree; providing increased criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Dean—

SB 654—A bill to be entitled An act relating to juvenile justice; amending s. 985.0301, F.S.; authorizing a court to retain jurisdiction over a child and the child's parent or guardian until the costs, fees, and costs associated with court-appointed counsel are satisfied; providing intent; creating s. 985.031, F.S.; authorizing the court to set reasonable conditions of preadjudicatory release for children charged with specified acts or who have previously been charged with or committed delinquent acts; providing examples of such conditions; amending s. 985.101, F.S.; permitting a child to be taken into custody for violations of preadjudicatory release conditions; amending s. 985.24, F.S.; providing an additional finding to support the use of secure, nonsecure, or home detention care; amending s. 985.245, F.S.; providing that placement in detention care under a specified provision does not require a risk assessment; amending s. 985.25, F.S.; providing additional grounds for placement of a child in secure detention care; amending s. 985.255, F.S.; providing for continuing home or nonsecure or home detention care or secure detention care before a detention hearing in certain circumstances; amending s. 985.26, F.S.; requiring that a child who has been released to comply with preadjudicatory release conditions; providing that certain time limits do not apply to secure detention under specified provisions; amending s. 985.265, F.S.; specifying circumstances that permit the Department of Juvenile Justice to transfer a child from home or nonsecure or home detention care to secure detention care; amending s. 985.27, F.S.; revising provisions relating to the child's placement in detention care; specifying circumstances under which a child who is awaiting placement in a moderate-risk residential program may be held in secure detention care; revising time limits on such detention care; providing for secure detention care in specified circumstances; creating s. 985.28, F.S.; providing for preadjudicatory secure detention of a child under specified circumstances; permitting a parent or guardian of a child to be held in contempt of court if he or she knowingly and willfully fails to bring or otherwise prevents the child from appearing for trial; amending s. 985.35, F.S.; conforming a cross-reference; amending s. 985.43, F.S.; conforming a cross-reference; providing a legislative declaration concerning the court's determination of whether to commit a juvenile to the department and the most appropriate placement level; amending s. 985.433, F.S.; revising provisions relating to recommendations by probation officers to the court concerning placement and the proposed treatment plan of juveniles; specifying that the court has the power to determine appropriate dispositions; requiring that reasons for a disposition be stated for the record; requiring the department to maintain certain related data; amending s. 985.439, F.S.; permitting a child to be detained in a facility other than a consequence unit if one is not available; creating s. 938.20, F.S.; permitting each county to create a juvenile crime prevention fund; providing for an additional court cost; providing for administration and use of funds; amending s. 790.22, F.S.; conforming a cross-reference; providing that the act fulfills an important state interest; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senators Dean and Oelrich—

SB 656—A bill to be entitled An act relating to enterprise zones; creating s. 290.0078, F.S.; authorizing the City of Lake City and Columbia County to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within a specified area; providing an application deadline; limiting the size of the enterprise zone; requiring that the office establish the initial effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Baker—

SB 658—A bill to be entitled An act relating to the sale and delivery of firearms; amending s. 790.065, F.S.; requiring a review of the provisions relating to the sale of firearms before a fee for processing a criminal history check on purchasers may be increased; deleting a future repeal; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Senator Justice—

SB 660—A bill to be entitled An act relating to automatic renewal of service contracts; providing definitions; requiring persons, firms, or corporations that sell services to consumers pursuant to certain contracts to disclose automatic renewal provisions; providing disclosure requirements; providing exceptions to the disclosure requirements; providing that certain violations will render an automatic renewal provision void and unenforceable; providing applicability; providing an effective date.

—was referred to the Committees on Commerce; Banking and Insurance; and Judiciary.

SR 662—Not referenced.

By Senator Sobel—

SB 664—A bill to be entitled An act relating to condominiums; amending s. 718.1085, F.S.; extending until 2016 a provision prohibiting local authorities having jurisdiction from requiring the retrofitting of condominium common areas with handrails and guardrails; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Banking and Insurance.

By Senator Rich—

SB 666—A bill to be entitled An act relating to senior services; providing definitions; authorizing a county to create an independent special district by ordinance to provide funding for services for seniors; requiring approval by a majority vote of electors to annually levy ad valorem taxes; requiring the district to comply with statutory requirements related to the filing of financial or compliance reports; providing for the dissolution of the district; creating a governing council for the district; specifying

criteria for membership to the council; providing terms of office; requiring the council to serve without compensation; specifying the powers and functions of the council; requiring the council to appoint a chair and vice chair and elect other officers, identify and assess the needs of seniors, provide training and orientation to new members of the council, make and adopt bylaws and rules for the council's operation and governance, and provide an annual report to the county governing body; requiring the council to maintain minutes of each meeting; authorizing two or more councils to enter into cooperative agreements; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council by the county tax collector and be deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file quarterly financial reports to the county governing body; authorizing the county governing body to fund the budget of the council from its own funds after or during the council's first year of operation; prohibiting the council from requiring certain matching funds; providing legislative intent with respect to the use of funds collected by the council; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Community Affairs; Children, Families, and Elder Affairs; Finance and Tax; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Hill—

SB 668—A bill to be entitled An act relating to pardons; creating the "Rosa Parks Act"; creating s. 940.035, F.S.; encouraging the Board of Executive Clemency to grant a full pardon to a person convicted of protesting or challenging a state law or local government ordinance the purpose of which was to maintain racial segregation of or racial discrimination against individuals; providing application procedures; requiring the Parole Commission to notify the state attorney of the circuit where the violation occurred; requiring that the pardon be granted unless the state attorney files an objection with the commission on the grounds that the conviction did not result from a violation of a law or ordinance the purpose of which was to maintain racial segregation of or racial discrimination against individuals; requiring a hearing if the state attorney files an objection; providing that a person who receives a full pardon under the act is not required to disclose the fact of the conviction or any record or matter relating to the conviction; amending s. 940.05, F.S.; providing that a person convicted of protesting or challenging laws or ordinances the purpose of which was to maintain racial segregation of or racial discrimination against individuals is entitled to the restoration of all rights of citizenship enjoyed by the person before the conviction if the person has received a full pardon from the Board of Executive Clemency; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Sobel—

SB 670—A bill to be entitled An act relating to women's health; requiring the Department of Health to create a pilot program in Pasco, Duval, Broward, and Miami-Dade Counties to provide health screening for certain women; prescribing services; requiring periodic assessment of participants in the program; requiring the department to submit a report to the Legislature; providing for expiration of the program; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Pruitt—

SB 672—A bill to be entitled An act relating to road designations; designating the Stan Mayfield Memorial Highway in Indian River and Osceola Counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Constantine—

SB 674—A bill to be entitled An act relating to construction contracting; amending s. 489.128, F.S.; providing that an individual or business organization may not be considered unlicensed for failure to have a required local jurisdiction license; providing for retroactive application; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Judiciary.

By Senator Dockery—

SB 676—A bill to be entitled An act relating to community supervision; expressing the legislative intent to revise laws relating to community supervision; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Senator Dockery—

SB 678—A bill to be entitled An act relating to criminal penalties; expressing the legislative intent to revise laws relating to criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Senator Dockery—

SB 680—A bill to be entitled An act relating to the death penalty; expressing the legislative intent to revise laws relating to the death penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Fasano—

SB 682—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; deleting a requirement that the department use professional testing services for the development, preparation, and evaluation of examinations under certain circumstances; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Jones—

SB 684—A bill to be entitled An act relating to arcade amusement centers; expressing the legislative intent to revise laws relating to arcade amusement centers; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce; General Government Appropriations; and Rules.

By Senator Jones—

SB 686—A bill to be entitled An act relating to construction contracting; expressing the legislative intent to revise laws relating to construction contracting; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; General Government Appropriations; and Rules.

By Senator Hill—

SB 688—A bill to be entitled An act relating to Juneteenth Independence Day; amending s. 683.21, F.S.; renaming Juneteenth Day as "Juneteenth Independence Day"; requiring the Governor to annually issue a proclamation concerning Juneteenth Independence Day; providing criteria concerning the proclamation's contents; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Judiciary.

By Senator Dockery—

SB 690—A bill to be entitled An act relating to parole; expressing the legislative intent to revise laws relating to parole; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Senator Lynn—

SB 692—A bill to be entitled An act relating to motor vehicles; prohibiting the use of motor vehicles upon certain exposed lake beds; amending s. 375.313, F.S.; providing for enforcement by the Fish and Wildlife Conservation Commission; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Transportation; and General Government Appropriations.

By Senator Jones—

SB 694—A bill to be entitled An act relating to elevator safety; expressing the legislative intent to revise laws relating to elevator safety; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; General Government Appropriations; and Rules.

By Senator Jones—

SB 696—A bill to be entitled An act relating to the construction lien law; expressing the legislative intent to revise laws relating to the construction lien law; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; General Government Appropriations; and Rules.

By Senator Jones—

SB 698—A bill to be entitled An act relating to alcoholic beverages; expressing the legislative intent to revise laws relating to alcoholics beverages; providing an effective date.

—was referred to the Committees on Regulated Industries; General Government Appropriations; and Rules.

By Senator Jones—

SB 700—A bill to be entitled An act relating to community associations; expressing the legislative intent to revise laws relating to community associations; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Judiciary; General Government Appropriations; and Rules.

By Senator Gaetz—

SB 702—A bill to be entitled An act relating to access to health care; amending s. 624.91, F.S.; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; amending s. 636.035, F.S.; specifying certain provider arrangement contract prohibitions or restrictions; prohibiting prepaid limited health service organizations from specifying certain contract continuation or renewal conditions; providing for voiding of certain contracts; specifying absence of liability for certain criminal penalties; amending s. 641.315, F.S.; providing for application to health maintenance organizations of the prohibition against specifying certain contract continuation or renewal conditions; amending s. 766.1116, F.S.; revising time requirements for a health care practitioner's waiver of license renewal fees and continuing education requirements; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Lynn—

SB 704—A bill to be entitled An act relating to the termination of a rental agreement at foreclosure; creating s. 83.577, F.S.; providing legislative intent; prohibiting a landlord from terminating the rental agreement without a specified period of prior notice; requiring a landlord to notify each tenant that foreclosure proceedings have been initiated against the premises of which his or her dwelling unit is a part; requiring that the written notice include specified information; authorizing the tenant to terminate the rental agreement under certain circumstances; requiring the tenant to pay rent so long as the tenant remains in the dwelling unit; if a premises is foreclosed, prohibiting the landlord from terminating a rental agreement before a specified number of days after notifying the tenant that the rental agreement will be terminated; authorizing the tenant to terminate the rental agreement sooner; requiring that the landlord mail the notices to each tenant and conspicuously post the notices on the premises; providing for application of the act; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Dockery—

SB 706—A bill to be entitled An act relating to corrections; expressing the legislative intent to revise laws relating to corrections; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Senator Dockery—

SB 708—A bill to be entitled An act relating to law enforcement; expressing the legislative intent to revise laws relating to law enforcement; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Accountability; Criminal and Civil Justice Appropriations; and Rules.

By Senator Dockery—

SB 710—A bill to be entitled An act relating to juvenile justice; expressing the legislative intent to revise laws relating to juvenile justice; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Senator Pruitt—

SB 712—A bill to be entitled An act relating to the purchase of commodities and contractual services by local governments; amending s. 287.056, F.S.; authorizing special districts, municipalities, and counties to purchase specified commodities and contractual services from purchasing agreements of other special districts, municipalities, or counties; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Jones—

SB 714—A bill to be entitled An act relating to condominium insurance; amending s. 718.111, F.S.; requiring that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal; requiring that such replacement cost be determined at least once within a specified period; providing means by which an association may provide adequate property insurance; authorizing an association to consider deductibles when determining an adequate amount of property insurance; providing that failure to maintain adequate property insurance constitutes a breach of fiduciary duty by the members of the board of directors of an association; revising the procedures for the board to establish the amount of deductibles; requiring that an association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate property insurance to protect the association and certain property; requiring that every property insurance policy issued or renewed on or after a specified date provide certain coverage; excluding certain items from such requirement; providing that excluded items and any insurance thereupon are the responsibility of the unit owner; requiring that condominium unit owner's policies issued after a specified date conform to certain provisions of state law; deleting provisions relating to certain hazard and casualty insurance policies; conforming provisions to changes made by the act; creating s. 627.714, F.S.; requiring that unit owner policies issued or renewed on or after a specified date include at least a minimum amount of loss assessment coverage; requiring that every property insurance policy issued or renewed on or after a specified date to an individual unit owner contain a certain provision; providing an effective date.

—was referred to the Committees on Banking and Insurance; Regulated Industries; and General Government Appropriations.

By Senator Jones—

SB 716—A bill to be entitled An act relating to gambling; expressing the legislative intent to revise laws relating to gambling; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; General Government Appropriations; and Rules.

By Senator King—

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

—was referred to the Committees on Health Regulation; Finance and Tax; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 720—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; providing that a supervising physician may not be required to review and cosign a physician assistant's charts or medical records; deleting certain supervisory physician requirements related to prescribing and dispensing medications noted in appropriate medical records; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

SR 722—Not referenced.

By Senator Bennett—

SB 724—A bill to be entitled An act relating to annuity contracts for senior consumers; creating s. 627.45545, F.S.; providing a short title; providing legislative findings; providing definitions; specifying annuity contract protection criteria for senior consumers; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By Senator Smith—

SB 726—A bill to be entitled An act relating to housing assistance grants; amending s. 420.622, F.S.; authorizing the agencies that provide a local homeless assistance continuum of care to use homeless housing assistance grants, provided by the State Office on Homelessness within the Department of Children and Family Services, to acquire transitional or permanent housing units for homeless persons; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Bennett—

SB 728—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; limiting the imposition of the tax to the amount of certain consideration paid for certain property; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 730—A bill to be entitled An act relating to the Department of Community Affairs; expressing the legislative intent to abolish the Department of Community Affairs and provide for the reorganization of its services among other agencies; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; and Rules.

By Senator Smith—

SB 732—A bill to be entitled An act relating to surplus public funds; amending ss. 17.57 and 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lynn—

SB 734—A bill to be entitled An act relating to identification cards; amending s. 322.051, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue an identification card to any person who surrenders a valid Florida driver's license to the department; providing an effective date.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Garcia—

SB 736—A bill to be entitled An act relating to traffic control; providing for the synchronization of traffic lights by the Department of Transportation and local traffic control authorities; providing for benchmarks and monitoring; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Bennett—

SJR 738—A joint resolution proposing an amendment to Section 9 of Article VII of the State Constitution to provide a limitation on the amount of the combined ad valorem taxes that may be collected on parcels of real property, require the Legislature to provide for distribution of revenues collected in excess of the limitation, and provide exceptions for ad valorem taxes levied for payment of certain bonds.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Aronberg—

SB 740—A bill to be entitled An act relating to summer camp personnel; repealing s. 409.1758, F.S., relating to an exemption from fingerprint requirements for screening purposes which is provided for human resource personnel working at summer camps and other similar facilities; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; and Health and Human Services Appropriations.

By Senators Fasano and Storms—

SB 742—A bill to be entitled An act relating to property insurance; establishing the "Property Insurance Rate Reduction Act"; providing findings; requiring that insurance companies writing property insurance policies in this state consider certain information for the purpose of reducing the risk assumed by such insurers when setting rates; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; and General Government Appropriations.

By Senator Altman—

SB 744—A bill to be entitled An act relating to homestead assessments; amending s. 193.155, F.S.; revising criteria under which transfer of homestead property is not considered a change of ownership; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 746—A bill to be entitled An act relating to direct-support organizations; creating s. 430.82, F.S.; authorizing the Department of Elderly Affairs to create a direct-support organization; providing definitions; providing for appointment of members to the board of directors; providing requirements for membership to the board of directors; requiring the direct-support organization to operate under a contract; providing contract requirements; authorizing the department to use its property, facilities, and personal services for the direct-support organization; requiring the Secretary of Elderly Affairs to approve of any transaction or agreement between the department's direct-support organization and any other direct-support organization; requiring the direct-support organization to submit certain forms from the Internal Revenue Service to the department; requiring the direct-support organization to provide an annual financial audit; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By the Committee on Children, Families, and Elder Affairs—

SB 748—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 125.901(11)(b), F.S., relating to a public-records exemption for personal identifying information held by a children's services council or related entity; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

By the Committee on Children, Families, and Elder Affairs—

SB 750—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 409.25661, F.S., relating to a public-records exemption for insurance claim data exchange information; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

By Senators Richter and Fasano—

SB 752—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include certain millage rates; amending s. 200.065, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations.

By the Committee on Military Affairs and Domestic Security—

SB 754—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S.; clarifying the exemption from public-record requirements which is provided for building plans, blueprints, schematic drawings, and diagrams held by an agency; repealing s. 2, ch. 2004-9, Laws of Florida, relating to provisions that provide for repeal of the exemption; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

By Senator Detert—

SB 756—A bill to be entitled An act relating to education; expressing the legislative intent to revise laws relating to education; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Education Pre-K - 12 Appropriations; and Rules.

By Senator Detert—

SB 758—A bill to be entitled An act relating to education; expressing the legislative intent to revise laws relating to education; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Education Pre-K - 12 Appropriations; and Rules.

By Senator Detert—

SB 760—A bill to be entitled An act relating to education; expressing the legislative intent to revise laws relating to education; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Education Pre-K - 12 Appropriations; and Rules.

By Senator Pruitt—

SB 762—A bill to be entitled An act relating to state university tuition and fees; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.24, F.S.; revising provisions relating to the use of the student financial aid fee; deleting obsolete provisions; revising provisions relating to the establishment of a tuition differential; providing requirements for the assessment and expenditure of a tuition differential; providing requirements for a university board of trustees to submit a proposal to the Board of Governors to implement a tuition differential; requiring the Board of Governors' review and approval of a proposal; requiring the Board of Governors to report specified information annually to the Legislature and the Governor; providing for application; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Pruitt and Fasano—

SB 764—A bill to be entitled An act relating to the production and shipment of wine; creating s. 561.222, F.S.; authorizing the direct shipment of wine into and within this state for personal consumption only; providing legislative intent; requiring licensure of winery shippers by the Division of Alcoholic Beverages and Tobacco; providing license requirements; requiring recipients of a direct shipment of wine to be 21 years of age; requiring proof of age and the signature of a recipient; providing for the payment of taxes, a monthly report, and recordkeeping by winery shippers; providing requirements for common carriers that make deliveries of wine; providing administrative penalties for violations of the act; authorizing the division and the Department of Revenue to adopt rules; amending ss. 561.24, 561.54, 561.545, and 564.045, F.S.; conforming provisions to changes made by the act; amending s. 599.004, F.S.; revising requirements for qualifying as a certified Florida Farm Winery; providing for severability; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Tax; the Policy and Steering Committee on Commerce and Industry; and the Committee on General Government Appropriations.

By Senator Oelrich—

SB 766—A bill to be entitled An act relating to anatomical gifts; amending s. 765.511, F.S.; providing additional definitions; amending s. 765.512, F.S.; conforming terms; amending s. 765.513, F.S.; revising the list of donees that may accept anatomical gifts and the purposes for which such gifts may be used; amending ss. 765.514, 765.515, 765.5155, and 765.51551, F.S.; conforming terms; amending s. 765.516, F.S.; revising provisions relating to a donor's amendment or revocation of an anatomical gift; amending s. 765.517, F.S.; revising provisions relating to a donee's use of an anatomical gift at the time of the donor's death; providing liability protection to the person making a gift and the donor's estate; amending s. 765.521, F.S.; conforming terms; amending s. 765.522, F.S.; providing that the laws of this state govern the interpretation of a valid document of gift, and that a document of gift is presumed to be valid; amending ss. 765.541, 765.542, 765.543, 765.53, 765.544, and 765.545, F.S.; conforming terms; creating s. 765.547, F.S.; requiring medical examiners and procurement organizations to cooperate and maximize opportunities for organ donations; authorizing the Florida Medical Examiners Commission to adopt rules; amending ss. 408.802 and 408.820, F.S.; conforming terms; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Oelrich—

SB 768—A bill to be entitled An act relating to tax credits for research and development; creating s. 220.194, F.S.; providing legislative intent; providing definitions; authorizing certain businesses that incur certain research and development expenses in this state to receive a tax credit against the corporate income tax; specifying the amount of the tax credit; limiting the use of the credit; permitting the carryover of unused tax credits for a specified period; permitting the sale or assignment of unused tax credits, subject to the approval of the Department of Revenue; limiting the total amounts of credits that may be granted and approved annually to a specified amount; requiring an application to receive the credit; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; providing that the tax credit for research and development is credited against the corporate income tax after other specified credits have been exhausted; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 770—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; revising provisions relating to the Department of Elderly Affairs; deleting references to the boards of area agencies on aging; amending s. 430.203, F.S.; requiring that each area agency on aging, rather than the department, develop request for proposals for a community care for the elderly lead agency; prohibiting the Division of Administrative Hearings from hearing disputes relating to the competitive procurement process developed by the area agencies; amending s. 430.2053, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Justice—

SB 772—A bill to be entitled An act relating to credit card rates; defining the terms "cardholder" and "issuer"; prohibiting an issuer of a credit card from including a universal default clause in the issuer's credit card contract or agreement with a cardholder; prohibiting an issuer from increasing the interest rate of a cardholder if the cardholder is late with a payment to another credit card issuer; providing an exception; prohibiting an issuer from increasing the interest rate of a cardholder if the cardholder has incurred additional debt pursuant to a home equity line of credit or home equity loan, but has otherwise continued to make timely payments to the issuer of the credit card; providing an effective date.

—was referred to the Committees on Commerce; Banking and Insurance; and General Government Appropriations.

By Senator Justice—

SB 774—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; establishing a minimum loss ratio for health insurance forms; amending s. 627.411, F.S.; revising the loss ratio for certain health insurance coverage; amending s. 627.6745, F.S.; revising the loss ratio for Medicare supplement policies issued on or after a certain date; amending s. 627.9407, F.S.; establishing a minimum loss ratio for long-term care insurance policies; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Regulation; and General Government Appropriations.

By Senator Siplin—

SB 776—A bill to be entitled An act relating to required instruction for public schools; amending s. 1003.42, F.S.; requiring that the character-development program for kindergarten through grade 12 include conflict-resolution management; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Siplin—

SB 778—A bill to be entitled An act relating to paintball guns and markers; defining the terms "paintball gun" and "paintball marker"; prohibiting a person from carrying a paintball gun or paintball marker in a vehicle on a highway; providing specified exceptions; providing that the act does not apply to a commercial paintball field, range, or course when passengers are transported to and from designated player areas; providing that a violation of the act is a first-degree misdemeanor; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Criminal Justice.

By Senator Siplin—

SB 780—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Hispanics Settled Florida in 1513 license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Higher Education Appropriations.

By Senator Siplin—

SB 782—A bill to be entitled An act relating to district school boards; repealing s. 1001.364, F.S., relating to an alternate county-wide referendum procedure in certain counties for the election of a district school board chair; repealing s. 1001.365, F.S., relating to resolving tie votes among school board members in certain school districts; amending s. 1001.371, F.S.; deleting provisions governing the organization of district school boards, to conform; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Ethics and Elections.

By Senator Siplin—

SB 784—A bill to be entitled An act relating to job opportunities for youth; providing legislative intent to support statewide vocational training and placement provided to at-risk youth through the Jobs for Florida's Graduates program; requiring that a proposal for funding a statewide summer program for youth employment be submitted to the Florida Endowment Foundation for Florida's Graduates; providing criteria concerning the proposal; requiring a report to the Legislature; providing for the Florida Endowment Foundation for Florida's Graduates to be the fiscal agent for the Jobs for Florida's Graduates program; amending s. 561.121, F.S.; revising the percentage of monthly collections of the excise taxes on alcoholic beverages to be deposited into the Alcoholic Beverage and Tobacco Trust Fund; requiring a certain percentage of net collections to be deposited into the Grants and Donations Trust Fund within the Florida Endowment Foundation for Florida's Graduates to operate the statewide summer program for youth employment; amending s. 563.05, F.S.; revising the excise tax amount payable by manufacturers, distributors, and vendors of malt beverages; creating s. 563.09, F.S.; providing a tax credit against certain taxes on alcoholic beverages for a business that employs youth during the summer under an internship program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Siplin—

SB 786—A bill to be entitled An act relating to juvenile proceedings; amending s. 985.35, F.S.; requiring the Department of Juvenile Justice to adopt rules governing the procedures that may be used to restrain a child upon his or her arrival at the courthouse; prohibiting the use of instruments of restraint on a child after the child arrives at the courthouse except in specified circumstances; prohibiting subjecting a child to extended periods of isolation; amending s. 985.483, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Jones—

SB 788—A bill to be entitled An act relating to tribal-state gaming compact; expressing the legislative intent to revise laws relating to tribal-state gaming compact; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Jones—

SB 790—A bill to be entitled An act relating to slot machines; expressing the legislative intent to revise laws relating to slot machines; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; General Government Appropriations; and Rules.

By Senator Baker—

SB 792—A bill to be entitled An act relating to firefighter death benefits; amending s. 112.191, F.S.; revises provisions providing death benefits for firefighters; expanding activities entitling firefighters to death benefits to include participation in training exercises; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 794—A bill to be entitled An act relating to a police technology fee; creating s. 938.135, F.S.; requiring a specified fee to be imposed in addition to other costs or fees for conviction of specified offenses; providing for deposit of funds; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator Baker—

SB 796—A bill to be entitled An act relating to the Police Technology Trust Fund; creating s. 943.082, F.S.; creating the Police Technology Trust Fund within the Department of Law Enforcement; providing for administration of the trust fund and use of moneys therein; requiring balances to remain in the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator Baker—

SB 798—A bill to be entitled An act relating to off-highway vehicles; amending s. 261.03, F.S.; redefining the terms "ATV" and "off-highway vehicle" for purposes of provisions relating to off-highway vehicle safety; amending s. 316.2074, F.S.; redefining the terms "ATV" and "off-highway vehicle" for purposes of the Florida Uniform Traffic Control Law; amending s. 317.0003, F.S.; redefining the terms "ATV" and "off-highway vehicle" for purposes of provisions relating to the titling of such vehicles; providing an effective date.

—was referred to the Committees on Agriculture; and Transportation; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 800—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property appraisers' authority to inspect property for assessment purposes; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 802—A bill to be entitled An act relating to drug paraphernalia sales surtax; providing for a surtax on the sale of specified drug paraphernalia; specifying uses of surtax proceeds; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; Finance and Tax; and Health and Human Services Appropriations.

By Senator Wise—

SB 804—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; revising provisions relating to school food service programs; requiring that the Department of Education calculate and distribute a school district breakfast supplement for each school year by multiplying the state breakfast rate by the number of free and reduced-price breakfast meals served; requiring that the Legislature provide sufficient funds in the General Appropriations Act to reimburse participating school districts for the difference between the average federal reimbursement for free and reduced-price breakfasts and the average statewide cost for breakfasts; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 806—A bill to be entitled An act relating to novelty lighters; prohibiting the sale or distribution of novelty lighters; providing a definition; providing an exception; providing penalties; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Garcia—

SB 808—A bill to be entitled An act relating to workforce development; expressing the legislative intent to revise laws relating to workforce development; providing an effective date.

—was referred to the Committees on Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Garcia—

SB 810—A bill to be entitled An act relating to unemployment compensation; expressing the legislative intent to revise laws relating to unemployment compensation; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; Transportation and Economic Development Appropriations; and Rules.

By Senator Garcia—

SB 812—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Garcia—

SB 814—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; expressing the legislative intent to revise laws relating to the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Garcia—

SB 816—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Garcia—

SB 818—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Garcia—

SB 820—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Garcia—

SB 822—A bill to be entitled An act relating to insurance rate incentives for carbon monoxide detectors and alarms; creating s. 627.06295, F.S.; providing legislative intent; requiring residential property insurance rate filings to include certain rate incentives for installing and maintaining carbon monoxide detectors and alarms under

certain circumstances; requiring the Office of Insurance Regulation to develop a proposed method for insurers to establish such incentives; requiring the Financial Services Commission to adopt rules for insurers to provide such incentives; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By Senator Garcia—

SB 824—A bill to be entitled An act relating to the Department of State; expressing the legislative intent to revise laws relating to the Department of State; providing an effective date.

—was referred to the Committees on Commerce; Transportation and Economic Development Appropriations; and Rules.

By Senator Jones—

SB 826—A bill to be entitled An act relating to electronic gaming machines; expressing the legislative intent to revise laws relating to electronic gaming machines; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; General Government Appropriations; and Rules.

By Senator Jones—

SB 828—A bill to be entitled An act relating to video lotteries; expressing the legislative intent to revise laws relating to video lotteries; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; General Government Appropriations; and Rules.

By Senator Jones—

SB 830—A bill to be entitled An act relating to cardrooms; expressing the legislative intent to revise laws relating to cardrooms; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; General Government Appropriations; and Rules.

By Senator Jones—

SB 832—A bill to be entitled An act relating to gaming promotions; expressing the legislative intent to revise laws relating to gaming promotions; providing an effective date.

—was referred to the Committees on Regulated Industries; General Government Appropriations; and Rules.

By Senator Jones—

SB 834—A bill to be entitled An act relating to quarter horse racing; expressing the legislative intent to revise laws relating to quarter horse racing; providing an effective date.

—was referred to the Committees on Regulated Industries; General Government Appropriations; and Rules.

By Senator Jones—

SB 836—A bill to be entitled An act relating to pari-mutuel wagering; expressing the legislative intent to revise laws relating to pari-mutuel wagering; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; General Government Appropriations; and Rules.

By Senator Jones—

SB 838—A bill to be entitled An act relating to professional and business regulation; expressing the legislative intent to revise laws relating to professional and business regulation; providing an effective date.

—was referred to the Committees on Regulated Industries; General Government Appropriations; and Rules.

By Senator Jones—

SB 840—A bill to be entitled An act relating to the state lottery; expressing the legislative intent to revise laws relating to the state lottery; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; General Government Appropriations; and Rules.

By Senator Jones—

SB 842—A bill to be entitled An act relating to professions; expressing the legislative intent to revise laws relating to professions; providing an effective date.

—was referred to the Committees on Regulated Industries; General Government Appropriations; and Rules.

By Senator Oelrich—

SB 844—A bill to be entitled An act relating to higher education; expressing the legislative intent to revise laws relating to higher education; providing an effective date.

—was referred to the Committees on Higher Education; Higher Education Appropriations; and Rules.

By Senator Oelrich—

SB 846—A bill to be entitled An act relating to higher education; expressing the legislative intent to revise laws relating to higher education; providing an effective date.

—was referred to the Committees on Higher Education; Higher Education Appropriations; and Rules.

By Senator Oelrich—

SB 848—A bill to be entitled An act relating to higher education; expressing the legislative intent to revise laws relating to higher education; providing an effective date.

—was referred to the Committees on Higher Education; Higher Education Appropriations; and Rules.

By Senator Fasano—

SB 850—A bill to be entitled An act relating to cigarette tax revenues; amending s. 210.20, F.S.; increasing the percentage of net collections deposited into the Alcoholic Beverage and Tobacco Trust Fund from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute for certain purposes; authorizing use of funds to pay bonds or related financial products; providing legislative intent relating to debt service; amending s. 210.201, F.S.; deleting an obsolete provision; revising provisions providing for the use of transferred moneys to include cancer research, treatment, and related facilities; expanding authorized forms of indebtedness used to finance such facilities; providing for retroactive operation; providing an effective date.

—was referred to the Committees on Higher Education; Health Regulation; Finance and Tax; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Fasano and Gaetz—

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

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; Commerce; and General Government Appropriations.

By Senator Detert—

SM 854—A memorial to the Congress of the United States, urging Congress to refrain from applying the Hatch Act to members of a Florida sheriff's office who are seeking elected public office.

—was referred to the Committees on Ethics and Elections; and Rules.

By Senator Bennett—

SB 856—A bill to be entitled An act relating to coastal management; amending s. 163.3178, F.S.; including certain port-related industrial or commercial project facilities within the list of facilities that are not developments of regional impact under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce; Transportation; and Transportation and Economic Development Appropriations.

By Senator Garcia—

SB 858—A bill to be entitled An act relating to driver licenses; amending s. 322.08, F.S.; requiring the driver license application form to include language permitting the applicant to make a voluntary contribution to Stop Heart Disease; amending s. 322.18, F.S.; requiring the driver license application form for renewal issuance or renewal extension to include language permitting the applicant to make a voluntary contribution to Stop Heart Disease; providing an effective date.

—was referred to the Committees on Transportation; Health Regulation; and Health and Human Services Appropriations.

By Senators Altman and Haridopolos—

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

—was referred to the Committees on Transportation; and General Government Appropriations.

By Senator Fasano—

SB 862—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S.; extending the rate freeze imposed upon Citizens Property Insurance Corporation by 1 year; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Detert—

SB 864—A bill to be entitled An act relating to inappropriate or excessively harsh corporal discipline; amending s. 39.301, F.S.; including inappropriate or excessively harsh corporal discipline in the definition of "criminal conduct" for purposes of protective investigations; creating s. 827.032, F.S.; defining "inappropriate or excessively harsh corporal discipline"; prohibiting parents, legal custodians, or caregivers from inflicting inappropriate or excessively harsh corporal discipline; providing penalties; providing applicability; amending s. 921.0022, F.S.; including offenses involving inappropriate or excessively harsh corporal discipline within the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Hill—

SB 866—A bill to be entitled An act relating to resident status for tuition purposes; amending s. 1009.21, F.S.; providing that veterans of the Armed Services of the United States and the United States Reserve Forces and their spouses and dependents who attend a public or private college, university, or institution of higher learning are residents for tuition purposes; providing an effective date.

—was referred to the Committees on Higher Education; Military Affairs and Domestic Security; and Higher Education Appropriations.

By Senator Dean—

SB 868—A bill to be entitled An act relating to the Florida Farm Winery Program; amending s. 599.004, F.S.; revising the standards a winery must meet in order to qualify as a certified Florida Farm Winery; providing an effective date.

—was referred to the Committees on Agriculture; and Regulated Industries.

By Senator Sobel—

SB 870—A bill to be entitled An act relating to public employees' charitable campaigns; creating s. 110.182, F.S.; creating the Florida Public Employees' Charitable Campaign for public employers residing within identified geographic areas, excluding state and federal employees; providing definitions; requiring certain public employers to conduct a charitable campaign as the sole fundraising drive conducted during work hours; providing for public employee payroll deductions and workplace campaign activities; requiring all campaign contributions to be voluntary; providing criteria for the application and withdrawal from the campaign; providing that participation must be limited to certain not-for-profit charitable federations and member agencies; excluding certain charitable organizations from participation; providing for selection of fiscal agent; authorizing a specified percentage of the gross receipts to be withheld to pay the costs of the public employer and fiscal agent; providing for the distribution of contributions; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Smith—

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

name in a newspaper in the county in which the principal place of business will be located; providing an effective date.

—was referred to the Committees on Commerce; and Judiciary.

By Senator Smith—

SB 874—A bill to be entitled An act relating to real property registration; providing a short title; providing definitions; requiring the Department of Financial Services to establish a statewide Internet registry of certain vacant, abandoned, or foreclosure-proposed properties for certain purposes; authorizing the department to charge a fee for registry filings; requiring lenders to file with the registry certain information on certain properties; providing additional information requirements; requiring lenders to periodically determine the vacant or abandoned status of certain properties in mortgage default; specifying additional required information; providing additional penalties; requiring lenders and the department to notify local governments of properties on the registry; requiring local governments to establish an e-mail address for receiving such notices; providing duties of lenders and local governments; requiring lenders initiating foreclosure proceedings to include certain information in the filings for foreclosure; providing for dismissal of foreclosure proceedings under certain circumstances; providing for award of certain costs; authorizing lenders to correct failures to include specified information and deposit certain amounts into the court registry for certain purposes; authorizing local governments to enter properties listed on the registry for certain examination purposes; providing limitations; requiring local governments to notify lenders of intent to enter certain properties for certain purposes; prohibiting local governments from entering such properties under certain circumstances; authorizing lenders to certify to local governments that certain properties have been inspected and meet certain criteria; providing penalties; providing for nonapplication to legally occupied properties; providing local governments with immunity from prosecution under certain circumstances; providing an exception; requiring local governments to notify certain persons of certain conditions of properties listed on the registry; authorizing local governments to correct or repair such conditions and recover the full costs of such repairs or corrections; providing for superiority of liens for such costs; providing requirements; specifying abandoned property as nonhomestead property; protecting the right of local governments to inspect properties under certain circumstances; prohibiting local governments from maintaining separate local property registries; requiring local governments to transmit any local property registry information to the department; providing information requirements for lenders initiating foreclosure actions; prohibiting issuance of final judgments of foreclosure and sales of property in foreclosure actions under certain circumstances; authorizing groups of lenders to establish a separate reporting system under certain circumstances; providing requirements; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; Judiciary; Finance and Tax; and General Government Appropriations.

By Senator Gaetz—

SB 876—A bill to be entitled An act relating to health care information; providing a short title; providing a purpose; amending s. 395.3025, F.S.; authorizing the release of patient records to certain additional health care practitioners or providers; creating part I of ch. 405, F.S.; providing definitions; authorizing a health care provider to release or access an identifiable health record without the patient's consent in an emergency; providing immunity from liability for a health care provider who releases or accesses a patient's identifiable health record in good faith; requiring the Agency for Health Care Administration to develop an authorization form for the use and release of an identifiable health record; providing requirements for the authorization form; requiring the agency to adopt rules and make the form available on its website; requiring a health care provider who receives an authorizing form in an electronic or paper format to accept the form as a valid request to release the record; providing that use of the authorization form is not required; providing that use of the authorization form in exchanging identifiable health records creates a rebuttable presumption; providing immunity for health care providers under certain circumstances; providing that use of the authorization form in exchanging identifiable health records does not violate or waive any privilege protected by law; providing for recovery by a patient or health care provider of damages plus attorney's fees and court costs in certain actions; amending s. 483.181, F.S.; authorizing the results of a clinical laboratory test to be sent to certain health care practitioners or providers involved in the care or treatment of a patient; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Rich—

SB 878—A bill to be entitled An act relating to court actions involving families; amending ss. 39.001, 61.001, 63.022, 68.07, 741.2902, 984.01, and 985.02, F.S., and creating ss. 88.1041, 742.016, 743.001, and 1003.201, F.S.; providing additional purposes relating to implementing a unified family court program in the circuit courts; providing legislative intent; amending s. 61.402, F.S.; expanding eligibility criteria for guardians ad litem; providing requirements for and limitations on certification of guardians ad litem by not-for-profit legal aid organizations; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Fasano—

SB 880—A bill to be entitled An act relating to condominium associations; creating s. 627.714, F.S.; requiring that condominium unit owners' policies issued on or after a specified date include a specified minimum amount of loss-assessment coverage; providing requirements for such coverage; amending s. 718.111, F.S.; providing guidelines for property insurance coverage obtained by specified types of associations; authorizing an association to obtain certain other types of coverage; providing requirements regarding notice of board meetings conducted for the purpose of establishing the amounts of certain deductibles; providing that insurance for property excluded from the list of items required to be covered under a property policy is the responsibility of a unit owner; requiring that certain policies issued on or after a specified date conform to specified requirements of state law; requiring that certain policies include loss-assessment coverage; specifying a minimum amount for such coverage; deleting provisions relating to the responsibility to provide property insurance for certain improvements or additions; requiring that an association require unit owners to provide evidence of a currently effective personal liability policy; limiting the number of times an association may enforce such requirement; specifying a minimum amount for such coverage; requiring that such coverage contain certain provisions; deleting a provision requiring that an association be an additional named insured and loss payee on all casualty policies issued to unit owners in a condominium operated by an association; providing conditions under which a unit owner is responsible for costs of replacement or repair of portions of condominium property not paid by insurance proceeds; providing penalties for any person who knowingly or intentionally defaces or destroys certain records of an association with the intent to harm the association or any of its members; providing that an association is not responsible for the use or misuse of certain information obtained pursuant to state law requiring the maintenance of certain records of an association; providing that, notwithstanding the other requirements, certain records are not accessible to unit owners; requiring that any rules adopted for the purpose of setting forth accounting principles or addressing financial reporting requirements include certain provisions and standards; amending s. 718.112, F.S.; providing that the board of administration of an association has no obligation to take action with regard to certain items on its agenda; providing for the expiration of the terms of members of the board of administration if no provisions in that regard exist in the bylaws; authorizing the reappointment of members under certain conditions; prohibiting coowners or cooccupants from simultaneously serving as members of the board of certain associations; providing an exception; deleting a provision requiring an association to mail a certification containing certain provisions to unit owners before an election of board members; requiring that any unit owner desiring to be a candidate for election as a member of the board give written notice; requiring that such notice contain certain attestations; requiring that such notice be signed and acknowledged by the candidate on or before a specified deadline; requiring that certain expenses be detailed in an association's annual budget; providing that a director or officer delinquent in the payment of

regular or special assessments by more than a specified number of days is deemed to have abandoned the office; requiring that a director charged by information or indictment of certain offenses involving an association's funds or property be removed from office; amending s. 718.115, F.S.; requiring that broadband or Internet service obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; conforming a cross-reference; amending s. 718.116, F.S.; limiting the liability for certain unpaid assessments of certain entities acquiring title to a unit by foreclosure or deed in lieu of foreclosure; providing that the failure of such an entity to pay such unpaid assessments within a specified period after acquiring title entitles the association to recover all outstanding special and regular assessments that were due before the acquisition of title; expanding the definition of "successor or assignee" to include certain affiliates or subsidiaries; prohibiting an association from filing a lien against a condominium unit for a specified period after notice of intent to file such lien is delivered to the owner; providing means for completion of such delivery; repealing s. 718.121(4), F.S., relating to the filing of liens by an association against a condominium unit; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display is subject to certain codes and regulations; amending s. 721.16, F.S., relating to liens for overdue assessments; conforming a cross-reference; repealing s. 553.509(2), F.S., relating to public elevators and emergency operation plans in certain condominiums and multifamily dwellings; providing an effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Community Affairs; and Judiciary.

By Senator Fasano—

SB 882—A bill to be entitled An act relating to contractual relationships with governmental contractors; amending s. 766.1115, F.S.; redefining the term "contract" to include a contractual relationship between a governmental contractor and certain charitable organizations or health care entities; redefining the terms "health care provider" or "provider" to include facilities under contract with a charitable organization; providing that certain charitable organizations that execute a contract with a health care provider are agents for purposes of sovereign immunity and may not be named as a defendant in an action arising out of medical care or treatment; revising contractual requirements; requiring that certain charitable organizations provide written notice to patients that the provider is an agent of the governmental contractor; revising requirements for rules adopted by the Department of Health; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Fasano—

SB 884—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.43, F.S.; revising provisions relating to the establishment of the institute and specifying primary responsibilities of the institute; conforming provisions relating to the agreement by the Board of Governors and the not-for-profit corporation for the use of facilities on the campus of the University of South Florida; specifying that the not-for-profit corporation and its subsidiaries shall act as instrumentalities of the state for purposes of sovereign immunity; authorizing the use of land, facilities, and personnel for teaching and research programs conducted by state universities; revising provisions relating to the control and sharing of certain income; authorizing the issuance of a medical faculty certificate to an individual appointed to practice medicine at the institute; providing an effective date.

—was referred to the Committees on Higher Education; Health Regulation; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 886—A bill to be entitled An act relating to parental authority; amending s. 744.301, F.S.; authorizing natural guardians to waive and release, in advance, any claim or cause of action that would accrue to any of their minor children to the same extent that any adult may do so on his or her own behalf; providing an effective date.

—was referred to the Committees on Judiciary; Children, Families, and Elder Affairs; and Rules.

By Senator Lynn—

SB 888—A bill to be entitled An act relating to the space industry; providing a short title; providing legislative findings; amending s. 331.3051, F.S.; revising duties of Space Florida to include supporting the development and operation of the Space Transportation Research and Development Institute; creating s. 331.365, F.S.; establishing the multiuniversity Space Transportation Research and Development Institute within the Office of Tourism, Trade, and Economic Development; providing for duties and administration; providing an effective date.

—was referred to the Committees on Commerce; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 890—A bill to be entitled An act relating to the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.141, F.S.; prohibiting the issuance or renewal of a license to an applicant that has specified criminal records under certain circumstances and providing exceptions; limiting the issuance of funeral director apprentice licenses to natural persons; amending s. 497.142, F.S.; requiring an applicant for renewal of a license to disclose certain criminal records; requiring an applicant for issuance or renewal of a license to disclose certain criminal pleas; requiring a licensing authority of the Department of Financial Services to adopt rules for the disclosure of criminal records; authorizing an exception from disclosure requirements for previously disclosed criminal records; amending s. 497.143, F.S.; revising legislative intent; authorizing the licensing authority to adopt rules for the issuance of limited licenses to certain persons licensed outside the state; revising eligibility and application requirements for a limited license; amending s. 497.147, F.S.; deleting limits on the continuing education credit provided for attendance at meetings of the Board of Funeral, Cemetery, and Consumer Services; amending s. 497.152, F.S.; providing that certain criminal pleas are a ground for denial of an application or discipline of a licensee under ch. 497, F.S.; amending s. 497.162, F.S.; revises which nonlicensed personnel are required to complete a course on communicable diseases; extending time for completion of the course; amending s. 497.166, F.S.; conforming terminology to changes made by the act; amending s. 497.277, F.S.; authorizing a cemetery company to charge a fee for performing certain duties related to a cemetery sales contract; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; amending s. 497.371, F.S.; conforming provisions; amending s. 497.373, F.S.; adding a specified course as an option for satisfying certain educational requirements of a funeral director license; adding completion of an apprenticeship program as an option to satisfy the internship requirement of a funeral director license; revising requirements for supervision of provisional licensees; amending s. 497.374, F.S.; requiring that the general supervision provided for a licensed temporary funeral director comply with the definition provided by the act; amending s. 497.375, F.S.; providing definitions of the terms "direct supervision" and "general supervision"; revising application requirements for licensure as a funeral director intern; revising requirements for supervision of funeral director interns; creating s. 497.3755, F.S.; requiring the licensing authority to establish a funeral director apprenticeship program and adopt procedures and criteria for the approval of funeral director apprentice training agencies and supervisors; authorizing certain funeral establishments to apply for approval as apprentice training agencies; authorizing approved intern training agencies to serve as apprentice training agencies; providing for supervision of the training and reporting of training activities; providing the maximum number of apprentices that may be trained by an apprentice training agency; prohibiting certain fees; providing eligibility and application requirements for a funeral director apprentice license; authorizing fees; providing validity period of license; prohibiting renewal of license except under certain circumstances; providing for supervision of funeral director apprentices; amending s. 497.378, F.S.; conforming the continuing education requirements for funeral directors and embalmers to the repeal by the act of provisions requiring a course on HIV and AIDS; authorizing the licensing authority to adopt rules for the renewal of funeral

director and embalmer licenses; amending s. 497.380, F.S.; providing duties of a funeral director in charge of a funeral establishment; requiring a funeral director to have an embalmer license under certain circumstances; creating s. 497.4555, F.S.; authorizing a preneed licensee to charge a fee for performing certain duties related to a preneed contract; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; amending s. 497.464, F.S.; deleting a requirement that trust payments for a preneed contract be deposited in this state; requiring that funds discharging a preneed contract be disbursed from the trust under certain circumstances; amending s. 497.602, F.S.; revising the course requirements for a direct disposer license; adding passage of a college credit ethics course to the course requirements; amending s. 497.603, F.S.; requiring the licensing authority to adopt rules for the renewal of direct disposer licenses; requiring a course on communicable diseases; conforming the continuing education requirements for direct disposers to the repeal by the act of provisions requiring a course on HIV and AIDS; amending s. 497.604, F.S.; requiring a direct disposal establishment to have a licensed funeral director act as the direct disposer in charge and providing exceptions; repealing s. 497.367, F.S., relating to a continuing education course required for funeral directors and embalmers on HIV and AIDS; providing effective dates.

—was referred to the Committees on Banking and Insurance; Regulated Industries; and General Government Appropriations.

By Senators Bennett and Detert—

SB 892—A bill to be entitled An act relating to mental health and substance abuse services; creating s. 394.4996, F.S.; authorizing the Agency for Health Care Administration to license facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; providing eligibility criteria for treatment services; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

By Senator Bennett—

SB 894—A bill to be entitled An act relating to the purchasing of Medicaid prescribed drugs; amending s. 409.908, F.S.; requiring providers of Medicaid prescribed drugs to give purchasing preference to drugs manufactured or repackaged at certain facilities; creating s. 499.01205, F.S.; defining the term "qualifying facility"; providing for the Department of Health's recognition of a qualifying facility; requiring the department to adopt procedures and criteria for the recognition of a qualifying facility; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Rich—

SB 896—A bill to be entitled An act relating to the termination of parental rights; amending s. 39.806, F.S.; revising a ground for terminating parental rights relating to how long a parent will be incarcerated; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By Senator Smith—

SB 898—A bill to be entitled An act relating to the Early Voting Task Force; creating the Early Voting Task Force; providing purpose, membership, and organization of the task force; requiring a report; providing for termination; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Bennett—

SB 900—A bill to be entitled An act relating to procurement of contractual services by a state agency; creating s. 287.0575, F.S.; providing definitions; providing requirements with respect to the provision of outsourced human services related to mental health, substance abuse, child welfare, or juvenile justice; providing requirements with respect to contracts for such services; requiring state agencies to identify specified costs to human services providers; requiring a fiscal impact statement; providing that failure by a governmental entity to negotiate a contract amendment or remedy a material adverse impact of a new governmental mandate constitutes an agency action or purposes of the Administrative Procedure Act; providing for annual reports by state agencies; amending s. 216.136, F.S.; requiring the Social Services Estimating Conference to convene quarterly for the purpose of developing information related to mental health, substance abuse, child welfare, and juvenile justice services needs; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; Governmental Oversight and Accountability; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

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

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Deutch—

SB 904—A bill to be entitled An act relating to child custody and visitation; amending s. 61.046, F.S.; redefining the terms "parenting plan" and "parenting plan recommendations"; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that a parent is a detriment to his or her child if he or she is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of changed circumstances; requiring a court to make explicit written findings that, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms "other person," "parent," and "relocation"; substituting the term "access to" for "visitation"; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, 61.21, and 61.30, F.S.; conforming terms; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Smith—

SB 906—A bill to be entitled An act relating to motor vehicle title transfer; amending s. 319.22, F.S.; revising provisions for limitation of liability for the operation of a motor vehicle that has been sold or transferred; providing requirements for notice of transfer to the Department of Highway Safety and Motor Vehicles; requiring an owner or coowner who has made a sale or transfer of a motor vehicle to notify the Department of Highway Safety and Motor Vehicles; providing requirements for such notification; providing applicability; requiring the department to provide certain information to the motor vehicle owner or coowner when issuing a certificate of title; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Wilson—

SJR 908—A joint resolution proposing amendments to Section 8 of Article IV and Section 9 of Article X of the State Constitution, to authorize the Legislature to provide by law for clemency in certain circumstances.

—was referred to the Committees on Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Wilson—

SB 910—A bill to be entitled An act relating to criminal justice; providing legislative intent; requiring state agencies and regulatory boards to prepare reports that identify and evaluate restrictions on licensing and employment; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based on a person's lack of civil rights; providing an exception; amending s. 943.0585, F.S.; clarifying under what circumstances a person may legally deny the existence of an expunged criminal history record; authorizing the disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; requiring clerks of the court to post information relating to procedures to seal or expunge criminal history records on the clerk's website; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny the existence of a sealed criminal history record; authorizing a court to seal a criminal history record of a person who had a prior criminal history record sealed or expunged; requiring the Office of Program Policy Analysis and Government Accountability to prepare a report of its findings relating to the use of criminal history records in licensing and employment decisions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Criminal Justice; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 912—A bill to be entitled An act relating to affordable housing for seniors; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to include an element for affordable housing for seniors; providing for the disposition of real property by a local government for the development of affordable housing; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Garcia—

SB 914—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.06, F.S.; requiring that each license plate and validation sticker bear a barcode identifying the vehicle for which the plate or sticker was issued; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Senator Wilson—

SB 916—A bill to be entitled An act relating to the Corporate Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing an additional purpose that enables students in specified grades in public schools to receive certain assistance in attaining grade-level performance; revising definitions; requiring scholarship funding organizations to allocate at least 25 percent of their scholarships to public school students; permitting scholarships of a certain amount for public school students; requiring public schools to account for the use of scholarship funds; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Rich—

SB 918—A bill to be entitled An act relating to the Florida Kidcare program; amending s. 409.810, F.S.; correcting a cross-reference; amending s. 409.811, F.S.; providing definitions; conforming cross-references; amending s. 409.812, F.S.; clarifying the application of the Florida Kidcare program to include all eligible uninsured, low-income children; amending s. 409.813, F.S.; specifying funding sources for health benefits coverage for certain children; specifying program components to be marketed as the Florida Kidcare program; conforming cross-references; amending s. 409.8132, F.S.; conforming a cross-reference; revising provisions relating to penalties for nonpayment of premiums and waiting periods for reinstatement of coverage; amending s. 409.8134, F.S.; revising provisions relating to enrollment in the Florida Kidcare program; amending s. 409.814, F.S.; removing a restriction on participation in the Florida Healthy Kids program; authorizing certain enrollees to opt out of the Children's Medical Services network; providing for continuation of eligibility for the Florida Kidcare program under certain circumstances; revising coverage limitations; revising restrictions on enrollment of children whose coverage was voluntarily canceled; providing exceptions; deleting provisions that place a limit on enrollment in Medikids and the Florida Healthy Kids full-pay program; revising limitations on age and income for coverage under the Title XXI-funded Florida Kidcare program; requiring notice to health plans and providers when a child is no longer eligible for certain coverage; requiring electronic verification of applicants' income; providing circumstances under which written documentation is required; revising the timeframe for an enrollee to resolve disputes regarding the withholding of benefits; amending s. 409.815, F.S.; authorizing the Agency for Health Care Administration to increase premium assistance payments for benefits provided through Florida Kidcare Plus instead of the Children's Medical Services; conforming cross-references; amending ss. 409.816 and 409.817, F.S.; conforming cross-references; amending s. 409.8177, F.S.; revising information to be included in the annual program evaluation to the Governor and Legislature; amending s. 409.818, F.S.; revising the redetermination process for coverage under the Florida Kidcare program; clarifying that the Department of Health is the chair of Florida Kidcare coordinating council; conforming cross-references; amending s. 409.821, F.S., relating to an exemption from public-records requirements provided for the Florida Kidcare program; providing for disclosure of certain confidential and exempt information relating to an enrollee's application; amending s. 409.904, F.S.; revising provisions relating to the redetermination of eligibility of certain children for the Medicaid program; amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation; revising the date in which the corporation must provide a study to the Legislature and the Governor; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 920—A bill to be entitled An act relating to statewide articulation agreements; amending s. 1007.23, F.S.; requiring that a statewide articulation agreement govern the transfer of credit between public institutions and nonpublic institutions that are issued an annual license by the Commission for Independent Education; amending s. 1007.235, F.S.; authorizing school districts to enter into interinstitutional articulation agreements with independent postsecondary institutions; amending s. 1007.24, F.S.; requiring that at least one representative from school districts, public postsecondary institutions, and participating nonpublic postsecondary institutions participate on each discipline committee that is established to review courses; requiring that faculty committees identify 25 courses that are most commonly requested for a transfer of credit; requiring that the committees develop frameworks and establish outcomes for each identified course; guaranteeing the transfer of course credit among participating institutions if the course meets certain requirements; requiring that the State Board of Education adopt rules establishing penalties for noncompliance with the policies and procedures relating to the transfer of credit; requiring that the rules establish a mechanism for students and institutions to report suspected violations, establish a minimum fine to be paid by a noncompliant institution, and require that the funds generated by the fine be equally divided between the affected student's financial aid account and the Department of Education; providing an effective date.

—was referred to the Committees on Higher Education; Education Pre-K - 12; and Higher Education Appropriations.

By Senator Hill—

SB 922—A bill to be entitled An act relating to dangerous dogs; amending s. 767.14, F.S.; eliminating the prohibition of breed-specific local government regulation of dangerous dogs; providing an effective date.

—was referred to the Committees on Community Affairs; Agriculture; and Transportation and Economic Development Appropriations.

By Senator Dean—

SB 924—A bill to be entitled An act relating to mosquito control districts; creating s. 388.296, F.S.; requiring the board of commissioners in mosquito control districts containing Outstanding Florida Waters to consult and coordinate with the Department of Agriculture and Consumer Services and water management districts to determine certain adverse effects and develop mitigation plans for such adverse effects; specifying dates for the adoption and implementation of mitigation plans; authorizing the board to levy taxes for specified purposes; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation and Conservation; Finance and Tax; and General Government Appropriations.

By Senators Altman, Oelrich, Rich, King, and Dockery—

SB 926—A bill to be entitled An act relating to cemeteries; amending s. 497.260, F.S.; exempting from provisions governing cemeteries a columbarium consisting of 5 acres or less and located on the main campus of a university that is governed by the Board of Governors; requiring a university or direct-support organization that establishes the columbarium to ensure that it is constructed, kept, and maintained in a manner consistent with the intent of ch. 497, F.S.; requiring that the university or direct-support organization relocate all of the urns and remains that were placed in the columbarium if it is relocated; providing an effective date.

—was referred to the Committees on Banking and Insurance; Higher Education; and Higher Education Appropriations.

By Senator Fasano—

SB 928—A bill to be entitled An act relating to trust funds; creating the Statewide Mortgage Fraud Task Force Trust Fund within the Department of Legal Affairs; providing for the administration of the trust fund and use of moneys therein; requiring that balances of funds in the trust fund at the end of a fiscal year remain in the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Fasano—

SB 930—A bill to be entitled An act relating to mortgage fraud; providing legislative findings; creating the Statewide Mortgage Fraud Task Force within the Department of Legal Affairs; providing for membership; providing duties of the statewide task force; providing for the establishment of regional mortgage fraud task forces; requiring that the Department of Legal Affairs provide staff for the regional task forces; providing for membership of the regional task forces; providing duties of the regional task forces; providing for reimbursement of nongovernmental members' per diem and travel expenses; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Criminal and Civil Justice Appropriations.

By the Committee on Transportation—

SB 932—A bill to be entitled An act relating to transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; amending s. 20.23, F.S.; providing for the salary and benefits of the executive director of the Florida Transportation Commission to be set in accordance with the Senior Management Service; amending s. 125.42, F.S.; providing for counties to incur certain costs related to the relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities may not be designated as developments of regional impact under certain circumstances; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 287.055, F.S.; conforming a cross-reference; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; requiring the department to advertise certain contracts as design-build contracts; amending ss. 337.14 and 337.16, F.S.; conforming cross-references; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring that a copy be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies as well as construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; amending s.

338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing the collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; repealing part III of ch. 343 F.S., relating to the Tampa Bay Commuter Transit Authority; amending s. 348.0003, F.S.; requiring financial disclosure for members of expressway, transportation, bridge, or toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; modifying local government control of the regulation of wall murals adjacent to certain federal highways; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; creating a business partnership pilot program; authorizing the Palm Beach County School District to display names of business partners on district property in unincorporated areas; exempting the program from specified provisions; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; amending s. 120.52, F.S.; redefining the term "agency" for purposes of ch. 120, F.S., to include certain regional transportation and transit authorities; directing the Department of Transportation to establish an approved transportation methodology for certain purpose; providing requirements; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Education Pre-K - 12; Governmental Oversight and Accountability; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

SR 934—Not referenced.

By Senator Dean—

SB 936—A bill to be entitled An act relating to homestead property; amending s. 196.031, F.S.; providing for certain minors to be deemed permanent residents of homestead property for certain purposes; amending s. 196.061, F.S.; providing for nonapplication of certain homestead abandonment provisions to minors inheriting homestead property; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 938—A bill to be entitled An act relating to HIV testing; creating s. 384.311, F.S.; requiring HIV testing to be offered as a routine part of a patient's annual physical examination; requiring a health care provider to provide the patient with certain information concerning HIV testing; providing definitions; requiring the Department of Health to adopt rules; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Dean—

SB 940—A bill to be entitled An act relating to retired justices and judges; amending s. 25.073, F.S.; providing that a former justice or judge may be qualified to serve as a retired justice or judge under certain conditions; providing circumstances under which such justice or judge may not serve as a retired justice or judge; providing an effective date.

—was referred to the Committees on Judiciary; Ethics and Elections; and Criminal and Civil Justice Appropriations.

By Senator Bennett—

SB 942—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; creating s. 212.0802, F.S.; providing a short title; specifying an annual period during which the sale of an energy-efficient product is exempt from the tax on sales, use, and other transactions; providing a limitation; providing a definition; authorizing the Department of Revenue to adopt rules; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

Senate Resolutions 944-946—Not referenced.

By Senator Jones—

SB 948—A bill to be entitled An act relating to emergency medical services training; amending s. 401.2701, F.S.; providing for the paramedic field internship program to include training aboard a vehicle permitted to provide advanced life support services; providing an effective date.

—was referred to the Committees on Health Regulation; and Higher Education.

By Senator Alexander—

SB 950—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Transportation and Economic Development Appropriations; and Rules.

By Senator Alexander—

SB 952—A bill to be entitled An act relating to ethics in government; expressing the legislative intent to revise laws relating to ethics in government; providing an effective date.

—was referred to the Committee on Ethics and Elections; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Alexander—

SB 954—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Transportation and Economic Development Appropriations; and Rules.

By Senator Alexander—

SB 956—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Transportation and Economic Development Appropriations; and Rules.

By Senator Alexander—

SB 958—A bill to be entitled An act relating to ethics in government; expressing the legislative intent to revise laws relating to ethics in government; providing an effective date.

—was referred to the Committee on Ethics and Elections; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 960—A bill to be entitled An act relating to civil remedies against insurers; amending s. 624.155, F.S.; authorizing a person to bring a civil action against Citizens Property Insurance Corporation when such person is damaged by the commission of specified acts or specified violations of state law; prohibiting the assessment of punitive damages against Citizens Property Insurance Corporation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Gaetz—

SB 962—A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; providing that it is an unfair claim settlement practice for an insurer to fail to adopt and implement standards for the proper adjustment of claims with such frequency as to indicate a general business practice; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Gaetz—

SB 964—A bill to be entitled An act relating to insurance; amending s. 624.155, F.S.; providing a legislative finding with respect to the fiduciary duty of an insurer; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Fasano—

SB 966—A bill to be entitled An act relating to the protection of minors online; defining the term "Internet access provider"; requiring providers to make available to customers in this state a product or service that enables the subscriber to regulate a minor's use of the service to access the Internet if certain conditions exist; providing requirements for such a product or service; requiring that interactive computer services take necessary steps to preserve records and evidence upon the request of law enforcement agencies investigating specified crimes involving minor victims; requiring retention of such records and information for specified periods; providing for compliance without compulsory legal process in investigations of certain offenses involving minor victims involving immediate danger of death or serious bodily harm; providing for construction of provisions in a manner consistent with specified federal laws; creating s. 847.0141, F.S.; requiring interactive computer services to make certain reports when a violation of child pornography laws is evident to such service; amending s. 943.0437, F.S.; adopting a definition of "interactive computer service"; authorizing the Department of Law Enforcement to provide interactive computer services certain information; providing that interactive computers services are not liable for taking or failing to take certain actions based on a registered user's association with an electronic mail address or instant message name contained in certain sex offender registries; providing an effective date.

—was referred to the Committees on Criminal Justice; Communications, Energy, and Public Utilities; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Garcia—

SB 968—A bill to be entitled An act relating to injuries to persons riding motorcycles; creating s. 318.195, F.S.; providing that a person who is convicted of a moving violation that causes or contributes to causing serious injury to or the death of a person riding a motorcycle commits a misdemeanor offense; requiring that the offender pay a specified fine, serve a minimum period of incarceration, and attend a driver improvement course; requiring the court to revoke the person's driver's license for a specified period; providing criminal penalties; providing that the act does not prohibit the offender from being charged with, convicted of, or punished for any other violation of law; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations; and Rules.

Senate Resolutions 970-972—Not referenced.

By Senator Smith—

SB 974—A bill to be entitled An act relating to sale of assets by corporations and limited liability companies; amending s. 607.1202, F.S.; requiring that a corporation provide notice a specified number of days before the proposed sale of its assets under certain circumstances; providing publication requirements for such notice; requiring that such notice state certain information; requiring that the notice provide certain additional information if the debts of the seller are not to be paid in full or if the seller is unclear as to whether such debts must be paid in full as a result of the transaction; requiring that the corporation, after the occurrence of specified events, file articles of dissolution and publish notice of dissolution; requiring that such notice contain certain information; authorizing alternate means of providing such notice under certain circumstances; creating s. 608.4262, F.S.; requiring that a limited liability company provide notice a specified number of days before the proposed sale of its assets under certain circumstances; providing publication requirements for such notice; requiring that such notice state certain information; requiring that the notice provide certain additional information if the debts of the seller are not to be paid in full or if the seller is unclear as to whether such debts must be paid in full as a result of the transaction; requiring that the limited liability company, after the occurrence of specified events, file articles of dissolution and publish notice of dissolution; requiring that such notice contain certain information; authorizing alternate means of providing such notice under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Sobel—

SB 976—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of certain energy-efficient products are exempt from the tax; providing a definition; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Pruitt—

SB 978—A bill to be entitled An act relating to oil and gas production taxes; amending s. 211.02, F.S.; providing a tiered tax rate structure for the oil production tax on tertiary oil; revising definitions; amending s. 211.027, F.S.; exempting certain oil and gas production from the tax for a specified period; providing for future repeal of the exemption; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 980—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Transportation and Economic Development Appropriations; and Rules.

By Senator Constantine—

SB 982—A bill to be entitled An act relating to protecting urban and residential environments and water; creating s. 403.9335, F.S.; providing a short title; creating s. 403.9336, F.S.; providing legislative findings; creating s. 403.9337, F.S.; encouraging county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface water and ground water quality; requiring a county government or municipal government located within the watershed of a water body or water segment that is listed by the Department of Environmental Protection as impaired to adopt the model ordinance; providing that additional or more stringent provisions may be adopted; creating s. 403.9338, F.S.; defining the term "commercial fertilizer applicator"; requiring that a commercial fertilizer applicator obtain training and certification from the Green Industry Best Management Practices program; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Wise—

SB 984—A bill to be entitled An act relating to prescription drugs; creating s. 499.0295, F.S.; providing a short title; creating the Drug Donation Program for the state correctional system; providing a purpose; providing definitions; providing conditions for the donation of drugs and supplies to the program; providing conditions for the acceptance of drugs and supplies into the program, inspection of drugs and supplies, and dispensing of drugs and supplies to eligible prisoners; requiring a participant facility that accepts donated drugs and supplies through the program to comply with certain state and federal laws; authorizing a participant facility to charge fees under certain conditions; requiring the Department of Health, upon recommendation of the Department of Corrections and the Board of Pharmacy, to adopt certain rules; requiring the department to establish and maintain a participant facility registry; providing for the contents and availability of the participant facility registry; providing immunity from civil and criminal liability for the Department of Corrections, donors, or pharmaceutical manufacturers in certain circumstances; providing that in the event of conflict between the provisions of the act and provisions in ch. 465 or ch. 499, F.S., the provisions of the act control; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; Judiciary; and Health and Human Services Appropriations.

By the Committee on Transportation—

SB 986—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 17.61, F.S.; requiring the Department of Highway Safety and Motor Vehicles to retain trust fund moneys in the DUI Programs Coordination Trust Fund for investment; amending s. 215.20, F.S.; removing the DUI Programs Coordination Trust Fund from the list of trust funds subject to a statutory service charge; amending s. 316.126, F.S.; requiring drivers of vehicles to behave in a specified fashion when approaching emergency vehicles or wreckers; amending s. 316.2085, F.S.; prohibiting a person under 16 years of age from operating a motorcycle or moped; amending s. 319.14, F.S.; prohibiting a person from knowingly offering for sale, selling, or exchanging a vehicle until the Department of Highway Safety and Motor Vehicles has stamped in a conspicuous place on the certificate of title words stating that the vehicle is a custom vehicle or street rod vehicle; defining the terms "custom vehicle" and "street rod vehicle"; providing that a person who does not make the required disclosures commits a misdemeanor of the second degree; amending s. 319.32, F.S.; requiring that certain specified fees be charged for vehicle inspections; amending s. 319.40, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue an electronic certificate of title in lieu of printing a paper title; authorizing the department to collect and use e-mail addresses in lieu of the United States Postal Service to notify motor vehicle owners and registrants; amending s. 320.023, F.S.; requiring that voluntary contributions collected by the department be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; providing for the implementation of a certain litigation settlement; providing eligibility and procedures to collect the credit; providing for expiration of the provision; amending s. 320.05, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide public access to the National Motor Vehicle Title Information System in a specified manner; requiring the department to adopt a fee schedule to provide for the public-access service; amending s. 320.0607, F.S.; increasing fees for certain license plates; amending s. 320.08048, F.S.; increasing fees for sample license plates; amending s. 320.0863, F.S.; deleting definitions for "custom vehicle" and "street rod" to conform to changes made by the act; amending s. 320.203, F.S.; providing for the disposition of biennial license tax moneys; amending s. 320.27, F.S.; removing certain information from the application form for motor vehicle dealers; providing additional grounds for the Department of Highway Safety and Motor Vehicles to deny, suspend, or revoke a license issued to a motor vehicle dealer; providing that an insurer may cancel the surety bond of a motor vehicle dealer by giving written notice of the cancellation to the department; providing an effective date of the cancellation; requiring the Department of Highway Safety and Motor Vehicles to revoke, suspend, or deny the license issued to a motor vehicle dealer if the dealer conducts business during the license period without having in full force and effect a surety bond that complies with the law; requiring each motor vehicle dealer to deliver to the department evidence of a new or continued garage liability insurance policy; requiring certain policy limits; requiring the Department of Highway Safety and Motor Vehicles to notify the insurance company of the licensee in writing if the license for the motor vehicle dealer has been denied, suspended, or revoked; requiring the department to revoke, suspend, or deny the license issued to a motor vehicle dealer if a dealer conducts business during the license period without having in full force and effect a liability insurance policy; amending s. 320.642, F.S.; requiring the department to assess a licensee fee in connection with establishing an additional motor vehicle dealership or relocating an existing dealership within a community or territory where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; amending s. 320.77, F.S.; providing that an insurer may cancel the surety bond of a mobile home dealer by giving written notice of the cancellation to the department; providing an effective date of the cancellation; requiring the Department of Highway Safety and Motor Vehicles to revoke, suspend,

or deny the license issued to a mobile home dealer if the dealer conducts business during the license period without having in full force and effect a surety bond that complies with the law; requiring each mobile home dealer to deliver to the department evidence of a new or continued garage liability insurance policy; requiring certain policy limits; requiring the department to notify the insurance company of the licensee in writing if the license for the mobile home dealer has been denied, suspended, or revoked; requiring the department to revoke, suspend, or deny the license issued to a mobile home dealer if a dealer conducts business during the license period without having in full force and effect a liability insurance policy; amending s. 320.95, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to collect and use e-mail addresses in lieu of the United States Postal Service to notify motor vehicle owners and registrants; amending s. 322.03, F.S.; providing for part-time residents of the state to be issued a license that is valid within this state only and continue to hold such license until the next regularly scheduled renewal; providing a termination date for "Florida only" licenses; amending s. 322.051, F.S.; providing for the issuance of a duplicate identification card; amending s. 322.08, F.S.; prohibiting the department from issuing a driver's license or identification card to an applicant if the applicant holds a valid driver's license or identification card issued by another state; amending s. 322.095, F.S.; eliminating the requirement that all instructors teaching in the traffic law and substance abuse education program be certified by the department; amending s. 322.201, F.S.; providing that certain records of the department or the clerk of the court are admissible in evidence in all courts of the state; amending s. 322.22, F.S.; authorizing the department to cancel identification cards; amending s. 322.2615, F.S.; eliminating the requirement that a copy of the crash report be submitted to the department within 5 days after issuing the notice of suspension; defining the term "lawful breath, blood, or urine test"; amending s. 322.27, F.S.; authorizing the department to suspend the license or identification card of any person; providing the grounds to suspend an identification card; amending s. 322.271, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to modify a revocation, cancellation, or suspension order; providing that the department may waive the hearing process for suspensions and revocations upon request by the driver under certain circumstances; amending s. 322.28, F.S.; providing for the period of suspension or revocation of a license; amending s. 322.293, F.S.; providing for the administration of the DUI programs of the department; amending s. 322.64, F.S.; providing for disqualification of a driver of a commercial motor vehicle for certain violations; amending s. 328.30. F.S.; providing that the Department of Highway Safety and Motor Vehicles may issue an electronic certificate of title in lieu of printing a paper title; authorizing the department to collect and use e-mail addresses in lieu of the United States Postal Service to notify vessel owners and registrants; amending s. 328.72, F.S.; defining the term "extended registration period"; providing for registration fees for vessels; amending s. 328.80. F.S.; providing that the Department of Highway Safety and Motor Vehicles may accept any vessel application by electronic or telephonic means; authorizing the department to collect and use e-mail addresses in lieu of the United States Postal Service to notify vessel owners and registrants; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 988—A bill to be entitled An act relating to nursing homes; amending s. 400.023, F.S.; providing that a civil cause of action for the abuse, neglect, or exploitation of a vulnerable adult under ch. 415, F.S, is precluded if an action for violation of resident rights is brought under part II of ch. 400, F.S.; providing an exception for a perpetrator; amending s. 400.0237, F.S.; requiring a showing of admissible evidence and an evidentiary hearing before a claim for punitive damages can be brought; amending s. 400.191, F.S.; prohibiting agency inspection records from being used in a civil action against a facility; prohibiting persons who participate in a licensure inspection process from testifying about that participation; amending s. 400.23, F.S.; prohibiting a facility from being held liable for failure to provide adequate staffing if the facility has demonstrated compliance with staffing requirements to the agency; amending s. 415.102, F.S.; defining the term "perpetrator"; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By Senator Rich—

SB 990—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; authorizing an elector to attain status as a permanent absentee voter; specifying circumstances under which a request for an absentee ballot may be considered canceled; amending s. 101.657, F.S.; specifying sites that may be used as early-voting facilities; eliminating certain requirements for branch offices that are used for early voting; revising the number of hours for which early voting must be provided during applicable periods; amending s. 101.694, F.S.; providing that the postcard application request for an absentee ballot is effective for all future elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Rich—

SB 992—A bill to be entitled An act relating to the sterilization of dogs and cats; amending s. 823.15, F.S.; allowing the release of a dog or cat from an animal shelter operated by an animal control agency, humane society, or animal rescue group without compliance with the requirement for sterilization if a licensed veterinarian certifies that the dog or cat has a medical condition that would be substantially aggravated by such procedure or the procedure would likely cause the death of the dog or cat; revising requirements for the release of a cat or dog upon written agreement for sterilization; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

By Senator Aronberg—

SB 994—A bill to be entitled An act relating to the offense of sexual battery on a minor; amending s. 95.11, F.S.; tolling the time period in which civil actions based on sexual battery of a minor must be commenced under certain circumstances; amending s. 775.15, F.S.; providing that the time period for commencing a prosecution for sexual battery upon a minor does not run during certain specified time periods; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

SR 996—Not referenced.

By Senator Ring—

SB 998—A bill to be entitled An act relating to condominium and homeowners' associations; amending s. 718.110, F.S.; limiting the application of certain amendments to the declaration of condominium to certain unit owners; amending s. 718.111, F.S.; providing that a homeowners' association may satisfy its obligation to provide unit owners access to the association's official records by making such records available by specified means; providing that certain records shall not be accessible to unit owners; amending s. 718.112, F.S.; deleting a requirement that each unit owner eligible to vote in an election of board members submit a form certifying certain information within a specified period before such election; requiring that each newly elected board member certify certain information in writing within a specified period after being elected; providing that failure to timely file such certification disqualifies the director from serving on the board; requiring that the secretary of the association retain such certification for a specified period; providing that failure to have such certification on file does not affect the validity of any association action; amending s. 718.113, F.S.; authorizing the board to install code-compliant impact glass under certain conditions; amending s. 718.116, F.S.; further limiting the application of

certain limitations to the liability of a first mortgagee, its successor, or assignee acquiring title to a unit by foreclosure or deed in lieu of foreclosure for certain unpaid assessments; clarifying the definition of "successor or assignee"; limiting the amount of costs to a unit owner resulting from certain collection efforts by an association under certain conditions; providing an exception; providing for the collection of transfer fees; amending s. 718.303, F.S.; authorizing an association to suspend the right of a unit owner or a unit's occupant, licensee, or invitee to use certain common elements or association property; excluding certain common elements and property from such authorization; authorizing the association to levy fines for certain activities; requiring that reasonable notice and opportunity for a hearing be provided before an association levies such fines; granting certain powers to the committee before which hearings are held; providing exceptions to notice and hearing requirements; authorizing an association to suspend the voting rights of a member due to nonpayment of assessments, fines, or other charges delinquent for a specified period under certain circumstances; creating s. 720.3076, F.S.; authorizing the amendment of certain governing documents of certain associations if such amendment is approved by a specified portion of parcels; providing an exception; providing that a governing document may not require that amendments be approved by more than a specified percentage of parcel owners; providing that nonmaterial errors or omissions in the amendment process do not invalidate an otherwise properly adopted amendment; providing that an amendment to a governing document is effective when properly recorded in the public records of the county in which the declaration is recorded; providing that an amendment to the articles of the association becomes effective when properly filed with the state; providing legislative findings and intent; amending s. 720.3085, F.S.; limiting the amount of costs to a unit owner resulting from certain collection efforts by an association under certain conditions; providing exceptions; further limiting the application of certain limitations to the liability of a first mortgagee, its successor, or assignee acquiring title to a unit by foreclosure or deed in lieu of foreclosure for certain unpaid assessments; amending s. 720.30851, F.S.; inserting a cross-reference to clarify the manner of collection of a refund of certain fees; amending s. 720.303, F.S.; specifying actions constituting compliance with provisions of state law regarding inspection and copying of official records of an association; providing that any official record of a homeowners' association requested by an owner shall be deemed provided under certain conditions; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Banking and Insurance; and Judiciary.

By Senator Fasano—

SB 1000—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances; providing requirements for designation of a regional service provider; requiring an interlocal agreement; requiring a referendum; providing for a referendum statement; providing for distribution of surtax proceeds; providing distribution requirements; providing for interlocal agreements; providing agreement requirements; providing requirements for reducing ad valorem tax levies and non-ad valorem assessments for emergency fire rescue services; providing for retention of application of certain provisions of law under use of surtax proceeds; prohibiting certain local governments from receiving a portion of surtax proceed under certain circumstances; providing for initiation of surtax collections; providing an effective date.

—was referred to the Committees on Community Affairs; Military Affairs and Domestic Security; Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1002—A bill to be entitled An act relating to beach erosion control projects; amending s. 161.05301, F.S.; deleting obsolete provisions regarding funding; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1004—A bill to be entitled An act relating to coastal zone protection; amending s. 161.56, F.S.; eliminating obsolete provisions with respect to a continuing education program provided by the state land planning agency; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Fasano—

SB 1006—A bill to be entitled An act relating to ad valorem assessments; amending s. 194.301, F.S.; revising the burden of proof in the challenge of an assessment; requiring property appraisers to prove compliance with certain laws and appraisal practices; deleting provisions relating to a presumption of correctness of an assessment by a property appraiser; requiring a taxpayer to prove entitlement to an ad valorem tax exemption or classification by a preponderance of the evidence; providing legislative intent; providing for retroactive application; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senators Joyner, Rich, Smith, Sobel, Detert, Bennett, and Lawson—

SCR 1008—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was referred to the Committees on Judiciary; and Rules.

By Senators Ring and Fasano—

SB 1010—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; authorizing students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship; deleting the requirement that a student must have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind to be eligible for a scholarship; providing rights that protect the privacy of student education records; requiring a pamphlet or handbook explaining student and parent rights; requiring the Department of Education to recommend training for school personnel in procedures for safe restraint of students; requiring a private school to refund scholarship payment under certain circumstances; permitting students, including homebound or hospitalized students with autism spectrum disorder, to receive scholarship services at locations other than a private school's site under specified conditions; conforming provisions; amending s. 1002.20, F.S., relating to student and parent rights; conforming provisions; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1012—A bill to be entitled An act relating to the Internal Improvement Trust Fund; amending s. 253.01, F.S.; deleting obsolete provisions governing the distribution of funds for the drinking water facility construction state revolving loan program; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1014—A bill to be entitled An act relating to state parks and preserves; amending s. 258.42, F.S.; deleting obsolete provisions regarding the establishment of rules by the Department of Environmental Protection; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Ring—

SB 1016—A bill to be entitled An act relating to public postsecondary education; creating a study committee to investigate the feasibility of, and the process for, establishing a research university; providing for the appointment of study committee members; specifying responsibilities and requiring presentation of findings and recommendations; providing for termination; providing an appropriation; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

SB 1018—A bill to be entitled An act relating to guardians ad litem; amending s. 61.402, F.S.; authorizing a person certified by a not-for-profit legal aid organization to serve as a guardian ad litem in a dissolution of marriage proceeding that does not involve child abuse, abandonment, or neglect; requiring that such person undergo a security background investigation and undergo training in a program developed by The Florida Bar; providing for training developed by a curriculum committee of the not-for-profit organization pending the development of the bar's program; providing a penalty for failing to disclose a material fact in an application to act as a guardian ad litem; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Judiciary.

By Senator Lynn—

SB 1020—A bill to be entitled An act relating to the articulation accountability process; amending s. 1008.38, F.S.; requiring that the State Board of Education adopt rules establishing articulation accountability measures and a process for the formal reporting of trend data relating to the progression and transition of students from secondary education into and through postsecondary education; revising provisions relating to such measures; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Senators Altman, Fasano, and Detert—

SB 1022—A bill to be entitled An act relating to Medicare; amending s. 627.6741, F.S.; requiring that certain insurers issue a Medicare supplement policy to any individual who is younger than 65 years of age and eligible for Medicare due to having end-stage renal disease; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Regulation; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 1024—A bill to be entitled An act relating to reimbursement of federal excise taxes on motor fuel; creating s. 206.431, F.S.; providing requirements and limitations on reimbursement provisions of certain fuel supply contracts; providing notice requirements; providing for payment security requirements; providing for electronic transfer of funds; specifying application to contracts; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; Finance and Tax; and General Government Appropriations.

By Senator Pruitt—

SB 1026—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing Martin County to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within a specified area; exempting residential condominiums from benefiting from incentives derived from state enterprise zones; providing an application deadline; specifying the area encompassed by the enterprise zone; requiring that the office establish the initial effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Sobel—

SB 1028—A bill to be entitled An act relating to racial and ethnic minority health care; requiring the Department of Health to develop and implement plans relating to effective community outreach and to increasing the number of racial and ethnic minority health care professionals; requiring the department to collaborate with universities, colleges, and others on development of courses on cultural competency, sensitivity, and health literacy; requiring the department to require additional curriculum content for continuing education courses for health care professionals; providing an effective date.

—was referred to the Committees on Health Regulation; Higher Education; and Health and Human Services Appropriations.

By Senator Garcia—

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

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Fasano—

SB 1032—A bill to be entitled An act relating to mobile home park lot tenancies; amending s. 723.031, F.S.; deleting cross-references to conform to changes made by the act; amending s. 723.0381, F.S.; authorizing the court to refer actions to binding arbitration under certain conditions; amending s. 723.059, F.S.; deleting a provision relating to mobile home park owners increasing rental amounts under certain conditions; amending s. 723.061, F.S., relating to grounds and proceedings for eviction; requiring a mobile home park owner to apply to the local government for change of use or rezoning under specified conditions; requiring such owner to provide a specified relocation plan; providing that such application and plan be provided to the park's homeowners' association; providing that a park owner may not give a notice of increase in lot rental amount during a specified period; deleting a provision relating to nonapplicability of certain provisions relating to governmental action affecting removal of mobile home owners; amending s. 723.071, F.S.; revising notice requirements relating to the sale of mobile home parks; revising provisions relating to a homeowners' association's right to purchase the mobile home park; increasing the number of days in which a contract must be executed for such sale; providing requirements for the purchase of the park by a homeowners' association; providing offer requirements; deleting definitions to conform to changes in such notice requirements; amending s. 723.083, F.S.; requiring an agency of municipal, local, county, or state government to first determine the existence of adequate mobile home parks or other monetarily comparable, suitable, and available facilities before approving any action that would result in the removal or relocation of mobile home owners residing in a mobile home park; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Judiciary.

By Senator Fasano—

SB 1034—A bill to be entitled An act relating to the Florida 211 Network; amending s. 408.918, F.S.; removing the Agency for Health Care Administration from the process of certifying providers of information and referral of health and human services for participation in the Florida 211 Network; requiring each 211 provider to be accredited by the Florida Alliance of Information and Referral Services; requiring each 211 provider to notify the Public Service Commission of the accreditation; requiring the Public Service Commission to request that the Federal Communications Commission direct the local exchange company to revoke the use of the 211 number if the 211 Network provider is not accredited; providing an effective date.

—was referred to the Committees on Health Regulation; Communications, Energy, and Public Utilities; and Health and Human Services Appropriations.

By Senators Fasano and Gaetz—

SB 1036—A bill to be entitled An act relating to legislative compensation; amending s. 11.13, F.S.; reducing the annual salaries of members of the Legislature; providing an effective date.

—was referred to the Committee on Rules; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

SB 1038—A bill to be entitled An act relating to landlord-tenant relations; requiring the landlord or the landlord's agent to notify the mortgagee in writing within a specified period that the premises is being rented as a dwelling unit; requiring the landlord to give a copy of the notice to the tenant at the time the landlord notifies the mortgagee; requiring the landlord or the landlord's agent to notify the mortgagee of any change in the rental arrangement; providing that each tenant of the premises is a party to a proceeding to foreclose any note or mortgage covering the premises; requiring that, following a notice of foreclosure, the landlord pay into the registry of the court deposit money received by the landlord; prohibiting any purchaser who receives a certificate of title on a foreclosed premises from taking possession of the premises earlier than 60 days after the tenant is given written notice of the foreclosure; requiring the purchaser to notify each tenant by registered mail; requiring a landlord to inform any prospective or current tenant of any problem that, to the best of landlord's knowledge, may cause the premises to be subject to a foreclosure proceeding; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Bennett—

SB 1040—A bill to be entitled An act relating to affordable housing; amending s. 125.0104, F.S.; allowing certain counties to use certain tax revenues for workforce, affordable, and employee housing; amending s. 159.807, F.S.; providing limitations on the Florida Housing Finance Corporation's access to the state allocation pool; deleting a provision exempting the corporation from the applicability of certain uses of the state allocation pool and revising language relating to such uses; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 196.196, F.S.; providing additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to an exemption from ad valorem taxation; providing a definition; amending s. 196.1978, F.S.; providing that property owned by certain nonprofit entities or Florida-based limited partnerships and used or held for the purpose of providing affordable housing to certain income-qualified persons is exempt from ad valorem taxation; revising legislative intent; subjecting organizations owning certain property to ad valorem taxation under certain circumstances; providing for tax liens; providing for penalties and interest; providing an exception; providing notice requirements; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 420.503, F.S.; defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.5061, F.S.; removing a provision requiring the Florida Housing Finance Corporation to transfer certain funds to the General Revenue Fund; amending s. 420.507, F.S.; providing the corporation with certain powers relating to developing and administering a grant program; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; amending s. 420.5095, F.S.; providing for the disbursement of certain Community Workforce Housing Innovation Pilot Program funds that were awarded but have been declined or returned; amending s. 420.615, F.S.; revising provisions relating to comprehensive plan amendments; authorizing certain persons to challenge the compliance of an amendment; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions; amending s. 420.9072, F.S.; conforming a cross-reference; amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing the corporation to define high-cost counties and eligible municipalities by rule; authorizing high-cost counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution that may be used for manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by the local housing assistance trust fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; revising notice requirements for public hearings of the advisory committee; requiring the committee's final report, evaluation, and recommendations to be submitted to the corporation; deleting cross-references to conform to changes made by the act; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 1042—A bill to be entitled An act relating to affordable housing; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing

for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Smith—

SB 1044—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for specified identifying information contained in the statewide Internet registry maintained under the Vacant or Abandoned Real Property Registration, Maintenance, and Foreclosure Reporting Act; providing exceptions; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

By Senator Fasano—

SB 1046—A bill to be entitled An act relating to public records and public meetings; creating s. 215.5571, F.S.; providing an exemption from public-records requirements for certain records of the Florida Hurricane Protection Program of the Florida Catastrophe Fund; providing an exemption from public-meetings requirements for portions of certain meetings of the State Board of Administration; requiring that exempt portions of meetings be recorded, transcribed, and maintained for a specified period; providing an exemption from public-records requirements for minutes and transcripts of exempt portions of meetings; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

By Senator Joyner—

SB 1048—A bill to be entitled An act relating to motor vehicle registration fees; amending s. 320.03, F.S.; revising a fee charged for the initial and renewal registration of certain automobiles and trucks and deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

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

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Joyner—

SB 1052—A bill to be entitled An act relating to grandparental visitation; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; providing a rebuttable presumption in favor of the minor's parent; requiring a preliminary hearing on harm to the minor resulting from denial of visitation; providing for the payment of fees and costs by a petitioner who fails to make a prima facie showing of harm; authorizing appointment of a guardian ad litem and mediation following a prima facie showing of harm; providing for a home-study investigation or professional evaluation of the minor if mediation fails; authorizing grandparental visitation if the court makes specified findings; requiring clear and convincing evidence that the denial of visitation has caused or is likely to cause demonstrable harm to the child's health, safety, or welfare; providing factors for court consideration in determining whether there is harm to the minor; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the consolidation of certain concurrent actions; providing for modification of an order awarding grandparental visitation; limiting the frequency of actions seeking visitation; providing relief to the grandparent if the parent unreasonably denies or interferes with court-ordered visitation; prohibiting visitation subsequent to adoption except under certain circumstances; providing for application of sanctions for unsupported claims or defenses; providing for venue; amending s. 752.015, F.S.; conforming a cross-reference; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; repealing s. 752.01, F.S., relating to actions for grandparental visitation; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1054—A bill to be entitled An act relating to homelessness; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; providing methodology; providing components of the program; providing that local continuums of care that adopt the program be given funding priority; directing the State Office on Homelessness to develop procedures for identifying and giving priority; creating s. 420.628, F.S.; providing legislative findings and intent relating to young adults leaving foster care; amending s. 1003.01, F.S.; revising a definition; amending ss. 1003.21 and 1003.22, F.S.; conforming terminology; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 1056—A bill to be entitled An act relating to tax refund loans or checks; providing a short title; providing definitions; requiring a person engaged in providing refund anticipation loans or checks to comply with certain requirements; requiring facilitators of refund anticipation loans or checks to disclose certain information; prescribing how that information must be displayed; requiring a facilitator to disclose certain information in an application for a refund anticipation loan or check; prescribing how that information must be displayed; requiring a facilitator to provide certain information orally to an applicant for a refund anticipation loan or check; providing activities that are prohibited when transacting a refund anticipation loan or check; limiting the amount of interest that may be charged on a refund anticipation loan; requiring refund anticipation loan and check marketing and advertizing efforts to include certain disclosures; providing remedies, including attorney's fees and costs; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce; Judiciary; and General Government Appropriations.

By Senator Bennett—

SB 1058—A bill to be entitled An act relating to mortgage foreclosure diversion pilot programs; providing legislative intent; authorizing each judicial circuit to establish a mortgage foreclosure diversion pilot program; providing for construction with other laws; providing for applicable rules of practice and procedure; requiring when such a mortgage foreclosure diversion pilot program exists, a conciliation conference must be held before an order of foreclosure may issue in a foreclosure proceeding concerning an owner-occupied residential property; prescribing a time period in which such a conference must be held; specifying items that may be included in the order for such a conference; providing for a person to preside over such a conference; specifying issues that must be addressed in such a conference; specifying consequences if a defendant fails to attend the mandatory conciliation conference; providing for termination of pilot programs and repeal of provisions; providing legislative intent concerning construction of provisions with regard to the constitutional prerogatives of the judiciary; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Bennett—

SB 1060—A bill to be entitled An act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; expanding plan of operation requirements for standard personal lines policy forms providing full coverage of residential property to include certain dwelling fire policies; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 1062—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; redefining the term "employee leasing company" to reflect reporting requirements imposed by the act; amending s. 443.1216, F.S.; requiring an employee leasing company to submit a report regarding its establishments to the Labor Market Statistics Center within the Agency for Workforce Innovation; providing reporting requirements; requiring the agency to adopt rules; providing definitions; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations.

By Senator Aronberg—

SB 1064—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; prohibiting secretly viewing, for specified purposes, under, over, or through the clothing being worn by another person without that person's knowledge or consent in order to view the body of, or the undergarments worn by, that person; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Aronberg—

SB 1066—A bill to be entitled An act relating to grounds for nonrecognition of foreign defamation judgments; amending s. 55.605, F.S.; providing that an out-of-country foreign judgment need not be recognized if the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press as would be provided in this state; creating s. 55.6055, F.S.; providing that the courts of this state have personal jurisdiction over a person who obtains a judgment in a defamation proceeding outside the United States against a person residing in or having property in this state for the purpose of determining whether the foreign defamation judgment should be deemed nonrecognizable; providing for retroactive application; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

SR 1068—Not referenced.

By Senator Wise—

SB 1070—A bill to be entitled An act relating to water management districts; amending s. 373.073, F.S.; requiring the members of the governing boards of the water management districts be elected rather than appointed; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Ethics and Elections; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Baker—

SB 1072—A bill to be entitled An act relating to Special Risk Class retirement benefits; amending s. 121.091, F.S.; prohibiting certain members of the Special Risk Class from being reemployed or contracting with the same employing agency from which the member retired; extending the period of time during which certain Special Risk Class members may participate in the Florida Retirement System Deferred Retirement Option program; deleting obsolete provisions; providing legislative findings with respect to the state's interest in protecting the public's safety and welfare by extending retirement benefits for officers and funding increased retirement benefits in an actuarially sound manner; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 1074—A bill to be entitled An act relating to carrying of concealed weapons or firearms; amending s. 790.061, F.S.; providing that any county court judge, circuit court judge, district court of appeal judge, justice of the Supreme Court, federal district court judge, or federal court of appeals judge serving in this state, or such a judge who is retired or on senior status, and in compliance with specified requirements shall be allowed to carry a concealed weapon or firearm at any time and into any place or facility in the state; providing exceptions; amending s. 790.115, F.S.; including specified justices and judges within provisions of nonapplicability with respect to the prohibited possession or discharge of weapons or firearms at a school-sponsored event or on school property, to conform; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Baker—

SB 1076—A bill to be entitled An act relating to motor vehicle sunscreening material restrictions; amending s. 316.29545, F.S.; excluding vehicles owned or leased by private investigative services from certain restrictions when used in specified activities; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Criminal Justice.

By Senator Baker—

SB 1078—A bill to be entitled An act relating to the limitation of liability of water management districts; amending s. 373.1395, F.S.; applying the limitation of liability of a water management district to the water areas of the district; providing that certain commercial activities do not terminate the limitation of liability of a water management district; providing that the protections, immunities, and limitations of lia-

bility provided to a water management district apply regardless of whether any claimant or person was engaged in a recreational activity at the time of an accident or occurrence; defining the term "park area, district or other lands, or water areas"; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Judiciary; and General Government Appropriations.

By Senator Smith—

SB 1080—A bill to be entitled An act relating to operation of the Florida Lottery; amending s. 20.317, F.S.; clarifying provisions concerning regional offices; amending s. 24.101, F.S.; revising a reference; amending s. 24.102, F.S.; revising provisions relating to legislative intent to provide for operation of the lottery under a management agreement; amending s. 24.103, F.S.; providing and revising definitions; amending s. 24.104, F.S.; revising language concerning the purpose of the Department of the Lottery to permit contracting with a manager; amending s. 24.105, F.S.; revising provisions concerning the powers and duties of the department to allow for possible contracting with a manager; providing that specified provisions apply regardless of whether the department contracts with a manager; deleting obsolete language; amending s. 24.107, F.S.; revising provisions concerning advertising and promotion of lottery games to conform to the possibility of contracting with a manager; amending ss. 24.108 and 24.111, F.S.; revising provisions relating to security and contracts for goods or services to conform to the possibility of contracting with a manager; creating s. 24.1115, F.S.; providing for a management agreement under which the lottery may be operated; providing intent; providing definitions; limiting the duration of such an agreement; providing limits on the games that may be offered under such an agreement; providing for an initial payment to the department by a manager; providing for royalty payments by a manager; providing for collection of funds in excess of a specified baseline growth percentage to ensure that the manager does not earn excess revenue; providing requirements for the contents of a management agreement; requiring periodic investigations of the performance by a manager; providing for a request for qualifications process to select a manager; providing for the public records status of specified materials under existing exemptions; providing for negotiations between one or more offerors and the department; providing selection procedures; requiring a public hearing; providing for designation of a manager by the Governor; providing for status of debt offering by the manager; providing for a time period for challenges to designation of a manager; providing department powers; prohibiting the department from selling the authorization to manage the lottery; providing that there is no prohibition on additional legislative authorization of other forms of gambling; amending s. 24.112, F.S.; revising provisions concerning retailers of lottery tickets to conform to the possibility of contracting with a manager; amending s. 24.113, F.S.; providing that provisions concerning minority participation also apply if the lottery contracts with a manager; amending ss. 24.114, 24.115, 24.1153, 24.117, 24.118, and 24.120, F.S.; revising provisions relating to bank deposits and control of lottery transactions, payment of prizes, assignment of prizes payable in installments, penalties for unlawful sale of lottery tickets, breach of confidentiality, and unlawful representation, and financial matters to conform to the possibility of contracting with a manager; amending s. 24.121, F.S.; revising provisions relating to allocation of revenues and expenditure of funds for public education to conform to the possibility of contracting with a manager; providing for a minimum allocation of proceeds received under a management agreement to the Florida Bright Futures Scholarship Program; amending ss. 24.122, 24.123, and 24.124, F.S.; revising provisions relating to exemption from taxation, state preemption, inapplicability of other laws, annual audit of financial records and reports, responsibility for ticket accuracy, and liability to conform to the possibility of contracting with a manager; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Accountability; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 1082—A bill to be entitled An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing that if the victim of a home-invasion robbery is an elderly person or disabled adult, the perpetrator commits a felony of the first degree; providing criminal penalties; amending s. 921.0022, F.S.; adding the offense to the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1084—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.366(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1086—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the state courts system without modification; repealing s. 25.3842(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Senator Altman—

SB 1088—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the term "seasonal delivery personnel"; authorizing the use of golf carts, modified carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

By Senator Crist—

SB 1090—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Corrections without modification; repealing s. 945.21503(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1092—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Florida Parole Commission without modification; repealing s. 947.045(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1094—A bill to be entitled An act relating to the registration of career offenders; amending s. 775.261, F.S.; providing that it is a third-degree felony for a person who has reason to believe that a career offender is or has not complied with the registration requirements for career offenders to assist the career offender elude a law enforcement agency, to withhold information from the law enforcement agency about the career offender's noncompliance, to harbor or attempt to harbor the

career offender, to conceal or attempt to conceal the career offender, or to provide information to a law enforcement agency which the person knows to be false; providing criminal penalties; reenacting s. 944.608(7), F.S., relating to notifying the Department of Law Enforcement of information concerning career offenders, to incorporate the amendments made to s. 775.261 F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1096—A bill to be entitled An act relating to color photographic or digital imaged licenses; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to release to a law enforcement agency multiple reproductions of images or updated images from the print files or digital records for inclusion in a facial-recognition biometrics database; providing that the images continue to be exempt from public disclosure while contained in the database; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Joyner—

SB 1098—A bill to be entitled An act relating to early voting; amending s. 101.657, F.S.; expanding the list of available sites at which early voting may be held to include any location designated by a supervisor of elections meeting the requirements of state law; deleting a requirement that an early voting site be designated and used as such for at least 1 year before an election; requiring that the Division of Elections of the Department of State establish by rule a formula for determining the number of early voting sites in each county; expanding early voting hours to 12 hours per weekday and 12 hours in the aggregate each weekend at each site during the applicable periods; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By the Committee on Transportation—

SB 1100—A bill to be entitled An act relating to a review of the Department of Highway Safety and Motor Vehicles under the Florida Government Accountability Act; reenacting and amending s. 20.24, F.S., relating to the establishment of the department; eliminating an obsolete reference to the Bureau of Motor Vehicle Inspection; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Senator Storms—

SB 1102—A bill to be entitled An act relating to real property assessments; amending s. 194.301, F.S.; revising the burden of proof in challenges to the property appraiser's assessment of just value; deleting the presumption of correctness and placing the burden of proof on the appraiser; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1104—A bill to be entitled An act relating to art in public buildings; repealing s. 255.043, F.S., relating to a requirement that a specified portion of appropriations for new construction of state buildings be used for art; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 1106—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the state courts system without modification; repealing s. 25.3844(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1108—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Corrections without modification; repealing s. 20.3151(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1110—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.367(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Senator Altman—

SB 1112—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; deleting certain provisions relating to federal amendments to federal law dealing with bonus depreciation for purposes of adjusted federal income and corporate income tax liability; amending s. 220.13, F.S.; deleting certain adjustments to federal income; specifying the treatment by this state of certain depreciation and expensing of assets that are allowed for federal income tax purposes; requiring the Department of Revenue to compromise certain penalties and interest under certain circumstances; specifying application; authorizing the department to adopt emergency rules for certain administrative purposes; providing for retroactive operation; providing an effective date.

—was referred to the Committee on Finance and Tax.

By Senator Richter—

SB 1114—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second violation of specified provisions within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Finance and Tax; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Richter—

SB 1116—A bill to be entitled An act relating to consensus estimating conferences; amending s. 216.137, F.S.; requiring principals and participants of consensus estimating conferences to consider the costs and benefits of changes in special impact analyses; providing an effective date.

—was referred to the Committee on Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wilson—

SB 1118—A bill to be entitled An act relating to determination of resident status for tuition purposes; amending s. 1009.21, F.S.; revising definitions; providing conditions for reclassification as a resident for tuition purposes; requiring that evidence be provided relating to legal residency and dependent status; requiring institutions of higher education to determine an applicant's dependent status and residency under certain circumstances; revising obsolete provisions; providing additional categories within which students may be classified as residents for tuition purposes; limiting eligibility for state financial aid; providing an effective date.

—was referred to the Committees on Higher Education; Military Affairs and Domestic Security; Finance and Tax; and Higher Education Appropriations.

By Senator Fasano—

SB 1120—A bill to be entitled An act relating to the University of South Florida; creating s. 1004.387, F.S.; authorizing a doctor of pharmacy degree program at the university; providing an effective date.

—was referred to the Committees on Higher Education; Health Regulation; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gaetz—

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

—was referred to the Committees on Banking and Insurance; Health Regulation; and General Government Appropriations.

By Senator Altman—

SB 1124—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes that have six or fewer residents located within a planned residential community are not required to obtain local government approval regardless of their proximity to each other; providing an effective date.

—was referred to the Committees on Community Affairs; and Children, Families, and Elder Affairs.

By Senators Richter and Ring—

SB 1126—A bill to be entitled An act relating to investor protection; amending s. 16.56, F.S.; expanding jurisdiction of the Office of Statewide Prosecution to investigate and prosecute certain additional offenses; amending s. 517.021, F.S.; revising definitions; amending s. 517.072, F.S.; exempting certain transactions in viatical settlement investments from certain registration requirements; specifying application of certain provisions; amending s. 517.12, F.S.; revising requirements for registration of dealers, associated persons, investment advisers, and branch offices, including fingerprinting requirements; amending s. 517.121, F.S.; authorizing the Office of Financial Regulation to suspend registration for registrant failure to provide certain records; providing for rescinding suspensions; amending ss. 517.1215 and 517.1217, F.S.; changing an agency reference; amending s. 517.131, F.S.; revising a Securities Guaranty Fund disbursement requirement; amending s. 517.141, F.S.; excluding postjudgment interest from payments from the fund; amending s. 517.161, F.S.; expanding the class of persons related to or associated with an applicant or registrant for which certain violations may result in adverse actions taken against registrations; authorizing the office to suspend a registration under certain circumstances; creating s. 517.1611, F.S.; requiring the Financial Services Commission to adopt rules for imposing registration sanctions for certain violations by registrants and associated or related persons; requiring the commission to adopt rules for disqualifying registrants for certain periods of time for certain criminal actions; providing rules criteria; amending s. 517.191, F.S.; authorizing the office to apply to the court for orders directing restitution; authorizing the office to apply to the court to impose civil penalties for certain violations; specifying limitations; authorizing the Attorney General, with approval of the office, to investigate and enforce certain provisions; authorizing the Attorney General to bring certain actions for injunctive relief; authorizing the Attorney General to recover certain investigation and enforcement costs and attorney fees; providing for deposit of certain recovered moneys into the Legal Affairs Revolving Trust Fund; amending s. 517.221, F.S.; increasing the amount of certain administrative fines; authorizing the office to bar certain persons from submitting applications or notifications for a license or registration under certain circumstances; specifying nonapplication of time limitations to certain office enforcement actions; amending s. 517.275, F.S.; revising criteria for prohibited practices relating to commodities; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include certain additional offenses; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; Governmental Oversight and Accountability; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Rich—

SB 1128—A bill to be entitled An act relating to education for children in shelter care or foster care; amending s. 39.0016, F.S.; defining the term "surrogate parent"; providing legislative intent; providing conditions for district school board or court appointment of a surrogate parent for educational decisionmaking for a child who has or is suspected of having a disability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child's medical records and educational records if a child is placed in a shelter; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Sobel—

SB 1130—A bill to be entitled An act relating to the practice of tattooing; creating part XVII of ch. 468, F.S., the Tattoo Practice and Tattoo Establishment Act; providing definitions; prohibiting the practice of tattooing unless a person is licensed or registered by the Department of Health; requiring the licensure of a tattoo establishment; requiring that the department establish requirements for licensure and registration; exempting physicians licensed under ch. 458 or ch. 459, F.S., from regulation under the act; prohibiting a tattooist from tattooing under certain circumstances; specifying requirements for licensure and license renewal; providing requirements for registration as an intern tattooist or apprentice tattooist; providing requirements for licensure for a tattoo establishment; requiring a tattooist to complete a course in continuing education; prohibiting the transfer of a license or registration; providing practice requirements for tattooists, intern tattooists, and apprentice tattooists; specifying fees for initial licensure and registration and annual renewal thereof; specifying acts that constitute grounds under which the department may take disciplinary action; providing for disciplinary proceedings and fines; authorizing the department to adopt rules to administer the act; providing requirements for persons applying for registration as an intern tattooist or apprentice tattooist; providing penalties for certain violations involving the practice of tattooing; authorizing the department or the state attorney to enjoin a continuing violation of the act; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; Governmental Oversight and Accountability; Finance and Tax; and Health and Human Services Appropriations.

By Senator Fasano—

SB 1132—A bill to be entitled An act relating to credit counseling services; amending s. 817.801, F.S.; defining and redefining terms; creating s. 817.8015, F.S.; requiring credit counseling organizations to annually register with the Office of Financial Regulation; providing registration requirements; providing grounds for denying registration; providing for a registration fee; authorizing the office to adopt rules; amending s. 817.802, F.S.; prohibiting a credit counseling organization from engaging in certain additional specified acts; deleting a provision that allows the organization to collect a fee for insufficient fund transactions; amending s. 817.803, F.S.; revising provisions relating to an exception provided to attorneys providing representation to clients; amending s. 817.804, F.S.; requiring a credit counseling organization to obtain a surety bond; authorizing the office to adopt rules; creating s. 817.8045, F.S.; providing for service contracts; requiring certain provisions to be included in such contracts; requiring the credit counseling organization to provide the consumer with copies of all signed documents; amending ss. 817.805 and 817.806, F.S.; conforming terms to changes made by the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce; Governmental Oversight and Accountability; Finance and Tax; and General Government Appropriations.

By Senator Lynn—

SB 1134—A bill to be entitled An act relating to the Streamlined Sales and Use Tax Agreement; amending s. 212.02, F.S.; revising definitions; amending s. 212.03, F.S.; specifying certain facilities that are exempt from the transient rentals tax; amending ss. 212.0306, 212.04, and 212.0506, F.S.; deleting the application of brackets for the calculation of sales and use taxes; amending s. 212.05, F.S.; deleting criteria establishing circumstances under which taxes on the lease or rental of a motor vehicle are due; revising criteria establishing circumstances under which taxes on the sale of a prepaid calling arrangement are due; increasing the tax on charges for the use of coin-operated amusement machines; deleting the application of brackets for the calculation of sales and use taxes; amending s. 212.054, F.S.; limiting the $5,000 cap on discretionary sales surtax to the sale of motor vehicles, aircraft, boats, motor homes, manufactured homes, modular homes, and mobile homes; specifying the time at which changes in surtaxes may take effect; providing criteria to determine the situs of certain sales; providing for databases to identify taxing jurisdictions; providing criteria to hold purchasers harmless for failure to pay the correct amount of tax; holding sellers harmless for failing to collect a tax at a new rate under certain circumstances; amending s. 212.06, F.S.; defining terms; deleting provisions relating to mail-order sales to conform; requiring purchasers of direct mail to use direct mail forms; providing criteria for determining the location of transactions involving tangible personal property, digital goods, or services and for the lease or rental of tangible personal property; amending s. 212.07, F.S.; providing for the creation of a taxability matrix; providing immunity from liability for acts in reliance of the taxability matrix; amending s. 212.08, F.S.; revising exemptions from sales and use tax for food and medical products; creating s. 212.094, F.S.; providing a procedure for a purchaser to obtain a refund of tax collected by a dealer; amending s. 212.12, F.S.; authorizing collection allowances for certified service providers in accordance with the Streamlined Sales and Use Tax Agreement; providing for the computation of taxes due based on rounding instead of brackets; amending s. 212.17, F.S.; providing additional criteria for a dealer to claim a credit for taxes paid relating to worthless accounts; amending s. 212.18, F.S.; authorizing the Department of Revenue to waive the dealer registration fee for applications submitted through the central electronic registration system provided by member states of the Streamlined Sales and Use Tax Agreement; amending s. 212.20, F.S.; deleting procedures for refunds of tax paid on mail-order sales; creating s. 213.052, F.S.; providing for notice of state sales or use tax changes; creating s. 213.0521, F.S.; providing the effective date for state sales and use tax changes; creating 213.215, F.S.; providing amnesty for uncollected or unpaid sales and use taxes for sellers who register under the Streamlined Sales and Use Tax Agreement; providing exceptions to the amnesty; amending s. 213.256, F.S.; providing definitions; providing for entry into agreements with other states to simplify and facilitate compliance with sales tax laws; providing for certification of compliance with agreements; creating s. 213.2562, F.S.; providing for the department to review software submitted to the governing board for certification as a certified automated system; creating s. 213.2567, F.S.; providing for the registration of sellers, the certification of a person as a certified service provider, and the certification of a software program as a certified automated system by the governing board under the Streamlined Sales and Use Tax Agreement; declaring legislative intent; providing for the adoption of emergency rules; amending ss. 11.45, 196.012, 202.18, 203.01, 212.031, 212.055, 212.15, 213.015, 218.245, 218.65, 288.1045, 288.1169, 551.102, and 790.0655, F.S.; conforming cross-references; repealing s. 212.0596, F.S., relating to provisions pertaining to the taxation of mail-order sales; providing an effective date.

—was referred to the Committee on Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Gelber—

SB 1136—A bill to be entitled An act relating to medical faculty certificates; amending s. 458.3145, F.S.; increasing the maximum number of medical faculty certificates issued to faculty at certain institutions; providing an effective date.

—was referred to the Committees on Health Regulation; Higher Education; and Higher Education Appropriations.

By Senator Gaetz—

SB 1138—A bill to be entitled An act relating to self-insurance funds; creating s. 624.4626, F.S.; authorizing any two or more electric cooperatives to operate a self-insurance fund for certain purposes; providing for membership in the fund; requiring that the fund fulfill certain criteria; providing for the applicability of certain assessments and certain provisions of state law to such a fund; amending s. 631.904, F.S.; exempting certain self-insurance funds from specified provisions of state law; providing an effective date.

—was referred to the Committees on Banking and Insurance; Communications, Energy, and Public Utilities; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Senator Altman—

SB 1140—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing for nonapplication of the tax to certain transfers or conveyances of homestead property between

spouses; providing requirements; specifying application of the exemption; providing an effective date.

—was referred to the Committees on Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 1142—A bill to be entitled An act relating to public officers and employees; amending s. 112.313, F.S.; providing additional acts that constitute a breach of duty by a public official, an agency employee, or a local government attorney; amending s. 838.022, F.S.; expanding the list of acts of official misconduct; requiring state attorneys and law enforcement agencies to strictly enforce the provisions prohibiting official misconduct; amending s. 839.24, F.S.; providing that the failure of a sheriff, judicial officer, quasi-judicial officer, prosecuting officer, court reporter, stenographer, interpreter, or other public officer to perform a required duty is a misdemeanor of the second degree; requiring state attorneys and law enforcement agencies to strictly enforce such provisions; amending s. 843.0855, F.S.; providing penalties for additional criminal actions committed by a public servant; requiring state attorneys and law enforcement agencies to strictly enforce such provisions; providing an effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Governmental Oversight and Accountability; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 1144—A bill to be entitled An act relating to manufacturers and purchasers of prescription drugs; amending s. 499.003, F.S.; redefining the term "manufacturer" as it relates to the Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; revising the business entities that are eligible for a permit as a health care clinic establishment in order to purchase prescription drugs; providing an effective date.

—was referred to the Committees on Health Regulation; Commerce; and Health and Human Services Appropriations.

By Senator King—

SB 1146—A bill to be entitled An act relating to the Public Service Commission; expressing the legislative intent to revise laws relating to the Public Service Commission; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator King—

SB 1148—A bill to be entitled An act relating to water and wastewater; expressing the legislative intent to revise laws relating to water and wastewater; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator King—

SB 1150—A bill to be entitled An act relating to electric utilities; expressing the legislative intent to revise laws relating to electric utilities; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; General Government Appropriations; and Rules.

By Senator King—

SB 1152—A bill to be entitled An act relating to the Florida Energy and Climate Commission; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator King—

SB 1154—A bill to be entitled An act relating to renewable energy; amending s. 366.92, F.S.; deleting a requirement that the Public Service Commission adopt rules for a renewable portfolio standard and present the draft rules to the Legislature for consideration by February 1, 2009; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator King—

SB 1156—A bill to be entitled An act relating to trust funds; creating the Florida Renewable Energy Trust Fund within the Florida Energy and Climate Commission; requiring that the commission administer the fund; providing that moneys deposited into the fund be from federal grants for renewable energy; providing a purpose for the fund; requiring that any balance remain in the trust fund at the end of each fiscal year; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; and Environmental Preservation and Conservation; and the Policy and Steering Committee on Ways and Means.

SR 1158—Not referenced.

By Senator Constantine—

SB 1160—A bill to be entitled An act relating to land management; amending s. 259.032, F.S.; deleting a provision requiring the Legislature to review certain funding formulas; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Jones—

SB 1162—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to revise laws relating to an exemption from public-records and public-meetings requirements; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Fasano—

SJR 1164—A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to prohibit increases in the assessed value of homestead property if the market value of the property decreases.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1166—A bill to be entitled An act relating to proceeds of forfeitures; amending s. 932.7055, F.S.; increasing the minimum percentage of such proceeds that must go to non-law enforcement organizations; revising the types of organizations that may receive such funds and the purposes for which such funds may be expended; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator King—

SB 1168—A bill to be entitled An act relating to securitizing energy rates; defining terms; authorizing an electric utility to petition the Public Service Commission for a financing order for developing an electric utility plant; requiring the electric utility to provide specified information in the petition for a financing order; requiring that the proceedings to consider a petition for a financing order be completed in accordance with the provisions of ch. 120, F.S., and other specified rules; requiring the Public Service Commission to include specified information in the financing order issued to the electric utility; requiring the electric utility to file with the commission a biannual letter that applies the formula-based mechanism applicable to preconstruction cost charges; authorizing an adversely affected party to petition for judicial review in the Supreme Court under certain circumstances; providing that a financing order remains in effect until the preconstruction cost bonds issued pursuant to the order have been paid in full and the commission-approved financing costs of such bonds have been recovered in full; providing exceptions to Public Service Commission jurisdiction; specifying duties for an electric utility that has obtained a financing order; requiring the electric utility to include specified information in electric bills; providing that preconstruction cost property of an electric utility development constitutes a property right or interest; providing that preconstruction cost property of the electric utility plant development continues to exist until the preconstruction cost bonds issued under a financing order, and all financing costs and other costs of the bonds, are paid in full; providing that the Uniform Commercial Code does not apply to preconstruction cost property of the electric utility plant development; providing exceptions; providing that preconstruction cost property of the electric plant development may be sold, assigned, or transferred; requiring that all referenced financing statements are subject to the Uniform Commercial Code; providing an exception; providing that state law governs electric utility plant developments; providing that preconstruction cost bonds are not a debt or a general obligation of the state or any of its political subdivisions; providing that certain designated entities may legally invest in preconstruction cost bonds; providing that the state pledges to and agrees with specified parties that the state will refrain from taking certain actions; providing that an assignee or financing party is not an electric utility or person providing electric service when it engages in the transactions described in this section; providing that certain occurrences do not affect the validity of any action taken by an electric utility, assignee, or financing party; providing for penalties if the utility violates the financing order or applicable provisions of the act; amending s. 366.06(1), F.S.; authorizing the commission in fixing rates to consider the extent to which the public utility's economic risk has been reduced by use of cost recovery mechanisms; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Commerce; Judiciary; Finance and Tax; and General Government Appropriations.

SR 1170—Not referenced.

By Senator Jones—

SB 1172—A bill to be entitled An act relating to the tobacco tax; expressing the legislative intent to revise laws relating to the tobacco tax; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1174—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; amending s. 1002.36, F.S.; requiring that salaries for full-time instructional personnel at the school be increased annually according to the average of certain comparable salaries; requiring annual negotiation of salary schedules; providing for implementation based on funding; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 1176—A bill to be entitled An act relating to juvenile justice; amending s. 985.35, F.S.; requiring the Department of Juvenile Justice to adopt rules governing the procedures that may be used to restrain a child upon his or her arrival at the courthouse and the length of time a child may be placed in isolation; requiring the department to comply with the Protective Action Response policy whenever mechanical restraints are used; amending s. 985.483, F.S.; conforming a cross-reference; amending s. 985.664, F.S.; requiring that a juvenile justice circuit board and a juvenile justice county council be established in each judicial circuit and county, respectively; providing a purpose for each board and council; requiring the Children and Youth Cabinet to monitor the comprehensive plan of each circuit; requiring a circuit board and county council to enter into a written county or circuit interagency agreement specifying the nature and extent of contributions that each signatory agency will make to achieve the goals of the county or circuit plan; specifying the parties that must be included in the interagency agreement; providing for the sharing of information useful in carrying out the goals of the interagency agreement; requiring each circuit board to prepare an annual report; requiring the annual legislative budget request to reflect the needs of each board and council; providing for membership on the circuit board; requiring the secretary of the Department of Juvenile Justice to attend quarterly meetings with the chairpersons of the county councils and circuit boards; providing for the content of the meetings; providing for reimbursement for nongovernmental members of circuit boards and county councils; requiring the department to provide legal counsel to advise boards and councils; requiring each circuit board and county council to use due diligence to encourage community participation by using community outreach outlets; amending s. 985.668 F.S.; requiring the department to encourage circuit boards and county councils to propose at least one innovation zone; amending s. 985.676, F.S.; providing that certain specified criteria be used when awarding community juvenile justice partnership grants; allowing the department to extend indefinitely the funding period of a grant under specified circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 1178—A bill to be entitled An act relating to forfeiture; amending s. 932.704, F.S.; authorizing posting notice of a forfeiture complaint on an official government Internet site for a specified period as an alternative notice method; amending s. 932.7055, F.S.; providing additional uses for proceeds from forfeiture proceedings; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator Wise—

SB 1180—A bill to be entitled An act relating to a workgroup on forensic mental health; providing for creation of a workgroup to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system; providing for administrative oversight and assistance; providing for membership, organization, and meetings; specifying that members serve at their own expense; providing for certain workgroup expenses; authorizing field trips; specifying components of the review; authorizing use of outside research organizations; providing for interim and final reports; providing for future termination of the workgroup and repeal of act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; Governmental Oversight and Accountability; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senators Fasano, Gaetz, and Dockery—

SB 1182—A bill to be entitled An act relating to state retirement; amending s. 121.091, F.S.; prohibiting a retired person from receiving both a salary from an employer in the state-administered retirement system and retirement benefits, and from reenrolling in the State Retirement System; providing exemptions; amending s. 121.122, F.S.; prohibiting a retired member from reenrolling in the State Retirement System after a certain date; providing an effective date.

—was referred to the Committees on Community Affairs; Ethics and Elections; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Altman—

SB 1184—A bill to be entitled An act relating to the Space and Aerospace Catalyst and Enhancement Program; creating s. 288.1087, F.S.; providing legislative intent; creating the Space and Aerospace Catalyst and Enhancement Program in the Office of Tourism, Trade, and Economic Development; providing that funds be used to upgrade space-related infrastructure or business facilities or to enter into partnerships with applicable businesses on space or aerospace-related projects; requiring that Space Florida and its partners provide certain information in their application to the Office of Tourism, Trade, and Economic Development; requiring that Space Florida contract with a nationally recognized consultant to develop an economic impact assessment model that evaluates the costs, benefits, useful life, and other relevant factors related to space and aerospace projects; requiring that the model be available to Space Florida by a specified date; providing for the criteria that a project must meet to receive funding; providing for the waiver of such criteria; requiring that the director of the Office of Tourism, Trade, and Economic Development recommend approval or disapproval of a proposed project; requiring that the recommendation be sent to the Governor; providing that the Governor consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval; providing that the Legislative Budget Commission review a project that has received final approval before releasing the funds; requiring that the director of the Office of Tourism, Trade, and Economic Development and the recipient of the funds enter into a contract containing certain conditions; requiring that Space Florida compile and include information relating to each project in its annual report; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 1186—A bill to be entitled An act relating to the permitting of landfills; amending s. 403.707, F.S.; prohibiting the Department of Environmental Protection from approving an application for the construction or expansion of a Class I landfill if the department finds that the applicant violated state laws or rules during a specified period; requiring the department to conduct a study concerning the location of landfills and report to the Governor and the Legislature by a certain date; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations.

By Senator Wise—

SB 1188—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; providing that election to participate in the Senior Management Service Class by elected county officers does not affect the statutory limit on the number of nonelective full-time positions that may be designated for inclusion in the class by a school district; deleting obsolete provisions; amending s. 121.055, F.S.; authorizing the designation of a certain number of nonelective full-time positions for certain school districts for inclusion in the Senior Management Service Class; deleting obsolete provisions; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator King—

SB 1190—A bill to be entitled An act relating to the Public Service Commission Nominating Council; amending s. 350.031, F.S.; revising provisions relating to the terms of members of the Public Service Commission Nominating Council; revising the certification that an appointee is required to affirm as a condition of appointment to the council; deleting a provision that authorizes the council to spend a specified amount for advertising a vacancy on the council; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Ethics and Elections; and General Government Appropriations.

By Senator Richter—

SB 1192—A bill to be entitled An act relating to state oversight of utility services provided by intergovernmental authorities; amending s. 163.01, F.S.; deleting a provision that exempts certain legal entities from the jurisdiction of the Public Service Commission; amending s. 288.0655, F.S.; conforming a cross-reference; amending s. 367.021, F.S.; defining "intergovernmental authority"; revising definitions; amending s. 367.022, F.S.; exempting certain water and wastewater systems from regulation by the commission; amending ss. 367.071 and 367.145, F.S.; exempting an intergovernmental authority from certain fees; amending s. 367.171, F.S.; deleting the exception of certain utility systems subject to interlocal utility agreements from the exclusive jurisdiction of the commission; amending s. 624.105, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Finance and Tax; and General Government Appropriations.

By Senator King—

SB 1194—A bill to be entitled An act relating to the Renewable Energy and Energy-Efficient Technologies Grant Program; amending s. 377.804, F.S.; requiring that funds from the Florida Renewable Energy Trust Fund be used for the Renewable Energy and Energy-Efficient Technologies Grant Program; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; and Environmental Preservation and Conservation; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1196—A bill to be entitled An act relating to children; expressing the legislative intent to revise laws relating to children; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1198—A bill to be entitled An act relating to children; expressing the legislative intent to revise laws relating to children; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1200—A bill to be entitled An act relating to children and families; expressing the legislative intent to revise laws relating to children and families; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1202—A bill to be entitled An act relating to children and families; expressing the legislative intent to revise laws relating to children and families; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1204—A bill to be entitled An act relating to public records; expressing the legislative intent to revise laws relating to public records; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Health and Human Services Appropriations; and Rules.

By Senator Wilson—

SB 1206—A bill to be entitled An act relating to HIV/AIDS; expressing the legislative intent to revise laws relating to HIV/AIDS; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1208—A bill to be entitled An act relating to persons with disabilities; expressing the legislative intent to revise laws relating to persons with disabilities; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By the Committee on Agriculture—

SB 1210—A bill to be entitled An act relating to a review of the Department of Citrus under the Florida Government Accountability Act; reenacting ss. 20.29, 601.04, and 601.05, F.S., relating to the Department of Citrus and the Florida Citrus Commission; repealing s. 601.154, F.S., relating to the Citrus Stabilization Act of Florida; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

By Senators Constantine and Gardiner—

SB 1212—A bill to be entitled An act relating to public transit; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation; amending s. 341.302, F.S.; revising certain citations; revising the time period within which the department must revise the rail system plan and requiring a report; providing additional duties for the department relating to a regional rail system plan; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Fasano and Dockery—

SB 1214—A bill to be entitled An act relating to state retirement; amending s. 121.053, F.S.; deleting a provision that allows a retired member of the Elected Officers' Class to receive retirement benefits while receiving compensation for elected officer service; amending s. 121.091, F.S.; prohibiting an elected officer from receiving both a salary from an employer in the state-administered retirement system and retirement benefits; providing an effective date.

—was referred to the Committees on Community Affairs; Ethics and Elections; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 1216—A bill to be entitled An act relating to the clerk of the board of county commissioners; amending s. 28.12, F.S.; requiring the clerk to prepare certain required financial documents and authorizing the clerk to perform certain audits, reviews, and tests of county accounts; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Judiciary.

By Senator Bennett—

SB 1218—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public-records requirements for the identifying and location information of current or former investigators and inspectors of the Department of Business and Professional Regulation and the spouses and children of such personnel; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Richter—

SB 1220—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; revising the circumstances under which the court may allow a witness who is qualified as an expert to testify as to the facts at issue in a case; requiring that state courts interpret and apply certain requirements for expert testimony in accordance with

specified decisions of the United States Supreme Court; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

By Senator Richter—

SB 1222—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; amending s. 738.602, F.S.; providing definitions; providing requirements for the determination of income from certain compensation plans, annuities, and retirement plans or accounts; providing trustee requirements with respect to payment allocations; providing criteria for the payment of certain funds to a spouse; providing applicability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 1224—A bill to be entitled An act relating to capital collateral representation; amending s. 27.7001, F.S.; providing a legislative finding that not all capital cases are extraordinary or unusual; amending s. 27.701, F.S.; extending the term of years regional counsel are appointed to serve; providing a deadline for the appointment of counsel; deleting the 2-year prohibition against former regional counsel running for state office or accepting another state appointment; requiring that regional counsel be appointed by and serve at the pleasure of the Commission on Capital Cases; removing provisions establishing a pilot program in the northern region of the state; amending s. 27.702, F.S.; clarifying the administrative roles and functions of the Justice Administrative Commission, the Commission on Capital Cases, and the Capital Collateral Regional Counsel; amending s. 27.709, F.S.; increasing and revising the membership of the Commission on Capital Cases; relocating the commission from the Office of Legislative Services to the Justice Administrative Commission for purposes of administration; authorizing the commission to sponsor programs of continuing legal education on capital cases; authorizing the commission to issue subpoenas and hold hearings it considers appropriate for the administration of justice in capital cases; authorizing the commission to terminate the appointment of a capital collateral regional counsel before the end of the counsel's term; amending s. 27.710, F.S.; changing the terms of the capital collateral regional counsel; eliminating the restriction for running for or appointment to a state office; revising the criteria required for an attorney to be eligible to be placed on the registry of attorneys qualified to represent defendants in postconviction capital collateral proceedings; providing certain limited exceptions; requiring attorneys to sign a contract with the Chief Financial Officer in order to receive funds from the state; requiring each private attorney appointed by a court to represent a capital defendant to submit a report each quarter to the commission; providing for removal from and reinstatement to the registry of attorneys; amending s. 27.711, F.S.; providing terms and conditions for appointment of counsel in postconviction capital collateral proceedings; providing for pro bono attorneys to receive reimbursement for certain specified expenses; limiting representation by a court-appointed attorney to seven defendants; prohibiting an attorney from entering into an employment contract with the offices of the Capital Collateral Regional Counsel if he or she represents seven or more defendants in capital collateral litigation; requiring a trial court judge who proposes to award attorney's fees in excess of those set forth in law to make written findings of fact that state the extraordinary nature of the expenditures of time, energy, and talents of the attorney in the case which are not ordinarily expended in other capital collateral cases and how the case is unusual; reenacting s. 27.7002, F.S., relating to the limitation of cases on collateral representation, to incorporate the amendments made to ss. 27.710 and 27.711, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1226—A bill to be entitled An act relating to persons with disabilities; expressing the legislative intent to revise laws relating to persons with disabilities; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1228—A bill to be entitled An act relating to adult services; expressing the legislative intent to revise laws relating to adult services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1230—A bill to be entitled An act relating to adult protective services; expressing the legislative intent to revise laws relating to adult protective services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1232—A bill to be entitled An act relating to the elderly; expressing the legislative intent to revise laws relating to the elderly; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1234—A bill to be entitled An act relating to elder affairs; expressing the legislative intent to revise laws relating to elder affairs; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1236—A bill to be entitled An act relating to assisted living; expressing the legislative intent to revise laws relating to assisted living; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1238—A bill to be entitled An act relating to long-term care; expressing the legislative intent to revise laws relating to long-term care; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1240—A bill to be entitled An act relating to mental health and substance abuse treatment; expressing the legislative intent to revise laws relating to mental health and substance abuse treatment; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1242—A bill to be entitled An act relating to mental health and substance abuse treatment; expressing the legislative intent to revise laws relating to mental health and substance abuse treatment; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health and Human Services Appropriations; and Rules.

By Senator Storms—

SB 1244—A bill to be entitled An act relating to child support enforcement; expressing the legislative intent to revise laws relating to child support enforcement; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; General Government Appropriations; and Rules.

By Senator Storms—

SB 1246—A bill to be entitled An act relating to public records; expressing the legislative intent to revise laws relating to public records; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

By Senator Wise—

SB 1248—A bill to be entitled An act relating to public K-12 instructional materials; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations.

By Senator Sobel—

SB 1250—A bill to be entitled An act relating to corporal punishment; amending s. 1002.20, F.S.; requiring that a district school board review its policy allowing corporal punishment once every 3 years during a district school board meeting; requiring that the district school board take public testimony during such meeting; providing for the expiration of the district school board's corporal punishment policy if such meeting is not held; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Gaetz—

SB 1252—A bill to be entitled An act relating to growth management; expressing the legislative intent to revise laws relating to growth management; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Hill—

SB 1254—A bill to be entitled An act relating to wrongful death coverage; amending s. 768.21, F.S.; prohibiting certain insurance policies from including family exclusions for wrongful death claims; providing applicability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Hill—

SB 1256—A bill to be entitled An act relating to staffing of health care facilities; amending s. 395.301, F.S.; requiring acute care hospitals to make information concerning staffing levels at the hospital available to the public upon request; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Hill—

SB 1258—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk member" to include members employed by public acute care hospitals serving certain patients; amending s. 121.0515, F.S.; revising criteria for membership in the special risk class to include members employed by public acute care hospitals serving certain patients; providing legislative findings that the act fulfils an important state interest; providing an effective date.

—was referred to the Committees on Community Affairs; Health Regulation; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Hill—

SB 1260—A bill to be entitled An act relating to public records; creating s. 1012.312, F.S.; providing an exemption from public-records requirements for personal identifying information of employees of public educational institutions in the state, and the spouses and children of such employees, and for personal health information of such employees, and the spouses and children of such employees, held by a public educational institution pursuant to the employee's participation in a group health insurance plan or program; providing for disclosure of personal identifying information under specified circumstances; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Senator Ring—

SB 1262—A bill to be entitled An act relating to the sale or lease of business opportunities; amending s. 559.801, F.S.; deleting the sale or lease of laundry and drycleaning equipment from exclusions to the definition of the term "business opportunity" for purposes of the Sale of Business Opportunities Act; providing an effective date.

—was referred to the Committees on Commerce; and Judiciary.

SR 1264—Not referenced.

By Senator Constantine—

SB 1266—A bill to be entitled An act relating to land conservation; amending s. 369.22, F.S.; deleting obsolete provisions defining the term "districts" as it relates to the water management districts; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By the Committee on Environmental Preservation and Conservation—

SB 1268—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 253.034, F.S., relating to a public-records exemption for written valuations of surplus state lands and related documents; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and Rules.

By Senator Storms—

SB 1270—A bill to be entitled An act relating to nursing home facilities; amending s. 400.141, F.S.; providing that general and professional liability insurance policies containing certain provisions are insufficient to fulfill certain requirements specified by state law; providing for applicability; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; Judiciary; and Health and Human Services Appropriations.

By Senator Storms—

SB 1272—A bill to be entitled An act relating to persons with disabilities; providing that an employer of certain persons that have a disability is not liable for their acts or omissions; providing an effective date.

—was referred to the Committees on Commerce; Children, Families, and Elder Affairs; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1274—A bill to be entitled An act relating to child support enforcement; expressing the legislative intent to revise laws relating to child support enforcement; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; General Government Appropriations; and Rules.

By Senator Storms—

SB 1276—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; requiring information to be provided to a reporter; authorizing the submission of a written report; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Altman—

SB 1278—A bill to be entitled An act relating to prepaid services for parents of children with developmental disabilities; creating the Prepaid Services for Parents of Children with Developmental Disabilities Study Group to evaluate the creation of a prepaid service plan for children with disabilities; providing for membership; providing for organizational support; providing for the duties of the study group; providing for per diem and travel expenses for members; requiring the study group to present a final report to the Legislature; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Villalobos—

SB 1280—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2009 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2009 shall be effective immediately upon publication; providing that general laws enacted during the 2008 regular session and prior thereto and not included in the Florida Statutes 2009 are repealed; providing that general laws enacted during the January 5-14, 2009, special session and the 2009 regular session are not repealed by this adoption act.

—was referred to the Committee on Rules.

By Senator Villalobos—

SB 1282—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 220.19, 420.5087, and 624.5107, F.S., and repealing ss. 110.1245(4)(b), 185.085(6), 215.96(4), 216.292(3)(c)-(e) and (5)(b), 253.03(17), 253.034(6)(f)2., 320.08058(1)(d), 322.025(2), 403.890(5), 408.036(3)(m), 475.278(2)(b) and (c), 487.041(1), 509.302(8), 561.121(4), 561.501, 570.957, 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, 985.803, 985.804, 985.805, 985.806, 985.807, and 1010.78, F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2009 Florida Statutes only through a reviser's bill duly enacted by the Legislature; repealing ss. 626.97411 and 1006.20(10), F.S., to confirm the October 2, 2008, repeal of exemptions in accordance with the Open Government Sunset Review Act; and amending s. 775.0845, F.S., to conform to the repeal of ss. 921.0012 and 921.0013, F.S.; providing an effective date.

—was referred to the Committee on Rules.

By Senator Villalobos—

SB 1284—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 39.01, 39.806, 45.035, 61.122, 112.661, 121.051, 121.153, 161.085, 163.3177, 193.074, 193.1554, 193.1555, 201.15, 211.31, 215.50, 215.555, 215.5595, 218.409, 253.03, 259.032, 259.105, 259.1053, 282.201, 288.1089, 288.8175, 316.2128, 316.650, 319.001, 320.08058, 323.001, 336.41, 336.44, 364.051, 373.118, 373.4145, 374.977, 378.021,

378.403, 379.2495, 379.353, 379.407, 380.061, 380.510, 381.0063, 403.087, 403.0871, 403.511, 403.5115, 403.531, 403.7264, 403.813, 403.862, 403.890, 403.9416, 409.2598, 468.432, 489.145, 499.003, 499.012, 499.0121, 499.015, 500.12, 553.885, 553.975, 560.111, 560.124, 560.141, 560.142, 560.143, 560.209, 560.404, 560.406, 570.07, 597.004, 597.010, 624.4213, 626.8541, 626.8796, 626.8797, 627.0621, 627.0628, 627.736, 718.111, 718.112, 718.113, 718.501, 718.503, 828.25, 937.021, 1000.36, 1001.395, 1002.36, 1006.035, 1006.59, 1008.22, 1008.34, 1008.341, 1008.345, 1009.73, 1012.56, 1012.795, and 1013.12, F.S.; amending and reenacting s. 409.2563, F.S.; and reenacting ss. 61.13001 and 627.351(2), F.S., pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

—was referred to the Committee on Rules.

By Senator Dean—

SB 1286—A bill to be entitled An act relating to pest control; creating s. 570.345, F.S.; enacting the Pest Control Compact; requiring the Commissioner of Agriculture to administer the compact; requiring that an application for assistance under the compact be made by the commissioner; providing findings; providing definitions; providing for the establishment of the Pest Control Insurance Fund to finance pest-control operations under the compact; providing for the fund to be administered by a governing board and executive committee; providing for the internal operations and management of the governing board; requiring an annual report to the governor and legislature of each state participating in the compact; providing for the administration of the fund; providing procedures to apply for expenditures from the fund; providing for a determination regarding expenditures from the fund and for review of such expenditures; authorizing the governing board to establish advisory and technical committees; providing for an application for assistance from the fund on behalf of a nonparty state; providing requirements for the fund regarding budgets and maintaining financial assets; prohibiting a pledge of the assets of a state that is a party to the compact; providing for the compact to enter into force upon its enactment by five or more states; providing a procedure for a state to withdraw from the compact; providing for construction and severability; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; Judiciary; and General Government Appropriations.

By Senator Aronberg—

SB 1288—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-

interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Committee on Transportation—

SB 1290—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; reenacting s. 119.0712(2)(a), (b), (c), (d), (e), and (f), F.S., relating to an exemption from public-records requirements for personal information contained in motor vehicle records; repealing s. 2 of chapter 2004-62, Laws of Florida; deleting provisions providing for repeal of the exemption; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Rules.

By Senator Fasano—

SB 1292—A bill to be entitled An act relating to trust funds; recreating the Welfare Transition Trust Fund within the Department of Military Affairs without modification; repealing s. 250.175(5)(d), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By Senator Storms—

SB 1294—A bill to be entitled An act relating to student financial assistance; providing legislative intent to expand access to postsecondary education and reduce student indebtedness; requiring each state university and community college to report information relating to certain funds used to provide financial assistance to certain students; prohibiting the use of such funds to provide financial assistance to specified foreign students; defining the term "eligible Florida resident"; providing for the redirection of funds to provide additional need-based financial assistance to eligible Florida residents; requiring a report by state universities and community colleges; providing an effective date.

—was referred to the Committees on Higher Education; Judiciary; and Higher Education Appropriations.

By Senator Bennett—

SB 1296—A bill to be entitled An act relating to beach water contamination; amending s. 514.011, F.S.; defining the term "beach waters"; amending s. 514.023, F.S.; requiring the Department of Health to notify the local government and the local office of the Department of Environmental Protection when it issues a health advisory against swimming in beach waters due to elevated levels of bacteria; requiring the Department of Environmental Protection to promptly investigate wastewater treatment facilities within a certain distance of the beach and notify the local government of the results of such investigation; amending s. 515.25, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Health Regulation; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Detert—

SB 1298—A bill to be entitled An act relating to mobile home park lot tenancies; amending s. 723.0381, F.S.; authorizing the court to refer actions to binding arbitration; amending s. 723.061, F.S., relating to grounds and proceedings for eviction; providing for nonapplicability of certain provisions to certain persons approved for payment by the Florida Mobile Home Relocation Corporation; amending s. 723.0612,

F.S., relating to relocation expenses; revising payment amounts mobile home owners are entitled to from the corporation under certain circumstances; increasing the amounts mobile home owners abandoning their mobile homes may collect from the corporation; amending s. 723.071, F.S.; requiring mobile home park owners receiving a bona fide offer for purchase to notify the officers of the homeowners' association; requiring a homeowners' association purchasing a mobile home park to execute a contract for only the park that it represents; authorizing a time extension for home owners when a park owner changes the terms and conditions of the offer to purchase the park; revising requirements with respect to unsolicited offers; providing the homeowners' association with the right of first refusal to purchase the park in the event of an unsolicited offer; encouraging mobile home owners to organize as homeowners' associations to negotiate a right of first refusal with a park owner; redefining the term "offer" for such purposes; providing a limitation on an exception relating to transfers by partnerships; amending s. 723.083, F.S.; revising procedures providing for the removal or relocation of mobile home owners; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Judiciary; and General Government Appropriations.

By Senator Joyner—

SB 1300—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; amending s. 409.904, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; revising eligibility standards for certain Medicaid optional medical assistance; providing definitions; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gardiner—

SJR 1302—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution to provide certain members of the military a credit for property taxes paid on homestead property and apply the credit against future ad valorem taxes on the homestead property.

—was referred to the Committees on Community Affairs; Military Affairs and Domestic Security; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Joyner—

SB 1304—A bill to be entitled An act relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S.; providing a mission statement for the research institute; deleting the provision that requires the State Board of Education to enter into an agreement for the use of the facilities on the campus of the University of South Florida; requiring a not-for-profit corporation to govern and manage the research institute; authorizing the not-for-profit corporation to create corporate subsidiaries without the approval from the Board of Governors; revising the membership of the board of directors of the not-for-profit corporation; revising the terms of service for the members of the board of directors of the not-for-profit corporation; requiring that the board of directors, instead of the Board of Governors, perform certain duties without the approval of the Board of Governors; providing that management letters in the annual audit report be submitted to the Auditor General and not to the Board of Governors; deleting the authority of the Board of Governors to require and receive any data relative to the operation of the not-for-profit corporation or subsidiary; requiring that the board of directors appoint an advisory panel for itself and the chief executive officer for specific purposes; requiring that the board of directors, not the Board of Governors, secure general liability protection; conforming provisions to changes made by the act; deleting the provision that prohibits the chief executive officer from establishing academic programs for which academic credit is awarded; requiring that the chief executive officer appoint faculty and staff, not representatives of the institute, to carry out certain responsibilities of the research institute; providing that such faculty and staff receive compensation, benefits, and terms of service consistent with university policy; deleting the chief executive officer's reporting relationship to the Board of Governors; deleting the chief executive officer's responsibility to submit an annual operating budget to the Governor, Cabinet, the chair of the Board of Governors, and the Legislature; abolishing the council of scientific advisers created by the board of directors; deleting the requirements for submitting applications for Alzheimer's disease research funding; deleting the statement that the not-for-profit corporation and its subsidiaries are not agencies within the meaning of s. 20.03, F.S.; specifying the sources of funding for the institute; requiring that any appropriation to the institute be expended for certain purposes; deleting the requirement that an appropriation to the research institute be paid directly to the board of directors; deleting obsolete provisions; deleting provisions providing for the expiration of the institute; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 1306—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; redefining the term "financial feasibility" to provide for school facilities that do not meet concurrency requirements in a particular year; amending s. 163.3177, F.S.; conforming a cross-reference; amending s. 163.3180, F.S.; revising provisions relating to the concurrency requirements for public facilities and transportation facilities; providing for the designation of certain geographic areas as transportation concurrency exception areas; revising provisions relating to the level-of-service standards for transportation; authorizing a local government to adopt a lower level-of-service standard under certain circumstances; revising provisions relating to the calculation of the proportionate-share contribution; providing definitions; providing for the applicability and calculation of proportionate fair-share mitigation; providing incentives for landowners or developers who contribute or pay proportionate fair-share mitigation; amending s. 163.3182, F.S.; revising provisions relating to the creation of transportation concurrency backlog authorities; requiring that each local government adopt transportation concurrency backlog areas as part of the capital improvements element of the local comprehensive plan; amending s. 380.06, F.S.; revising provisions relating to the preapplication procedures for developments of regional impact; requiring that the levels of service in the transportation methodology be the same standards used to evaluate concurrency and proportionate-share contributions; providing for a transportation mobility fee; providing legislative findings and intent; requiring that the Department of Community Affairs and the Department of Transportation coordinate their independent mobility fees studies to develop a methodology for a mobility fee system; providing guidelines for developing the methodology; requiring that the Secretary of Community Affairs and the Secretary of Transportation submit joint interim reports to the Legislature by specified dates; requiring that the Department of Community Affairs develop proposed amendments to chapter 9J-5, F.A.C., for incorporating the mobility fee methodology; requiring that the department submit the proposed amendments to the Legislature for review by a specified date; providing for future repeal of s. 163.3180, F.S., relating to transportation concurrency requirements; requiring that the Department of Transportation establish a transportation methodology; requiring that such methodology be completed and in use by a specified date; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By the Committee on Commerce—

SB 1308—A bill to be entitled An act relating to baseball spring training facilities; amending ss. 14.2015 and 212.20, F.S., relating to the Office of Tourism, Trade, and Economic Development and the distribution of certain tax proceeds; conforming cross-references; amending s. 218.64, F.S.; revising a defined term to conform; amending s. 288.1162, F.S.; deleting provisions relating to funding facilities for spring training franchises; authorizing the Auditor General to verify whether certain funds for professional sports franchises have been used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds were not used as required by law; creating s. 288.11621, F.S.;

authorizing certain units of local government to apply for certification to receive funds for a facility for a spring training franchise; providing definitions; providing eligibility requirements; providing criteria to competitively evaluate applications for certification; limiting the use of funds granted to specified public purposes; requiring certified applicants to submit annual reports to the Office of Tourism, Trade, and Economic Development; requiring the Office of Tourism, Trade, and Economic Development to decertify certified applicants under certain circumstances; requiring the office to develop a strategic plan relating to baseball spring training activities; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; authorizing the Auditor General to conduct an audit of certified applicants to verify whether certified applicants have used certain funds for baseball spring training facilities as required by law; amending s. 288.1229, F.S.; providing that the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist in the retention of professional sports franchises; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senators Gardiner, Fasano, Oelrich, Altman, Bennett, Haridopolos, Wise, King, Storms, and Dean—

SB 1310—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; creating s. 212.099, F.S.; providing for credits against the sales and use tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending s. 220.187, F.S.; defining the term "direct certification list"; expanding the Corporate Income Tax Credit Scholarship Program to include sales and use tax credits and insurance premium tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; specifying that a taxpayer's use of the credit doesn't reduce alternative minimum tax credits; providing that certain taxes are not state funds or revenues of the state or held in trust for the state; specifying Department of Education tax credit scholarship notification requirements; specifying notice requirements and limitations; imposing additional requirement upon the Department of Education; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; providing conforming revisions; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 1312—A bill to be entitled An act relating to sexual battery; creating s. 794.052, F.S.; requiring each law enforcement officer who investigates an alleged sexual battery incident to assist the victim in obtaining medical treatment if medical treatment is necessary and advise the victim that he or she may contact a certified rape crisis center for services; requiring the law enforcement officer to immediately notify the victim of the legal rights and remedies available to a victim of sexual battery; directing that the notice of rights and remedies be written on a standard notice form developed and distributed by the Department of Law Enforcement; requiring the department to revise the notice form as necessary; requiring the department to distribute the notice as a model form for sexual battery victims to be used by law enforcement agencies throughout the state; requiring the notice to include certain information; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Ring—

SB 1314—A bill to be entitled An act relating to public records and public meetings; creating s. 112.823, F.S.; providing an exemption from public-records requirements for a disciplinary complaint filed against a firefighter and the investigative records related to the complaint; providing an exemption from public-meeting requirements for proceedings or meetings, or any portion of a proceeding or meeting, at which such confidential and exempt information is presented or discussed; providing for limited duration of the exemptions; providing for review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Judiciary; and Rules.

By Senator Siplin—

SB 1316—A bill to be entitled An act relating to child support; amending s. 742.18, F.S.; eliminating the requirement for a man seeking to disestablish paternity and terminate a child support obligation to affirm that he is current on his child support obligation or that any delinquency is based on inability to pay; providing for relief from past-due child support obligations; revising a provision relating to naming the father on a child's birth certificates to conform to procedures under ch. 383, F.S.; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 1318—A bill to be entitled An act relating to the jurisdiction of the circuit court; creating s. 86.112, F.S.; providing that the circuit court has jurisdiction to entertain an action for declaratory judgment to provide relief when the State Constitution contains redundant statutory language and when the State Constitution is itself unconstitutional under the United States Constitution; requiring the Secretary of State to remove redundant and unconstitutional provisions from the State Constitution; authorizing the circuit court to remove certain constitutional provisions if there is a showing that voters were likely confused at the adoption of the constitutional provision; providing an effective date.

—was referred to the Committees on Judiciary; Ethics and Elections; Criminal and Civil Justice Appropriations; and Rules.

By Senator Bullard—

SB 1320—A bill to be entitled An act relating to school bus stops; amending s. 1006.22, F.S.; prohibiting school bus stops from being located directly on certain state-maintained roads; providing for phased-in implementation; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Transportation; and Education Pre-K - 12 Appropriations.

By Senator Deutch—

SB 1322—A bill to be entitled An act relating to the use of deadly force; amending s. 776.06, F.S.; defining the term "less-lethal munition" to include a dart-firing stun gun that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Aronberg—

SB 1324—A bill to be entitled An act relating to direct-mail marketing solicitations; creating s. 501.0585, F.S.; defining terms; requiring the Department of Agriculture and Consumer Services to establish and maintain by a specified date a "do-not-mail" statewide registry to contain a list of consumers who do not wish to receive direct-mail marketing solicitations; providing procedures by which a person may place his or her name on the registry; requiring the department to provide the registry to any direct-mail marketer upon request; requiring the marketer

to provide certain information and to pay a fee established by rule of the department; prohibiting a direct-mail marketer from mailing solicitations to persons on the do-not-mail registry; requiring the department to investigate complaints; providing that the department or the Department of Legal Affairs may bring an action to impose a civil penalty and to seek other relief, including injunctive relief, as the court deems appropriate against a direct-mail marketer; limiting the civil penalty imposed; providing that a violation of the act constitutes a deceptive and unfair practice; providing that a person who has received more than one solicitation within any 12-month period by or on behalf of the same direct-mail marketer in violation of the law may bring a civil action in circuit court for damages, injunctive relief, punitive damages, and reasonable costs and attorney's fees; providing for attorney's fees under certain circumstances; requiring the department to adopt rules; providing an effective date.

—was referred to the Committees on Commerce; Agriculture; Judiciary; and General Government Appropriations.

By Senator Fasano—

SB 1326—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; authorizing the dispensing of instant bingo tickets by electronic devices; requiring that such devices be capable of recording certain transaction information; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and General Government Appropriations.

By Senator Baker—

SB 1328—A bill to be entitled An act relating to commercial fertilizer application; amending s. 482.021, F.S.; defining the terms "commercial fertilizer application" and "urban lawnscape"; amending s. 482.091, F.S.; requiring an identification card for an employee which verifies that the employee is certified to apply fertilizer commercially to urban lawnscapes; providing an exception; amending s. 482.156, F.S.; requiring the training for limited certification for commercial landscape maintenance personnel to be based on the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida," published by the Department of Environmental Protection; providing that persons holding such a certificate are qualified to apply fertilizer commercially; creating s. 482.1562, F.S.; requiring the Department of Agriculture and Consumer Services to establish a limited certification for persons applying fertilizer commercially; providing a training program for the certificate; providing the training curriculum; providing trainer requirements; requiring the department to publish training and trainer materials; providing certification fees; providing recertification requirements and fees; authorizing the department to provide certain information to state and local agencies; specifying limitations of certification; authorizing the imposition of fines for violations; authorizing the department to adopt rules; amending s. 482.2401, F.S.; requiring the deposit of fines collected for violations into the Pest Control Trust Fund; providing for the use of such funds; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Jones—

SM 1330—A memorial to the Congress of the United States, urging Congress to authorize the Silver Alert Grant Program.

—was referred to the Committees on Children, Families, and Elder Affairs; and Rules.

By Senator Jones—

SB 1332—A bill to be entitled An act relating to elevator safety; amending s. 399.01, F.S.; revising definitions relating to elevator safety; creating s. 399.015, F.S.; providing for applicability and exceptions; amending s. 399.02, F.S.; requiring that the Department of Business and Professional Regulation perform certain functions relating to conveyance inspections and the certification and licensing of elevator professionals and companies; authorizing the department to employ certified elevator inspectors to monitor and oversee licenseholders and certificate of operation holders; authorizing the Division of Hotels and Restaurants of the department to grant requests for variances for undue hardship; providing conditions for granting such variances; requiring that the Elevator Safety Technical Advisory Council review applications for such variances and recommend agency action; requiring that the division expedite emergency requests for variances; requiring that the division adopt rules establishing a variance application process and associated fees; amending s. 399.03, F.S.; revising provisions relating to permits for conveyances; replacing the term "registered" with "certified"; requiring that a permit be revoked if a worksite or work being performed is not directly supervised by a certified elevator professional; creating s. 399.032, F.S.; providing requirements for the installation and alteration of conveyances; requiring that the department assign a license number to each conveyance; providing requirements for the display of such license number; creating s. 399.033, F.S.; providing requirements for the temporary operation of a conveyance during installation or alteration for a specified period after inspection; requiring that the temporary use of a conveyance not exceed 180 days; requiring that the department post a notice in a conveyance that is being temporarily used; requiring that the notice contain certain statements; requiring that the division adopt rules; amending s. 399.035, F.S.; revising provisions relating to the requirements for elevator accessibility for the physically handicapped; providing requirements for buildings issued a construction permit after a specified date; amending s. 399.049, F.S.; revising provisions relating to disciplinary action taken by the department for certain violations by a certified elevator inspector, elevator technician, elevator company, or certificate of operation holder; providing for additional violations; amending s. 399.061, F.S.; revising provisions relating to inspections and service maintenance contracts; requiring that the division perform industry inspections to regulate the quality of annual inspections; authorizing the division to employ state elevator inspectors on a probationary status if certain qualifications are met; requiring that the probationary period not exceed 1 year; amending s. 399.07, F.S.; decreasing the period that a certificate of operation is valid; authorizing the department to revoke a certificate of operation if the department determines that the inspection report contains omissions or errors; amending s. 399.10, F.S.; providing penalties; amending s. 399.105, F.S.; increasing the period in which an owner of a conveyance must comply with an order to correct; amending s. 399.1061, F.S.; providing for members of the Elevator Safety Technical Advisory Council to appoint a vice chair from among its membership; requiring that the council meet at least once annually and upon the division's request or a majority vote of the council members; requiring that the council develop and submit proposed revisions of ch. 399, F.S., to the director of the Division of Hotels and Restaurants; requiring that the council annually review the Safety Code for Elevators and Escalators and submit recommendations for revisions to the Florida Building Code to the Florida Building Commission; amending s. 399.11, F.S.; revising provisions relating to penalties; amending s. 399.125, F.S.; revising provisions relating to the reporting requirements for certain conveyance accidents; requiring that a state elevator inspector conduct a safety inspection within a specified period after receiving an accident report; requiring that the division submit an annual report that analyzes accidents to the Governor and the Legislature by a specified date; amending s. 399.13, F.S.; revising provisions relating to the authority of municipalities or counties to issue construction, installation, and alteration permits and certificates of operation and to inspect conveyances; authorizing municipalities and counties to issue temporary operating permits; amending s. 399.15, F.S.; requiring that the department maintain a regional emergency elevator access registry; creating s. 399.16, F.S.; providing requirements for the issuance of certificates of competency, certified elevator professional licensure, and elevator company certification; providing requirements for the renewal of such certificates and fees; requiring that the department adopt rules; requiring that the fees collected from certifications, licenses, and renewals be deposited into the Hotel and Restaurant Trust Fund; creating s. 399.17, F.S.; providing penalties for unlicensed activity; authorizing the department to issue a stop-work order for unlicensed work upon a finding of probable cause; authorizing a state elevator inspector to issue a citation for unlicensed activity; requiring that the citation contain certain information; authorizing the division to issue citations and establish procedures and penalties; providing for administrative hearings; creating s. 399.18, F.S.; providing duties and requirements for certified elevator professionals; creating s. 399.19, F.S.; providing duties and requirements for owners of conveyances; creating s. 399.20, F.S.;

requiring that certain municipal and county officers assist the division or its agents in enforcing ch. 399, F.S.; amending s. 553.509, F.S.; deleting provisions related to vertical accessibility to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

SR 1334—Not referenced.

SB 1336—Withdrawn prior to introduction.

By the Committee on Judiciary—

SB 1338—A bill to be entitled An act relating to the small claims process; amending s. 34.041, F.S.; increasing certain fees for filing a civil action in county court; eliminating the filing fee for reopening a small claims suit, action, or proceeding; encouraging the Florida Supreme Court to adopt uniform forms for use in the small claims process; encouraging the Florida Supreme Court to study the feasibility of increasing the current limit on the amount in controversy in a small claims action; encouraging the Florida Supreme Court to amend Rule 7.010(b), Florida Small Claims Rules, to provide for equitable relief; encouraging the Florida Supreme Court to exclude personal injury protection cases from the small claims process; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1340—A bill to be entitled An act relating to firearms transactions; amending s. 790.335, F.S.; clarifying that violations of provisions prohibiting keeping any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms may be committed by entities as well as individuals; requiring that secondhand dealers and pawnbrokers who electronically submit certain firearm transaction records to law enforcement agencies submit specified information in Florida Crime Information Center coding; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By the Committee on Judiciary—

SB 1342—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to a public-records exemption for identification and location information of certain agency personnel; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; relocating and revising the public-records exemption provided for identification and location information concerning federal attorneys, judges, and magistrates; defining the term "identification and location information"; eliminating social security numbers from the scope of information covered by the public-records exemption; requiring a federal attorney, judge, or magistrate to submit a written statement that reasonable efforts have been made to protect the information from disclosure through other means; providing for future legislative review and repeal of the exemption; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

By Senator Bennett—

SB 1344—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; authorizing condominium unit owners to apply for program grants to retrofit their properties to make them less vulnerable to hurricane damage; providing funding; providing additional legislative intent; providing an effective date.

—was referred to the Committees on Banking and Insurance; Regulated Industries; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 1346—A bill to be entitled An act relating to trust funds; amending s. 20.425, F.S.; providing an additional source of funds for the Grants and Donations Trust Fund within the Agency for Health Care Administration; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising the date of reversion of undisbursed balances in the fund; amending s. 400.179, F.S.; requiring that a leasehold licensee fee be deposited into the Grants and Donations Trust Fund of the agency; amending s. 409.916, F.S.; requiring that funds from nursing home facility quality assessments, certain grants and donations, and leasehold licensee fees be deposited into the Grant and Donations Trust Fund of the agency; amending ss. 893.165 and 938.23, F.S.; requiring that certain assessments for alcohol and drug abuse treatment programs and collected by the clerks of the circuit courts be deposited into the Grants and Donations Trust Fund of the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By the Committee on Ethics and Elections—

SB 1348—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 106.0706, F.S., relating to a public-records exemption for certain information regarding campaign finance reports; clarifying provisions; saving the exemption from repeal under the Open Government Sunset Review Act; removing provisions providing for repeal of the exemption; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1350—A bill to be entitled An act relating to elections; expressing the legislative intent to enact laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Alexander—

SB 1352—A bill to be entitled An act relating to elections; expressing the legislative intent to enact laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Bennett—

SB 1354—A bill to be entitled An act relating to public records; creating s. 893.0551, F.S.; exempting from public-records requirements information and records reported to the Department of Health under the electronic system for monitoring the dispensing of certain controlled substances; authorizing certain persons and entities access to information; providing restrictions on the use of such information and criminal penalties for violations; authorizing agreements with other states to exchange prescription drug monitoring information; providing factors for

considering such agreements; requiring a report concerning any such agreements; limiting the purposes for which information may be shared under such agreements; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; Health and Human Services Appropriations; and Rules.

By Senator Bennett—

SB 1356—A bill to be entitled An act relating to monitoring the dispensing of controlled substances; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic system to monitor the dispensing of certain controlled substances; requiring those who dispense certain controlled substances to submit specified information to the department; providing exceptions to reporting requirements; requiring that information be submitted in an approved electronic format; providing time periods for information submission; providing criminal penalties for violations; requiring rulemaking; providing requirements for system funding; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Lynn—

SB 1358—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; deleting an exemption for sales of drinking water in containers; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1360—A bill to be entitled An act relating to public education; creating s. 1003.4505, F.S.; authorizing district school boards to permit the delivery of an inspirational message at a noncompulsory high school event; providing purpose; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Judiciary.

By Senator Lynn—

SB 1362—A bill to be entitled An act relating to the tax on property rental fees and the tax on admissions; amending s. 212.031, F.S.; abrogating the repeal of the tax exemption on rental or license fees provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility; amending s. 2 of chapter 2006-101, Laws of Florida; abrogating the repeal of the tax exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; amending s. 212.04, F.S.; abrogating the repeal of the tax exemption for admission charges to events sponsored by governmental entities, sports authorities, and sports commissions; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Pruitt—

SB 1364—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 1009.53, F.S.; revising provisions relating to the refund by an educational institution to the Department of Education of funds received for courses dropped by students after the end of the drop and add period; providing an exception from the prohibition against the use of scholarship funds for certain courses; requiring a student's written appeal for such exception; amending s. 1009.532, F.S.; revising credit-hour requirements for renewal of a scholarship; providing an effective date.

—was referred to the Committees on Higher Education; Finance and Tax; and Higher Education Appropriations.

By Senator Fasano—

SB 1366—A bill to be entitled An act relating to data destruction; providing definitions; requiring all state agencies and private entities that collect personal information to adhere to the procedures provided in the National Institute of Standards and Technology "Guidelines for Media Sanitization" when destroying such information; requiring such agencies and entities to maintain a copy of the guidelines; requiring all state agencies to submit a sampling of sanitized media to a third-party vendor for verification of data destruction; authorizing the Department of Management Services to adopt rules; providing an effective date.

—was referred to the Committees on Commerce; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 1368—A bill to be entitled An act relating to local government accountability; amending s. 218.32, F.S.; revising the schedule for submitting a local governmental entity's audit and annual financial reports to the Department of Financial Services; requiring a local governmental entity to provide a link to the entity's financial report on the department's website; amending s. 218.39, F.S.; revising the timeframe for completing a local governmental entity's annual financial audit; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Finance and Tax; and General Government Appropriations.

By Senator Fasano—

SB 1370—A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action subject to review pursuant to state law; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General's written determination to enter into such contract be posted on the department's website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department's website within a specified period after the date on which payment of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 1372—A bill to be entitled An act relating to insurance; amending s. 624.310, F.S.; expanding the definition of "affiliated party" to include certain third-party marketers; amending s. 626.025, F.S.; including family members of insurance agents in a prohibition related to the transaction of life insurance; amending s. 626.621, F.S.; expanding grounds for discretionary refusal, suspension, or revocation of certain licenses; amending s. 626.641, F.S.; prohibiting the Office of Insurance Regulation or Department of Financial Services from issuing certain licenses in certain circumstances; amending s. 626.798, F.S.; prohibiting a family member of a life insurance agent from being a beneficiary of certain policies; amending s. 626.9521, F.S.; providing criminal and administrative penalties for the offenses of "twisting" and "churning" when a victim is 65 years of age or older, if such offense involves fraudulent conduct; limiting the amount of such administrative penalties; providing that the failure to ascertain a customer's age at the time of an insurance application does not constitute a defense to certain violations of state law; authorizing the use of video depositions in certain circumstances; amending s. 626.99, F.S.; extending the unconditional refund period for customers 65 years of age or older; requiring that an insurer provide a prospective purchaser of an annuity policy with a buyer's guide to annuities; requiring that such buyer's guide contain certain information; requiring that an insurer attach a cover page to an annuity policy informing the purchaser of the unconditional refund period; requiring that the cover page provide other specified information; amending s. 627.4554, F.S.; authorizing the department to order monetary restitution in certain circumstances; prohibiting an annuity contract issued to a person 65 years of age or older from containing a deferred sales charge in excess of a specified percentage; requiring that such charge be reduced to zero within a specified period; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

SR 1374—Not referenced.

By Senator Hill—

SB 1376—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing that a respondent may be ordered, as part of a domestic violence injunction, to surrender weapons; providing requirements for such an order; providing for consequences of failure to comply with such an order; correcting cross-references; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Hill—

SB 1378—A bill to be entitled An act relating to absentee ballots; amending s. 101.68, F.S.; requiring the supervisor of elections to notify an absent elector if the voter's certificate on a mailed absentee ballot has not been signed; providing conditions under which the elector may sign the certificate and have the ballot counted; requiring the supervisor of elections to make available to certain persons or political parties a list of names of absent electors being notified that their signatures were omitted on the voter's certificate; providing an exception; providing an effective date.

—was referred to the Committees on Ethics and Elections; Community Affairs; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Governmental Operations.

By Senator King—

SB 1380—A bill to be entitled An act relating to energy; expressing the legislative intent to revise laws relating to energy; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Altman—

SB 1382—A bill to be entitled An act relating to suspending a person's privilege to operate a motor vehicle; amending s. 316.1932, F.S.; increasing the period for suspending a person's privilege to operate a motor vehicle from 1 year to 2 years if he or she refuses a lawful test of his or her breath, urine, or blood the first time; increasing the period for suspending a person's privilege to operate a motor vehicle from 18 months to 3 years if he or she refuses to submit to such a test or tests a second time; increasing the suspension period to operate a motor vehicle to 5 years if the person's driving privilege has previously been suspended two or more times as a result of refusing to submit to a lawful breath, urine, or blood test; amending s. 316.1939, F.S.; providing that if a person, having been told of the increased periods of suspension of the driving privilege, continues to refuse to submit to a lawful breath, urine, or blood test, he or she commits a misdemeanor of the first degree; amending s. 322.2615, F.S.; revising provisions providing a right to review the suspension of the person's privilege to operate a motor vehicle in this state; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

SR 1384—Not referenced.

By Senator Rich—

SB 1386—A bill to be entitled An act relating to public meetings; amending s. 286.011, F.S.; adding the risk manager and certain division heads of a governmental entity to the persons who may attend a private meeting discussing pending litigation; authorizing the required public announcement of an attorney-client session to be made immediately before the session; prohibiting an adverse party from attending the attorney-client session; prohibiting a person who attends an attorney-client session from disclosing any part of the discussion until the conclusion of the litigation unless ordered by the court; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Governmental Oversight and Accountability.

By Senator Bennett—

SB 1388—A bill to be entitled An act relating to the Point-of-Purchase Messaging About Alcohol and Pregnancy Act; creating s. 562.063, F.S.; creating the "Point-of-Purchase Messaging About Alcohol and Pregnancy Act"; providing legislative findings; providing a definition; requiring certain warning signs to be displayed in specific ways on the premises of alcoholic beverage vendors and manufacturers; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to produce and distribute the signs; providing for a fee to cover the costs of manufacturing and distributing the signs; providing penalties; providing an effective date.

—was referred to the Committees on Regulated Industries; Children, Families, and Elder Affairs; Finance and Tax; and General Government Appropriations.

By Senator Oelrich—

SB 1390—A bill to be entitled An act relating to bridge designations; designating the Kenneth H. "Buddy" MacKay and Jim H. Williams

Memorial Bridge in Ocala; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

SR 1392—Not referenced.

By Senator Oelrich—

SB 1394—A bill to be entitled An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; directing the Department of Highway Safety and Motor Vehicles to include language on each application form for registration and renewal of registration permitting a contribution to Florida Sheriffs Youth Ranches, Inc.; requiring the department to transfer contributions collected each month to Florida Sheriffs Youth Ranches, Inc.; providing an effective date.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Aronberg—

SB 1396—A bill to be entitled An act relating to administration of estates; amending s. 731.201, F.S.; revising definitions; amending s. 732.108, F.S.; providing for nonapplication of certain limitation-of-action provisions to certain paternity determinations; amending s. 732.2025, F.S.; revising a definition; amending s. 732.2045, F.S.; expanding an exclusion from application of certain provisions of law; amending s. 732.2075, F.S.; revising provisions for satisfaction of an elective share; providing additional requirements; amending s. 732.2085, F.S.; correcting a cross-reference; amending s. 732.2135, F.S.; revising criteria for time of an election; providing for award of attorney fees and costs for elections made in bad faith; amending s. 732.402, F.S.; revising criteria for certain household items, motor vehicles, and tuition programs as exempt property; amending s. 733.201, F.S.; revising a criterion for proof of wills to conform; amending s. 733.504, F.S.; revising a criterion for removal of a personal representative to conform; amending s. 733.602, F.S.; removing a cross-reference; amending s. 735.203, F.S.; revising requirements for a petition for summary administration; amending s. 739.102, F.S.; revising a definition; amending s. 739.104, F.S.; excluding from court approval certain disclaimers of interests in property; amending s. 739.201, F.S.; providing an additional rule applicable to disclaimers of interests in property; amending s. 739.207, F.S.; limiting a criterion for effectiveness of a disclaimer of power held in a fiduciary capacity; amending s. 739.402, F.S.; correcting terminology; amending s. 739.501, F.S.; preserving application of certain provisions to effectiveness of certain disclaimers or transfers; amending ss. 660.417, 736.0802, and 895.02, F.S.; correcting cross-references to conform; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

By Senator Fasano—

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

—was referred to the Committees on Transportation; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senator Aronberg—

SB 1400—A bill to be entitled An act relating to public records; amending s. 733.604, F.S.; revising the provision that subjects estate inventory to inspection; creating an exemption from public-records requirements for certain estate inventories and accountings; providing for review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

By Senators Aronberg and Justice—

SB 1402—A bill to be entitled An act relating to drug prescriptions; providing definitions; prohibiting the licensure, transfer, use, or sale of records of information relating to drug prescriptions containing certain identifiable data regarding patients and prescribers; providing that the act does not prohibit certain activities involving prescription information or the collection, use, transfer, or sale of information that does not identify a patient or prescriber; providing that a violation of the act is a deceptive and unfair trade practice; providing a penalty; providing an effective date.

—was referred to the Committees on Health Regulation; Commerce; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senators Altman, Gelber, Ring, and Rich—

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

—was referred to the Committees on Transportation; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senator Crist—

SB 1406—A bill to be entitled An act relating to detention by licensed security officers; amending s. 493.6305, F.S.; authorizing certain licensed security officers to detain certain individuals until the arrival of a law enforcement officer; providing limits on such detention; requiring that such security officers notify the appropriate law enforcement agency as quickly as possible; requiring the transfer of an alleged offender to the custody of the officer; authorizing limited searches of certain persons when a licensed security officer has probable cause to believe that the person is armed with a dangerous weapon; requiring that seized weapons be provided to a responding law enforcement officer; amending s. 493.6118, F.S.; conforming provisions to changes made by the act; amending s. 493.6115, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce; Governmental Oversight and Accountability; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Storms—

SB 1408—A bill to be entitled An act relating to taxpayer rights; amending s. 192.0105, F.S.; providing a taxpayer the right to be provided all supporting documentation used in a property appraiser's assessment, without requesting such documentation, 14 days before the value adjustment board's hearing date; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations.

By Senator Detert—

SJR 1410—A joint resolution expressing the legislative intent to propose an amendment to Article IX of the State Constitution, relating to education.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Detert—

SJR 1412—A joint resolution expressing the legislative intent to propose an amendment to Article IX of the State Constitution, relating to education.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Rich—

SB 1414—A bill to be entitled An act relating to managed care plans for Medicaid recipients; amending s. 409.912, F.S.; requiring all Medicaid-eligible children whose cases are open for child welfare services in the Florida Safe Families Network, formerly known as the HomeSafeNet system, to receive their behavioral health care services through a specialty prepaid plan; deleting an exception; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Rich—

SB 1416—A bill to be entitled An act relating to the collaborative process to resolve disputes arising under part I of ch. 61 and ch. 742, F.S.; providing a short title; providing the purposes of the Collaborative Process Act; providing definitions; tolling statutes of limitations and other periods of time established by law or agreement to enforce a legal or contractual right; providing for confidentiality of communications made during the collaborative process; providing exceptions; authorizing sanctions for disclosure of confidential communications; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Jones—

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

—was referred to the Committees on Regulated Industries; Higher Education; and General Government Appropriations.

By Senator Fasano—

SB 1420—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.545, F.S.; increasing the penalties that are imposed for operating a commercial vehicle that is overloaded; amending s. 316.302, F.S.; reducing the number of hours that a driver may operate a commercial motor vehicle in intrastate commerce which is not transporting certain amounts of hazardous materials; increasing the penalty for falsification of time records; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Transportation and Economic Development Appropriations.

By Senator Baker—

SB 1422—A bill to be entitled An act relating to exemptions from construction contracting requirements; amending s. 489.103, F.S.; requiring that owners of property acting as their own contractor and providing direct, onsite supervision of all work not performed by licensed contractors read and sign a disclosure statement before a permit is issued; requiring that the disclosure statement contain certain statements and provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Banking and Insurance.

By Senators Gaetz and Aronberg—

SB 1424—A bill to be entitled An act relating to summary judgment; encouraging the Supreme Court to adopt rules authorizing a party to appeal an order denying a motion for summary judgment; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Wise—

SB 1426—A bill to be entitled An act relating to prepaid college programs; amending s. 1009.98, F.S.; providing that a purchaser of an advance payment contract may receive a refund of the unused portion of the contract under certain circumstances; providing an effective date.

—was referred to the Committees on Higher Education; Finance and Tax; and Higher Education Appropriations.

By Senator Altman—

SB 1428—A bill to be entitled An act relating to warrantless arrests; amending s. 901.15, F.S.; authorizing an arrest without a warrant when a law enforcement officer has probable cause to believe that an individual has committed an act of driving under the influence in violation of a specified provision or unlawfully exhibited his or her sexual organs in public in violation of a specified provision; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator King—

SB 1430—A bill to be entitled An act relating to parole for adolescent offenders; providing a short title; amending s. 947.16, F.S.; providing definitions; providing that a child 15 years of age or younger who is sentenced to life or more than 10 years in prison is eligible for parole if the offender has been incarcerated for a minimum period and has not previously been adjudicated for certain offenses; requiring an initial eligibility interview to determine whether the adolescent offender has been sufficiently rehabilitated for parole; providing criteria to determine sufficient rehabilitation; providing eligibility for a reinterview after a specified period for offenders denied parole; providing that the child be incarcerated in an adolescent offender facility with a GED program; providing that if the child is not granted parole by a specified age, the child must be transferred from the adolescent offender facility to an appropriate adult facility with a GED program; providing that if the child is granted parole, the adolescent offender must participate in any available reentry program for 2 years; defining the term "reentry program"; providing priority for certain programs; providing for eligibility for an initial eligibility interview for offenders in their eighth or subsequent year of incarceration on the effective date of the act; providing for retroactive application; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Storms—

SB 1432—A bill to be entitled An act relating to insurance premiums; amending s. 627.902, F.S.; providing that certain provisions of state law do not apply to discounts when the premium for the entire policy term is paid at the inception of the term, as long as such discounts meet specified criteria; prohibiting such discounts from being considered related to or components of premium financing; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Tax.

By Senator Crist—

SB 1434—A bill to be entitled An act relating to distribution of proceeds from excise taxes on documents; amending s. 201.15, F.S.; removing a limitation on the amount of such proceeds which may be deposited into the State Housing Trust Fund on or after a specified date; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 1436—A bill to be entitled An act relating to water management districts; amending s. 373.584, F.S.; prohibiting water management districts from issuing certificates of participation unless approved by the electors of the district in a referendum; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bullard—

SB 1438—A bill to be entitled An act relating to injection wells; amending s. 6, ch. 99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Health Regulation; and General Government Appropriations.

SR 1440—Not referenced.

By Senator Constantine—

SB 1442—A bill to be entitled An act relating to drainage and water control; amending s. 298.225, F.S.; deleting an obsolete provision relating to the definition of the term "water control plan"; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1444—A bill to be entitled An act relating to greenways and trails; amending s. 260.019, F.S.; deleting an obsolete provision requiring that the Department of Environmental Protection submit a report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1446—A bill to be entitled An act relating to land acquisition; amending s. 259.041, F.S.; deleting an obsolete date with respect to implementation of initiatives requiring that the Department of Environmental Protection and water management districts use alternatives to fee simple acquisition; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Judiciary; General Government Appropriations; and Rules.

By Senator Lynn—

SB 1448—A bill to be entitled An act relating to Medicaid managed care plans; amending s. 409.912, F.S.; requiring that an entity contracting with the Agency for Health Care Administration to provide certain health care services continue to offer previously authorized services while prior authorization is processed, pay certain claims, and develop and maintain an informal grievance system; defining the term "clean claim"; requiring that the agency establish a formal grievance process; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Constantine—

SB 1450—A bill to be entitled An act relating to brownfields; amending s. 376.81, F.S.; deleting an obsolete date with respect to the establishment of rules governing the brownfield rehabilitation program; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1452—A bill to be entitled An act relating to contaminated site cleanup; repealing s. 376.30713(5), F.S., relating to an obsolete report by the Department of Environmental Protection to the Governor and Legislature on preapproved advanced cleanup contract applications; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1454—A bill to be entitled An act relating to the Wekiva River Protection Area; amending s. 369.305, F.S.; deleting an obsolete date relating to the review of local comprehensive plans by counties within the protection area; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1456—A bill to be entitled An act relating to water resources; amending s. 373.036, F.S.; deleting an obsolete date relating to a water supply assessment conducted by the water management districts; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1458—A bill to be entitled An act relating to Everglades restoration; amending s. 373.4592, F.S.; deleting an obsolete provision relating to a report by the South Florida Water Management District and the Department of Environmental Protection on the research and monitoring program within the Everglades Protection Area; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1460—A bill to be entitled An act relating to land reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to requests to the Department of Environmental Protection for approval of a reclamation program; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1462—A bill to be entitled An act relating to environmental control; amending s. 403.067, F.S.; deleting an obsolete deadline for the Department of Environmental Protection to adopt rules regarding water quality credit trading among the pollutant sources to a water body or water body segment; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1464—A bill to be entitled An act relating to air emissions; amending s. 403.08735, F.S.; deleting an obsolete deadline for the Department of Environmental Protection to adopt rules relating to generic air emissions; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1466—A bill to be entitled An act relating to family law; expressing the legislative intent to revise laws relating to family law; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Dean—

SB 1468—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; creating s. 193.7041, F.S.; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for waiver of annual application requirements; providing for loss of classification upon a change of ownership or use; requiring property owners to notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner that fails to notify the property appraiser of an event that results in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring a property appraiser to make a list relating to applications to certify property as working waterfront property; creating s. 193.7042, F.S.; requiring property appraisers to notify property owners of the denial of an application to classify property as working waterfront property; providing for the appeal of the denial to the value adjustment board; requiring a filing fee of a certain amount; providing for the appeal to the circuit court of a denial of a petition to the value adjustment board; requiring property appraisers to notify property owners whose property was classified as working waterfront property by a value adjustment board or court to recertify that the use and ownership of the property have not changed; authorizing the waiver of certain notice and certification requirements; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SJR 1470—A joint resolution expressing the legislative intent to propose an amendment to Section 4 of Article VII of the State Constitution, relating to taxation and assessments.

—was referred to the Committees on Community Affairs; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Constantine—

SB 1472—A bill to be entitled An act relating to civil liability; expressing the legislative intent to revise laws relating to civil liability; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SB 1474—A bill to be entitled An act relating to litigation; expressing the legislative intent to revise laws relating to litigation; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SB 1476—A bill to be entitled An act relating to the judiciary; expressing legislative intent to revise laws relating to the judiciary; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Bennett—

SJR 1478—A joint resolution expressing the legislative intent to propose an amendment to Section 4 of Article VII of the State Constitution, relating to taxation and assessments.

—was referred to the Committees on Community Affairs; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lawson—

SB 1480—A bill to be entitled An act relating to Office of Supplier Diversity within the Department of Management Services; amending s. 287.09451, F.S.; extending the period for recertification of a minority business with the office; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Commerce; and General Government Appropriations.

By Senator Lawson—

SB 1482—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms "normal retirement date" and "normal retirement age" to allow normal retirement of Regular Class members after 25 years of creditable service and attainment of age 50; providing an effective date.

—was referred to the Committees on Community Affairs; Education Pre-K - 12; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 1484—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "average final compensation" with respect to the system; amending s. 121.091, F.S.; conforming a provision relating to calculation of the monthly normal retirement benefit; providing an effective date.

—was referred to the Committees on Community Affairs; Education Pre-K - 12; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 1486—A bill to be entitled An act relating to the retiree health insurance subsidy; amending s. 112.363, F.S.; increasing the minimum and maximum health insurance subsidies; providing for a cost-of-living adjustment to the subsidy; increasing the contribution paid by employers of members in state-administered retirement plans; providing legislative findings; providing an effective date.

—was referred to the Committees on Community Affairs; Education Pre-K - 12; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 1488—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public-records requirements for the cellular telephone numbers and telephone records of all telephone numbers of active and former law enforcement personnel and investigative personnel of certain state agencies and local governments; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

By Senator Pruitt—

SB 1490—A bill to be entitled An act relating to fertilizer application; providing definitions; limiting the amount of fertilizer containing phosphorus that may be applied to urban turf on or after a certain date; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Constantine—

SB 1492—A bill to be entitled An act relating to the clerks of court; expressing the legislative intent to revise laws relating to the clerks of court; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SB 1494—A bill to be entitled An act relating to public records and public meetings; expressing the legislative intent to revise laws relating to public records and public meetings; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

By Senator Constantine—

SB 1496—A bill to be entitled An act relating to due process services; expressing the legislative intent to revise laws relating to the provision of due process services; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SB 1498—A bill to be entitled An act relating to attorneys; expressing the legislative intent to revise laws relating to attorneys; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Fasano—

SB 1500—A bill to be entitled An act relating to corporations; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of each fiscal year or within such additional time as is reasonably necessary under certain circumstances; specifying means by which such requirement may be satisfied; providing an alternate means of satisfying such requirement with respect to corporations that have a specified class of outstanding securities; providing for applicability; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and Finance and Tax.

By Senators Fasano and Haridopolos—

SB 1502—A bill to be entitled An act relating to the New Markets Development Program Act; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose information relating to certain tax credits to the Office of Tourism, Trade, and Economic Development; authorizing penalties for unlawful disclosure of the information; amending s. 220.02, F.S.; revising the order in which credits against the corporate income tax or franchise tax must be applied; amending s. 220.013, F.S.; revising the definition of the term "adjusted federal income" to include the amount of certain tax credits; creating s. 288.991, F.S.; providing a short title; creating s. 288.9912, F.S.; encouraging capital investment in certain communities to create and retain jobs through the use of tax credits; creating s. 288.9913, F.S.; providing definitions; creating s. 288.9914, F.S.; requiring the Office of Tourism, Trade, and Economic Development to identify industries in which certain investments may be made; providing for a waiver of the limitation; requiring a qualified community development entity to submit an application for approval of an investment as a qualified investment; requiring the Office of Tourism, Trade, and Economic Development to review and approve or deny the applications; providing for partial approval of applications under certain circumstances; requiring a qualified community development entity to issue a qualified investment within a certain time period; requiring a qualified community development entity to report the issuance of a qualified investment within a certain time period; creating s. 288.9915, F.S.; prohibiting certain interest payments on certain qualified investments for a certain time period; requiring qualified community development entities to maintain certain records; limiting the amount of low-income community investments that may be received by a qualified active low-income community business; creating s. 288.9916, F.S.; creating the new markets tax credit; specifying the amount of the credit; specifying certain tax years in which the tax credit may be used; requiring certain insurance companies to apply the tax credit against certain taxes; limiting transferability of the tax credit; creating s. 288.9917, F.S.; requiring a qualified community development entity to submit certain reports to the Office of Tourism, Trade, and Economic Development after a credit allowance date; requiring the Office of Tourism, Trade, and Economic Development to certify the tax credit amount that may be taken by a taxpayer; creating s. 288.9918, F.S.; requiring a qualified community development entity to submit annual reports to the Office of Tourism, Trade, and Economic Development; creating s. 288.9919, F.S.; subjecting qualified community development entities to audits under the State Single Audit Act; authorizing the Office of Tourism, Trade, and Economic Development to conduct examinations to verify compliance with the New Markets Development Program Act; creating s. 288.9920, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to recapture tax credits under certain circumstances; requiring the Office of Tourism, Trade, and Eco-

nomic Development to issue a proposed notice of recapture; providing an opportunity to cure a deficiency prior to recapture; authorizing penalties for submitting fraudulent information to the Office of Tourism, Trade, and Economic Development; creating s. 288.9921, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; creating s. 288.9922, F.S.; providing for the expiration of the New Markets Development Program Act on a certain date; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 1504—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; deleting a provision that prohibits the state from making a contribution toward the premium for coverage under the program for a retiree or surviving spouse; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 1506—A bill to be entitled An act relating to limitations on the acceptance of expenditures by members and employees of the Legislature; amending s. 11.045, F.S.; exempting food and beverage expenditures from the gift ban at certain events; requiring that any such food and beverage expenditures be consumed at the event; limiting the total value of such expenditures; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules.

By Senator Lawson—

SB 1508—A bill to be entitled An act relating to competency in juvenile proceedings; amending s. 985.19, F.S.; requiring an evaluation of mental competency to proceed for every child 10 years of age or younger who is the subject of a court hearing; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Lawson—

SB 1510—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; permitting an election to forego the payment of the tax on certain deeds, instruments, and documents for transfers of real property which change the form of ownership of real property without effecting a change in the beneficial ownership interest; requiring the election to be made on forms issued by the Department of Revenue and recorded in the official records; providing an effective date.

—was referred to the Committees on Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1512—A bill to be entitled An act relating to the state judicial system; expressing the legislative intent to revise laws relating to the state judicial system; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SB 1514—A bill to be entitled An act relating to the Justice Administrative Commission; expressing the legislative intent to revise laws relating to the Justice Administrative Commission; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SB 1516—A bill to be entitled An act relating to the state courts system; expressing the legislative intent to revise laws relating to the state courts system; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SJR 1518—A joint resolution proposing an amendment to the State Constitution.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Constantine—

SB 1520—A bill to be entitled An act relating to individual rights; expressing the legislative intent to revise laws relating to individual rights; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Storms—

SB 1522—A bill to be entitled An act relating to the appraisal of property; amending s. 193.011, F.S.; deleting a requirement that the property appraiser consider the property's highest and best use when determining the just value of the property; amending ss. 192.011, 193.015, and 193.017, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1524—A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; prohibiting any insurer charging premiums for motor vehicle insurance from using a rate, rating schedule, rating manual, or an underwriting rule that is not contained in a rating manual and is determined in whole or in part on the basis of certain characteristics of an insured; including the refusal to insure or continue to insure any individual or risk because of educational level, trade, business, occupation, profession, credit report, credit score, or certain forms of lawful employment among the list of activities constituting unfair methods of competition and unfair or deceptive acts; amending s. 626.9741, F.S.; prohibiting the use by insurers of credit reports and credit scores in making rating determinations; defining the terms "credit report" and "credit score"; deleting provisions limiting and regulating the use of credit score by insurers when making rating determinations; deleting the definition of "adverse decision" and "tier"; deleting provisions authorizing the Financial Services Commission to adopt rules; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce.

By Senator Haridopolos—

SB 1526—A bill to be entitled An act relating to corporate income tax; creating s. 220.194, F.S.; establishing credits against the corporate income tax for certain taxpayers that operate or provide investments for a spaceflight project; providing definitions for purposes of the tax credits; establishing eligibility requirements for the tax credits; allowing for the carryforward of tax credits under certain circumstances; providing application and certification requirements; requiring the Office of Tourism, Trade, and Economic Development to determine the eligibility of taxpayers; providing for the expiration and renewal of a taxpayer's eligibility for tax credits; providing for administration and auditing of tax credits by the Department of Revenue; requiring the return and deposit of tax credits under certain circumstances; requiring the office to consult with Space Florida and adopt rules for tax credit applications and certifications; authorizing the department to adopt rules for tax administration, claims and transfers of tax credits, auditing, and reporting; amending s. 14.2015, F.S.; revising the duties of the office to include administration of the tax credits created by the act; amending s. 220.02, F.S.; revising legislative intent relating to the order for applying tax credits; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 1528—A bill to be entitled An act relating to driver's licenses; amending s. 322.01, F.S.; providing a definition; amending s. 322.051, F.S.; revising requirements for obtaining a duplicate identification card; amending ss. 322.058 and 322.091, F.S.; providing for reinstatement of a person's driving privilege and motor vehicle registration upon payment of certain fees; amending s. 322.12, F.S.; revising fees and providing for the payment of specific fees to county tax collectors acting as agents for the Department of Highway Safety and Motor Vehicles; providing for an optional oral skills and knowledge examination for certain applicants for a driver's license; amending s. 322.135, F.S.; revising certain service fees for such tax collectors; authorizing tax collectors to establish branch offices; amending s. 322.17, F.S.; providing for a replacement license or permit to replace one that is mutilated; amending s. 322.20, F.S.; clarifying provisions relating to the disposition of certain fees for driver's licenses; amending s. 322.21, F.S.; authorizing county tax collectors to retain certain fees and increasing such fees; amending s. 322.29, F.S.; clarifying provisions governing the payment of fees upon the reinstatement of a license; amending s. 322.61, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator King—

SB 1530—A bill to be entitled An act relating to telecommunications; expressing the legislative intent to revise laws relating to telecommunications; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; General Government Appropriations; and Rules.

By Senator Storms—

SB 1532—A bill to be entitled An act relating to illegal immigration; creating s. 111.076, F.S.; prohibiting restrictions on the reporting of certain immigration status information by public employees; creating ss. 125.582 and 166.04935, F.S.; prohibiting certain local government restrictions concerning communication or cooperation with federal officials concerning immigration law enforcement; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Community Affairs; Governmental Oversight and Accountability; and Judiciary.

By Senators Storms and Fasano—

SB 1534—A bill to be entitled An act relating to money services businesses; amending s. 560.143, F.S.; revising terminology relating to license fees for authorized vendors; amending s. 560.2085, F.S.; conforming terminology; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations.

By Senator Hill—

SB 1536—A bill to be entitled An act relating to injunctions for protection against domestic violence, repeat violence, sexual violence, or dating violence; amending s. 741.29, F.S.; requiring a law enforcement officer, under certain circumstances, to arrest and to keep in custody for a specified period a person who is suspected of domestic violence; requiring a law enforcement officer, under certain circumstances, to arrest and to keep in custody for a specified period a suspected primary aggressor in a case of domestic violence; amending ss. 741.30 and 784.046, F.S.; requiring the court, under certain circumstances, to order the sheriff to take into custody and to keep in custody for a specified period the respondent of a petition for an injunction for protection against domestic violence or for an injunction for protection against repeat violence, sexual violence, or dating violence; requiring a law enforcement officer, under certain circumstances, to arrest and to keep in custody for a specified period a person who is suspected of dating violence or who is the primary aggressor in a case of dating violence; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Wise—

SB 1538—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; requiring the Administrative Procedures Committee to provide certain assistance with a review of rules and nonrule policy; amending ss. 11.908, 11.911, and 11.919, F.S.; conforming terminology; amending s. 120.52, F.S.; defining the term "nonrule policy"; amending s. 120.54, F.S.; conforming terminology; amending s. 120.545, F.S.; requiring the committee to establish a system for persons to submit proposals for the repeal of certain rules and nonrule policy; directing the committee to provide certain information to the Small Employer Regulatory Advisory Council and applicable agencies; requiring agencies to display a poster containing specified information; amending ss. 120.80 and 120.81, F.S.; conforming cross-references; amending s. 288.7001, F.S.; defining the terms "nonrule policy" and "small employer" and conforming other definitions to changes made by the act; renaming the Small Business Regulatory Advisory Council as the Small Employer Regulatory Advisory Council; revising qualifications of council members; revising powers and duties of the council; revising authority of the council to review rules; providing for the council's review of nonrule policy; amending s. 288.7002, F.S.; requiring the Florida Small Business Advocate to provide certain assistance with the council's review of rules and nonrule policy; conforming terminology and other provisions to changes made by the act; amending ss. 420.9072 and 420.9075, F.S.; conforming cross-references; directing agencies to establish workgroups to identify rules and nonrule policy that impact small employers; requiring agencies to review and repeal certain rules and nonrule policy by a specified date; authorizing the director of the Florida Small Business Development Center Network to extend the deadline under certain circumstances; directing agencies to submit specified information to the council; directing the Florida Small Business Advocate and Administrative Procedures Committee to assist agencies in reviewing rules and nonrule policy; requiring the council and the Office of Program Policy Analysis and Government Accountability to submit reports to the Governor and Legislature; requiring an agency head to appear before the committee and submit an explanation of the agency's failure to comply with the act under certain circumstances; requiring the committee's review of the agency's explanation; providing for future repeal; providing an effective date.

—was referred to the Committees on Commerce; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending ss. 1002.20 and 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; prohibiting zero-tolerance policies from requiring the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the individual student and the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Criminal Justice; Judiciary; and Education Pre-K - 12 Appropriations.

By Senator Bennett—

SB 1542—A bill to be entitled An act relating to the practice of architecture and interior design; amending s. 481.213, F.S.; providing that an applicant for licensure by endorsement who was licensed in another state after June 30, 2000, must meet certain educational and internship requirements; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Accountability.

By Senator Joyner—

SB 1544—A bill to be entitled An act relating to speed zones at K-12 schools; amending s. 316.1895, F.S.; requiring the installation of traffic and pedestrian control devices at certain K-12 schools unless a traffic engineering analysis determines that the devices are not necessary; providing an effective date.

—was referred to the Committees on Transportation; and Education Pre-K - 12; and the Policy and Steering Committee on Ways and Means.

SR 1546—Not referenced.

By Senator Joyner—

SB 1548—A bill to be entitled An act relating to retail-theft diversion programs; amending s. 812.014, F.S.; requiring a law enforcement officer who has probable cause to believe that a defendant has committed retail theft to issue a notice to appear in lieu of arresting the defendant under certain circumstances; authorizing a state attorney to establish a retail-theft diversion program for the purpose of diverting defendants from criminal prosecution if the defendant meets certain criteria; providing eligibility criteria for participating in a retail-theft diversion program; requiring the state attorney to mail a notice to appear to a defendant upon referral to a diversion program; setting forth the conditions that each participant in the retail-theft diversion program must complete; providing that a defendant may be prosecuted for the retail theft if all conditions in the diversion program are not fulfilled; authorizing a state attorney to collect a fee from each participant in the program; setting a limit on the fee for each defendant; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce; and Criminal and Civil Justice Appropriations.

By Senator Aronberg—

SJR 1550—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution to expand the availability of the property tax discount for disabled veterans to veterans who were not Florida residents when they entered the military.

—was referred to the Committees on Military Affairs and Domestic Security; Community Affairs; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Bennett—

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

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Aronberg—

SB 1554—A bill to be entitled An act relating to enterprise zones; creating s. 290.0078, F.S.; authorizing the City of Lake Worth to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone; providing an application deadline; requiring that the office establish the initial effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 1556—A bill to be entitled An act relating to property rights; amending s. 70.001, F.S.; revising a definition; shortening a notice period for certain actions; providing for the state land planning agency to receive notice of claims; revising procedures for determining a governmental entity's final decision identifying the allowable uses for a property; providing that enactment of a law or adoption of a regulation does not constitute applying the law or regulation; provides a factor that may be considered in determining whether an inordinate burden has been imposed on the real property; providing for a waiver of sovereign immunity for liability; providing for prospective application; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Deutch—

SB 1558—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; authorizing a county, municipality, or special district to wholly or partially exempt by specified means affordable housing from payment of impact fees if the local government conditions the exemption upon certain requirements; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 1560—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Florida Horse Park license plate and the Let's Go Surfing license plate; estab-

lishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Agriculture; and General Government Appropriations.

By Senator Bennett—

SB 1562—A bill to be entitled An act relating to the inspection of nursing homes; amending ss. 381.006, 381.0072, and 381.0098, F.S.; providing that nursing homes that are inspected by the Agency for Health Care Administration are exempt from inspection by the Department of Health; amending s. 400.0061, F.S.; conforming a provision to changes made by the act; amending s. 400.0065, F.S.; clarifying that any person may make a complaint against a long-term care facility, including an employee of that facility; amending ss. 400.0067, 400.0069, and 400.0071, F.S.; conforming provisions to changes made by the act; clarifying that any person may make a complaint against a long-term care facility, including an employee of that facility; repealing s. 400.0074, F.S., relating to onsite administrative assessments of nursing homes, assisted living facilities, and adult family-care homes conducted by the local ombudsman council; amending s. 400.121, F.S.; conforming provisions to changes made by the act relating to classifications of deficiencies; amending s. 400.141, F.S.; conforming provisions to changes made by the act relating to classifications of deficiencies and the Gold Seal Program; amending s. 400.19, F.S.; conforming provisions to changes made by the act relating to classifications of deficiencies; repealing s. 400.191, F.S., relating to a requirement that the agency make available to the public, distribute, and post reports and records concerning licensed nursing homes operating in the state; amending s. 400.195, F.S.; revising agency reporting requirements; amending s. 400.23, F.S.; conforming a provision to changes made by the act; deleting the classifications for deficiencies; requiring the agency to indicate the level of seriousness of deficiencies under federal requirements specified by the Centers for Medicare and Medicaid Services; repealing s. 400.235, F.S., relating to nursing home quality and licensure status and the Gold Seal Program; amending s. 408.035, F.S.; conforming a provision to changes made by the act; repealing s. 409.912(15)(d), F.S., relating to the requirement by the staff of the Comprehensive Assessment and Review for Long-Term Services to conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed a certain number of days; amending s. 633.081, F.S.; providing that nursing homes that are inspected by the Agency for Health Care Administration are exempt from inspection by the State Fire Marshal under certain circumstances; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Wise—

SB 1564—A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By Senator Joyner—

SB 1566—A bill to be entitled An act relating to barbering; amending s. 476.034, F.S.; defining the terms "barbering intern" and "internship sponsor"; creating s. 476.145, F.S.; providing for the selection and placement of barbering interns; requiring a school of barbering or a barbering program to provide written notice to the board regarding the internship sponsor and the barbering intern; providing requirements and duties of the internship sponsor; requiring a barbershop to post notice regarding services of a student intern; requiring a barbering intern to possess written authorization to practice barbering; requiring the board to establish education prerequisites for barbering internships; authorizing the board to terminate an internship of a barbering intern or the sponsorship of a internship sponsor; requiring the board to give notice of termination; amending s. 476.188, F.S.; authorizing barber services to be provided by barbering interns; amending s. 476.192, F.S.; providing a limit on the registration fee for internship sponsors; amending s. 476.194, F.S.; relating to prohibited acts, to conform; providing an effective date.

—was referred to the Committees on Regulated Industries; Higher Education; and General Government Appropriations.

By Senator Fasano—

SM 1568—A memorial to the Congress of the United States, urging Congress to extend the freeze on increases in the size and weight of commercial motor vehicles.

—was referred to the Committees on Transportation; and Rules.

By Senator Garcia—

SB 1570—A bill to be entitled An act relating to household moving services; amending s. 507.01, F.S.; redefining the term "storage"; amending s. 507.03, F.S.; providing for the biennial renewal of mover and moving broker registrations; authorizing the Department of Agriculture and Consumer Services to extend registration expiration dates to establish staggered dates; requiring the calculation of biennial registration fees based on an annual rate; deleting a provision requiring certain movers and moving brokers to obtain a local license or registration and pay the state registration fee; amending s. 507.04, F.S.; authorizing a mover to exclude liability for household goods packed by the shipper under certain circumstances; amending s. 507.06, F.S.; authorizing a mover to refuse to transport or ship household goods under certain circumstances; amending s. 507.07, F.S.; prohibiting a mover or moving broker from conducting business without being registered with the department; providing penalties; amending s. 507.13, F.S.; preempting local ordinances and regulations except in certain counties; restricting the levy or collection of local registration fees and taxes of movers and moving brokers; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Judiciary; Finance and Tax; and General Government Appropriations.

By Senator Deutch—

SB 1572—A bill to be entitled An act relating to retirement; amending s. 121.0515, F.S.; authorizing certain employees to purchase the retirement credit for past service at a 3-percent Special Risk Class accrual value; amending ss. 175.041 and 175.371, F.S.; providing for continued receipt of premium taxes by plans established pursuant to chapter 175, F.S., after the transfer, merger, or consolidation of governmental functions or the plan sponsor's election to participate in another state retirement system; amending ss. 185.03 and 185.38, F.S.; providing for continued receipt of premium taxes by plans established pursuant to ch. 185, F.S., after the transfer, merger, or consolidation of governmental functions or the plan sponsor's election to participate in another state retirement system; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Villalobos—

SB 1574—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating the authority of members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee;

creating s. 11.1435, F.S.; requiring that persons addressing a legislative committee take an oath or affirmation of truthfulness; providing exceptions; requiring that a member of the legislative committee administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of such card; providing for penalties for making a false statement after signing such card; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Rules.

By Senators Villalobos, Wilson, Gelber, and Bullard—

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

—was referred to the Committees on Higher Education; Community Affairs; Finance and Tax; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 1578—A bill to be entitled An act relating to motor vehicle operators; amending s. 316.304, F.S.; prohibiting writing, sending, or receiving a text message on an electronic communications device while operating a motor vehicle; providing for enforcement; providing exceptions; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Communications, Energy, and Public Utilities; and Transportation and Economic Development Appropriations.

By Senator Ring—

SB 1580—A bill to be entitled An act relating to property tax payments; amending s. 197.172, F.S.; authorizing the governing bodies of charter counties to limit the amount of interest charged for unpaid property taxes; eliminating a minimum charge for late property tax payment; providing that interest on the unpaid portion of property taxes accrues daily; amending s. 197.373, F.S.; authorizing the governing bodies of charter counties to require tax collectors to accept partial payments of property taxes; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Altman—

SB 1582—A bill to be entitled An act relating to public records and meetings; amending s. 112.324, F.S.; revising an exemption from public-record and public-meeting requirements which is provided for complaints and related records in the custody of and proceedings conducted by a county that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements; providing for future repeal and legislative review under the Open Government Sunset Review Act of revisions to the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; Ethics and Elections; Governmental Oversight and Accountability; and Rules.

By Senator Altman—

SB 1584—A bill to be entitled An act relating to senior judges; amending s. 25.073, F.S.; conforming provisions to changes made by this act; providing for the chief judge of a judicial circuit, subject to approval by the Chief Justice of the Supreme Court, to establish a program for retired justices or judges to preside over civil cases and trials upon written request of one or more parties; providing for compensation of such justices or judges; providing for an additional court cost and for deposit thereof; providing legislative intent; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 1586—A bill to be entitled An act relating to state attorneys; amending s. 27.366, F.S.; deleting a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving the possession or use of a weapon; amending s. 775.082, F.S.; deleting a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; repealing s. 775.08401, F.S., relating to criteria to be used when state attorneys decide to pursue habitual felony offenders or habitual violent felony offenders; repealing s. 775.087(5), relating to a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; amending s. 903.286, F.S.; requiring the clerk of the court to withhold sufficient funds to pay any unpaid costs of prosecution from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent; amending s. 938.27, F.S.; providing that persons whose cases are disposed of under any diversionary alternative are liable for payment of the costs of prosecution; deleting provisions regarding the burden of establishing financial resources of the defendant; requiring the clerk of court to separately record each assessment and payment of costs of prosecution; requiring the clerk to prepare a monthly report to the state attorney's office of the recorded assessments and payments; amending s. 943.0585, F.S.; requiring a person to remit a processing fee to the state attorney's office in order to receive a certificate of eligibility for expunction of a criminal history record; amending s. 943.059, F.S.; requiring a person to remit a processing fee to the state attorney's office in order to receive a certificate of eligibility for sealing a criminal history record; repealing s. 985.557(4), F.S., relating to direct-file policies and guidelines for juveniles; amending s. 775.0843, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Finance and Tax; and Criminal and Civil Justice Appropriations.

By Senator Altman—

SB 1588—A bill to be entitled An act relating to the impoundment or immobilization of vehicles; amending s. 316.193, F.S.; providing that for a first conviction for driving under the influence of alcohol or a controlled substance, in addition to other penalties imposed by the court, the court must order that the person's vehicle be impounded or immobilized for 10 days and that the person pay an impoundment or immobilization fee of $200 per vehicle; providing that for a second conviction for driving under the influence of alcohol or a controlled substance, the court must order that the person's vehicle be impounded or immobilized for 30 days and that the offender pay an impoundment or immobilization fee of $300 per vehicle; providing that for a third or subsequent conviction for driving under the influence of alcohol or a controlled substance, the court must order that the person's vehicle be impounded or immobilized for 90 days and that the offender pay an impoundment or immobilization fee of $400 per vehicle; requiring the court to include the name and address of the impound or immobilization agency in the order impounding or immobilizing the vehicle; requiring the person whose vehicle is impounded or immobilized to pay an administration fee to the impoundment agency;

establishing professional criteria for persons who are engaged in the business of impounding or immobilizing vehicles in judicial circuits where personnel of the court or sheriff do not impound or immobilize vehicles; providing that a person commits a misdemeanor of the first degree if he or she violates the provisions to qualify a person to impound or immobilize a vehicle; authorizing a person to initiate a civil suit against a person who fails to comply with requirements for qualifying to impound or immobilize a vehicle; providing for attorney's fees and costs; defining the terms "immobilization," "immobilize," and "immobilizing," and "impound," "impounding," and "impoundment"; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Altman—

SB 1590—A bill to be entitled An act relating to communications services taxes; amending s. 202.29, F.S.; authorizing dealers to report a credit for bad debt by netting the credit against the tax due; authorizing dealers to use a proportionate allocation method or other reasonable method in determining amount of bad debt attributable to the state or local jurisdiction; providing for retroactive operation; specifying that the act is remedial in nature and not a basis for certain refunds of tax; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Lynn—

SB 1592—A bill to be entitled An act relating to nurse registries and companion-homemaker organizations; creating s. 400.510, F.S.; requiring nurse registries and organizations that provide companion or homemaker services to provide notice to patients or clients contracting with the registry or organization; specifying the contents of the notice; requiring the notice to be kept for 3 years; providing an exception; requiring the Agency for Health Care Administration to develop a form for the notice; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Fasano—

SB 1594—A bill to be entitled An act relating to probation and community control; amending ss. 947.005 and 948.001, F.S.; redefining the terms "qualified practitioner" and "risk assessment" with regard to the Parole Commission and probation and community control programs within the Department of Corrections, respectively; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By the Committee on Transportation—

SB 1596—A bill to be entitled An act relating to the Department of Transportation; amending s. 339.135, F.S.; requiring the department to submit the tentative work program to the Freight Infrastructure Resource Steering Council, as created by the act; amending s. 339.64, F.S.; abolishing the Statewide Intermodal Transportation Advisory Council and creating the Freight Infrastructure Resource Steering Council; requiring the council to continue to advise the Legislature and department on policies, planning, and funding of certain transportation projects; requiring the council to prioritize certain projects and evaluate the priorities of the department's tentative work program; revising the membership of the council; revising appointment authority and providing for terms of office; requiring that council meetings be electronically recorded; requiring that recordings and all other documents received be preserved pursuant to law; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Rich—

SB 1598—A bill to be entitled An act relating to nurse staffing; creating s. 395.01921, F.S.; providing legislative findings; providing definitions; requiring hospitals to establish a nurse staffing committee; providing the membership of the committee; providing the responsibilities of the committee; requiring the nurse staffing committee to produce an annual nurse staffing plan; requiring the chief executive officer of a hospital to provide written reasons if the plan is not adopted by the hospital; requiring each hospital to post the nurse staffing plan and the nurse staffing schedule and to make them available to patients and visitors upon request; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Baker—

SB 1600—A bill to be entitled An act relating to telephone solicitation; amending s. 501.059, F.S.; defining the term "prior or existing business relationship"; deleting provisions that exempt not-for-profit organizations from certain screening requirements of the "no sales solicitation list"; deleting provisions exempting charitable organizations and newspapers from certain requirements for initiating credit card charges by telephone solicitors; providing an effective date.

—was referred to the Committees on Commerce; Communications, Energy, and Public Utilities; and General Government Appropriations.

By Senator Baker—

SB 1602—A bill to be entitled An act relating to community development districts; amending s. 190.012, F.S.; revising the rulemaking authority of boards of directors of community development districts with respect to enforcement of deed restrictions; authorizing district boards to enforce rule violations in circuit court; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

By Senator Aronberg—

SB 1604—A bill to be entitled An act relating to nursing services; creating s. 395.01922, F.S.; providing definitions; requiring hospitals to establish nurse staffing committees; providing for membership and responsibilities; requiring committees to produce annual hospital nurse staffing plans; requiring the chief executive officer to provide a written explanation for refusal to adopt a proposed staffing plan; requiring the hospital to post the adopted nurse staffing plan and nurse staffing schedule in patient care units; providing for patient and visitor access to staffing plans and schedules; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Aronberg—

SB 1606—A bill to be entitled An act relating to fire prevention and control; amending ss. 218.23 and 447.203, F.S.; conforming cross-references; amending s. 553.895, F.S.; revising outdated publication references; amending s. 633.02, F.S.; correcting the official title in references to the State Fire Marshal; amending s. 633.025, F.S.; providing requirements for firesafety plans and inspections for manufactured buildings; amending s. 633.03, F.S.; expanding the investigative authority of the State Fire Marshal to include the investigation of explosions; amending s. 633.061, F.S.; revising the type of fire suppression equipment for which a person must hold a license in order to engage in the business of servicing, inspecting, recharging, hydrotesting, or installing fire-suppression equipment; revising the requirements for the

renewal of such license; amending s. 633.081, F.S.; authorizing the State Fire Marshal to inspect buildings or structures for certain violations; abolishing special state firesafety inspector classifications; providing for certification as a firesafety inspector; providing application and examination requirements; authorizing the State Fire Marshal to develop a certain advanced training and certification program for firesafety inspectors; authorizing the Division of State Fire Marshal to enter into a reciprocity agreement with the Florida Building Code Administrators and Inspectors Board for certain continuing education recertification purposes; amending s. 633.085, F.S.; revising requirements for the State Fire Marshal to inspect state buildings; amending s. 633.101, F.S.; revising and expanding the authority and powers of the State Fire Marshal to administer oaths, compel attendance of witnesses, and collect evidence; providing certain forms of immunity from liability for certain actions and persons under certain circumstances; exempting certain information from discovery under certain circumstances; exempting agents of the State Fire Marshal from subpoena under certain circumstances; specifying limitations on treatment of physical evidence; authorizing persons and agents of the State Fire Marshal to submit certain crime-related reports or information to the State Fire Marshal; authorizing agents of the State Fire Marshal to make arrests as state law enforcement officers under certain circumstances; providing that it is unlawful to resist such arrest; amending s. 633.121, F.S.; expanding the list of eligible persons authorized to enforce laws and rules of the State Fire Marshal; amending s. 633.13, F.S.; revising a provision relating to the authority of agents of the State Fire Marshal; amending s. 633.14, F.S.; revising and expanding powers regarding arrests, searches, and the carrying of firearms by State Fire Marshal agents and investigators; amending s. 633.161, F.S.; expanding the list of violations for which the State Fire Marshal may issue certain enforcement orders; providing criminal penalties for failure to comply with such orders; amending s. 633.171, F.S.; conforming a provision; amending s. 633.175, F.S.; specifying additional powers granted to the State Fire Marshal; amending s. 633.18, F.S.; revising a provision relating to the conducting of inquiries or investigations by agents of the State Fire Marshal; amending s. 633.30, F.S.; revising and providing definitions; amending s. 633.34, F.S.; revising requirements for qualification for employment as a firefighter; amending s. 633.35, F.S.; revising requirements for firefighter training and certification; amending s. 633.351, F.S.; revising provisions for disciplinary actions for firefighters; revising standards for revocation of firefighter certifications; amending s. 633.352, F.S.; revising requirements for retention of certification as a firefighter; amending s. 633.382, F.S.; revising provisions regarding required supplemental compensation for firefighters; amending s. 633.524, F.S.; authorizing the State Fire Marshal to contract to provide certain examinations; amending s. 633.541, F.S.; expanding an exclusion from application of a prohibition against contracting without certification for certain homeowners; amending s. 633.72, F.S.; revising the membership terms of the Fire Code Advisory Council; amending s. 633.811, F.S.; expanding authority of the division to enforce provisions of law and rules applicable to employers; authorizing the assessment of administrative fines; amending s. 633.821, F.S.; deleting certain obsolete provisions requiring counties, municipalities, and special districts to implement certain provisions of federal law; repealing s. 1013.12(8), F.S., relating to certain annual reports published by the State Fire Marshal; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; Criminal Justice; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senators Fasano and Dockery—

SB 1608—A bill to be entitled An act relating to the financing of nuclear plants; creating s. 366.8270, F.S.; providing legislative finding and intent; defining terms; providing that after the Public Service Commission grants a petition for determination of need, an electric utility may petition the commission for a financing order for developing a nuclear plant; requiring the electric utility to provide specified information in the petition for a financing order; requiring that the proceedings to consider a petition for a financing order be completed in accordance with the provisions of ch. 120, F.S., and other specified rules; requiring the commission to include specified information in the financing order issued to the electric utility; requiring the electric utility to file with the commission an annual letter that applies the formula-based mechanism applicable to nuclear plant development charges; authorizing an adversely affected party to petition for judicial review in the Supreme Court under certain circumstances; providing that a financing order remains in effect until the nuclear plant development bonds issued pursuant to the order have been paid in full and the commission-approved financing costs of such bonds have been recovered in full; providing for exceptions to commission jurisdiction; specifying duties for an electric utility that has obtained a financing order; requiring the electric utility to include specified information in electric bills; providing that intangible property of a nuclear plant development constitutes a property right or interest; providing that intangible property of the nuclear plant development continues to exist until the nuclear plant development bonds issued under a financing order, and all financing costs and other costs of the bonds, are paid in full; providing that the Uniform Commercial Code does not apply to intangible property of the nuclear plant development; providing exceptions; providing that intangible property of the nuclear plant development may be sold, assigned, or transferred; requiring that all referenced financing statements are subject to the Uniform Commercial Code; providing an exception; providing that the state law governs nuclear plant developments; providing that nuclear plant development bonds are not a debt or a general obligation of the state or any of its political subdivisions; providing that certain designated entities may legally invest in nuclear plant development bonds; providing that the state pledges to and agrees with specified parties that the state will refrain from taking certain actions; providing that an assignee or financing party is not an electric utility or person providing electric service when it engages in the transactions described in this section; providing that certain occurrences do not affect the validity of any action taken by an electric utility, assignee, or financing party; providing for penalties if the utility violates the financing order or applicable provisions of the act; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Commerce; Judiciary; and General Government Appropriations.

By Senator Altman—

SB 1610—A bill to be entitled An act relating to financial incentives for electric vehicles; providing definitions; exempting certain categories of electric vehicles and components from the tax on sales, use, and other transactions for a certain time; specifying criteria; providing for issuance of qualifying compliance certificates by the Florida Solar Energy Center; providing for credits against the corporate income tax for certain fleets of certain categories of vehicles for a certain time; providing criteria; providing fleet requirements; providing for issuance of qualifying compliance certificates by the Florida Solar Energy Center; exempting certain vehicles from certain toll road charges for a certain time; providing for issuance of qualifying compliance certificates by the Florida Solar Energy Center; providing for a one-time rebate for a certain time to certain entities that install, operate, and maintain certain qualifying public charging stations for certain vehicles; specifying criteria; limiting the number of rebates per year; providing application requirements; providing for a one-time rebate for a certain time to persons who convert their automobile to a certain type of electric or hybrid electric automobile; specifying criteria; providing application requirements; specifying eligibility requirements and limitations; limiting the number of rebates per year; providing for administrative costs of the center; providing appropriations; providing an effective date.

—was referred to the Committees on Commerce; Transportation; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 1612—A bill to be entitled An act relating to motor vehicle operators; prohibiting persons younger than 18 from using any electronic handheld device while operating a motor vehicle; providing a surcharge for the violation; providing for enforcement only as a secondary offense; authorizing the issuance of a warning and safety literature in lieu of the surcharge; providing an effective date.

—was referred to the Committees on Transportation; Communications, Energy, and Public Utilities; and Transportation and Economic Development Appropriations.

By Senator Oelrich—

SB 1614—A bill to be entitled An act relating to state funding for medical student education; requiring state funding for medical student education at state university colleges of medicine using a funding methodology that provides a base level of state support on a per-student basis; providing requirements for the funding methodology to be determined by the Board of Governors of the State University System in consultation with the Office of Program Policy Analysis and Government Accountability; requiring an annual update of the funding methodology; providing for startup funding for new medical schools; authorizing supplemental funding; requiring maintenance of college accreditation; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 1616—A bill to be entitled An act relating to career and adult education; amending s. 20.15, F.S.; renaming the Division of Workforce Education within the Department of Education as the "Division of Career and Adult Education"; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council by replacing the chancellor of the Community College System with the Commissioner of Education; amending s. 1003.4285, F.S.; providing a cross-reference; conforming provisions to changes made by the act; amending s. 1003.43, F.S.; providing an exception for adult high school students regarding certain prerequisites for high school graduation; amending s. 1003.431, F.S.; revising the requirements that a student must meet in order to receive a designation on his or her high school diploma for industry-certified career education certification; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Military Affairs and Domestic Security; and Education Pre-K - 12 Appropriations.

By Senator Bennett—

SB 1618—A bill to be entitled An act relating to boards of county commissioners; amending s. 125.35, F.S.; authorizing such boards to lease certain county property for a limited term: providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

By Senator Aronberg—

SB 1620—A bill to be entitled An act relating to maternal and child health; creating s. 383.2163, F.S., the "Florida Nurse Home Visitation Act"; providing a short title; establishing a nurse home visitation pilot program in specified areas; providing purpose; providing definitions; requiring local Healthy Start coalitions to administer the program; providing duties of the Department of Health; providing for administration of the program; providing eligibility requirements; requiring the department to adopt rules; requiring the department to submit an annual report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Gelber—

SB 1622—A bill to be entitled An act relating to tour guide operators; amending s. 559.939, F.S.; authorizing local governments to regulate tour guide operators; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and General Government Appropriations.

By Senator Bennett—

SB 1624—A bill to be entitled An act relating to license taxes; amending s. 320.08, F.S.; revises the annual license tax for operation of motor vehicles, mopeds, motorized bicycles, trailers, and mobile homes; providing an effective date.

—was referred to the Committees on Transportation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Aronberg—

SB 1626—A bill to be entitled An act relating to consumer complaints; creating s. 570.5445, F.S.; creating the Consumer Complaint Interagency Coordinating Council; providing findings and legislative intent; providing definitions; providing for membership of the council; providing for meetings; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to provide administrative and staff support services to the council; providing for the purposes and responsibilities of the council; requiring the council to submit recommendations to the Legislature by a specified date; providing for the Consumer Complaint Interagency Coordinating Council to expire on a specified date unless reenacted by the Legislature; amending s. 681.109, F.S.; requiring the Department of Legal Affairs rather than the Division of Consumer Services of the Department of Agriculture and Consumer Services to screen all requests for eligibility to appear before the Florida New Motor Vehicles Arbitration Board; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Gelber—

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

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Garcia—

SB 1630—A bill to be entitled An act relating to historic properties; amending s. 267.061, F.S.; declaring a state policy of assistance to community organizations in their efforts to preserve historic resources; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Gelber—

SB 1632—A bill to be entitled An act relating to the personal needs allowance; amending s. 409.904, F.S.; increasing the monthly personal needs allowance for certain eligible persons; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gelber—

SB 1634—A bill to be entitled An act relating to financial responsibility for operating a motor vehicle; amending s. 324.023, F.S.; requiring that on or after a specified date the owner or operator of a motor vehicle

who is found guilty of or enters a plea of guilty or nolo contendere to a felony traffic offense or whose driving privilege is revoked to establish and maintain the ability to respond in damages for liability at specified amounts; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; and Transportation and Economic Development Appropriations.

By Senator Baker—

SB 1636—A bill to be entitled An act relating to the sale of business opportunities; amending s. 559.807, F.S.; deleting provisions that allow the seller of a business opportunity to post a certificate of deposit or guaranteed letter of credit in lieu of a surety bond; increasing the amount of the required surety bond; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and General Government Appropriations.

By Senator Gelber—

SB 1638—A bill to be entitled An act relating to community-based foster care; amending s. 409.1671, F.S.; requiring that the Department of Children and Family Services ensure that contracts with community-based agencies are funded by general revenue and federal funding sources; requiring the agencies to document federal earnings and to return undocumented earnings to the department; permitting contracts with the agencies to be increased by excess earnings; authorizing the department to outsource certain functions relating to the agencies; permitting certain expenditures by the agencies; requiring fixed-price contracts with the agencies to have a 2-month advance and that interest on the advance be retained by the agencies to expend on allowable child welfare services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Jones—

SB 1640—A bill to be entitled An act relating to public accountancy; amending s. 455.217, F.S.; removing the authority of the Board of Accountancy or the Department of Business and Professional Regulation to require that certain applicants for licensure pass an examination pertaining to state laws and rules; amending s. 455.271, F.S.; providing that certain licensees are not subject to specified continuing education requirements for reactivation of a license; amending s. 473.303, F.S.; specifying that members of the Board of Accountancy and probable cause panels who hold licenses must be licensed in this state; amending s. 473.305, F.S.; deleting provisions requiring a late filing fee; amending s. 473.308, F.S.; revising educational requirements for applicants for licensure; providing an exception to a work experience requirement for certain persons; amending s. 473.311, F.S.; deleting an examination requirement for licensure renewal; amending s. 473.313, F.S.; deleting a minimum continuing education requirement for reactivating an inactive license; requiring certain continuing education hours in ethics in order to reactivate certain licenses; conforming provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; Higher Education; and General Government Appropriations.

By Senators Sobel and Rich—

SB 1642—A bill to be entitled An act relating to domestic partnerships; creating s. 741.501, F.S.; providing legislative findings and stating the policy of this state; creating s. 741.502, F.S.; defining the terms "domestic partnership" and "partner"; creating s. 741.503, F.S.; requiring the Department of Health to create and distribute the Declaration of Domestic Partnership and Certificate of Registered Domestic Partnership forms to each clerk of the circuit court; requiring the department and each clerk of the circuit court to make the Declaration of Domestic Partnership forms available to the public; creating s. 741.504, F.S.; describing the required contents of the Declaration of Domestic Partnership; providing that if a person files an intentionally and materially false Declaration of Domestic Partnership form he or she commits a misdemeanor of the first degree; providing criminal penalties; creating s. 741.505, F.S.; requiring two individuals who wish to become partners in a domestic partnership to complete and file a Declaration of Domestic Partnership form with the clerk of the circuit court; providing for the clerk of the circuit court to register the Declaration of Domestic Partnership in a domestic partnership registry and return a copy of the registered form and a Certificate of Registered Domestic Partnership to the partners; providing that each partner who signs a Declaration of Domestic Partnership consents to the jurisdiction of the circuit court of this state for certain specified purposes; providing that the registry of domestic partnerships maintained by the clerk is a public record; creating s. 741.506, F.S.; prohibiting certain specified domestic partnerships; creating s. 741.507, F.S.; providing that the circuit court has jurisdiction over any proceeding relating to the domestic partners' rights and obligations, including a petition for dissolution or annulment of the domestic partnership; creating s. 741.508, F.S.; authorizing the domestic partners to retain surnames; creating s. 741.509, F.S.; providing that any privilege, immunity, right, or benefit granted by statute, administrative regulation, or court order, policy, common law, or any other law to an individual because the individual is or was an in-law in a specified way to another individual, is granted on equivalent terms, substantive and procedural, to an individual because the individual is or was in a domestic partnership or because the individual is or was, based on a domestic partnership, related in a specified way to another individual; providing that the act does not require or permit the extension of any benefit under a retirement, deferred compensation, or other employee benefit plan, if the plan administrator reasonably concludes that the extension of benefits to domestic partners would conflict with a condition for tax qualification of the plan, or a condition for other favorable tax treatment of the plan, under the Internal Revenue Code or regulations adopted under the Internal Revenue Code; amending ss. 28.101 and 28.24, F.S.; setting forth fees and costs to be applied when petitioning for a dissolution of a domestic partnership or registering a Declaration of Domestic Partnership, respectively; amending s. 97.1031, F.S.; providing notice to the supervisor of elections concerning a change of name due to registering a Declaration of Domestic Partnership; creating s. 220.121, F.S.; providing applicability of domestic partnerships to the tax laws of this state; amending s. 382.002, F.S.; defining the term "dissolution of a domestic partnership" for purposes of vital records; including a declaration of domestic partnership and a dissolution of a domestic partnership as vital records in this state; amending s. 382.003, F.S.; requiring the Department of Health to monitor declarations of domestic partnership forms and dissolution of domestic partnership reports sent from the circuit courts; amending s. 382.0085, F.S.; conforming a cross-reference; amending s. 382.021, F.S.; requiring the clerk of the circuit court to transmit all original Declarations of Domestic Partnership forms to the Department of Health by a specified date each month; amending ss. 382.022 and 382.023, F.S.; requiring the clerk of the circuit court to collect a fee after receiving each Declaration of Domestic Partnership form and requiring the clerk of the circuit court to collect a fee upon filing a final judgment in each dissolution of domestic partnership proceeding, respectively; amending s. 382.025, F.S.; authorizing the Department of Health to issue a certified copy of certain records to a domestic partner; amending s. 382.0255, F.S.; providing that the Department of Health is entitled to a specified fee for the issuance of a commemorative certificate of domestic partnership; amending s. 446.50, F.S.; requiring that funds generated from additional fees collected from Declarations of Domestic Partnership and dissolution of domestic partnership filings be deposited in the Displaced Homemaker Trust Fund; amending s. 741.01, F.S.; requiring the clerk of the circuit court to collect enumerated fees for registering a Declaration of Domestic Partnership; amending s. 741.011, F.S.; authorizing the clerk of the circuit court to accept installment payments from individuals who are unable to pay the fees to register a Declaration of Domestic Partnership in a lump sum; amending s. 741.02, F.S.; requiring the clerk of the circuit court to collect an additional fee upon registering a Declaration of Domestic Partnership; amending s. 741.09, F.S.; requiring the clerk of the circuit court to keep complete and accurate records of all declarations of domestic partnerships registered in that circuit; amending s. 741.10, F.S.; providing for methods to prove the existence of a registered Declaration Domestic Partnership when the certificate document has been lost or is otherwise unavailable; amending s. 741.28, F.S.; redefining the term "family or household member" in the context of domestic violence to

include a domestic partnership; reenacting ss. 921.0024(1)(b) and 943.171(2)(b), F.S., relating to the worksheet form for the Criminal Punishment Code and the basic skills training for domestic violence cases, respectively, to incorporate the amendments made to s. 741.28, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Ring—

SB 1644—A bill to be entitled An act relating to economic development; creating the "Micro-Targeted Technology Commercialization Act"; providing that the purpose of the act is to promote the commercialization of certain technologies by startup and early stage companies in this state; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to prohibit a seller from deducting from his or her taxable income any net operating loss transferred pursuant to the act; amending s. 220.16, F.S.; providing for allocation of specified nonbusiness income to the state; creating s. 220.194, F.S.; creating the Micro-Targeted Technology Commercialization Credit Transfer Program; providing intent, goals, and objectives; providing definitions; requiring that the Institute for the Commercialization of Public Research identify examples of micro-targeted technology and compile a list of the technology for the Office of Tourism, Trade, and Economic Development; requiring the office to certify eligible companies for the transfer of corporate income tax net operating loss amounts; providing qualifications and an application process and requirements; requiring an application fee; providing for an application deadline; requiring the office to grant or deny an application within a specified time after receiving a completed application; providing for calculating the certified credit amount; providing a maximum amount that may be transferred; providing a penalty; requiring each certified company to file an annual report with the office; requiring the office and the Department of Revenue to adopt rules; creating s. 220.195, F.S.; creating the Micro-Targeted Technology Commercialization Assistance Grant Program; providing intent, goals, and objectives of the grant program; directing the Office of Tourism, Trade, and Economic Development to manage the grant program; directing the Florida Institute for the Commercialization of Public Research to review grant applications and submit recommendations to the Office of Tourism, Trade, and Economic Development; specifying eligibility requirements for grants; specifying the grant amount; detailing the permissible uses of the grant funds; requiring the Office of Tourism, Trade, and Economic Development to prepare an annual report; providing rulemaking authority; directing the Office of Program Policy Analysis and Government Accountability to review the program and prepare a report; amending s. 213.053, F.S.; authorizing the Department of Revenue to share confidential taxpayer information with the Office of Tourism, Trade, and Economic Development; providing an appropriation; providing for an allocation of the funds; providing for future repeal of the credit transfer program and the grant program; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1646—A bill to be entitled An act relating to mortgage foreclosure; expressing the legislative intent to revise laws relating to mortgage foreclosure; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; General Government Appropriations; and Rules.

By Senator Constantine—

SB 1648—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to revise laws relating to public records and meetings; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

By Senator Oelrich—

SB 1650—A bill to be entitled An act relating to civil actions against insurers; amending s. 624.155, F.S.; authorizing an insured to bring a civil action against an insurer when the insured is damaged by the commission of certain acts by the insurer; revising notice requirements related to such civil actions; requiring the insured and any person demanding settlement to cooperate with the insurer with regard to facilitating the settlement; requiring that notice of such actions contain certain information; deleting an exemption for a third-party claimant; authorizing the Department of Financial Services to return such notice within a specified period after receipt under certain circumstances; providing that no action shall lie if damages are paid or the circumstances giving rise to the insurer's violation are corrected within a specified period; extending the period for which the applicable statute of limitations may be tolled under certain circumstances; providing for the preemption of other civil remedies; requiring that an insured prove, by clear and convincing evidence, that the insurer's refusal to settle was unreasonable in an action arising from an allegation that the insurer failed to settle a claim for liability insurance coverage; providing that the insurer of an insured or insureds is not liable for extracontractual damages for failing to pay the insurer's policy limits under certain circumstances; providing that an insurer that tenders its policy limits is entitled to a release from its insured if the claimant accepts the tender; providing circumstances under which a civil cause of action does not exist; providing that an insured is not prohibited from assigning the cause of action to an injured third-party claimant for the insurer's failure to act fairly and honestly toward its insured and with due regard for the insured's interest; providing for applicability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Gelber—

SB 1652—A bill to be entitled An act relating to highway safety; creating the "Deputy Michael Callin, Michael Haligowski, and Deputy Ryan C. Seguin Memorial Traffic Safety Act"; amending s. 322.251, F.S.; requiring impoundment and immobilization information to be included with notice to a person whose driver license or driving privilege is being canceled, suspended, revoked, or disqualified; amending s. 322.34, F.S.; requiring impoundment and immobilization information to be included with notice to a person whose driver license or driving privilege is being canceled, suspended, revoked, or disqualified; requiring a law enforcement officer who determines that a motor vehicle is being driven by or is under the actual physical control of a person whose driver license or driving privilege is canceled, suspended, revoked, or disqualified to impound or immobilize the motor vehicle; providing for notice to the driver; providing for notice to registered owners of the motor vehicle and lienholders; providing for exceptions; providing for the Department of Highway Safety and Motor Vehicles to commence impoundment or immobilization at the scene where the motor vehicle was immobilized; providing procedures; providing for release of the motor vehicle; requiring department records to contain impoundment and immobilization information; providing for a lien under specified provisions for charges accrued for recovery, towing, or storage services; requiring notice to the owner, insurance company insuring the motor vehicle, and lienholders of record; providing for the owner's right to a hearing; providing for sale of the motor vehicle free of liens after a certain timeframe; providing for distribution of proceeds from such sale; providing for certain fees and distribution of moneys collected; requiring the department to authorize release of the motor vehicle under certain circumstances; prohibiting operation of an immobilized motor vehicle; providing for an immobilized motor vehicle that is found being operated upon any street or highway in this state before release from immobilization to be seized and subject to forfeit; authorizing the department to contract with vendors; directing the department to inform the person whose driver license or driving privilege has been canceled, suspended, revoked, or disqualified that any motor vehicle driven by or under the actual physical control of that person is subject to impoundment and immobilization; authorizing the department to adopt rules; providing penalties for knowingly aiding a person whose driver license or driving privilege is canceled, suspended, revoked, or disqualified by providing a motor vehicle or authorizing use

of a motor vehicle; directing the department to inform drivers whose license or driving privilege has been canceled, suspended, revoked, or disqualified and the motoring public of the provisions for impoundment and immobilization of motor vehicles under this act; providing effective dates.

—was referred to the Committees on Transportation; Banking and Insurance; Criminal Justice; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Altman—

SB 1654—A bill to be entitled An act relating to construction contracting; creating s. 489.1138, F.S.; providing for the regulation of hoisting equipment used in construction, demolition, or excavation work; defining the terms "hoisting equipment," "mobile crane," and "tower crane"; requiring that an applicant for a building permit for construction, demolition, or excavation work involving the use of a tower crane or mobile crane submit certain information to the local building official; requiring that persons operating two or more tower cranes or mobile cranes within the same swing radius maintain a clear, independent, and operable channel of radio communication between them at all times; requiring that a hurricane or high-wind preparedness plan be available for inspection under certain circumstances; requiring that, in preparation for such event, hoisting equipment be secured according to specified means; providing penalties for noncompliance; providing for the preemption of local acts, laws, ordinances, or regulations pertaining to the regulation of hoisting equipment or persons operating such equipment in this state; exempting the regulation of elevators from applicability of certain provisions of state law; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Peaden—

SB 1656—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1658—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1660—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1662—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1664—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1666—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1668—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1670—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1672—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 1674—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1676—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1678—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1680—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1682—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1684—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1686—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1688—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1690—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1692—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 1694—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Education Pre-K - 12 Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1696—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1698—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1700—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1702—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1704—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1706—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1708—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1710—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1712—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1714—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Higher Education Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1716—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1718—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1720—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1722—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1724—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1726—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1728—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1730—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1732—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Crist—

SB 1734—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Criminal and Civil Justice Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1736—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1738—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1740—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1742—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1744—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1746—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1748—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1750—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1752—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1754—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1756—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1758—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1760—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1762—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1764—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1766—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1768—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1770—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1772—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Baker—

SB 1774—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1776—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1778—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1780—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1782—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1784—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1786—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1788—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1790—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1792—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1794—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Alexander—

SB 1796—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1798—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1800—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1802—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1804—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1806—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1808—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1810—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1812—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SB 1814—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Alexander—

SJR 1816—A joint resolution proposing an amendment to the State Constitution.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Judiciary; and Rules.

By Senator Alexander—

SJR 1818—A joint resolution proposing an amendment to the State Constitution.

—was referred to the Policy and Steering Committee on Ways and Means; and the Committees on Judiciary; and Rules.

By Senator Fasano—

SB 1820—A bill to be entitled An act relating to insurance; amending s. 624.4213, F.S.; providing penalties for incorrectly marking information as trade secret; providing for attorney's fees and costs; amending s. 624.4305, F.S.; limiting nonrenewals of residential property insurance policies; amending s. 624.605, F.S.; limiting the definition of "casualty insurance" by prohibiting credit property insurance coverage from being issued on an inland marine policy form; amending s. 625.091, F.S.; requiring that every insurer approved to offer large deductibles in workers' compensation policies obtain collateral from the policyholder; providing requirements for such collateral; amending s. 626.7451, F.S.; requiring that managing general agents render accounts to the insurer detailing certain information and remit all funds due under a contract within a specified period after collection of such funds; amending s. 626.9541, F.S.; including on the list of unfair methods of competition and unfair or deceptive acts the refusal to insure or continue to insure an individual or risk solely because of the fact the individual owns an animal or animals; authorizing an insurer to ask certain questions and limit or exclude portions of liability coverage pertaining to animals; repealing s. 627.0612, F.S., relating to administrative proceedings in rating determinations; amending s. 627.062, F.S.; requiring that rates be made in accordance with generally accepted actuarial techniques; requiring that the Office of Insurance Regulation issue an approval letter for certain rate filings; requiring that the office consider certain factors when determining whether a rate is excessive, inadequate, or unfairly discriminatory; deleting conditions under which the office is prohibited from disapproving certain rates as excessive; revising restrictions on altering a rate after notification by the office that such rate may be excessive, inadequate, or unfairly discriminatory; deleting provisions specifying actions constituting violations of the insurance code; deleting a requirement that the office develop a proposed standard rating territory plan; requiring that the chief executive officer or the chief financial officer and the chief actuary of a property insurer certify certain information which must accompany a rate filing; deleting a provision requiring that the office establish that rates are excessive for certain personal lines residential coverage; amending s. 627.0621, F.S.; requiring that certain insurers and the office make certain information available on a public website; requiring that the office provide the overall rate change approved for any rate filing made on or after a specified date; revising legislative intent; amending s. 627.0628, F.S.; revising legislative findings and intent; revising membership requirements of the Florida Commission on Hurricane Loss Projection Methodology; providing for a chair of the commission; deleting a limitation on the prohibition of modification of certain rating models; prohibiting a modeler from submitting more than one model per filing with the commission; requiring that each model submitted contain certain information; amending s. 627.0645, F.S.; exempting commercial property insurance from certain annual filing requirements; amending s. 627.0651, F.S.; requiring that an insurer make a file-and-use filing under certain circumstances; requiring that the office issue a notice of intent to disapprove under certain circumstances; amending s. 627.351, F.S.; requiring flood insurance for all new and renewal policies issued by Citizens Property Insurance Corporation for properties located within a specified area between the coast and the coastal construction control line; prohibiting the corporation from insuring such properties constructed or permitted on or after a specified date unless such properties have obtained flood insurance; prohibiting the corporation from issuing wind-only policies after a specified date; amending s. 627.3512, F.S.; providing filing procedures for an insurer or insurer group electing to recoup an assessment that has been paid; providing for the calculation, application, and expiration of a recoupment factor; providing procedures for recoupment-removal and recoupment-continuation filings; requiring that such filings include certain information; requiring an insurer to refund excess recoupment; prohibiting certain insurers or insurer groups from including an uncollected assessment as a component of a subsequent rate filing; prohibiting an insurer or insurer group discontinuing a line, type, or subline of business from recouping amounts assessed against that line, type, or subline; prohibiting such insurer or insurer group from including an uncollected assessment as a component of a subsequent rate filing for other lines, types, or sublines of business; providing a deadline for filing an initial recoupment; amending s. 627.706, F.S.; providing that insurers are not required to issue a notice of nonrenewal to exclude sinkhole coverage upon the renewal of existing policies in certain counties or territories; authorizing insurers to exclude such coverage using a notice of coverage change; requiring that insurers continue to offer optional sinkhole coverage for an appropriate additional premium; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

SB 1822—A bill to be entitled An act relating to trafficking in cocaine; amending s. 893.135, F.S.; providing for a person to be sentenced to a mandatory minimum term of imprisonment following a second or subsequent conviction of selling, purchasing, manufacturing, delivering, or bringing a specified quantity of cocaine into the state; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Community Affairs—

SB 1824—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S.; revising an exemption under the public-records law for information that would identify a child participating in a government-sponsored recreation program; defining the terms "government-sponsored recreation program" and "child"; providing that such information is confidential and exempt from the public-records law; providing an exception; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; repealing s. 2 of chapter 2004-32, Laws of Florida, deleting provisions providing for repeal of the exemption; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

By the Committee on Community Affairs—

SB 1826—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 73.0155(5), F.S., relating to a public-records exemption for business information provided by a business owner to a governmental condemning authority for the purpose of making an offer of business damages; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

By Senators Wise and Dean—

SJR 1828—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution to revise class size requirements for public schools and to provide an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 1830—A bill to be entitled An act relating to cost recovery regarding nuclear and integrated gasification combined cycle power plants; amending s. 366.93, F.S.; authorizing a utility to recover costs through rates upon a determination by the Public Service Commission that the costs are prudent under certain conditions; authorizing the adjustment of rates that are not deemed prudent by the commission; requiring the utility to issue credits to its customers; deleting a provision authorizing the commission to allow for the recovery of the net book value of a retired generating plant under certain circumstances; conforming a provision to changes made by the act; requiring the commission to terminate rates approved for an abandoned project and order the utility to refund customers; deleting provisions that authorize the utility to recover preconstruction and construction costs; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Finance and Tax; and General Government Appropriations.

By the Committee on Governmental Oversight and Accountability—

SB 1832—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2009, and July 1, 2010; providing a declaration of important state interest; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By the Committee on Governmental Oversight and Accountability—

SB 1834—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending ss. 257.35 and 257.38, F.S.; revising a public-records exemption that is provided for nonpublic manuscripts and other archival material held by the Florida State Archives within the Department of State or held by a local government archive; providing a definition; clarifying provisions governing the continued confidentiality of certain records that are transferred to the custody of the division, placed in the keeping of the division, or donated to an official archive of a municipality or county; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for repeal of the exemption; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; and Rules.

By the Committee on Governmental Oversight and Accountability—

SB 1836—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing definitions; providing that proprietary confidential business information held by an agency is confidential and exempt from public-records requirements; authorizing a request to inspect or copy a record that contains proprietary confidential business information to be granted under certain circumstances; authorizing any person to petition a court for the public release of those portions of a record made confidential and exempt by the act; providing requirements for the petition and the court order; providing that the act does not supersede any other applicable public-records exemptions that existed before a certain date; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; repealing s. 815.045, F.S., relating to trade secret information; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; Commerce; and Rules.

By the Committee on Governmental Oversight and Accountability—

SB 1838—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S.; providing that social security numbers of current and former agency employees held by the employing agency are confidential and exempt; providing exceptions; authorizing current or former agency employees to provide written notice to another agency to maintain the confidential and exempt status of such social security number; providing exceptions; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for repeal of the exemption; requiring that an agency identify the laws governing the collection, use, and release of social security numbers and ensure that it complies with such laws; requiring notice as to whether collection of a social security number is mandatory under federal or state law; redefining the term "commercial activity" for purposes of provisions authorizing the disclosure of a social security number under limited circumstances; clarifying that certain provisions do not supersede federal or state requirements regarding the collection, use, or release of social security numbers; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By Senators Deutch and Rich—

SB 1840—A bill to be entitled An act relating to health care; providing legislative findings and intent; amending s. 210.01, F.S.; defining the terms "council," "total collections," and "net collections"; amending s.

210.02, F.S.; increasing the amount of the cigarette tax by the equivalent of $1 per standard pack; amending s. 210.18, F.S.; conforming a cross-reference; amending s. 210.20, F.S.; requiring that the Division of Alcoholic Beverages and Tobacco certify to the Chief Financial Officer monthly the amount of net collections derived from the cigarette tax; requiring that the division credit a specified percent of the total base allocation to certain trust funds, research centers, and medical residency and fellowship programs; providing that certain funds are subject to a funding match and may be used for bonding purposes if certain conditions are met; requiring that any funds that cannot be matched revert to the Biomedical Research Trust Fund; amending s. 210.201, F.S.; requiring that the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute use funds to secure bonds or financial products for cancer facilities; amending s. 215.5601, F.S.; revising provisions relating to the Lawton Chiles Endowment Fund; providing that moneys derived from the cigarette tax be allocated to the endowment during a specified fiscal year; increasing the number of members of the Lawton Chiles Endowment Fund Advisory Council; requiring that the council include a representative of a public health organization having a major interest in tobacco control and a consumer who is eligible for Medicaid benefits; amending s. 215.5602, F.S.; revising provisions relating to the James and Esther King Biomedical Research Program's long-term goals to include the expansion of research capacity and infrastructure needed to address tobacco-related illnesses; providing funding for the program's operating costs; extending certain expiration dates; amending s. 318.0302, F.S.; revising provisions relating to the Florida Health Services Corps; requiring that the Department of Health give priority to students who indicate a desire to practice certain medical specialties when selecting students for public health program scholarships; authorizing the department to increase stipends if the funds are sufficient; creating s. 381.04035, F.S.; creating the Graduate Medical Education Workforce Act; providing legislative findings and intent; establishing a program for funding graduate medical education positions within the Department of Health; providing funding for hospitals for costs associated with internship, residency, and fellowship positions; requiring that participating hospitals submit an annual report to the department and the Graduate Medical Education Council; establishing a program for funding graduate medical education programs and academic centers of excellence within the department; providing funding for hospitals, universities, and other sponsoring entities that apply to participate in the program; requiring participants to submit an annual report; creating the Graduate Medical Education Council; providing for membership and terms; requiring that the Governor make initial appointments by a specified date; requiring that the State Surgeon General designate an administrator to serve as the council's staff director; requiring that the department perform certain oversight functions; providing criteria for the department to consider when evaluating requests for funding; requiring that the department establish reporting requirements; requiring that the funds for the program be used to match funds from a local or state governmental, hospital, or sponsoring entity source; providing for staffing; amending s. 381.4018, F.S.; revising provisions relating to assessing and developing the physician workforce to include the burden of cancer, heart, and lung diseases based on the state's demographics; requiring that the department consider physicians who practice certain medical specialties when developing the state strategic plan; amending s. 381.84, F.S.; revising the components of the Comprehensive Statewide Tobacco Education and Use Prevention Program relating to cessation programs, counseling, and treatment; requiring that a statewide toll-free cessation service include referrals to the Cover Florida Health Care Access Program; amending s. 381.855, F.S.; providing funding for the Florida Center for Universal Research to Eradicate Disease; revising provisions relating to the center's advisory council; amending s. 381.91, F.S.; revising provisions relating to the Jessie Trice Cancer Prevention Program; repealing ss. 381.92 and 381.921, F.S., relating to the Florida Cancer Council; amending s. 381.922, F.S.; revising the purpose of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program to expand cancer research and treatment; requiring that a specified percentage of the program's annual allocation apply toward recruiting cancer researchers and institutions; providing goals for advancing cures for cancer; extending certain expiration dates; amending s. 381.93, F.S.; revising provisions relating to the Mary Brogan Breast and Cervical Cancer Early Detection Program; providing that funds derived from the cigarette tax be used by the program; expanding enrollment in the program; amending s. 395.6061, F.S.; revising provisions relating to the rural hospital capital improvement grant program; authorizing rural hospitals to apply for funds derived from the cigarette tax; amending s. 408.9091, F.S.; revising provisions relating to the Cover Florida Health Care Access Program to conform to changes made by the act; providing that certain individuals who are participating in a smoking cessation program are eligible for a temporary premium subsidy; creating s. 1009.675, F.S.; establishing the Nursing Education Enhancement Program to provide supplemental funding for public nursing education; providing for funding and the distribution of such funding; requiring that the Chancellor of the State University System and the Chancellor of the Community College System submit a report to the Governor and the Legislature by a specified date; authorizing the State University System and the State College System to adopt rules; amending s. 1009.68, F.S.; revising provisions relating to the Florida Minority Medical Education Program; requiring that the program provide scholarships to enable minority students to pursue a medical education at Florida Atlantic University, the University of Central Florida, or Florida International University; providing for the distribution of the scholarships; creating s. 1013.83, F.S.; establishing the Florida Medical School Facilities Program; requiring that the Board of Governors administer the program; requiring that the funds for the program be used to construct and equip state medical schools and other related facilities in the state; requiring that the Board of Governors solicit competitive proposals for the use of such funds; providing that preference be given to proposals demonstrating the greatest need in fulfilling the institution's core medical education mission and proposals representing collaborative or shared-use facilities; providing that the program be funded with proceeds derived from s. 210.20, F.S.; providing for expiration of the program; authorizing the Board of Governors to adopt rules; providing that the additional tax on cigarettes applies to existing inventory on the effective date of the act; requiring that each manufacturer, distributor, wholesaler, and vendor take an inventory of the cigarettes in its possession on the effective date of this act; requiring that the amount of such inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; providing for penalties and interest for delinquent payments; requiring that the proceeds from the additional tax be deposited into the Cigarette Tax Collection Trust Fund and distributed as required in s. 210.20, F.S.; requiring that the Department of Health submit a report to the Governor and the Legislature by a specified date which contains an estimate of the financial impact of tobacco use and related illnesses on the economy and taxpayers; providing an effective date.

—was referred to the Committees on Finance and Tax; Health Regulation; Higher Education; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 1842—A bill to be entitled An act relating to auxiliary law enforcement officers; creating s. 943.1305, F.S.; exempting certain applicants for employment as part-time auxiliary law enforcement officers from a requirement that they complete a basic training program; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1844—A bill to be entitled An act relating to locksmith services; creating part XII of ch. 559, F.S.; providing a short title; providing findings and purpose; preempting to the state the regulation of locksmith services and those performing such services; providing scope and application; providing exemptions; providing definitions; providing rulemaking authority for the Department of Agriculture and Consumer Services; requiring licensure of locksmith services businesses; delineating requirements for licensing; authorizing licensure by endorsement under certain circumstances; providing license renewal requirements and process; requiring a locksmith services business employer to meet certain requirements in order to employ persons as locksmiths or automotive-only locksmiths; requiring certain information to be in specified employee records; requiring a locksmith services business to meet certain requirements in order to employ an apprentice locksmith; requiring a locksmith services business to have liability insurance; requiring a locksmith services business to issue a photo identification card to each employee performing locksmith services; requiring display of photo identification; requiring a locksmith services business to display its li-

cense and to display the license number and other information in all advertising; requiring maintenance of certain records by a locksmith services business; specifying acceptable forms of payment for work performed; authorizing review of records by law enforcement and the department; prohibiting a locksmith services business to require a person to waive certain rights as a precondition for service; requiring the Department of Law Enforcement to provide certain records to the department upon request; delineating prohibited acts; providing administrative remedies and penalties, civil penalties and remedies, and criminal penalties; providing that a violation of this part constitutes a deceptive and unfair trade practice; providing for deposit of penalty proceeds in the General Inspection Trust Fund; creating the Florida Locksmith Services Advisory Council within the Department of Agriculture and Consumer Services; providing membership and terms; providing operating procedures and powers and duties; requiring the department to provide administrative and staff support; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Governmental Oversight and Accountability; Criminal Justice; and General Government Appropriations.

By Senator Siplin—

SB 1846—A bill to be entitled An act relating to juveniles incompetent to proceed; amending s. 985.19, F.S.; authorizing the attorney representing a child named in a petition for delinquency, the state attorney, the attorney representing the Department of Juvenile Justice, or the attorney representing the Department of Children and Family Services to move to allow the presentment of findings from a mental health expert retained by the child's attorney, the state attorney, the Department of Juvenile Justice, or the Department of Children and Family Services; authorizing the court to grant the motion under certain circumstances; requiring that each expert appointed by the court or retained by a party be licensed as a psychologist or as a psychiatrist; authorizing the Department of Children and Family Services to place a child committed to the department in a detention center or other facility as an emergency placement under specified circumstances; limiting the emergency placement to no more than 15 days; revising the period within which the mental health service provider must file a report with the court after the date the child is committed to the department; revising the period that the court retains jurisdiction of the child after the date of the order of incompetency; requiring the court to dismiss the delinquency petition if, at the end of 18 months, the child has not attained competency and there is no evidence that the child will attain competency within 1 year; eliminating a provision making implementation of procedures governing incompetency in juvenile delinquency cases contingent upon funding; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Detert—

SB 1848—A bill to be entitled An act relating to verification of a prisoner's immigration status; creating s. 907.06, F.S.; requiring the staff of a jail or other detention center or facility to make a reasonable effort to determine the citizenship status of a person charged with specified crimes; requiring that facility staff make a reasonable effort to verify whether the prisoner is lawfully present in the United States; requiring facility staff to verify the person's immigration status and notify the United States Department of Homeland Security if the person is not lawfully in the United States; creating, for purposes of a release bond, a rebuttable presumption that a prisoner is at risk of flight if the Department of Homeland Security verifies that the prisoner is a foreign national and is not lawfully present in the United States; authorizing the Department of Law Enforcement to adopt rules; requiring that the act be construed consistent with applicable federal law; providing an effective date.

—was referred to the Committees on Criminal Justice; Military Affairs and Domestic Security; and Criminal and Civil Justice Appropriations.

By Senator Siplin—

SB 1850—A bill to be entitled An act relating to substance abuse treatment programs; amending s. 397.754, F.S.; requiring the Department of Corrections to assess the needs of each inmate for substance abuse treatment services; requiring the department to provide inmates with individualized services; requiring the department to provide training to all employees providing substance abuse treatment services to inmates; amending s. 775.16, F.S.; requiring a person under the supervision of the department to participate in and complete a substance abuse treatment and rehabilitation program in order to be eligible for employment by any agency of the state, or to apply for a license, permit, or certificate required by any agency of the state to practice an occupation, trade, profession, or business; amending s. 944.473, F.S.; requiring each inmate who meets certain criteria to participate in a substance abuse treatment program; providing that an inmate has a right to receive substance abuse treatment services from the department; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By the Committee on Governmental Oversight and Accountability—

SB 1852—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services; amending s. 121.051, F.S.; conforming a cross-reference; revising provisions relating to participation in the system; excluding the participation of entities under a lease agreement; amending s. 121.052, F.S.; revising the dates a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.071, F.S.; expanding the mechanisms for employees to pay contributions to the system; amending s. 121.081, F.S.; revising provisions relating to receiving credit for past or prior service; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; extending the period of time that instructional personnel employed by a developmental research school may participate in the Deferred Retirement Option Program; clarifying that DROP participation may not be cancelled; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on that service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that a member may not be eligible for or receiving a benefit based on service; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the Florida Retirement System; amending s. 121.1905, F.S.; deleting provisions describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to meet the same requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the State Retirement Commission; amending s. 1012.33, F.S.; deleting the provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; and Education Pre-K - 12; and the Policy and Steering Committee on Ways and Means.

By Senator Gardiner—

SB 1854—A bill to be entitled An act relating to abortion; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for severability; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Bennett—

SB 1856—A bill to be entitled An act relating to local governmental powers; amending s. 125.01, F.S.; prohibiting a county from requiring a private property owner to expend funds to enhance certain services or functions provided by local governments which benefit the general public at the expense of the property owner; amending s. 166.021, F.S.; prohibiting a municipality from requiring a private property owner to expend funds to enhance certain services or functions provided by local governments which benefit the general public at the expense of the property owner; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Gelber—

SB 1858—A bill to be entitled An act relating to investigators employed by a state attorney; amending ss. 27.255 and 316.640, F.S.; authorizing such an investigator to enforce the state traffic laws on the streets and highways within the boundaries of the judicial circuit served by the state attorney employing the investigator; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Criminal and Civil Justice Appropriations.

By Senator Gelber—

SB 1860—A bill to be entitled An act relating to the disposition of certain forfeited property; amending s. 932.7055, F.S.; requiring a county or municipal law enforcement agency that acquires more than a specified amount under the Florida Contraband Forfeiture Act within any one fiscal year to transfer a certain percentage of the proceeds to the State Attorney's Forfeiture and Investigative Support Trust Fund of the state attorney for the jurisdiction where the violation occurred; reducing the amount acquired under the Florida Contraband Forfeiture Act which the local law enforcement agency is required to expend for drug treatment, education, and prevention and other activities; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Joyner—

SB 1862—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Baker—

SB 1864—A bill to be entitled An act relating to aircraft safety; providing a short title; creating s. 379.2293, F.S.; providing legislative findings and intent; exempting airport authorities and other entities from penalties, restrictions, liabilities, or sanctions with respect to authorized action taken to protect human life or aircraft from wildlife hazards; defining the term "authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards"; providing that such actions prevail over certain other regulations, permits, comprehensive plans, and laws; providing immunity from penalties with respect to authorized action for certain individuals; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Judiciary; and General Government Appropriations.

By Senator Peaden—

SB 1866—A bill to be entitled An act relating to the Prescription Drug Donation Program; amending s. 499.029, F.S.; renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; revising definitions; expanding the drugs and supplies that may be donated under the program; expanding the types of facilities and practitioners that may participate in the program; conforming provisions to changes in terminology; removing obsolete language relating to the adoption of initial rules; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Peaden—

SB 1868—A bill to be entitled An act relating to pharmacies; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Wise—

SB 1870—A bill to be entitled An act relating to gifted and academically talented student education; creating s. 1003.572, F.S.; requiring district school boards to provide parental notice of requirements and procedures for requesting evaluations for gifted student classification; requiring district school board reporting of gifted student classification, services, and performance data; requiring the Department of Education to develop data elements for district reporting; requiring rulemaking; creating s. 1003.573, F.S.; requiring the department to develop procedures and eligibility criteria for whole-grade and subject matter acceleration; requiring district school boards to implement procedures and eligibility criteria; requiring district school board reporting of student acceleration data; requiring the department to develop data elements for district reporting; requiring rulemaking; amending s. 1004.04, F.S.; requiring state-approved teacher preparation programs to incorporate specified gifted student instruction; amending s. 1011.62, F.S.; requiring certain school district guaranteed allocation expenditures to be reported separately; creating the Gifted and Academically Talented Student Task Force within the department; designating members; providing for per

diem and travel expenses; requiring the task force to submit a report to the Governor and Legislature; providing report requirements; providing for the future abolishment of the task force; providing effective dates.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 1872—A bill to be entitled An act relating to cardiovascular disease; creating the Florida Council on Cardiovascular Disease and Stroke; providing definitions; providing for the appointment of members; providing terms of membership; providing requirements for voting and a quorum; providing for quarterly meetings; requiring the Department of Health to provide administrative support; providing for reimbursement of per diem and travel expenses; providing powers and duties of the council; requiring the council to submit written recommendations to the department, the Governor, and the Legislature by a specified date; requiring the council to report on its activities and accounting of funds to the Governor and the Legislature; requiring the council to review available clinical resources and develop a database of recommendations for care and treatment of patients having cardiovascular disease or patients at the risk of or who have suffered from a stroke; requiring the council to make this database available to the public; requiring the council to collect and analyze information related to cardiovascular disease and stroke from different agencies and organizations and create and maintain a database of the information; providing requirements for the database; authorizing the council to use information from other sources; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 1874—A bill to be entitled An act relating to teacher retention; amending s. 1008.34, F.S.; requiring that the school report card that is delivered to parents in each school district include the district's teacher turnover rate; creating s. 1012.988, F.S.; creating the Florida Teacher Induction Initiative for the purpose of providing support to new teachers; requiring each district to develop and implement a teacher induction initiative; specifying required minimum elements of the initiative; requiring that districts report the teacher turnover rate to the Commissioner of Education; requiring that a district submit a plan to address its new teacher attrition rate under certain circumstances; requiring the Department of Education to establish a statewide data collection and reporting system to determine the annual district cost of replacing teachers; requiring the department to assist districts in developing initiatives and goals; requiring the department to conduct a study to determine the relationship of teacher retention and attrition to student academic achievement; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Rich—

SB 1876—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring an entity that contracts with the Agency for Health Care Administration for Medicaid services to reimburse certain noncontracted hospitals or physicians for services provided to its members; amending s. 409.915, F.S.; requiring that a county's contribution to Medicaid for hospital services be based on the Medicaid rate calculated by the agency; providing that the sole purpose of the Medicaid county rate is to determine the counties' contribution; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lynn—

SB 1878—A bill to be entitled An act relating to workplace safety; creating s. 440.1026, F.S.; providing definitions; requiring public employers to submit by a certain date injury and illness data to the Division of Workers' Compensation in the Department of Financial Services using a specified form; authorizing the division to adopt rules; requiring the division to compile data from the reports and make the data available on the division's website; requiring the employer to retain the reports for 7 years; requiring the division to establish a toll-free telephone number for public employees relating to workplace safety by a certain date; requiring the division to provide certain information on its website by a certain date; requiring all public employers to comply with certain federal Occupation Safety and Health Administration standards by a certain date; amending s. 440.59, F.S.; revising the annual report submitted by the department to include an analysis and summary on public employers' work-related injuries and workers' compensation claims; requiring the report to be provided to public employers and related officials; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Peaden—

SB 1880—A bill to be entitled An act relating to breast cancer; creating a referral program within the Department of Health for the early detection and treatment of breast cancer; providing definitions; providing requirements for the program; requiring the department to provide clinical breast examinations and screening mammograms for low-income women between specified ages; requiring that the State Surgeon General annually report to the Legislature the rate of breast cancer morbidity and mortality in this state and the extent of participation in breast cancer screening; requiring the organizations providing testing and treatment services to report to the department the insurer of each underinsured woman who is tested; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Fasano—

SB 1882—A bill to be entitled An act relating to viatical settlements; amending s. 626.9911, F.S.; defining the terms "business of viatical settlements," "fraudulent viatical settlement act," and "stranger-originated life insurance"; clarifying the definition of "viatical settlement contract" by specifying items included and excluded by the term; amending s. 626.9913, F.S.; requiring that a viatical settlement provider's required annual statement include certain information; removing an obsolete provision relating to requirements for viatical settlement providers; amending s. 626.9914, F.S.; providing additional grounds pursuant to which the Office of Insurance Regulation may suspend, revoke, deny, or refuse to renew the license of a viatical settlement provider; increasing the maximum amount of administrative fines that may be assessed by the office; amending s. 626.99175, F.S.; deleting obsolete provisions; removing an incorrect cross-reference; creating s. 626.99185, F.S.; requiring that a viatical settlement provider provide to the viator a disclosure statement before or concurrently with the viator's execution of a viatical settlement contract; requiring that such disclosure contain certain information; requiring that the viator retain a duplicate copy of such disclosure; requiring that the viatical settlement provider provide an amended disclosure under certain circumstances; requiring that certain documentation be maintained by a viatical settlement provider in accordance with state law; requiring that such documentation be available to the office at any time for copying or inspection upon reasonable notice; amending s. 626.9924, F.S.; conforming a cross-reference to changes made by the act; amending s. 626.99245, F.S., relating to conflicts of regulation; correcting a cross-reference; creating s. 626.99273, F.S.; prohibiting a viatical settlement broker or viatical settlement provider from knowingly carrying out certain actions; providing that certain actions constitute fraudulent viatical settlement acts; prohibiting a viatical settlement provider from entering into a viatical settlement contract unless promotional, marketing, and advertising materials have been filed with the office; prohibiting marketing materials, life insurance producers, insurers, viatical settlement brokers, and viatical

settlement providers from making certain representations regarding a policy; amending s. 626.99275, F.S.; providing that it is unlawful for any person to engage in a fraudulent viatical settlement act; providing that it is a violation of state law for any person to enter into a viatical settlement contract at any time before the application or issuance of a policy that is the subject of a viatical settlement contract or within a specified period after the date of issuance of the insurance policy or certificate; providing exceptions; providing that it is a violation of state law for any person to issue, solicit, market, or otherwise promote the purchase of a policy for the purpose of or with an emphasis on selling the policy; creating s. 626.99276, F.S.; requiring the submission of a copy of certain documentation to the insurer when a party entering a viatical settlement contract with a viator submits a request to the insurer for verification of coverage; requiring that a sworn affidavit attesting to certain information accompany the submission of such documentation; providing circumstances under which such copy shall be considered conclusive evidence that a viaitical settlement contract satisfies the requirements of state law; prohibiting an insurer from imposing certain requirements as a condition of responding to a request for verification of coverage or transferring a policy; requiring that an insurer confirm that a change to a policy has been made or specify why a change could not be made within a specified period after receipt of a request for change of ownership or beneficiary of a policy; prohibiting an insurer from unreasonable delaying effecting a change of ownership or beneficiary or otherwise interfering with a viatical settlement contract; amending s. 626.99278, F.S.; requiring that every licensed viatical settlement provider establish and maintain certain documentation in accordance with certain provisions of state law; repealing s. 626.99287, F.S., relating to contestability of viaticated policies; creating s. 626.99289, F.S.; providing that certain contracts, agreements, arrangements, or transactions are void and unenforceable; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Oelrich—

SB 1884—A bill to be entitled An act relating to public records; expressing the legislative intent to revise laws relating to public records; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; Higher Education Appropriations; and Rules.

By Senator Storms—

SB 1886—A bill to be entitled An act relating to county powers and duties; amending s. 125.01, F.S.; authorizing counties to provide abatements and rebates of discretionary sales surtax, fuel tax, or ad valorem tax levied; providing an effective date.

—was referred to the Committees on Community Affairs; Education Pre-K - 12; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1888—A bill to be entitled An act relating to temporary and concurrent custody of a child; revising ch. 751, F.S., relating to petitions and court orders awarding the temporary custody of a child to an extended family member, to also provide for concurrent custody with the parents of the child; amending ss. 751.01 and 751.02, F.S.; conforming provision to changes made by the act; amending s. 751.011, F.S.; revising definitions; defining the term "concurrent custody"; amending s. 751.03, F.S.; revising the petition for concurrent custody to also include a description of efforts made to obtain consent; amending s. 751.05, F.S.; providing that if a parent objects to a petition for concurrent custody, the court shall give the petitioner the option of converting the petition to one for temporary custody; providing that an order granting concurrent custody does not affect the ability of the parents to obtain the physical custody of the child at any time; amending ss. 39.013 and 49.011, F.S.; conforming references; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Storms—

SB 1890—A bill to be entitled An act relating to illegal aliens; creating s. 877.28, F.S.; prohibiting a person from knowingly or in reckless disregard of the law transporting or moving an illegal alien, concealing or harboring an illegal alien, or encouraging or inducing an illegal alien to enter or reside in this state; providing criminal penalties; providing that each violation of law is a separate offense; creating a rebuttable presumption when determining whether an alien is an illegal alien; requiring the Attorney General to negotiate with the United States Department of Homeland Security to designate law enforcement officers and others to act as qualified immigration officers; requiring such officers to have the knowledge and training to adhere to federal law relating to the functions of an immigration officer; requiring the act to be construed to be consistent with any applicable federal law; providing an effective date.

—was referred to the Committees on Criminal Justice; Military Affairs and Domestic Security; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Crist—

SB 1892—A bill to be entitled An act relating to sexual misconduct with students by authority figures; creating s. 775.0862, F.S.; providing definitions; providing for reclassification of specified sexual offenses committed against students by an authority figure or an offender that is acting in such a manner as to lead the victim to reasonably believe that the offender is such an authority figure; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was referred to the Committees on Criminal Justice; Education Pre-K - 12; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; specifying nonapplication of certain provisions of law to surplus lines insurers; providing for retroactive application; providing for severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation—

SB 1896—A bill to be entitled An act relating to the Florida Patient Safety Corporation; repealing s. 381.0271, F.S., relating to the Florida Patient Safety Corporation; repealing s. 381.0273, F.S., relating to a public-records exemption for patient safety data or other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors, with certain exceptions, and relating to a public-meetings exemption for portions of meetings held by the corporation or its subsidiaries, advisory committees, or contractors during which information that is confidential and exempt from disclosure is discussed; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senator Ring—

CS for SB 160—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "minor," and "sports coach"; specifying what is included as a "sanctioning authority of an independent youth athletic team"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring the sanctioning authority to notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

By the Committee on Commerce; and Senator Ring—

CS for SB 164—A bill to be entitled An act relating to offenses against computer users; amending s. 815.03, F.S.; defining terms for purposes of the Florida Computer Crimes Act; creating s. 815.051, F.S.; prohibiting a person who is not an owner or operator of a computer from causing computer software to be copied on a computer knowingly, with conscious avoidance of actual knowledge, or willfully and without authorization taking specified actions with respect to a computer; creating s. 815.053, F.S.; prohibiting a person who is not an owner or operator of a computer from inducing an owner or operator to install a computer software component onto the owner's or operator's computer by deceptively misrepresenting that installing computer software is necessary for security or privacy reasons or by using deceptive means to cause the execution of a computer software component with the intent of causing the computer to use the component in a harmful manner; creating s. 815.055, F.S.; providing exceptions; amending s. 815.06, F.S.; providing that a violation of the act is a felony of the third degree; providing criminal penalties; providing enhanced criminal penalties under certain circumstances; authorizing the Department of Legal Affairs or a state attorney to file a civil action for injunctive relief against any person or group to restrain prohibited activities; authorizing a court to award court costs and attorney's fees to the prevailing party; permitting a court to impose a civil penalty not to exceed a stated amount for each offense against computer users; providing for civil actions by private litigants; providing an effective date.

By the Committee on Criminal Justice; and Senators Joyner and Rich—

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

By the Committee on Banking and Insurance; and Senators Justice, Smith, Joyner, Bennett, Lawson, Fasano, and Storms—

CS for SB 198—A bill to be entitled An act relating to firefighters; providing for the creation of an official state Firefighter Memorial Flag; providing for the use of the flag; providing for the Division of State Fire Marshal of the Department of Financial Services to provide for the creation and distribution of the flag; providing for the adoption of rules; providing an effective date.

By the Committee on Military Affairs and Domestic Security; and Senators Justice and Deutch—

CS for SB 206—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; clarifying and updating references with respect to courts-martial; amending s. 250.482, F.S.; revising applicability of provisions with respect to immunity from penalization for National Guard members ordered into state active duty by employers; providing for entitlement to seniority and other rights and benefits for National Guard members returning to work following state active duty; providing that such members may not be discharged from employment except for cause; providing rights and requirements with respect to use of vacation and leave by such members; removing a limitation with respect to the right of an employee ordered into state active duty to bring a civil action for a specified violation by an employer; amending s. 250.82, F.S.; clarifying provisions; providing for the imposition of a civil penalty for specified noncompliance with any duty imposed under ch. 250, F.S., or with other specified provisions of state law which afford protections to members of the United States Armed Forces, the United States Reserve Forces, and the National Guard; providing for attorney's fees and court costs; providing an effective date.

By the Committee on Transportation; and Senators Baker and Oelrich—

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

By the Committee on Criminal Justice; and Senators Dean and Aronberg—

CS for SB 236—A bill to be entitled An act relating to unlawful use of utility services; amending s. 812.14, F.S.; providing a definition; prohibiting trespass and larceny in relation to utility fixtures for the purpose of manufacturing a controlled substance; providing for prima facie evidence of the intent to commit such offense; providing that trespass and larceny in relation to utility fixtures for the purpose of manufacturing a controlled substance is a third-degree felony; providing that prosecution for trespass and larceny in relation to utility fixtures does not preclude prosecution for theft of utility services; providing that theft of utility services for the purpose of manufacturing a controlled substance is a third-degree felony; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

By the Committee on Judiciary; and Senator Wise—

CS for SB 258—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name have fingerprints submitted for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; requiring submission of the results of a criminal history records check to the clerk of court; providing for use of the results by the court; requiring the clerk of court to instruct the petitioner on the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and con-

ducting criminal history records checks; providing for the scheduling of a hearing on a petition to restore a former name and the scheduling of a hearing on a petition for which a criminal history records check is required; revising the content of a report of the final judgment on a petition for a name change; deleting duplicative provisions regarding payment of costs associated with fingerprinting; providing an effective date.

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

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

By the Committee on Criminal Justice; and Senator Crist—

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

By the Committee on Community Affairs; and Senators Bennett, Gaetz, Ring, Pruitt, Haridopolos, Richter, Hill, King, and Lynn—

CS for SB 360—A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.; limiting the adoption of certain plan amendments to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; providing an effective date.

By the Committee on Criminal Justice; and Senator Rich—

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

By the Committee on Environmental Preservation and Conservation; and Senator Bennett—

CS for SB 494—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic lawn sprinkler systems; requiring irrigation contractors to test for the correct operation of system devices or switches and ensure their proper operation before completing other work on the system; requiring the adoption of model ordinances; providing penalties; providing for the disposition of funds raised through penalties imposed; providing an effective date.

By the Committee on Health Regulation; and Senator Oelrich—

CS for SB 620—A bill to be entitled An act relating to health facilities; amending s. 154.205, F.S.; redefining the term "health facility" for

the purpose of allowing additional types of health facilities to receive assistance from a health facilities authority; providing an effective date.

By the Committee on Commerce; and Senator Justice—

CS for SB 660—A bill to be entitled An act relating to automatic renewal of service contracts; providing definitions; requiring persons, firms, or corporations that sell services to consumers pursuant to certain contracts to disclose automatic renewal provisions; providing disclosure requirements; providing exceptions to the disclosure requirements; providing that certain violations will render an automatic renewal provision void and unenforceable; providing applicability; providing an effective date.

By the Committee on Judiciary; and Senator Bennett—

CS for SB 728—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; providing an effective date.

By the Committee on Higher Education; and Senator Pruitt—

CS for SB 762—A bill to be entitled An act relating to state university tuition and fees; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.24, F.S.; revising provisions relating to the use of the student financial aid fee; deleting obsolete provisions; revising provisions relating to the establishment of a tuition differential; providing requirements for the assessment and expenditure of a tuition differential; providing requirements for a university board of trustees to submit a proposal to the Board of Governors to implement a tuition differential; requiring the Board of Governors' review and approval of a proposal; requiring the Board of Governors to report specified information annually to the Legislature and the Governor; providing for application; providing an effective date.

By the Committee on Health Regulation; and Senator Oelrich—

CS for SB 766—A bill to be entitled An act relating to anatomical gifts; amending s. 765.511, F.S.; providing additional definitions; amending s. 765.512, F.S.; conforming terms; amending s. 765.513, F.S.; revising the list of donees that may accept anatomical gifts and the purposes for which such gifts may be used; amending ss. 765.514, 765.515, 765.5155, and 765.51551, F.S.; conforming terms; amending s. 765.516, F.S.; revising provisions relating to a donor's amendment or revocation of an anatomical gift; amending s. 765.517, F.S.; revising provisions relating to a donee's use of an anatomical gift at the time of the donor's death; providing liability protection for the person making a gift and for the donor's estate; amending s. 765.521, F.S.; conforming terms; amending s. 765.522, F.S.; providing that the laws of this state govern the interpretation of a valid document of gift, and that a document of gift is presumed to be valid; amending ss. 765.53, 765.541, 765.542, 765.543, 765.544, and 765.545, F.S.; conforming terms; creating s. 765.547, F.S.; requiring medical examiners and procurement organizations to cooperate and maximize opportunities for organ donations; authorizing the Florida Medical Examiners Commission to adopt rules; amending ss. 408.802 and 408.820, F.S.; conforming terms; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senators Rich and Wise—

CS for SB 878—A bill to be entitled An act relating to court actions involving families; amending ss. 39.001, 61.001, 63.022, 68.07, 741.2902, 984.01, and 985.01, F.S., and creating ss. 88.1041, 742.016, 743.001, and 1003.201, F.S.; providing additional purposes relating to implementing a unified family court program in the circuit courts; providing legislative intent; providing an effective date.

By the Committees on Transportation; and Transportation—

CS for SB 1100—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; reenacting and amending s. 20.24, F.S., relating to the establishment of the department; eliminating an obsolete reference to the Bureau of Motor Vehicle Inspection; providing for implementation of a litigation settlement; providing eligibility and procedures to collect the credit provided pursuant to such settlement; providing for expiration of the provision; providing an effective date.

By the Committee on Rules; and Senator Villalobos—

CS for SB 1282—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 220.19, 420.5087, and 624.5107, F.S., and repealing ss. 110.1245(4)(b), 185.085(6), 215.96(4), 216.292(3)(c)-(e) and (5)(b), 253.03(17), 253.034(6)(f)2., 320.08058(1)(d), 322.025(2), 403.890(5), 408.036(3)(m), 475.278(2)(b) and (c), 487.041(1), 509.302(8), 561.121(4), 561.501, 570.957, 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, 985.803, 985.804, 985.805, 985.806, 985.807, and 1010.78, F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2009 Florida Statutes only through a reviser's bill duly enacted by the Legislature; repealing ss. 626.97411 and 1006.20(10), F.S., to confirm the October 2, 2008, repeal of exemptions in accordance with the Open Government Sunset Review Act; and amending s. 775.0845, F.S., to conform to the repeal of ss. 921.0012 and 921.0013, F.S.; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Commerce; and Senator Ring—

CS for SB 164—A bill to be entitled An act relating to offenses against computer users; amending s. 815.03, F.S.; defining terms for purposes of the Florida Computer Crimes Act; creating s. 815.051, F.S.; prohibiting a person who is not an owner or operator of a computer from causing computer software to be copied on a computer knowingly, with conscious avoidance of actual knowledge, or willfully and without authorization taking specified actions with respect to a computer; creating s. 815.053, F.S.; prohibiting a person who is not an owner or operator of a computer from inducing an owner or operator to install a computer software component onto the owner's or operator's computer by deceptively misrepresenting that installing computer software is necessary for security or privacy reasons or by using deceptive means to cause the execution of a computer software component with the intent of causing the computer to use the component in a harmful manner; creating s. 815.055, F.S.; providing exceptions; amending s. 815.06, F.S.; providing that a violation of the act is a felony of the third degree; providing criminal penalties; providing enhanced criminal penalties under certain circumstances; authorizing the Department of Legal Affairs or a state attorney to file a civil action for injunctive relief against any person or group to restrain prohibited activities; authorizing a court to award court costs and attorney's fees to the prevailing party; permitting a court to impose a civil penalty not to exceed a stated amount for each offense against computer users; providing for civil actions by private litigants; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Criminal and Civil Justice Appropriations.

By the Committee on Military Affairs and Domestic Security; and Senators Justice and Deutch—

CS for SB 206—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; clarifying and updating references with respect to courts-martial; amending s. 250.482, F.S.; revising applicability of provisions with respect to immunity from penalization for National Guard members ordered into state active duty by employers; providing for entitlement to seniority and other rights and benefits for National

Guard members returning to work following state active duty; providing that such members may not be discharged from employment except for cause; providing rights and requirements with respect to use of vacation and leave by such members; removing a limitation with respect to the right of an employee ordered into state active duty to bring a civil action for a specified violation by an employer; amending s. 250.82, F.S.; clarifying provisions; providing for the imposition of a civil penalty for specified noncompliance with any duty imposed under ch. 250, F.S., or with other specified provisions of state law which afford protections to members of the United States Armed Forces, the United States Reserve Forces, and the National Guard; providing for attorney's fees and court costs; providing an effective date.

—was referred to the Committees on Judiciary; Commerce; Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senator Oelrich—

CS for SB 620—A bill to be entitled An act relating to health facilities; amending s. 154.205, F.S.; redefining the term "health facility" for the purpose of allowing additional types of health facilities to receive assistance from a health facilities authority; providing an effective date.

—was referred to the Committee on Community Affairs.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Ways and Means submits the following bills to be placed on the Special Order Calendar for Tuesday, March 3, 2009: SB 1280, CS for SB 1282, SB 1284, SB 1112.

Respectfully submitted,
JD Alexander, Chair

The Committee on Health Regulation recommends the following pass: SB 702 with 2 amendments

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 502

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

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 306

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

The Committee on Ethics and Elections recommends the following pass: SB 536

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends the following pass: SB 434

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

The Committee on Banking and Insurance recommends the following pass: SB 318

The Committee on Judiciary recommends the following pass: SB 412

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

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 214

The bill was referred to the Committee on Finance and Tax under the original reference.

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 648; SB 746; SB 748; SB 750

The Committee on Ethics and Elections recommends the following pass: SB 252

The Committee on Higher Education recommends the following pass: SB 234

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 550; SB 754

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

The Committee on Education Pre-K - 12 recommends the following pass: SB 552

The bill was referred to the Committee on Health Regulation under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 352; SB 434

The Committee on Health Regulation recommends the following pass: SB 408

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

The Committee on Education Pre-K - 12 recommends the following pass: SB 316

The Committee on Judiciary recommends the following pass: SJR 314

The bills contained in the foregoing reports were referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Transportation recommends the following pass: CS for SB 360

The bill was referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 564; SJR 566

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

The Committee on Criminal and Civil Justice Appropriations recommends the following pass: SB 1084; SB 1086; SB 1090; SB 1092; SB 1106; SB 1108; SB 1110

The Committee on Criminal Justice recommends the following pass: SB 318

The Committee on Finance and Tax recommends the following pass: SB 1112

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 316

The Committee on Rules recommends the following pass: SB 1280; SB 1284

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 1292

The bills were placed on the Calendar.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 448

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

The Committee on Commerce recommends a committee substitute for the following: SB 660

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 168

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 198

The Committee on Criminal Justice recommends committee substitutes for the following: SB 160; SB 320

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 494

The Committee on Health Regulation recommends a committee substitute for the following: SB 620

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

The Committee on Judiciary recommends a committee substitute for the following: SB 258

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

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 278

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 728

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

The Committee on Higher Education recommends a committee substitute for the following: SB 762

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 878

The Committee on Commerce recommends a committee substitute for the following: SB 164

The Committee on Criminal Justice recommends a committee substitute for the following: SB 236

The Committee on Health Regulation recommends a committee substitute for the following: SB 766

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 206

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 360

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

The Committee on Transportation recommends committee substitutes for the following: SB 210; SB 1100

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

The Committee on Rules recommends a committee substitute for the following: SB 1282

The bill with committee substitute attached was placed on the Calendar.

JOINT SELECT COMMITTEE REPORTS

The Honorable Jeff Atwater
President of the Senate

February 19, 2009

The Honorable Larry Cretul
Speaker of the House of Representatives

Dear President Atwater and Speaker Cretul:

The Joint Select Committee on Collective Bargaining convened February 19, 2009, in Room 102 House Office Building (Reed Hall), for the purpose of providing a public opportunity for all parties involved in unresolved collective bargaining disputes to present arguments to the Florida Legislature, consistent with the provisions of section 447.403, Florida Statutes, and the open meeting provisions of Article III, section 4 of the State Constitution.

Upon conclusion of the presentations, we thanked the participating parties and announced that the Joint Select Committee on Collective Bargaining would take the disputed issues under advisement. Copies of presentations and other pertinent materials have been retained by staff and, for purposes of future public inquiry, are available through the Senate Governmental Oversight and Accountability Committee and the House Governmental Affairs Policy Committee.

Respectfully submitted,

Senator Mike Haridopolos
Co-Chair

Representative Carlos Lopez-Cantera
Co-Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2008 REGULAR SESSION

The Honorable Kurt S. Browning June 17, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to, Senate Bill 682, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to Department of Transportation. . .

There are many positive aspects to the bill which includes several of the Department of Transportation's legislative priorities. The bill provides the department with tools to reduce roadway congestion by managing the use of our existing transportation facilities, modernize our toll collection systems and ensure that electronic tolling systems will work on all of Florida's toll roads. It improves the contracting that allows us to implement our transportation work program and encourages the safe operation of the vehicles that use our roadways. Many of these important changes are proposed in Senate Bill 1992, which I intend to sign.

However, Section 27 of the bill includes a provision that was also proposed by House Bill 5067, which I have already vetoed, that directs the selection process for fuel, food, and other service contracts along the Florida Turnpike. As noted in my veto message for House Bill 5067, I am troubled by the decision to direct the Turnpike Enterprise to substantially deviate from established procurement laws put in place to ensure fairness and integrity in the selection process. Limiting the competitiveness of the procurement and squeezing out potential bidders increases costs to the Turnpike System; therefore, increasing costs to Florida's motorists.

I have based my administration upon openness and access to information. Specifically, I have directed agencies to conduct open, competitive, and transparent procurements. I believe that we must protect the confidence citizens have entrusted to their public servants, and we should commit to making the best use of their hard earned tax dollars. Therefore, it is disappointing that this important transportation bill was used to direct a procurement which benefits vendors over the citizens of Florida.

For these reasons, I withhold my approval of Senate Bill 682, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 25, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Committee Substitute for Senate Bill 686, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to nursing facilities. . .

This bill makes several changes to nursing home regulatory rules. Notably, the bill revises the manner in which nursing facilities report and investigate adverse incidents that relate to residents. Under current Florida law, nursing facilities must notify Florida's Agency for Health Care Administration (AHCA) within one business day of an adverse incident. This bill deletes this requirement and instead permits the facility's internal risk manager to determine if an incident was adverse before filing the report. Current law provides the opportunity for AHCA to investigate incidents, as it deems appropriate, in order to prescribe measures that should be taken. I believe that facilities responsible for providing care to our most vulnerable citizens must remain under strict scrutiny and existing law provides for this accountability and oversight.

I am committed to ensuring the highest standards of care to protect the safety and dignity of Florida's seniors. Throughout my career, I have worked to reduce abuse and neglect against seniors, and I do not believe the state should take any steps backwards in these efforts.

For these reasons, I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 686, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 11, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 996, enacted during the 40th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to cosmetology . . .

The bill makes substantial changes to Florida's cosmetology statutes. It creates a new cosmetology license separated into specialty licenses for hair technicians, estheticians, nail technicians, and cosmetologists and provides specific education requirements for each.

Although I support efforts to protect the public, I am concerned that this bill is overly regulatory. Government exists to accomplish the will of the people, not to restrict economic or personal liberties. This bill increases the educational requirements that a person must meet before entering the workplace—in some cases, the increase in education is quite significant. I am concerned that this bill is overly burdensome and would have negative impacts on people's livelihoods. The legitimate public purpose for regulation is to protect the public, not to limit competition or act as state-sponsored protectionism against free enterprise.

For this reason, I withhold my approval of Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 996, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 25, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Senate Bill 1008, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to failure to redeliver hired vehicles. . .

Senate Bill 1008 provides that a law enforcement agency may not make acceptance of a stolen rental vehicle report contingent upon receipt of specific information and *shall* enter the report into the National Crime Information Center and Florida Crime Information Center, listing the

rental vehicle as a stolen vehicle. Thus, the bill would deprive a law enforcement officer of the authority to determine whether probable cause exists to classify an unreturned rental vehicle as stolen before entering it into the NCIC/FCIC databases. Instead, the probable cause judgment would be delegated to a clerk or a non-sworn security employee of a vehicle rental agency.

Allowing untrained personnel to make this judgment could cause drivers who miss rental return deadlines simply due to confusion over contract terms to be dealt with much more harshly in the course of a felony traffic stop by police.

Further, as stated by representatives of the Florida Department of Law Enforcement, the bill creates a special category of crime victim—car rental companies—who will now have direct access into the NCIC/FCIC without law enforcement review, while other theft victims will not. In addition, the bill serves as an invitation to other special interest groups to apply to the Legislature for mandated access into law enforcement databases.

Finally, as expressed by the State Attorney for the 13th Judicial Circuit, preventing law enforcement officers from requiring basic information from a rental car company could compromise investigations and weaken the ability of prosecutors to obtain convictions.

For this reason, I withhold my approval of Committee Substitute for Senate Bill 1008, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning June 25, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Senate Bill 1706, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to developments of regional impact. . .

This bill includes provisions that are intended to promote biotechnical research development and green building, and I applaud these goals. However, this bill also includes provisions that affect our ability to create the well-planned communities that provide the foundation for a robust economy and maintain the quality of life that every Floridian deserves.

The bill expands the scope of the three year extension of build-out dates for developments of regional impact and Florida quality developments approved in 2007. This expansion affects communities across this state as they work to provide the roads, schools and public facilities needed to ensure that the effects of these new developments do not impair the quality of services provided to our current and future citizens. The bill also exempts certain developments in our most populous counties from development of regional impact review, which greatly limits the opportunity for citizen participation in decisions that may increase demand on existing school, transportation, and public infrastructure.

At a time when Florida's communities are struggling to find the resources to provide essential services, adequate water resources, and schools to educate our children, I am concerned that this bill may increase the burden on communities and shift the cost of new development from the people that benefit from the development to the citizens of our state. I look forward to working with the Legislature during the two years remaining on the current development of regional impact extension to ensure that we balance the vital elements of growth, while also encouraging prudent development.

For these reasons, I withhold my approval of Committee Substitute for Senate Bill 1706, and do hereby veto the same.

Sincerely,
Charlie Crist, Governor

The Honorable Kurt S. Browning May 28, 2008
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Sections 8 and 19, of the Constitution of Florida, I do hereby transmit Committee Substitute for Committee Substitute for Senate Bill 2860, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular session of 2008, and entitled:

An act relating to insurance. . .

This bill contains many important consumer protections that will help keep insurance costs more affordable for Florida's homeowners. It extends the rate freeze on Citizens rates (until January 1, 2010), revises the assessment formula for any Citizens deficits, allows more homeowners to insure with Citizens if they choose to do so, and requires hurricane mitigation premium credits tied to a uniform home rating scale. The bill holds insurers accountable. It prohibits insurers from failing to pay undisputed amounts owed on insurance policies, extends the prohibition against raising rates without approval by the Office of Insurance Regulation, provides more transparency into the ratemaking process, and increases fines against less scrupulous insurers.

Section 16 of the bill provides an appropriation of $250 million for the Insurance Capital Buildup Incentive Program. While I believe the program is well intended and has had the net effect of removing nearly 200,000 policies from the Citizens Property Insurance Corporation and has kept an additional estimated 480,000 policies out of Citizens, the funding source is inappropriate. The original funding for the program came from the General Revenue Fund during the 05/06 fiscal year; however, the additional funding for the program provided in this legislation comes from policyholders' premiums paid to Citizens, which is used to pay claims in the event of a catastrophic hurricane.

Citizens has a combined loss exposure in Florida of about $223 billion and approximately 1.3 million policyholders. Taking $250 million away from Citizens' ability to pay claims will substantially increase the likelihood of assessments for Floridians across the state.

The citizens of Florida are already feeling the heavy weight of property insurance and property tax burdens. I do not support risking an additional financial hardship on Floridians; therefore, I hereby transmit Committee Substitute for Committee Substitute for Senate Bill 2860 with my signature, but withhold my approval of and hereby veto the following section:

Section 16. (1) By December 15, 2008, Citizens Property Insurance Corporation shall transfer $250 million to the General Revenue Fund, from the personal lines account and the commercial lines account only, if the combined surplus of the personal lines account and commercial lines account as defined in s. 627.351(6), Florida Statutes, exceeds $1 billion. The board of governors of Citizens Property Insurance Corporation must make a reasonable estimate of such surplus on or after December 1, 2008, and no later than December 14, 2008, using generally accepted actuarial and accounting practices, recognizing that audited financial statements will not yet be available.

(2) Beginning July 1, 2009, the board shall make quarterly transfers of any interest earned prior to the issuance of any surplus notes, interest paid, and principal repaid to the state for any surplus notes issued by the program after December 1, 2008, to Citizens Property Insurance Corporation, provided such surplus notes were funded exclusively by an appropriation to the program by the Legislature for the 2008-2009 fiscal year. The corporation shall credit each account as defined in s. 627.351(6) in a pro rata manner for the funds removed from each account to make the transfer required by subsection (1).

(3) On July 1, 2009, the State Board of Administration shall transfer to Citizens Property Insurance Corporation any funds that have not

been committed or reserved for insurers approved to receive such funds under the program from the funds that were appropriated from the corporation in 2008-2009 for such purposes.

My administration will continue the fight and keep insurance companies accountable to Florida's policyholders as well as work toward finding innovative ways to further reduce property insurance rates.

Sincerely,
Charlie Crist, Governor

VETOED BILLS 2009 SPECIAL SESSION

The Honorable Kurt S. Browning January 27, 2009
Secretary of State

Dear Secretary Browning:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of portions of Senate Bill 2-A, enacted during Special Session A of 2009 by the 21st Legislature convened under the Constitution of 1968, and entitled:

An act making special appropriations; providing appropriations and reductions in appropriations for the 2008-2009 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

I have exercised my veto power judiciously after carefully reviewing Senate Bill 2-A. In deciding which items to veto I was guided by a desire to protect our most vulnerable citizens, maintain public safety, strengthen our economy and educational system, and preserve our environment. Therefore, today I restore $90.9 million in General Revenue funds for the preservation of our investment in Florida's future.

On December 18, 2008, I certified the results of the Revenue Estimating Conference held in November that projected available General Revenue funds will be less than General Revenue appropriations by the end of the current fiscal year. Taking into consideration the most up-to-date information available to my staff in December, the funding gap in the current year was projected to be $2.3 billion.

As required by Chapter 216, Florida Statutes, I presented several options to balance the 2008-2009 General Revenue budget to the Legislature. Those options included a reduction in government spending, use of various trust funds and the ratification of the Seminole Indian Gaming Compact that will yield the State Treasury $137.5 million in recurring funds by the end of the fiscal year. When developing these options, my primary concern was that we continue to provide critical services to the most vulnerable Floridians – our elders, disabled persons and children. It was also very important to me that we preserve our investment in K-12 education by providing funds necessary to support Florida's classrooms and our teachers. In addition, it was essential that we continue to effectively provide for the safety and security of every Floridian and visitor to our state. Ensuring that adequate funding is provided for public safety continues to be among my top priorities.

When the Legislature took action on January 5, 2009 by convening a Special Session, many of my recommended options to balance the current year's budget were adopted. However, the Legislature did not take action on the compact between the State of Florida and the Seminole Tribe of Florida. I believe that resolving the compact in the current fiscal year is still a viable option and would result in the State of Florida receiving $137.5 million in recurring funds at a time when additional revenue is critically needed.

As previously mentioned, the state's current year General Revenue funding gap is $2.3 billion. I commend the Legislature for its work in balancing the current year budget by providing a solution equal to $2.6 billion. As a result, a projected General Revenue balance of approximately $300 million is generated that could carry forward into the next fiscal year. Though fully aware of the state's General Revenue projections and the need to reduce expenditures, I have concerns with portions of the Special Appropriations Act. Consequently, I will restore approximately $90.9 million to the General Revenue Fund. Vetoing the following specific appropriations will not cause an imbalance in the General Revenue fund in the current year.

The items I have chosen to veto will restore needed funds to programs vital to the continued well-being of Floridians.

I believe the prior revisions to the Dale Hickam Excellent Teaching Program reduced the funds significantly. The Program provides monetary incentives for teachers to attain national certification. I am proud that Florida leads the nation in Board Certified teachers. Our teachers must be recognized for their dedication and commitment to student achievement. The most important ingredient in a world class education is our teachers, and high-performing teachers deserve financial recognition for their hard work. Therefore, I do hereby withhold my approval of the following line items:

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

Specific Appropriation 4
Page 1

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"4     AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND  . . . . . .                          -3,000,000"
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SECTION 2 - EDUCATION (ALL OTHER FUNDS)

Specific Appropriation 47
Page 9

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"47    AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM GENERAL REVENUE FUND  . . . . .       -10,450,678"
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In order to strengthen Florida's economy, it is essential to continue providing Floridians with the opportunity to complete a career or adult education program that will lead to employment. Therefore, I do hereby withhold my approval of the following line items:

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

Specific Appropriation 5
Pages 1 and 2

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"5     AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND  . . . . . .                            -286,699

The reduced appropriations in Specific Appropriations 5 and 71 are
allocated in Specific Appropriation 71."
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SECTION 2 - EDUCATION (ALL OTHER FUNDS)

Specific Appropriation 71
Page 13

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"71    AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND   . . . . .      -15,071,920

The reduced appropriation in Specific Appropriations 5 and 71 shall
be allocated as follows:

Alachua.....................................      -53,390
Baker.......................................       -7,492
Bay.........................................     -133,686
Bradford....................................      -37,142
Brevard.....................................     -122,313
Broward.....................................    -2,669,942
Calhoun.....................................       -6,942
Charlotte...................................     -112,745
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Citrus	-109,265
Clay	-38,565
Collier	-278,886
Columbia	-12,909
Miami-Dade	-3,823,508
DeSoto	-34,680
Dixie	-2,739
Escambia	-201,676
Flagler	-101,095
Franklin	-2,227
Gadsden	-28,116
Glades	-284
Gulf	-6,468
Hamilton	-3,045
Hardee	-11,240
Hendry	-16,218
Hernando	-20,447
Hillsborough	-1,275,938
Indian River	-38,120
Jackson	-20,825
Jefferson	-7,312
Lafayette	-1,844
Lake	-179,312
Lee	-413,560
Leon	-226,657
Liberty	-1,513
Manatee	-273,425
Marion	-126,036
Martin	-92,821
Monroe	-34,655
Nassau	-7,586
Okaloosa	-95,004
Orange	-1,324,888
Osceola	-182,657
Palm Beach	-635,522
Pasco	-139,764
Pinellas	-1,017,720
Polk	-432,619
Putnam	-19,510
St. Johns	-238,387
Santa Rosa	-69,978
Sarasota	-406,936
Sumter	-10,537
Suwannee	-39,694
Taylor	-55,708
Union	-6,552
Wakulla	-10,967
Walton	-6,591
Washington	-129,673
Washington Special	-1,288"

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

I am committed to giving our children the best possible means for success, and I understand the toll autism spectrum disorders can take on a family. Autism is usually diagnosed in infancy or early childhood and is a lifelong neurological disability. Caregivers, educators, and health care professionals interacting with persons with autism spectrum disorders need easy access to information and resources to empower them to make informed decisions and improve the quality of life for these most vulnerable children. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 58
Page 10

"58 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND . . . . . -410,952

The reduced appropriation in Specific Appropriation 58 shall be allocated as follows:

University of South Florida/Florida Mental Health Institute	-72,076
University of Florida (College of Medicine)	-49,981
University of Central Florida	-61,723
University of Miami (Department of Pediatrics) including -$16,248 for activities in Broward County through Nova Southeastern University	-78,122
Florida Atlantic University	-39,089
University of Florida (Jacksonville)	-52,086
Florida State University (College of Communications)	-57,875"

I am committed to giving our children the best possible opportunities to realize their full potential, experiencing inclusion in their communities and maximizing their freedom and independence. Educators that interact with children with disabilities significantly improve the quality of life for these most vulnerable children. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 62
Page 11

"62 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND . . . . . -820,732"

Specific Appropriation 91 includes a $2,187,500 reduction in funding provided to Florida Atlantic University (FAU) for the Florida Energy Systems Consortium. FAU is currently exploring the use of the Gulf Stream, the strongest current in the world, as a renewable energy source. FAU is also working to be the nation's leading test center for ocean current technology, serving as a test site for these technologies while monitoring the environmental impacts. The funding for these initiatives is critical to establishing Florida's leadership role in renewable energy and environmental stewardship. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 91
Pages 16 and 17 – A portion of proviso language

"Florida Atlantic University . . . . . -2,187,500"

SECTION 3 - HUMAN SERVICES

Specific Appropriations 128 and 129 reduce funding for provider reimbursement rates in the Agency for Persons with Disabilities. This reduction could affect 31,000 clients currently receiving Medicaid waiver services and place at greatest risk the more than 7,000 clients living in residential habilitation centers and group homes. This reduction could decrease quality of care and negatively impact the health and safety of some of our most vulnerable citizens. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 128
Pages 24 and 25

"128 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND . . . . . -5,610,126
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -6,985,577

The reduced appropriations in Specific Appropriations 128 and 129 include reductions of $6,125,693 from the General Revenue Fund and $7,627,547 from Operations and Maintenance Trust Fund as a result of reducing provider rates for services provided through the Developmental Disabilities Services waivers, the Consumer Directed Care Plus Program waiver and the Family and Supported Living waiver, effective March 1, 2009. Adult dental services, personal care assistance, consumable medical supplies, durable medical equipment, environmental modifications, and transportation service rates contained in waiver service agreements that are at least 20 percent below the average rate paid by the agency for the same service in the same area where the service was provided during Fiscal Year 2007-2008 are specifically excluded from this reduction. The agency shall reduce rates across the included services and waivers proportionately until the required savings are achieved. The agency shall take the actions necessary to achieve this recurring reduction."

Specific Appropriation 129
Page 25

"129 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM GENERAL REVENUE FUND . . . . . -515,567
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -641,970"

Specific Appropriation 165 reduces funding for Adult Community Mental Health Services within the Department of Children and Families. This reduction could result in a loss of services to an estimated 5,092 individuals who suffer from serious and persistent mental illness. People with serious mental illnesses who do not receive community support and psychiatric care are likely to destabilize until they require hospitalization or become involved with the criminal justice system. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 165
Page 28

"165 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH
SERVICES
FROM GENERAL REVENUE FUND . . . . . -6,407,456
FROM FEDERAL GRANTS TRUST FUND . . . -8,394"

Specific Appropriation 166 reduces funding for Children's Mental Health Services within the Department of Children and Families. This reduction will result in a loss of services to over 81 children with serious emotional disturbances and will likely result in an increase in school expulsions, more referrals to juvenile justice programs, and an increase in referrals to the Statewide Inpatient Psychiatric Program (SIPP). Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 166
Page 28

"166 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH
SERVICES
FROM GENERAL REVENUE FUND . . . . . -407,360"

Specific Appropriation 177 reduces funding for Children's Substance Abuse Services within the Department of Children and Families. An estimated 704 children and adolescents who suffer from drug or alcohol abuse will lose critical intervention, treatment and detoxification services. More than half of the adolescents served are involved in the criminal justice system and one-third are involved in the child welfare system. This reduction will give the courts, schools, and juvenile justice systems fewer options to appropriately assist these children. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 177
Page 30

"177 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN AND ADOLESCENT
SUBSTANCE ABUSE SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,549,543"

Specific Appropriation 178 reduces funding for Adult Substance Abuse Services within the Department of Children and Families. An estimated 661 adults who suffer from drug or alcohol abuse will lose services. Nearly two-thirds of adults receiving substance abuse services are involved with the criminal justice system and this reduction will give the courts, child welfare, and criminal justice systems fewer options. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 178
Page 30

"178 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SUBSTANCE
ABUSE SERVICES
FROM GENERAL REVENUE FUND . . . . . -1,455,074"

In these difficult economic times, our state's most vulnerable citizens are relying on public assistance more than ever and they need our help and compassion. In 2008, the Food Stamp Program served over 400,000 additional recipients – a 29 percent increase in just one year. Specific Appropriations 179, 180, 181 and 182 reduce funding for the Comprehensive Eligibility Services (ACCESS) program within the Department of Children and Families which processes applications for food stamps, cash assistance and Medicaid. This reduction will hinder the processing of applications for critical programs at a time when families are applying for assistance in record numbers. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 179
Page 30

"179 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND . . . . . -1,000,000
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000"

Specific Appropriation 180
Page 30

"180 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -33,164
FROM FEDERAL GRANTS TRUST FUND . . . -30,907"

Specific Appropriation 181
Page 30

"181 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -2,203,708
FROM FEDERAL GRANTS TRUST FUND . . . -2,054,679"

Specific Appropriation 182
Page 30

"182 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -358,148
FROM FEDERAL GRANTS TRUST FUND . . . -333,776"

Specific Appropriation 215 reduces funding for the Community Care for the Elderly program within the Department of Elder Affairs. This program provides personal care services to seniors who are age 60 or older and are at risk of nursing home placement, allowing them to remain in their own homes or in the home of a caregiver. Reductions to this program could cause seniors to lose their independence and be relocated to a nursing home. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 215
Page 33

"215 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE
ELDERLY
FROM GENERAL REVENUE FUND . . . . . -1,745,307
FROM OPERATIONS AND MAINTENANCE
TRUST FUND . . . . . -135,483"

Specific Appropriation 237 reduces funding for the Crisis Counseling Program within the Department of Health by 29 percent. This reduction could result in the termination of the program, eliminating the department's ability to provide counseling, support services, and accurate medical information to women in crisis pregnancies. These vital services promote and encourage childbirth and adoption and assist low-income

pregnant women in making decisions that will have profound long-term effects on them and their families. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 237
Page 35

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"237   SPECIAL CATEGORIES
GRANTS AND AIDS - CRISIS COUNSELING
FROM GENERAL REVENUE FUND . . . . .                    -574,728"
```

Specific Appropriation 260 reduces funding for the Children's Medical Services (CMS) Network within the Department of Health. This reduction to the statewide network of multi-disciplinary providers – hospitals, medical schools, private doctors, regional medical centers, medical specialty care centers, and CMS clinics impacts approximately 900 children with special health care needs who will not have access to highly specialized medical and surgical services at the university based medical centers. These services are not generally available in communities across the state. Children impacted by this reduction are enrolled in the CMS Safety Net program and have no other source of funds or insurance to pay for medically necessary care. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 260
Page 37

```
"260   SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MEDICAL
SERVICES NETWORK
FROM GENERAL REVENUE FUND . . . . .                    -991,724"
```

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

As a senator, attorney general, and now as Governor, the safety and security of Florida's citizens and visitors have been my top priorities. It is critical that our state's correctional probation officers are able to properly monitor the more than 112,000 offenders supervised in our communities. The reductions in Specific Appropriations 327A through 341 could potentially increase the caseloads of probation officers to levels that jeopardize public safety and our efforts to proactively work with offenders to assist them in becoming productive members of their communities. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 327A
Page 43

```
"APPROVED SALARY RATE        -2,023,103

327A  SALARIES AND BENEFITS      POSITIONS      -54.00
FROM GENERAL REVENUE FUND . . . . .                    -2,995,741"
```

Specific Appropriation 328
Page 43

```
"328   OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . .                        -3,396"
```

Specific Appropriation 329
Page 43

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"329   EXPENSES
FROM GENERAL REVENUE FUND . . . . .                    -969,900"
```

Specific Appropriation 330
Page 43

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"330   OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . .                     -25,311"
```

Specific Appropriation 331
Page 43

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"331   SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . .                      -6,714"
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Specific Appropriation 332
Page 43

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"332   SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . .                     -24,056"
```

Specific Appropriation 332A
Page 44

```
"APPROVED SALARY RATE          -359,301

332A  SALARIES AND BENEFITS      POSITIONS      -8.00
FROM GENERAL REVENUE FUND . . . . .                    -489,992"
```

Specific Appropriation 333
Page 44

```
"333   EXPENSES
FROM GENERAL REVENUE FUND . . . . .                     -93,035"
```

Specific Appropriation 334
Page 44

```
"334   SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . .                      -4,603"
```

Specific Appropriation 334A
Page 44

```
"APPROVED SALARY RATE          -55,926

334A  SALARIES AND BENEFITS      POSITIONS      -2.00
FROM GENERAL REVENUE FUND . . . . .                     -88,784"
```

Specific Appropriation 335
Page 44

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"335   EXPENSES
FROM GENERAL REVENUE FUND . . . . .                     -23,515"
```

Specific Appropriation 335A
Page 44

```
"APPROVED SALARY RATE          -446,006

335A  SALARIES AND BENEFITS      POSITIONS      -10.00
FROM GENERAL REVENUE FUND . . . . .                    -608,818"
```

Specific Appropriation 336
Page 44

```
"336   EXPENSES
FROM GENERAL REVENUE FUND . . . . .                    -150,633"
```

Specific Appropriation 337
Page 44

```
"337   SPECIAL CATEGORIES

SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . .                      -9,640"
```

Specific Appropriation 338
Page 44

```
"338   SPECIAL CATEGORIES
ELECTRONIC MONITORING
```

FROM GENERAL REVENUE FUND . . . . . -502,118"

Specific Appropriation 338A
Page 44

"APPROVED SALARY RATE -721,329

338A SALARIES AND BENEFITS POSITIONS -14.00
FROM GENERAL REVENUE FUND . . . . . -966,436"

Specific Appropriation 339
Page 44

"339 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -113,220"

Specific Appropriation 340
Page 45

"340 SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND . . . . . -32,000"

Specific Appropriation 341
Page 45

"341 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND . . . . . -5,456"

Being able to participate in substance abuse treatment and educational programs in the state's correctional facilities is critical for inmates seeking to reenter their communities as productive members. Additionally, the reductions in Specific Appropriations 358A through 367 would result in over 100 key staff members, including substance abuse counselors, educators and chaplains, being laid off. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 358A
Page 46

"APPROVED SALARY RATE -166,380

358A SALARIES AND BENEFITS POSITIONS -4.00
FROM GENERAL REVENUE FUND . . . . . -229,374"

Specific Appropriation 359
Page 46

"359 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -6,266"

Specific Appropriation 360A
Page 46

"APPROVED SALARY RATE -2,910,466

360A SALARIES AND BENEFITS POSITIONS -81.00
FROM GENERAL REVENUE FUND . . . . . -4,104,828"

Specific Appropriation 361
Page 46

"361 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -39,775"

Specific Appropriation 362
Page 46

"362 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -107,059"

Specific Appropriation 363
Page 46

"363 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -2,080"

Specific Appropriation 364
Page 46

"364 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -3,138"

Specific Appropriation 364A
Page 46

"APPROVED SALARY RATE -966,448

364A SALARIES AND BENEFITS POSITIONS -22.00
FROM GENERAL REVENUE FUND . . . . . -1,322,015"

Specific Appropriation 365
Page 46

"365 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -9,622"

Specific Appropriation 366
Page 47

"366 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -29,520"

Specific Appropriation 367
Page 47

"367 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -216,820"

The Guardian ad Litem Program provides a vital service to Florida's children by representing abused, abandoned, or neglected children in dependency proceedings. The budget reductions presented in Specific Appropriations 375 through 380 will deprive approximately 1,100 children of vital Guardian ad Litem advocacy. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 375
Page 47

"APPROVED SALARY RATE -819,651

375 SALARIES AND BENEFITS POSITIONS -19.00
FROM GENERAL REVENUE FUND . . . . . -1,124,074"

Specific Appropriation 376
Page 47

"376 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND . . . . . -20,000"

Specific Appropriation 377
Page 47

"377 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -74,449"

Specific Appropriation 378
Page 47

"378 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND . . . . . -1,600"

Specific Appropriation 379
Page 48

"379 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES
FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND . . . . . -35,706"

Specific Appropriation 380
Page 48

"380 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND . . . . . -68,936"

Prevention programs are one of the first steps to keep youth from entering the juvenile justice system and specific programs that target the needs of girls are in short supply. The reduction for the PACE Center for Girls could result in 87 girls in need of help not receiving that assistance. In addition, counseling services for troubled youth and runaways are essential to helping repair broken family relationships. The reduction for the children-in-need-of-services/family-in-need-of-services (CINS/FINS) program will result in an estimated 708 youth losing critical services. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 578A
Page 66

"578A SPECIAL CATEGORIES
PACE CENTERS
FROM GENERAL REVENUE FUND . . . . . -404,549"

Specific Appropriation 581A
Page 66

"581A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN
NEED OF SERVICES
FROM GENERAL REVENUE FUND . . . . . -994,435"

The Parole Commission is responsible for reviewing cases of parole-eligible inmates, conducting revocation hearings for violators of post-release supervision, conducting clemency reviews and awarding restoration-of-civil-rights certificates. The impact of the budget reductions in Specific Appropriations 614 through 615 will be an increase in the restoration-of-civil-rights case backlog. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 614
Page 70

"APPROVED SALARY RATE -144,656

614 SALARIES AND BENEFITS POSITIONS -15.50
FROM GENERAL REVENUE FUND . . . . . -300,162"

Specific Appropriation 615
Page 70

"615 EXPENSES
FROM GENERAL REVENUE FUND . . . . . -20,000"

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/ GROWTH MANAGEMENT/TRANSPORTATION

Access to Florida's natural places is a vital part of what makes our state such a wonderful place to visit and live. Florida is at the forefront of the nation's land protection efforts and continues to serve as a model for the rest of the country. Over the past 30 years, we as Floridians have committed to preserving and conserving roughly 3.6 million acres of land under the Preservation 2000 Program and its successor, the Florida Forever Program. I remain committed to Florida Forever's wide range of goals, including public land management and maintenance, increased protection by acquisition of conservation easements, increased public access, environmental restoration, and water resource protection and supply. While I understand the difficulty the legislature faced in re-crafting a balanced budget for the current fiscal year, I am concerned with the manner in which the reductions to the Florida Forever Program have been structured. Holding some programs harmless while suspending the funding of others lacks consistency. While I recognize the fiscal challenges we face in the coming year will affect long-standing priorities, I am inclined to support the investment we have made to preserve our green spaces in the current fiscal year. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 620A
Page 72

"620A FIXED CAPITAL OUTLAY
CONSERVATION AND RURAL LAND PROTECTION
EASEMENTS AND AGREEMENTS
FROM FLORIDA FOREVER PROGRAM TRUST
FUND . . . . . -10,500,000"

Specific Appropriation 684A
Page 79

"684A FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST
FUND . . . . . -63,000,000"

Specific Appropriation 689A
Page 80

"689A FIXED CAPITAL OUTLAY
DEBT SERVICE - FLORIDA FOREVER BONDS - NEW
SERIES
FROM LAND ACQUISITION TRUST FUND . . -4,265,000

For Fiscal Year 2008-2009, the Division of Bond Finance of the State Board of Administration shall not issue any additional series of Florida Forever bonds."

Specific Appropriation 689B
Page 80

"689B FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FLORIDA FOREVER TRUST FUND . . -105,000,000"

Specific Appropriation 690
Page 80

"690 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND
ACQUISITION
FROM FLORIDA FOREVER TRUST FUND . . -90,000,000
FROM WATER MANAGEMENT LANDS TRUST
FUND . . . . . -3,540,000"

OTHER SECTIONS

Section 25
Page 118

"SECTION 25. There is appropriated $20,443,442 to the Department of Environmental Protection from the Florida Forever Trust Fund for the purposes of implementing s. 259.105(22)(a)1. and 2., Florida Statutes."

SECTION 6 - GENERAL GOVERNMENT

Specific Appropriation 764 reduces funding for School Readiness Services provided by the Agency for Workforce Innovation by 4 percent. An estimated 1,450 children who need school readiness services while their parents work may lose those services if this reduction is implemented. Parents who are already struggling to make ends meet that then lose their childcare services run the risk of becoming entirely dependent on government cash assistance. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 764
Page 88

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"764   SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL READINESS
SERVICES
FROM GENERAL REVENUE FUND  . . . . .                    -5,849,247"
```

The Quick Action Closing (QAC) Fund program helps to expand and diversify Florida's economy by enabling the state to respond quickly to extraordinary economic opportunities. There are certain projects for which the competition to retain or attract a business is so great that opportunities may be lost if flexible and readily available incentive funds are not available. The QAC Fund program enables us to effectively compete for projects that provide significant capital investments and create high-wage jobs. It is especially important that we keep the competitive flexibility that the QAC Fund program provides. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 828A
Page 94

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"828A  SPECIAL CATEGORIES
QUICK ACTION CLOSING FUND
FROM GENERAL REVENUE FUND . . . . .                    -11,781,543"
```

Maintaining VISIT FLORIDA's funding will serve to invigorate Florida's travel industry and protect the vital state tax revenue generated by our visitors. Being a catalyst for the state's tourism industry, VISIT FLORIDA matches every $1 in state funding with $2 in private sector investment in cooperative marketing, sales, promotions and public relations efforts. In 2007, tourism comprised 19 percent of Florida's total taxable sales, returning $3.9 billion to the state in the form of sales taxes and generating $65.5 billion in direct economic impact. We cannot afford to forgo an existing revenue source at a time when Florida depends on every dollar. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 836
Page 95

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"836   SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON
TOURISM
FROM GENERAL REVENUE FUND . . . . .                     -4,649,995
FROM TOURISM PROMOTION TRUST FUND .                     -5,272,480"
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OTHER SECTIONS

Section 50
Pages 120 and 121

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"OFFICE OF TOURISM TRADE AND ECONOMIC DEVELOPMENT
Tourism Promotion Trust Fund...................          -5,272,480"
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Specific Appropriations 942 and 949 reduce funding available for the purchase of body armor, necessary to protect members of the Florida National Guard during training and state emergency operations. Therefore, I do hereby withhold my approval of the following line items:

Specific Appropriation 942
Page 106

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"942   EXPENSES
FROM GENERAL REVENUE FUND . . . . .                     -219,250"
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Specific Appropriation 949
Page 106

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"949   EXPENSES
FROM GENERAL REVENUE FUND . . . . .                     -104,497"
```

Specific Appropriation 945 reduces recurring funding available to support tuition assistance to members of the Florida National Guard. This funding supports undergraduate level education courses and serves as a primary tool for recruitment and retention. This recurring reduction may affect the department's ongoing commitments and future recruitment efforts, which could negatively impact the readiness of the Florida National Guard. Therefore, I do hereby withhold my approval of the following line item:

Specific Appropriation 945
Page 106

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"945   SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND . . . . .                     -300,000"
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The portions of Senate Bill 2-A identified above with my objections are vetoed, and all other portions of Senate Bill 2-A are approved.

Sincerely,
Charlie Crist, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules.

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Borders-Byrd, Cynthia, Lauderhill	10/31/2011
	Caldwell, Maria E., Miami	10/31/2011
	Riggs, Stephen C. III, Destin	10/31/2012
Board of Acupuncture		
Appointees:	Gunter, Gregory W., LaBelle	10/31/2010
	Rezmer, Barbara, Destin	10/31/2008
	Schwartz, Barbara Brandon, Ocala	10/31/2010
	Thurman, Barbara, Port St. Lucie	10/31/2011
Jacksonville Aviation Authority		
Appointee:	Pass, Deborah S., Jacksonville	09/30/2011
Board of Athletic Training		
Appointees:	Brunett, Marisa A., Winter Springs	10/31/2011
	Caldwell, George L., Jr., Ft. Lauderdale	10/31/2011
	Sehgal, Angela K., Havana	10/31/2010
	VanOpdorp, Heather L., Odessa	10/31/2010
Greater Orlando Aviation Authority		
Appointees:	Calvet, Cesar E., Orlando	04/16/2012
	Colon, Joseph L., Kissimmee	04/16/2012
	Palmer, James "Jim" R., Longwood	04/16/2012
Barbers' Board		
Appointees:	Rivera, Julie, Hollywood	10/31/2012

Office and Appointment		*For Term Ending*
	Stewart, Edwin A., Jr., Milton	10/31/2009
	Vaughn, Tommy E., Panama City Beach	10/31/2010
	White, Herman, Pensacola	10/31/2012
Florida State Boxing Commission		
Appointees:	Jurado, Melody "Mel," Temple Terrace	09/30/2011
	Williams, Mark M., Panama City	09/30/2010
Florida Building Commission		
Appointees:	Boyer, Robert G., Palm City	07/26/2011
	Gregory, Kenneth L., Orlando	11/05/2012
	Grippa, Anthony "Tony" M., Ormond Beach	11/21/2011
	Gross, Jeffery, Hollywood	11/21/2011
	Hamrick, Jonathon D.	11/21/2011
	Mollan, Scott, Coral Springs	02/03/2011
	Palacios, Rafael R., Miami	12/08/2009
	Schock, James R., St. Augustine	01/12/2011
	Smith, Drew M., Parrish	11/05/2012
	Stone, Jeffrey B., St. Petersburg Beach	07/27/2011
	Tolbert, John T., Navarre	01/15/2011
	Turner, Mark C., Gulf Breeze	01/30/2011
	Vann, Randall J., Cape Coral	01/31/2011
Interim Secretary, Department of Business and Professional Regulation		
Appointee:	Drago, Charles W.	Pleasure of Governor
Interim Secretary, Department of Children and Family Services		
Appointee:	Sheldon, George H., Tallahassee	Pleasure of Governor
Board of Chiropractic Medicine		
Appointees:	Hoffman, Debra L., Temple Terrace	10/31/2012
	Mathesie, Michael W., Parkland	10/31/2012
	Perman, Eileen Bronstein, Boynton Beach	10/31/2011
Board of Clinical Laboratory Personnel		
Appointee:	Madan, Nilia, Miami	10/31/2011
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Douglas, Helen, Pensacola	10/31/2010
	Macomber, Mary F., Coral Springs	10/31/2011
	Roberts, Franklin A., Ft. Walton Beach	10/31/2010
Regulatory Council of Community Association Managers		
Appointees:	Brennan, Terence, Bradenton	10/31/2010
	Rogers, Patricia, Aventura	10/31/2011
Florida Commission on Community Service		
Appointees:	Andrew, Michael W., Jr., Windermere	09/14/2010
	Carswell, Debora M., Orlando	09/14/2009
	Clemons, Scott Wells, Panama City	09/14/2008
	Diaz-Vidaillet, Angela, Miramar	09/14/2009
	Enwright, John "Brody" Broderick, Tallahassee	09/14/2010
	Gonzalez, Marcia C., Miami	09/14/2010
	Granger, Theodore G., Tallahassee	09/14/2010
	Hobson, Joyce A., Tallahassee	09/14/2009
	Hougland, Beverly, St. Cloud	09/14/2009
	Londono, Yolanda, Orlando	09/14/2009
	Miller, Patricia Penny, Ocala	09/14/2010
	Pruitt, Aileen M., Port St. Lucie	09/14/2009
	Towler, Susan, Jacksonville	09/14/2010
	Traviesa, Andreina "Nina," Tampa	09/14/2009
Board of Trustees of Brevard Community College		
Appointee:	Charpentier, Stephen G., Merritt Island	05/31/2011
Board of Trustees of Edison College		
Appointees:	Helphenstine, JoAnn P., Punta Gorda	05/31/2010
	Parrish, Randall T., Jr., LaBelle	05/31/2012
	Perry, Julia G., Moore Haven	05/31/2012
Board of Trustees of Gulf Coast Community College		
Appointee:	Butler, Denise D., Eastpoint	05/31/2012
Board of Trustees of Manatee Community College		
Appointees:	Beruff, Carlos, Parrish	05/31/2012
	Miller, Joseph C., Jr., Bradenton	05/31/2009
Board of Trustees of North Florida Community College		
Appointees:	Brothers, William L., Live Oak	05/31/2010
	Williams, Michael R., Madison	05/31/2009
Board of Trustees of Pensacola Community College		
Appointee:	Snider, Paul R., Gulf Breeze	05/31/2010
Board of Trustees of St. Petersburg College		
Appointee:	Brett, Terrence E., St. Petersburg	05/31/2009
Board of Trustees of Santa Fe College		
Appointee:	Weingart, Breck A., Gainesville	05/31/2011
Board of Trustees of Valencia Community College		
Appointee:	Quittschreiber, Jo, Kissimmee	05/31/2012
Construction Industry Licensing Board		
Appointees:	Batton, Elbert R., Okeechobee	10/31/2011
	Bonuso, Frank N., Ft. Lauderdale	10/31/2010
	Engelmeier, Carl, Apopka	10/31/2010
	Evetts, James C., Port Charlotte	10/31/2011
	Hussey, J. Durward, Jr., Ft. Myers	10/31/2011
	Lenois, Roy, Port Orange	10/31/2011
	Moody, Robert W., Jr., Valrico	10/31/2011
	Pietanza, Mark, Boca Raton	10/31/2011
	Sheehan, William S., St. Petersburg	10/31/2010
	Weller, Edward M.	10/31/2010
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointees:	McCaul, Owen B.	12/10/2012
	Wagner, Christopher D., Bradenton	11/19/2012
Board of Dentistry		
Appointees:	Baker, Tamara "Tammy" S., Orlando	10/31/2012
	Melzer, Carl J., Miami	10/31/2011
	Morgan, J. Thaddeus, Lake Mary	10/31/2011
	Perdomo, Robert L. III, Coral Gables	10/31/2012
Interim Director, Agency for Persons with Disabilities		
Appointee:	DeBeaugrine, James "Jim," Tallahassee	Pleasure of Governor
Education Practices Commission		
Appointees:	Davies, Joi B., St. Petersburg	09/30/2012
	Gilbert, Dane, Neptune Beach	09/30/2010
	Griffin, Dennis J., St. Petersburg	09/30/2009
	Grymes, Cheryl, Jacksonville	09/30/2011
	Lee, David C.	08/18/2012
	Presha, Bernard Jerome	08/18/2012
	Simmons, Larry, Sarasota	09/30/2010
	Thompson, David R.	08/18/2012
Florida Elections Commission		
Appointees:	Hollimon, William H., Tallahassee	12/31/2011
	Kane, Julie Braman, Miami	12/31/2011
	Rhodes, Donald W., Marco Island	12/31/2008
	Rodriguez, Jose Luis, Green Acres	12/31/2011
	Rossin, Thomas "Tom" E., West Palm Beach	12/31/2008
	Unger, Karen, Tallahassee	12/31/2011

Office and Appointment		For Term Ending
Board of Employee Leasing Companies		
Appointees:	Dockery, Celeste, Bradenton	10/31/2011
	Finkelstein, Abram, Weston	10/31/2011
	Jones, John L., Valrico	10/31/2012
	Schoenfisch, Warren H., Tallahassee	10/31/2008
Board of Professional Engineers		
Appointees:	Garcia de Quevedo, Nola A., Miami	10/31/2010
	Halyard, Paul J., Orlando	10/31/2009
	Panigrahi, Bijay K., Orlando	10/31/2011
	Wallis, H. Dann, Niceville	10/31/2011
	Young, Mary Martin, Coral Gables	10/31/2011
Commission on Ethics		
Appointee:	Forchilli, Cheryl E., Tampa	06/30/2010
Board of Professional Geologists		
Appointees:	Caspary, Jorge R., Tallahassee	10/31/2012
	Poppell, Robert R., Tallahassee	10/31/2008
Higher Educational Facilities Financing Authority		
Appointees:	Czerniec, Timothy H., Miami	01/17/2013
	Nguyen, Luong V., Orlando	01/17/2011
Citrus County Hospital Board		
Appointees:	Collins, Robert F., Hernando	07/07/2012
	Rogers, Ralph W. III, Inverness	07/08/2010
Board of Trustees of South Lake County Hospital District		
Appointees:	Jones, JoAnn, Clermont	07/05/2012
	Smith, Linda J., Clermont	07/05/2011
Florida Housing Finance Corporation		
Appointees:	Fairman, Kenneth J., Pinecrest	11/13/2010
	Maygarden, Jerry L., Pensacola	11/13/2010
Florida Commission on Human Relations		
Appointees:	Flom, Elena M., Cocoa Beach	09/30/2011
	Haynes, Watson L. II, St. Petersburg	09/30/2011
	Singer, Gilbert M., Tampa	09/30/2010
	Thomas, Patty Ball, Tallahassee	09/30/2010
	Valle, Mario, Naples	09/30/2011
Juvenile Welfare Board of Pinellas County		
Appointees:	Edmonds, Maria N., Tarpon Springs	08/11/2012
	Milford, John A., Gulfport	08/07/2012
	Minkoff, Elise B., Gulfport	07/18/2008
		07/18/2012
Board of Landscape Architecture		
Appointees:	Bowden, Robert E., Longwood	10/31/2009
	Delate, Joseph F., Marco Island	10/31/2011
	Graham, Philip H., Jr., St. Petersburg	10/31/2009
	Marshall-Beasley, Elizabeth, Palm Beach	10/31/2009
	Paskey, Ernest L., Lecanto	10/31/2010
	Walker, Brian, Palm Coast	10/31/2010
Governor's Mansion Commission		
Appointees:	Aurell, Jane C., Tallahassee	09/30/2009
	Glover, Marla G., Cocoa	09/30/2012
	Graham, Adele K., Miami Lakes	09/30/2009
Atlantic States Marine Fisheries Commission		
Appointee:	Orndorf, William "Bill" R., Melbourne	09/04/2010
Gulf States Marine Fisheries Commission		
Appointee:	Dempsey, Hayden R.	01/05/2010
Board of Medicine		
Appointees:	Levine, Bradley M., Boca Raton	10/31/2012
	Mullins, Donald E., Orlando	10/31/2012
	Nuss, Robert C., Jacksonville	10/31/2012
	Rosenberg, Jason J., Alachua	10/31/2012
	Tucker, Elisabeth D., Pensacola	10/31/2012
Board of Nursing		
Appointees:	Cuetara, Dulce M., Miami	10/31/2011
	Kirkpatrick, Lavigne Ann, Naples	10/31/2010
	McDonough, John P., Yulee	10/31/2010
	Munoz, Rita J., Fort Myers	10/31/2011
Board of Nursing Home Administrators		
Appointees:	Francoeur, Jeri H., Ormond Beach	10/31/2010
	Moore, Carolyn	10/31/2010
	Sarvis, Linda, Tallahassee	10/31/2011
	Wishna, Harold, Tamarac	10/31/2009
Board of Opticianry		
Appointees:	Goodman, Barney F., Clewiston	10/31/2011
	Slattery, Margaret E., O'Brien	10/31/2010
Board of Optometry		
Appointees:	Presnell, C. Rod, Tallahassee	10/31/2010
	Underhill, Timothy E., Ft. Myers	10/31/2011
Board of Orthotists and Prosthetists		
Appointees:	Lees, Ralph C., Bonita Springs	10/31/2011
	Panton, Hugh J., Stuart	10/31/2010
Board of Osteopathic Medicine		
Appointees:	Escher, Allan R., Jr., Land O'Lakes	10/31/2011
	Palladino, Rina, Tallahassee	10/31/2011
	St. Louis, James S., Bellaire	10/31/2012
Board of Pharmacy		
Appointees:	Hayes, Carl "Fritz," Miami	10/31/2011
	Melvin, Stephen E., Panama City	10/31/2010
	Risch, Lorena, Bradenton	10/31/2010
	Salem, Ronald B., Jacksonville	10/31/2011
Pilotage Rate Review Board		
Appointees:	Corn, Daniel W., Jacksonville	10/31/2011
	Elliott, Erica, Palm Beach	10/31/2008
	Johnson, Clarence T., Jr., Merritt Island	10/31/2009
	Weston, Evan L., Palm Harbor	10/31/2011
Board of Podiatric Medicine		
Appointee:	Frisch, Dennis R., Boca Raton	10/31/2011
Tampa Port Authority		
Appointees:	Brown, William A., Tampa	11/15/2011
	Swindal, Stephen W., Tampa	02/06/2012
Florida Prepaid College Board		
Appointee:	Stephany, Pamela, Ft. Lauderdale	06/30/2010
Board of Psychology		
Appointees:	Moore, Patrice, St. Petersburg	10/31/2010
	Orta, Luis E., Miami	10/31/2010
	Reiff, Harry J., Jacksonville	10/31/2011
Public Employees Relations Commission, Chair		
Appointee:	Ray, Stephanie Williams, Tallahassee	01/01/2012
North Central Florida Regional Planning Council, Region 3		
Appointee:	Maultsby, Charles, Perry	10/01/2009
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Garcia, Julian, Jr., Tampa	10/01/2010
	Kersteen, Robert "Bob" A., St. Petersburg	10/01/2010
	Kinnan, Harry G., Bradenton	10/01/2010
	Todd, Barbara Sheen, St. Petersburg	10/01/2010
	Woodard, Laura D., Tampa	10/01/2009
	Young, Earl H., Zephyrhills	10/01/2009
South Florida Regional Planning Council, Region 11		

Office and Appointment		*For Term Ending*
Appointees:	Asseff, Patricia T., Hollywood	10/01/2010
	Perez, Marta, Coral Gables	10/01/2010
	Riesco, Jose, Miami	10/01/2010
	Wallace, Paul R., Miami	10/01/2009

Space Florida

Appointees:	Baker, Silas K., Jr., Rockledge	06/30/2012
	Ford, Kenneth M., Pensacola	06/30/2012
	Haiko, Kenneth J., Pompano Beach	06/30/2012
	Kompothecras, Gary, Sarasota	06/30/2012

Board of Professional Surveyors and Mappers

Appointees:	Greer, Sidney H., Vero Beach	10/31/2010
	Mastronicola, Arthur A., Jr., Jacksonville	10/31/2011
	Poppell, Frances C., Tallahassee	10/31/2009

Unemployment Appeals Commission

Appointee:	Epsky, Thomas D., Port St. Lucie	06/30/2012

Board of Veterinary Medicine

Appointees:	Helm, JoAnn K., Floral City	10/31/2011
	Lewis, Cynthia N., Tallahassee	10/31/2012
	Simmons, George W., Tallahassee	10/31/2011

Peace River Basin Board of the Southwest Florida Water Management District

Appointee:	Harrison, James Kenneth "Ken," Arcadia	03/01/2010

Withlacoochee River Basin Board of the Southwest Florida Water Management District

Appointee:	Bachschmidt, William J., Inglis	03/01/2011

Referred to the Committee on Ethics and Elections.

Secretary of Children and Family Services

Appointee:	Sheldon, George H., Tallahassee	Pleasure of Governor

Director, Agency for Persons with Disabilities

Appointee:	DeBeaugrine, James "Jim," Tallahassee	Pleasure of Governor

Referred to the Committees on Children, Families, and Elder Affairs; and Ethics and Elections.

Board of Directors, Enterprise Florida, Inc.

Appointees:	de las Cuevas-Diaz, Vivian, Coral Gables	07/01/2011
	Leonhardt, Frederick W., Orlando	07/01/2012
	Waller, Philip Leon, Jr., Tampa	07/01/2012

Florida Commission on Tourism

Appointees:	Hertz, Andrew P., Miami	06/30/2010
	Mares, Charles "Sonny" F., Santa Rosa Beach	06/30/2010
	McQueen, Carol J., Fanning Springs	06/30/2010
	Stork, Thom, Lutz	06/30/2010

Referred to the Committees on Commerce; and Ethics and Elections.

Florida Energy and Climate Commission

Appointees:	Clark, John "J.B." Boston, Tallahassee	09/30/2011
	Diaz, Nils J., St. Pete Beach	09/30/2010
	Gladding, Nicholas C., Bradenton	09/30/2009
	Poindexter, Christian H., Palm Beach	09/30/2011

Florida Public Service Commission

Appointee:	Edgar, Lisa B., Tallahassee	01/01/2013

Referred to the Committees on Communications, Energy, and Public Utilities; and Ethics and Elections.

Office and Appointment		*For Term Ending*

Parole Commission

Appointee:	Dunphy, Frederick B.	06/30/2014

Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.

Appointees:	Kravitz, Richard, Jacksonville	09/30/2012
	Lukis, Vicki L., Coral Gables	09/30/2010
	Matza, Rochelle S., Miami	09/30/2011
	Medina, John A., Tallahassee	09/30/2012
	Mehta, Radhika "Radha" V., Windermere	09/30/2012

Referred to the Committees on Criminal Justice; and Ethics and Elections.

State Board of Education

Appointee:	Boulware, Peter, Tallahassee	12/31/2009

Referred to the Committees on Education Pre-K - 12; and Ethics and Elections.

Environmental Regulation Commission

Appointees:	Glasco-Foderingham, Rhoda, Coral Springs	07/01/2009
	Joyce, Joseph C., Gainesville	07/01/2011
	Miklos, John, Orlando	07/01/2011
	Parks, Paul C., Crawfordville	07/01/2011
	Ross, Donald H., Englewood	07/01/2011

Fish and Wildlife Conservation Commission

Appointee:	Yablonski, Brian S., Tallahassee	01/05/2014

Governing Board of the Northwest Florida Water Management District

Appointee:	Rodriguez, Jose Luis, Monticello	03/01/2012

Governing Board of the St. Johns River Water Management District

Appointees:	Bournique, Douglas C., Vero Beach	03/01/2012
	Tanzler, Hans G. III	03/01/2012

Governing Board of the Southwest Florida Water Management District

Appointees:	Beswick, Bryan K., Arcadia	03/01/2012
	Gramling, Hugh M., Plant City	03/01/2012
	Senft, H. Paul, Jr., Haines City	03/01/2011
	Tharp, Douglas B., The Villages	03/01/2011
	Whitehead, Judith C., Brooksville	03/01/2012

Executive Director of Southwest Florida Water Management District

Appointee:	Moore, David L., Odessa	Pleasure of the Board

Governing Board of the Suwannee River Water Management District

Appointees:	Davis, Heath, Cedar Key	03/01/2012
	Quincey, Donald "Don," Chiefland	03/01/2012

Referred to the Committees on Environmental Preservation and Conservation; and Ethics and Elections.

Executive Director, Agency for Enterprise Information Technology

Appointee:	Taylor, David W., Tallahassee	Pleasure of Governor and Cabinet

Participant Local Government Advisory Council

Appointees:	Elia, MaryEllen, Tampa	01/13/2013
	Heffner, Patsy, Kissimmee	01/13/2013
	Nicolai, Karen, Spring Hill	01/13/2013
	Peterson, John Mark, Titusville	01/13/2013
	Wishner, Roger B., Sunrise	01/13/2013
	Wolfson, Daniel R., Palmetto	01/13/2013

Office and Appointment		*For Term Ending*

Referred to the Committees on Governmental Oversight and Accountability; and Ethics and Elections.

Board of Governors of the State University System		
Appointee:	Tripp, Norman D., Ft. Lauderdale	01/06/2013
Board of Trustees, University of Central Florida		
Appointee:	Grindstaff, Michael J., Winter Park	01/06/2013
Board of Trustees, Florida International University		
Appointee:	Alvarez, Cesar L., Miami	01/06/2013
Board of Trustees, New College of Florida		
Appointees:	Ruiz, Mary, Bradenton	01/06/2010
	Saputo, John W., Longboat Key	01/06/2013

Referred to the Committees on Higher Education; and Ethics and Elections.

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

Referred to the Committees on Regulated Industries; and Ethics and Elections.

Tampa-Hillsborough County Expressway Authority		
Appointees:	Phillips, Donald E., Tampa	07/01/2012
	Truax, Gregory, Tampa	07/01/2011
Florida Transportation Commission		
Appointees:	Conrecode, Thomas E., Naples	09/30/2011
	Mazurkiewicz, Joseph "Joe" M., Jr., Cape Coral	09/30/2011
	Rose, Manuel "Manny," Clearwater	09/30/2011
	Walton, Garrett W., Pensacola	09/30/2011

Referred to the Committees on Transportation; and Ethics and Elections.

SUPREME COURT OF FLORIDA

The following certificate was received:

No. SC09-173

IN RE: CERTIFICATION OF NEED

FOR ADDITIONAL JUDGES.

[February 26, 2009]

QUINCE, C.J.

This opinion fulfills the constitutional obligation of this Court to determine the need for additional judges in Fiscal Year 2009-2010 and to certify our findings and recommendations concerning that need to the Legislature.[1] Certification is "the sole mechanism established by our constitution for a systematic and uniform assessment of this need." In re Certification of Need for Additional Judges, 889 So. 2d 734, 735 (Fla. 2004).

This Court finds that it must certify to the Legislature the need for additional judgeships. At the same time, this Court is mindful of and concerned by the budget reductions the court system and its justice system partners have sustained over the last year. There is limited value in certifying judicial need when the justice system, including court support staff, supplemental judicial resources, and staffing complements in state attorney and public defender offices, are being reduced to such a degree as to seriously impede the administration of justice in the courts.

This Court acknowledges that our state and our nation are experiencing an unparalleled economic crisis. During these challenging economic times the Court recognizes that all branches of government must do their share to help balance the state budget, and the judicial branch has participated in that effort. Nonetheless, there comes a time when making necessary adjustments in order to sustain budget reductions cascades into crippling the daily operations of an entire branch of government. Recent action by the Legislature in Special Session A of this year demonstrates to us the Legislature's acknowledgment of the need to maintain funding for our court system.

In the American system of government, it is the court system that protects rights and liberties, upholds and interprets the law, and provides for the peaceful resolution of disputes. When the adequate funding of the judicial system is compromised, the consequences are tangible and potentially long-lasting. Given the fiscal challenges the state continues to face in funding, this Court has a continuing duty to inform the Legislature on the impact that elimination of court resources has on our citizens, businesses, and the timely administration of justice, even as we make this certification of need.

TRIAL COURTS

Budgetary unification of the trial courts began with an amendment to Article V of the Florida Constitution, approved by the voters in 1998, that required state funding of most court costs. The amendment demanded a greater uniformity of resources across judicial circuits under state funding, which has enhanced the equitable level of trial court services for all Floridians. In 2004, the Legislature implemented the will of the voters by funding that constitutional amendment. As a result, the quality of justice in Florida is now less dependent upon the local economy.

Since the 1998 passage of the constitutional amendment requiring budgetary unification of the court system, the Trial Court Budget Commission, chief judges, and court administrators have actively overseen the allocation and use of the state-funded court elements established in the Florida Statutes as necessary to the adjudication of cases. The result of their work is a court system that is lean, transparent, and accountable for the state funds that are allocated. Given their collective experience, these judges and court administrators understand the resources that are required to efficiently and effectively manage a modern court system. They also understand the impact on access to justice when court resources are reduced below reasonable levels, and have reported their concerns to us.

In Fiscal Year 2007-2008 and in Fiscal Year 2008-2009, the state court budget has been reduced from $491 million to $433 million, which represents a twelve percent decrease. These reductions have come from courts' operating budgets, including expense dollars, contractual dollars, and the loss of full-time equivalent positions throughout the state courts. In order to comply with the legislative request to reduce its budget, Florida's trial courts lost eighty-seven case managers, twenty-two magistrates, twenty-eight law clerks, eighteen due process positions (i.e., court reporters, court interpreters, and expert witnesses), and sixty-eight court administration staff. An additional twenty-one positions were eliminated in Special Session A, recently held to further reduce the Fiscal Year 2008-2009 budget. In total, 301 positions have been eliminated throughout the State Courts System, 243 of which were in the trial courts. The loss of these resources is now being felt in every community throughout Florida, and the gains made under the constitutional amendment to provide an equitable level of services in the trial courts regardless of where one lives have been compromised.

CIRCUIT COURT IMPACT

Perhaps no other group is more endangered when court resources become scarce than children and families. In particular, the loss of case managers in the family division directly impacts the level of justice afforded to children and families. Examples of matters handled in the family division include custody, visitation, paternity, child support, dependency, delinquency, termination of parental rights, and domestic and repeat violence cases. Many families involved in these proceedings have limited means and represent themselves in court. Typically, family law case managers are the stewards of cases moving through the various stages of the family court process. Case managers perform intake, screening, evaluation, monitoring, tracking, coordinating, scheduling, and referral activities. Case management functions include ensuring service of process has been successfully completed prior to scheduled hearings, providing referrals to court-ordered services such as batterer's intervention programs, and performing coordination and tracking duties across multiple cases involving one family. Case manager functions enable cases to proceed smoothly and timely through the court process.

When case manager positions are reduced or eliminated, these tasks fall upon the presiding judge. This is an inefficient use of judicial resources, delays case processing, reduces service referrals that can be made, and diminishes the amount of judge time available for adjudicating cases.

Magistrates support the adjudicatory process in the trial courts by performing certain quasi-judicial functions that are routine, computational, or managerial in nature, under the authority of the court. They are used most frequently in family divisions, and preside over hearings in family or child support cases, conduct status or case management conferences, establish attorney fees and costs, and submit recommended orders to judges. Perhaps most importantly, magistrates allow judges to devote their attention to more complex matters, providing a less costly means to process cases through the court system. This division of labor has proven to be both effective and economical. The reduction or elimination of twenty-two magistrates from the case processing equation has required judges to absorb their work. This inevitably contributes to case processing delays.

The loss of twenty-eight staff attorneys and law clerks has also impacted judicial workload and the movement of cases, especially in postconviction criminal cases, including postconviction capital cases. Law clerks provide legal research assistance to judges, including the preparation of legal memoranda and court orders. Their work enhances the adjudication of cases and improves the quality of judicial decisions by identifying and analyzing relevant laws and cases before the court. Without this resource, a judge's ability to process cases in a qualitative and timely fashion is diminished.

An economic downturn such as the one Florida is currently experiencing increases the workload in the courts. Perhaps no other issue as clearly illustrates the relationship between an economic downturn and increased judicial workload than the mortgage foreclosure crisis. From Fiscal Year 2005-2006 to Fiscal Year 2006-2007, mortgage foreclosure filings increased by ninety-seven percent in Florida trial courts. More recent statistics show that mortgage foreclosure filings increased by 396 percent from Fiscal Year 2005-2006 to Fiscal Year 2007-2008. In fact, according to RealtyTrac,[2] Florida has the second highest rate of mortgage foreclosures in the country.[3] The sheer volume of mortgage foreclosure cases in our circuit civil divisions has been overwhelming. Although many chief judges have allocated additional judicial resources into the circuit civil divisions, the trial judges have been unable to keep pace with the rapid accumulation of mortgage foreclosure cases.[4] The current clearance rate for mortgage foreclosure cases is forty-one percent. Thus, homeowners and lending institutions are experiencing delays in either getting on a judicial docket or having their cases disposed of. Communities are also impacted with properties being left vacant and uncared for during the foreclosure process. Vacant properties can lead to increases in property crimes such as burglaries or vandalism, which in turn will impact the criminal justice system.

COUNTY COURT IMPACT

The loss of funds to hire Civil Traffic Infraction Hearing Officers has had a substantial impact on the operations of the county courts. Civil Traffic Infraction Hearing Officers are members of The Florida Bar who contract with the courts to preside over civil traffic infraction hearings.[5] They are an economical and effective resource that enables county court judges to spend more of their time adjudicating heavy county criminal and civil caseloads. The budget for traffic hearing officers was substantially reduced in the last fiscal year, and due to the uncertainty regarding additional reductions this fiscal year, no funding for this resource has been allocated during the current fiscal year. Now that Special Session A has been completed, what remains of this budget will be allocated to the circuits so that traffic hearing officers will be on line once again, although their availability will be limited. The loss of this resource on a permanent basis would be two-fold: first, county court judges would spend a larger portion of their time presiding over traffic matters; and second, more cases would be dismissed when judges cannot hear them within the required timeframe. The end result is case delay and backlog in county court and the loss of revenues resulting from fines imposed. Some chief judges also report that citizens must travel greater distances to attend traffic court when Civil Traffic Infraction Hearing Officers are no longer available in some branch courthouses; hence, citizens seeking to resolve their civil traffic infractions incur greater inconvenience and cost.

STATE ATTORNEY AND PUBLIC DEFENDER STAFFING

This Court is increasingly concerned about the relationship between the certification of new judgeships, specifically those judges who would be assigned to criminal divisions, and the staffing complements of state attorneys' and public defenders' offices. We relate the criminal justice system to a three-legged stool comprised of judges, state attorneys, and public defenders. If one leg is compromised, the stool cannot function as designed. Authorizing judgeships without corollary funding for state attorneys and public defenders creates an imbalance in the criminal justice system. We encourage the Legislature to provide for sufficient staffing of state attorneys' and public defenders' offices whenever a judgeship is authorized and designated for the criminal division.

USE OF SENIOR JUDGES AND SUSTAINED NET NEED

Florida has used a weighted caseload methodology to evaluate judicial workload since 1999. Over the last nine years we have conducted a continual evaluation of the certification process in an ongoing effort to enhance and refine it. This year we have incorporated a new feature into our methodology: the use of sustained judicial need.

In last year's certification of need opinion[6] we directed the Commission on Trial Court Performance and Accountability to study the use of senior judges and the implications for including senior judge availability when evaluating judicial workload. The Commission, through its Court Statistics and Workload Committee, surveyed the chief judges and analyzed how senior judges are being used in the trial courts.

In its final report on this subject,[7] the Commission concluded that the current judicial certification framework does not assess all workload. Temporary spikes in filings and workload due to extended absences of sitting judges have historically not been included in the calculation of judicial need. And, based on the information provided by the chief judges, it appears that senior judge resources are used primarily to address workload beyond the certification model.

The Commission made the following four primary recommendations to the supreme court:

1. The supreme court should not include the utilization of senior judges in its certification methodology.

2. Senior judge resources should be requested during the legislative budget process and allocated to the circuits based on all need above sustained need, including filing spikes, unanticipated vacancies, extended leave, and backlog need.

3. The supreme court should extend the judicial weighted workload model to define and calculate sustained need.

4. The Court Statistics and Workload Committee should endeavor to improve circuit level reporting on senior judge usage to achieve accountability and transparency. This enhanced reporting is a critical component of the allocation process.

The Court adopts the recommendations of the Commission and will direct the Commission to refine those areas identified in the report necessary to accomplish full implementation.

In regard to recommendation 3, above, the Court concludes that the most appropriate and valid measure of sustained judicial need in Florida is a minimum of the calculated net need over a three-year period. This three-year period will be recalculated each year to encompass the current year's net need and the previous two years' net need in the sustained judicial need calculation. This new methodology has been applied to this year's certification of trial court judges. In addition, this Court has examined case filing and disposition data, analyzed various judicial workload indicators, and considered judgeship requests submitted by the lower courts. Our analysis follows.

TRIAL COURT CERTIFICATION

In Fiscal Year 2006-2007, approximately ninety-nine percent of all court filings in Florida were processed in the circuit and county courts. Trial court judges are on the front lines in dispensing justice. Their work is vital to our citizens and businesses, who expect the judicial branch to help resolve issues fairly, peaceably, expeditiously, and in a manner that promotes the rule of law.

As previously mentioned, this Court uses a case-weighting system based on accepted standards of measurement in determining the need for additional judges.[8] The case weighting system distinguishes different types of cases and assigns different amounts of time that must be spent on each type of case, producing a total judicial need for each circuit. Additionally, we adjust for differing jury trial rates in each circuit and county and consider the actual number of judges requested by the chief judge. The resulting certification is an objective statement of what the trial courts need to responsibly meet their workload obligations.[9]

From Fiscal Year 2005-2006 to Fiscal Year 2006-2007, filings increased by seven percent in circuit court. Growth in civil filings by thirty-eight percent is the main contributing factor to the statewide increase in circuit court. Real property and mortgage foreclosure case filings have nearly doubled from the previous fiscal year, representing an increase of 55,568 filings. Contract and indebtedness and condominium case filings have also risen considerably, seventeen percent and 147 percent respectively.

Substantial growth in filings in all felony case types also contributed to the overall rise in circuit court filings from Fiscal Year 2005-2006 to Fiscal Year 2006-2007. The largest felony case type in terms of number of filings—property crime (including burglary, theft, worthless checks, and other felonies)—increased by six percent. Additionally, capital murder and noncapital murder case filings rose by a considerable percentage, seventeen percent and twenty-two percent respectively.

County court filings experienced significant growth from Fiscal Year 2005-2006 to Fiscal Year 2006-2007, as well, with statewide filings increasing by seven percent (excluding civil traffic infractions). Growth in civil filings was the main contributing factor to the statewide increase in county court, with overall civil filings rising by thirteen percent. County court cases involving small claims (up to $5,000) and civil ($5,001 to $15,000) increased by twenty-two percent and seventeen percent respectively. In county criminal, statewide filings grew by four percent, which included a four percent increase in misdemeanors and a twenty-three percent increase in county ordinance case filings.

In light of the foregoing considerations, this Court certifies the need for twenty-nine new circuit court judges for Fiscal Year 2009-2010, distributed as follows:

1. Five additional circuit court judges for the First Judicial Circuit;

2. Four additional circuit court judges for the Fifth Judicial Circuit;

3. Three additional circuit court judges for the Twentieth Judicial Circuit;

4. Two additional circuit court judges each for the Seventh, Ninth, Tenth, Thirteenth, Fourteenth, and Nineteenth Judicial Circuits; and

5. One additional circuit court judge each for the Second, Eighth, Eleventh, Fifteenth, and Eighteenth Judicial Circuits.

We also certify the need for thirty-nine new county court judges for Fiscal Year 2009-2010, as follows:

1. Six additional county court judges each for Duval, Miami-Dade, and Broward Counties;

2. Five additional county court judges each for Hillsborough and Palm Beach Counties;

3. Two additional county court judges each for Volusia and Orange Counties; and

4. One additional county court judge each for Columbia, Marion, Alachua, Polk, Brevard, St. Lucie, and Lee Counties.

In addition to the judges certified today, we specifically reviewed requests from chief judges to certify two circuit judges in the Ninth and Eleventh Judicial Circuits and to certify one circuit judge in the Twelfth and Twentieth Judicial Circuits. We note that the sustained judicial need is less than 0.5 for each of those requested judgeships.[10] We have determined that in the absence of special circumstances, we must deny these requests.

We also reviewed requests from chief judges to certify additional county court judges for Escambia, Okaloosa, Duval, Citrus, Lake, St. Johns, Orange, Osceola, Highlands, Polk, Manatee, Sarasota, Bay, Broward, Brevard, Seminole, St. Lucie, Collier, and Lee Counties. We have determined that in the absence of special circumstances, we must deny these requests as well.

DISTRICT COURTS OF APPEAL CERTIFICATION

Florida Rule of Judicial Administration 2.240(b)(2) delineates the criteria for certifying the need for additional judges in the district courts of appeal. Based on these criteria, we do not certify the need for any additional district court judges. Our determination is bolstered by the fact that the district courts have not requested the certification of any additional judgeships this year.

Our analysis indicates that the Second and Fourth District Courts of Appeal have the highest weighted caseloads per judge.[11] In Fiscal Year 2007-2008 the weighted caseload per judge in the Second District was 312 and in the Fourth District was 302. Even though qualified for the certification of a judgeship, neither district is requesting one in the face of the current budget situation and staffing shortages. As the chief judge of the Second District observed, "Recent reductions in this court's salary and benefits budget have made it impossible to fully staff the fourteen judges who currently serve on the court. Since the beginning of FY 2008-09 on July 1, four of our judges have functioned with less than the full complement of two staff attorneys in their suites." He further states, "At the same time, two of our Central Staff attorney positions are unfilled and will remain so for the remainder of the fiscal year." The chief judge also notes that "it is impossible to predict the precise impact of this understaffing," but estimates that "fully one-fifth of the cases filed in our court this fiscal year will go unassigned for lack of professional staff."[12] Similar observations were shared with this Court by the chief judge of the Fourth District Court of Appeal. We share the concerns of the chief judges of the district courts and offer the above examples to the Legislature as evidence of the real impact the budget reductions are having on the district courts of appeal and consequently the citizens of Florida.

CONCLUSION

This opinion fulfills this Court's constitutional obligation to determine the need for additional judges in Fiscal Year 2009-2010. It also reflects the court system's commitment to continually monitor and evaluate judicial workload by incorporating refinements to our methodology. We believe that the sustained judicial need issue described in this opinion will enhance the long-term assessment of judicial need and better reflect the manner in which valued resources are being used in the courts. We thank the Commission on Trial Court Performance and Accountability and the Court Statistics and Workload Committee for their ongoing efforts to improve the evaluation of judicial workload.

Florida's court system remains among the finest in the country. Our judges serve a vital role in keeping our courts open and accessible to all. Yet the demands on our judiciary from sustained growth in cases and demands for access cannot be efficiently and effectively met because of the significant loss of court resources. With the $49 million budget reduction the courts have experienced over the last two fiscal years, judicial dockets are full, scheduling is problematic, and case processing times are delayed. Clearance rates are falling and backlogs are developing. Unfortunately, we anticipate that this trend will continue unless further steps are taken to stabilize court funding.

Although we have identified our judicial need in this opinion, our primary concern at this time is with the reductions to court support staff and supplemental resources. Florida's court system can ill afford to sustain any further reductions to the statutorily defined court elements. To do so would undermine the administration of justice. We are encouraged by the creation of the State Courts Revenue Trust Fund in Special Session A as an initial positive step by the Legislature to address the courts' funding needs.

We submit this opinion recognizing that the State of Florida is experiencing difficult economic times. This Court strongly encourages the Legislature to maintain court funding at a level that allows the court system to meet its constitutional obligations. In better economic times, we encourage the Legislature to authorize the circuit and county court judgeships certified in this opinion.

It is so ordered.

WELLS, PARIENTE, LEWIS, CANADY, POLSTON, and LABARGA, JJ., concur.

Original Proceeding – Certification of the Need for Additional Judges

[1.] Article V, section 9 of the Florida Constitution provides in pertinent part:

Determination of number of judges.–The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need.

[2.] RealtyTrac is an online realtor website that tracks mortgage foreclosures by state and may be found at www.realtytrac.com.

[3.] RealtyTrac, Foreclosure Activity Increases 81 Percent in 2008, http://www.realtytrac.com/foreclosure/foreclosure-rates.html (last visited Feb. 10, 2009).

[4.] A recently completed study by The Washington Economics Group, Inc., has estimated delay in processing mortgage foreclosure cases costs Florida's economy $17 billion a year. The Economic Impacts of Inadequate Funding for Florida Courts, http://www.floridabar.org/TFB/TFBResources/nsf/Attachment.

[5.] In Fiscal Year 2006-2007, Civil Traffic Infraction Hearing Officers heard more than 413,000 cases in Florida.

[6.] See In re Amended Certification of Need for Additional Judges, 980 So. 2d 1045 (Fla. 2008).

[7.] Office of State Courts Administrator, Recommendations on Senior Judge Resources in the Judicial Weighted Workload Model, (2008) (prepared for the Trial Court Performance and Accountability Commission by the Office of the State Courts Administrator), available at http://www.flcourts.org/gen_public/pubs/bin/JudgeResourceReport.pdf.

[8.] This system was developed in response to the proviso language of the 1998 General Appropriations Act, in which the Legislature directed that the judicial branch employ a certification methodology that relies on case weights and calculations of available judge time to determine the need for additional trial court judges. See ch. 98-422, § 7, at 3963, Laws of Fla. Pursuant to this direction, the judicial branch undertook an extensive project to design and implement a weighted caseload system, assisted by the National Center for State Courts and endorsed by the Office of Program Policy Analysis and Government Accountability.

[9.] Also important to note is that the current case weights factor in the availability of other court resources in the disposition of cases. Continued reductions in staff resources increase judicial time spent on each case and could result in the need for even more judges than what the current methodology reflects.

[10.] Total judicial need is the total number of judges required to complete all expected workload. Net judicial need is the difference between the total judicial need and the number of existing judges. Sustained net need is defined as constant need over time.

[11.] The number established in the rule, 280, does not represent the filings per judge but is a weighted threshold calculated according to the process described in the 2005 report of the Commission on District Court of Appeal Performance and Accountability. Supreme Court of Florida Commission on District Court of Appeal Performance and Accountability, DCA Workload Report to the Supreme Court (2005), available at http://www.flcourts.org/gen_public/court-services/CourtServicesPandA.shtml.

[12.] Certification request letter from Stevan T. Northcutt, Chief Judge, Second District Court of Appeal, to Chair, District Court of Appeal, Budget Commission (Aug. 15 2008) (on file with Office of State Courts Administrator).

COMMITTEES OF THE SENATE

(With Revisions)

Policy and Steering Committee on Commerce and Industry

Senator Gaetz, Chair; Senator Ring, Vice Chair; Senators Deutch, Diaz de la Portilla, Garcia, Gardiner, Jones, Joyner, Justice, Lynn, Peaden, Richter and Smith

Banking and Insurance

Senator Richter, Chair; Senator Smith, Vice Chair; Senators Alexander, Bennett, Fasano, Lawson, Ring, Storms and Villalobos

Commerce

Senator Garcia, Chair; Senator Gelber, Vice Chair; Senators Crist, Detert, Justice, Lynn, Oelrich, Peaden, Rich and Sobel

Regulated Industries

Senator Jones, Chair; Senator Deutch, Vice Chair; Senators Aronberg, Dean, Diaz de la Portilla, Hill, King and Wise

Transportation

Senator Gardiner, Chair; Senator Bullard, Vice Chair; Senators Altman, Baker, Constantine, Dockery, Haridopolos, Joyner and Siplin

Policy and Steering Committee on Energy, Environment, and Land Use

Senator King, Chair; Senator Rich, Vice Chair; Senators Altman, Aronberg, Bennett, Bullard, Constantine, Dean, Dockery, Haridopolos, Siplin, Sobel and Villalobos

Agriculture

Senator Dean, Chair; Senator Bullard, Vice Chair; Senators Aronberg, Baker and Peaden

Communications, Energy, and Public Utilities

Senator King, Chair; Senator Joyner, Vice Chair; Senators Fasano, Gelber, Haridopolos, Oelrich, Pruitt, Richter and Smith

Community Affairs

Senator Bennett, Chair; Senator Siplin, Vice Chair; Senators Altman, Deutch, Garcia, Gardiner, Hill, Ring, Storms and Wise

Environmental Preservation and Conservation

Senator Constantine, Chair; Senator Sobel, Vice Chair; Senators Detert, Dockery, Jones and Rich

Policy and Steering Committee on Governmental Operations

Senator Haridopolos, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Bennett, Dean, Deutch, Diaz de la Portilla, Fasano, Hill, King, Lawson, Oelrich and Ring

Ethics and Elections

Senator Alexander, Chair; Senator Justice, Vice Chair; Senators Baker, Diaz de la Portilla, Fasano, Gardiner, Joyner, Rich and Richter

Governmental Oversight and Accountability

Senator Haridopolos, Chair; Senator Siplin, Vice Chair; Senators Crist, Dean, Jones, King, Lawson and Ring

Military Affairs and Domestic Security

Senator Aronberg, Chair; Senator Oelrich, Vice Chair; Senators Bennett, Deutch, Hill, Lynn, Peaden and Villalobos

Reapportionment

Senator Haridopolos, Chair; Senator Smith, Vice Chair; Senators Bennett, Dean and Lawson

Policy and Steering Committee on Social Responsibility

Senator Pruitt, Chair; Senator Justice, Vice Chair; Senators Baker, Bullard, Constantine, Detert, Dockery, Gaetz, Gelber, Siplin, Storms, Wilson and Wise

Children, Families, and Elder Affairs

Senator Storms, Chair; Senator Rich, Vice Chair; Senators Detert, Diaz de la Portilla, Garcia, Hill, Justice and Wise

Criminal Justice
Senator Dockery, Chair; Senator Wilson, Vice Chair; Senators Crist, Dean, Deutch, King, Siplin and Villalobos

Education Pre-K - 12
Senator Detert, Chair; Senator Wilson, Vice Chair; Senators Bullard, Constantine, Gaetz, Sobel, Storms and Wise

Health Regulation
Senator Gaetz, Chair; Senator Sobel, Vice Chair; Senators Altman, Aronberg, Bennett, Gardiner, Jones and Lawson

Higher Education
Senator Oelrich, Chair; Senator Smith, Vice Chair; Senators Bullard, Lynn and Pruitt

Judiciary
Senator Constantine, Chair; Senator Joyner, Vice Chair; Senators Baker, Fasano, Gelber, Haridopolos, Peaden, Richter and Ring

Policy and Steering Committee on Ways and Means
Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Baker, Crist, Fasano, Gaetz, Garcia, Gelber, Haridopolos, Hill, Justice, Lawson, Lynn, Peaden, Pruitt, Rich, Siplin, Villalobos, Wilson and Wise

Criminal and Civil Justice Appropriations
Senator Crist, Chair; Senator Wilson, Vice Chair; Senators Jones, Joyner and Villalobos

Education Pre-K - 12 Appropriations
Senator Wise, Chair; Senator Siplin, Vice Chair; Senators Bullard, Detert, Garcia and Richter

Finance and Tax
Senator Altman, Chair; Senator Justice, Vice Chair; Senators Bennett, Pruitt and Ring

General Government Appropriations
Senator Baker, Chair; Senator Lawson, Vice Chair; Senators Aronberg, Dean and Oelrich

Health and Human Services Appropriations
Senator Peaden, Chair; Senator Rich, Vice Chair; Senators Gaetz, Haridopolos and Sobel

Higher Education Appropriations
Senator Lynn, Chair; Senator Gelber, Vice Chair; Senators Constantine, Deutch and King

Transportation and Economic Development Appropriations
Senator Fasano, Chair; Senator Hill, Vice Chair; Senators Diaz de la Portilla, Dockery, Gardiner, Smith and Storms

Rules
Senator Villalobos, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Constantine, Crist, Deutch, Gaetz, Garcia, Gardiner, Jones, Justice, King, Lawson, Lynn, Pruitt, Siplin, Smith, Sobel, Storms and Wise

Joint Legislative Committees:

Florida Legislative Committee on Intergovernmental Relations
Senator Hill, Chair; Senators Detert, Haridopolos and Wilson

Joint Administrative Procedures Committee
Senator Joyner, Chair; Senators Dean and Villalobos

Joint Committee on Public Counsel Oversight
Senator Constantine, Chair; Senators Altman, Dockery, Garcia, Gelber and Smith

Joint Legislative Auditing Committee
Senator Diaz de la Portilla, Alternating Chair; Senators Bullard, Gardiner, Ring and Wise

Joint Legislative Committee on Everglades Oversight
Senator Siplin, Chair; Senators Oelrich and Richter

Joint Legislative Sunset Committee
Senator Storms, Co-Chair; Senators Altman, Peaden, Rich and Sobel

Joint Select Committee on Collective Bargaining
Senator Haridopolos, Co-Chair; Senators Dean and Lawson

Select Committees:

Select Committee on Florida's Economy
Senator Gaetz, Chair; Senator Ring, Vice Chair; Senators Alexander, Bennett, Gelber, Haridopolos, Hill, King, Pruitt, Richter and Sobel

Other Legislative Committees:

Joint Legislative Budget Commission
Senator Pruitt, Alternating Chair; Senators Alexander, Constantine, Fasano, Garcia, Justice and Lawson

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 14, 2009, Special Session A, was corrected and approved.

RECESS

Pursuant to the motion by Senator Villalobos previously adopted, upon dissolution of the joint session at 6:27 p.m., the Senate recessed for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 5 or upon call of the President.

SENATE PAGES

March 2-6, 2009

Jonathan Brown, Lakeland; Kristen Castillo, Kissimmee; Sara Ganz, Delray Beach; Alexandria Hall, Monticello; Kierstin Haddock, Orlando; Demarien J. Hawk, Havana; Keith Gilmen McCall, Brooksville; Donald McCloud, Jr., Monticello; Tara Elizabeth Reid, Palatka; Nicholas A. Robinson, Orlando; Alton Stone, Marianna; Telia N. Thomas, Tampa; Cameron R. Thompson, Tallahassee; Rachael Uhland, Tallahassee; Andres Vera, Tallahassee; Cesar Vera, Tallahassee

Journal of the Senate

Number 2—Regular Session **Thursday, March 5, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:54 a.m. A quorum present— 40:

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

PRAYER

The following prayer was offered by Rev. Dr. Albert Simpson, Jr., Pastor, Philemon Baptist Church, Jacksonville:

Our Father God, we come before you at this time asking you to invoke your merciful hands of blessings upon all of us. We humbly petition for this legislative session in both chambers, and we petition for our Governor and his Cabinet, the executive branch, legislative branch, and judicial branch. We also petition for municipalities, states, and countries because the earth is yours and all who dwell therein.

Father, we thank you for the opportunity to serve, and give us sagacity along with veracity and tenacity to glorify your name in the heavens and the earth, and we praise your name. Continue to lead our President and his Cabinet, and all branches of our military forces.

We thank you for this day, and the continuation of this legislative session. Father, we ask all of this in thy name. Amen.

PLEDGE

Senate Pages Jonathan Brown of Lakeland; Tara Elizabeth Reid of Palatka; and Cesar Vera and Rachael Uhland of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Mark Moore of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Moore specializes in Anesthesiology.

MOMENT OF SILENCE

The President recognized Senator Justice who led the Senate in a moment of silence for Marquis Cooper, linebacker, Oakland Raiders; Corey Smith, free agent; and William Bleakley, former University of South Florida football player, all of whom were missing following a boating tragedy off the coast of Florida.

SPECIAL GUESTS

Senator Lawson introduced Dr. James Ammons, President of Florida Agricultural & Mechanical University (FAMU), who was present in the chamber.

Upon request of the President, Senator Lawson escorted Dr. Ammons to the rostrum where he addressed the Senate.

ADOPTION OF RESOLUTIONS

On motion by Senator Oelrich—

By Senator Oelrich—

SR 2528—A resolution congratulating the University of Florida football team for winning the 2009 Bowl Championship Series National Championship Game.

WHEREAS, the University of Florida Gators have long been recognized for their winning tradition in all sports, and

WHEREAS, the University of Florida Gators football team has continued this tradition of athletic excellence, achieved and maintained through its hard work, determination, unselfish play, and team-first attitude, and

WHEREAS, the University of Florida football team defeated the then top-ranked University of Alabama 31-20 in the Southeastern Conference Championship Game on December 6, 2008, giving the Gators their eighth conference championship, and

WHEREAS, under Athletic Director Jeremy Foley and head coach Urban Meyer and his coaching staff, the second-ranked Florida Gator players came together to form a championship team, earning a 24-14 victory over top-ranked University of Oklahoma in the Bowl Championship Series National Championship Game on January 8, 2009, and

WHEREAS, the Florida Gators previously won BCS Football Championships on January 2, 1997, and January 8, 2007, and

WHEREAS, with the 2009 Bowl Championship Series National Championship win, the University of Florida earned its third national

football title, and its second in the past three seasons, NOW, THEREFORE,

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

That the Florida Senate congratulates the University of Florida football team for winning the 2009 Bowl Championship Series National Championship Game, earning the university's third national football title.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the President of the University of Florida, Dr. J. Bernard Machen, to Athletic Director Jeremy Foley, to Coach Urban Meyer, and to each assistant coach and member of the Florida Gators football team as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Oelrich, **SR 2528** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Oelrich introduced the following guests from the University of Florida who were present in the chamber: Dr. Bernie Machen, President; Dr. Jeremy Foley, Athletic Director; Urban Meyer, football coach; Ryan Stamper, linebacker and team captain; Tim Tebow, quarterback and Heisman Trophy winner; and members of the Board of Trustees.

Upon request of the President, Senator Oelrich escorted the guests to the rostrum where Coach Meyer, Ryan Stamper, and Tim Tebow addressed the Senate.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until completion of the Special Order Calendar, motions, and other announcements.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Group IV Committees were granted permission to meet 15 minutes upon recess this day.

ADOPTION OF RESOLUTIONS

On motion by Senator Joyner—

By Senators Joyner and Rich—

SR 224—A resolution recognizing the month of March 2009 as "Women's History Month."

WHEREAS, women have made historic contributions to the growth and strength of this state in countless recorded and unrecorded ways, and

WHEREAS, women have played and continue to play a critical economic, cultural, and social role in every sphere of life by constituting a significant portion of the labor force working inside and outside the home, and

WHEREAS, women have played a unique role throughout the history of the nation by providing the majority of our volunteer labor force and were particularly important in the establishment of early charitable, philanthropic, and cultural institutions, and

WHEREAS, women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive movement to improve society, and

WHEREAS, women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the industrial labor movement, the civil rights movement, the environmental justice movement, and other social justice campaigns, especially the peace movement, creating a more fair and just society for all, and

WHEREAS, despite these contributions, the role of women has been consistently overlooked and undervalued in literature and in the teaching and study of history, and

WHEREAS, in recognition of the contributions of women, Congress has passed a resolution each year since 1987 designating the month of March as "Women's History Month," and

WHEREAS, the theme of Women's History Month in 2009 is "Women Taking the Lead to Save Our Planet" and the month of March presents special opportunities to celebrate the wisdom and tenacity of generations of women who have come before us and those who will follow, and to acknowledge the courage, determination, and steadfastness needed to move history forward, NOW, THEREFORE,

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

That March 2009 is recognized as "Women's History Month" and the residents of this state are called upon to observe this and every March by participating in programs, ceremonies, and activities to foster an awareness of and appreciation for the contributions made by women which have benefited and improved society.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 224** was read the second time in full and adopted.

BILLS ON THIRD READING

SB 1280—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2009 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2009 shall be effective immediately upon publication; providing that general laws enacted during the 2008 regular session and prior thereto and not included in the Florida Statutes 2009 are repealed; providing that general laws enacted during the January 5-14, 2009, special session and the 2009 regular session are not repealed by this adoption act.

—was read the third time by title.

On motions by Senator Villalobos, **SB 1280** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 1282—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 220.19, 420.5087, and 624.5107, F.S., and repealing ss. 110.1245(4)(b), 185.085(6), 215.96(4), 216.292(3)(c)-(e) and (5)(b), 253.03(17), 253.034(6)(f)2., 320.08058(1)(d), 322.025(2), 403.890(5), 408.036(3)(m), 475.278(2)(b) and (c), 487.041(1), 509.302(8), 561.121(4), 561.501, 570.957, 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, 985.803, 985.804, 985.805, 985.806, 985.807, and 1010.78, F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pur-

suant to s. 11.242(5)(b) and (i), may be omitted from the 2009 Florida Statutes only through a reviser's bill duly enacted by the Legislature; repealing ss. 626.97411 and 1006.20(10), F.S., to confirm the October 2, 2008, repeal of exemptions in accordance with the Open Government Sunset Review Act; and amending s. 775.0845, F.S., to conform to the repeal of ss. 921.0012 and 921.0013, F.S.; providing an effective date.

—was read the third time by title.

On motions by Senator Villalobos, **CS for SB 1282** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1284—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 39.01, 39.806, 45.035, 61.122, 112.661, 121.051, 121.153, 161.085, 163.3177, 193.074, 193.1554, 193.1555, 201.15, 211.31, 215.50, 215.555, 215.5595, 218.409, 253.03, 259.032, 259.105, 259.1053, 282.201, 288.1089, 288.8175, 316.2128, 316.650, 319.001, 320.08058, 323.001, 336.41, 336.44, 364.051, 373.118, 373.4145, 374.977, 378.021, 378.403, 379.2495, 379.353, 379.407, 380.061, 380.510, 381.0063, 403.087, 403.0871, 403.511, 403.5115, 403.531, 403.7264, 403.813, 403.862, 403.890, 403.9416, 409.2598, 468.432, 489.145, 499.003, 499.012, 499.0121, 499.015, 500.12, 553.885, 553.975, 560.111, 560.124, 560.141, 560.142, 560.143, 560.209, 560.404, 560.406, 570.07, 597.004, 597.010, 624.4213, 626.8541, 626.8796, 626.8797, 627.0621, 627.0628, 627.736, 718.111, 718.112, 718.113, 718.501, 718.503, 828.25, 937.021, 1000.36, 1001.395, 1002.36, 1006.035, 1006.59, 1008.22, 1008.34, 1008.341, 1008.345, 1009.73, 1012.56, 1012.795, and 1013.12, F.S.; amending and reenacting s. 409.2563, F.S.; and reenacting ss. 61.13001 and 627.351(2), F.S., pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

—was read the third time by title.

On motions by Senator Villalobos, **SB 1284** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Sobel—

SB 318—A bill to be entitled An act relating to the removal of discriminatory language in the criminal usury laws; amending s. 687.071, F.S.; removing the term "shylocking" from certain provisions of state law relating to loan sharking; deleting the terms "shylock" and "shylocking" from the definitions of "loan shark" and "loan sharking," respectively; amending s. 772.102, F.S.; conforming a reference to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 318** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

SB 316—A bill to be entitled An act relating to high school diplomas; amending s. 1003.43, F.S.; authorizing the Commissioner of Education to award a high school diploma to honorably discharged Vietnam War veterans; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 316** was placed on the calendar of Bills on Third Reading.

ADOPTION OF RESOLUTIONS

On motion by Senator Joyner—

By Senators Joyner and Rich—

SR 226—A resolution recognizing February 2009 as "Black History Month" in Florida.

WHEREAS, our nation has celebrated Black History during the month of February since 1926 when Carter G. Woodson established Negro History Week, and the theme for this year's celebration is the "Quest for Black Citizenship in the Americas," and

WHEREAS, long ago, approximately 12 million African men, women, and children were forced to enter ships for lives of slavery in the Western Hemisphere, 10 million of whom survived the Middle Passage to arrive in America, and

WHEREAS, the Civil War erupted because the ideals upon which this country was founded are in direct conflict with slavery, resulting in the ratification of the 13th Amendment, abolishing slavery in the United States of America, and

WHEREAS, the Civil Rights Movement of the 20th century began in an effort to correct the failures of Reconstruction and erase the remnants of slavery still evident in Jim Crow laws, in continued segregation in nearly every aspect of daily life, and in the persistence of second-class citizenship for African Americans, and

WHEREAS, as a testament of strength throughout these struggles, African Americans such as Harriet Tubman, Sojourner Truth, Frederick Douglass, W.E.B. DuBois, Booker T. Washington, George Washington Carver, Carter G. Woodson, Malcolm X., Thurgood Marshall, Reverend Dr. Martin Luther King, Jr., Fannie Lou Hamer, Shirley Chisholm, and Barbara Jordan have contributed to the political and social growth of American society, and

WHEREAS, through the contributions of African American musicians and writers, such as Louis Armstrong, Count Basie, Duke Ellington, Billie Holiday, Charlie Parker, Ella Fitzgerald, Dizzy Gillespie, Leontyne Price, Marian Anderson, Andre Watts, James DePreist, Phyllis Wheatley, Langston Hughes, James Baldwin, Richard Wright, Alex Haley, Maya Angelou, Alice Walker, Gwendolyn Brooks, and Toni Morrison, the culture of the United States of America has been vitally enriched, and

WHEREAS, African American sports figures, such as Jesse Owens, Arthur Ashe, Muhammad Ali, Robert "Bullet Bob" Hayes, a Florida native who is the only athlete to earn both an Olympic Gold Medal and an NFL Super Bowl Ring, Tiger Woods, Venus Williams, and Serena Williams, have demonstrated their ability to be role models on and off the field and in and out of the ring as they stood up for their rights and beliefs, and

WHEREAS, the fields of medicine, science, and technology have all been advanced by the contributions of such African American men and women as Dr. Charles Drew, Dr. Daniel Hale Williams, Garrett Morgan, George Washington Carver, Dr. Mae C. Jemison, and Dr. Benjamin Carson, and

WHEREAS, African Americans who are native to Florida, such as Zora Neale Hurston, Charles Kenzie Steele, Sr., Jesse K. McCrary, Jr., Joseph E. Lee, Asa Philip Randolph, and Mary McLeod Bethune, have proudly represented our state as they contributed to the history and culture of the United States of America, and

WHEREAS, it is important to celebrate the many achievements of African Americans in an effort to offer each American a broader perspective of United States history and an appreciation for the diversity that makes this country strong, and

WHEREAS, February is the birth month of both Abraham Lincoln and Frederick Douglass, two of the leaders in the movement to abolish slavery, and has been recognized at the local, state, and national levels as an appropriate month to commemorate the contributions of African Americans to our society, NOW, THEREFORE,

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

That February 2009 is recognized as "Black History Month" in the State of Florida, and the Florida Senate calls upon the people of this state to observe Black History Month through programs, ceremonies, and activities celebrating the historical and cultural contributions of African Americans.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 226** was read the second time in full and adopted.

On motion by Senator Joyner—

By Senators Joyner and Sobel—

SR 420—A resolution recognizing the 40th Anniversary of the creation of the Florida Commission on Human Relations and commending the Commission on its many significant accomplishments during the past 40 years.

WHEREAS, the passage of the federal Civil Rights Acts of 1964 and 1968 constituted a significant advancement in our nation's history in the effort to end racial segregation, discrimination, and unfair treatment in employment, housing, and access to public places, and

WHEREAS, under the primary sponsorship of Representative Joe Lang Kershaw of Dade County, the first African-American to be elected to the Florida House of Representatives since 1891, numerous Florida legislators sponsored legislation in 1969 to bring similar anti-discrimination protections to Floridians by creating the Florida Commission on Human Relations to enforce anti-discrimination laws in this state, and

WHEREAS, in passing this legislation, the Florida Legislature affirmed its intent to ensure that Florida would strive to end discrimination so that all persons in this state, regardless of race, color, religion, gender, national origin, age, disability, or marital status, would be treated fairly and equally in all aspects of life, and

WHEREAS, through subsequent legislation enacted by the Florida Legislature in the form of the Florida Fair Housing Act of 1983 and the Florida Civil Rights Act of 1992, the basis of discrimination and the responsibilities and jurisdiction of the Commission were expanded to ensure more widespread protection against discrimination for all individuals in Florida, and

WHEREAS, the demographical landscape in Florida has dramatically changed since 1970, and Florida is currently one of the most diverse and multicultural states in the nation, and

WHEREAS, because of the ever-increasing population and diversity in this state, it is more critical than ever that the State of Florida continue its efforts to ensure that anti-discrimination laws remain in effect and that cultural acceptance and appreciation of its diverse population continue to remain a priority, and

WHEREAS, the Florida Commission on Human Relations actively promotes freedom from discrimination under state and federal laws to ensure fair treatment of and equal access for all individuals in Florida in the areas of employment, housing, and public accommodations, and continually strives to eliminate discrimination based on race, color, religion, gender, national origin, age, disability, and familial or marital status, and

WHEREAS, the Florida Commission on Human Relations promotes and encourages mutual understanding and respect among economic, social, racial, religious, and ethnic groups and their members, and endeavors to eliminate discrimination against and antagonism among these groups and their members, and

WHEREAS, the Commission's efforts in outreach, training, investigation, and education have had a positive effect on thousands of businesses, employees, organizations, local and state governmental entities, communities, residents, and tourists in this state, and

WHEREAS, 2009 marks the 40th Anniversary of the statutory establishment of the Florida Commission on Human Relations by the Florida Legislature, NOW, THEREFORE,

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

That the Senate recognizes the 40th Anniversary of the establishment of the Florida Commission on Human Relations and commends the Commission on its many significant accomplishments in promoting fair treatment, equal access, and mutual respect for and among all persons in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Commission on Human Relations as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 420** was read the second time in full and adopted.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 2140—A resolution recognizing March 8-5, 2009, as "Patient Safety Awareness Week" in Florida.

WHEREAS, Patient Safety Awareness Week is an educational and awareness-building campaign for improving patient safety, and

WHEREAS, Patient Safety Awareness Week is observed March 8-15, 2009, nationally and in Florida, and

WHEREAS, the Florida Patient Safety Corporation and Florida's health care delivery system are committed, in partnership with patients and providers, to continually improving patient safety, and

WHEREAS, the Florida Patient Safety Corporation and Florida's health care delivery system are engaged in a variety of activities to enhance patient safety for Florida residents, and

WHEREAS, the Florida Legislature seeks to improve the quality and safety of health care and to reduce potential harm to patients, NOW, THEREFORE,

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

That the Florida Senate recognizes March 8-15, 2009, as "Patient Safety Awareness Week" in Florida.

—**SR 2140** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bennett, by two-thirds vote **SB 382** was withdrawn from the committees of reference and further consideration.

On motion by Senator Wise, by two-thirds vote **SB 1988** was withdrawn from further consideration.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Commerce and Industry submits the following bill to be placed on the Special Order Calendar for Thursday, March 5, 2009: SB 318.

Respectfully submitted,
Don Gaetz, Chair

The Policy and Steering Committee on Social Responsibility submits the following bill to be placed on the Special Order Calendar for Thursday, March 5, 2009: SB 316.

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Community Affairs recommends the following pass: SB 856

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1480

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 502

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

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

The Committee on Banking and Insurance recommends the following pass: SB 1126 with 1 amendment

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

The Committee on Community Affairs recommends the following pass: SB 800 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 412

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

The Committee on Agriculture recommends the following pass: SB 1210

The Committee on Community Affairs recommends the following pass: SB 1824; SB 1826

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 1268

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

The Committee on Health Regulation recommends the following pass: SB 1346

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 166

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

The Committee on Community Affairs recommends the following pass: CS for SB 160; SB 580 with 1 amendment

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 1078

The Committee on Transportation recommends the following pass: SB 1212

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

The Committee on Community Affairs recommends the following pass: SB 110 with 1 amendment

The bill was referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 754

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

The Committee on Community Affairs recommends the following pass: SB 536

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 620

The bill was placed on the Calendar.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 742

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 148

The Committee on Higher Education recommends a committee substitute for the following: SB 1576

The Committee on Transportation recommends a committee substitute for the following: SB 582

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 878

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

The Committee on Health Regulation recommends a committee substitute for the following: SB 552

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 494

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

The Committee on Community Affairs recommends committee substitutes for the following: SB 270; SB 712

The Committee on Health Regulation recommends a committee substitute for the following: SB 440

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 702

The Committee on Health Regulation recommends a committee substitute for the following: SB 574

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 170

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 456

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 926

The Committee on Health Regulation recommends a committee substitute for the following: SB 948

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

The Committee on Higher Education recommends committee substitutes for the following: SB 606; SB 622

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1276

The Committee on Criminal Justice recommends committee substitutes for the following: SB 388; SB 1064

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

The Committee on Commerce recommends a committee substitute for the following: SB 1062

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Environmental Preservation and Conservation—

SB 1898—A bill to be entitled An act relating to a review of the water management districts under the Florida Government Accountability Act; reenacting s. 373.069, F.S., relating to the creation of the water management districts; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Deutch—

SB 1900—A bill to be entitled An act relating to defamation; amending s. 55.605, F.S.; providing that a foreign judgment that has been declared to be unenforceable by a circuit court need not be enforced; creating s. 55.6054, F.S.; authorizing a person to bring an action for a declaratory judgment regarding the enforceability of foreign judgments based on a cause of action for defamation or similar cause of action; requiring a circuit court to declare such foreign judgments unenforceable under certain circumstances; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

By the Committee on Higher Education—

SB 1902—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1004.4472, F.S., relating to an exemption from the public-records law provided for records held by the Florida Institute for Human and Machine Cognition, Inc., and an exemption from the public-meetings law provided for portions of meetings held by the corporation of the institute; saving the exemptions from repeal under the Open Government Sunset Review Act; deleting provisions that provide for repeal of the exemptions; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; and Rules.

By Senator Altman—

SB 1904—A bill to be entitled An act relating to water supply development projects; amending s. 373.236, F.S.; providing legislative findings; authorizing the Department of Environmental Protection and the governing boards of water management districts to grant permits as

incentives for landowners to pursue alternative water supply projects; providing requirements for such permits; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Agriculture; Community Affairs; and General Government Appropriations.

By Senator Haridopolos—

SJR 1906—A joint resolution proposing an amendment to Section 1 and the creation of a new section in Article VII of the State Constitution to limit state and local government revenues and require voter approval of new taxes and fees.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SJR 1908—A joint resolution proposing the creation of Section 28 of Article I of the State Constitution, relating to guaranteeing the right to vote by secret ballot.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; and Rules.

By Senator Gardiner—

SB 1910—A bill to be entitled An act relating to public swimming and bathing facilities; amending s. 514.025, F.S.; directing the Department of Health to assign specific functions relating to the regulation of such facilities to certain special districts that have qualified engineering personnel; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Health Regulation; and Health and Human Services Appropriations.

By Senator Detert—

SB 1912—A bill to be entitled An act relating to a public-records exemption; amending s. 1008.24, F.S.; providing an exemption from public-records requirements for the investigation of education testing impropriety and information obtained pursuant to the investigation; providing for limited duration of the exemption; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Senator Detert—

SB 1914—A bill to be entitled An act relating to the paperwork required of school districts; expressing the legislative intent to revise laws in order to reduce the paperwork required of school districts; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SB 1916—A bill to be entitled An act relating to financial services; expressing the legislative intent to revise laws relating to financial services; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SB 1918—A bill to be entitled An act relating to workers' compensation; expressing the legislative intent to revise laws relating to workers' compensation; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Detert—

SB 1920—A bill to be entitled An act relating to educator certification; amending s. 39.202, F.S.; revising provisions relating to reports and records in cases of child abuse or neglect; requiring that employees or agents of the Department of Education who are responsible for the investigation or prosecution of misconduct by certified educators be granted access to such records; amending s. 1002.55, F.S.; requiring that a prekindergarten instructor complete a training course provided by the department which emphasizes the standards under the Voluntary Education Prekindergarten Program; amending s. 1002.61, F.S.; revising the requirements for a prekindergarten instructor who is employed by a public school or private prekindergarten provider delivering a summer prekindergarten program; amending s. 1012.34, F.S.; revising provisions relating to the state appraisal system for increasing student achievement by improving the quality of instructional, administrative, and supervisory services in public schools; revising the conditions and criteria for the appraisal system; amending s. 1012.52, F.S.; requiring that the State Board of Education adopt rules incorporating the Florida Educator Accomplished Practices; requiring that the Commissioner of Education periodically review the educator-accomplished practices; requiring that the commissioner submit proposed revisions to the educator-accomplished practices to the Governor and the Legislature within a specified period; amending s. 1012.56, F.S.; revising provisions relating to the professional preparation alternative certification and education competency program; authorizing the State Board of Education to adopt rules establishing requirements for educator competency and certification; amending s. 1012.98, F.S.; revising provisions relating to the School Community Professional Development Act to conform to changes made by the act; amending s. 1012.986, F.S.; providing guidelines for instructional leadership standards under the William Cecil Golden Professional Development Program for School Leaders; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Aronberg—

SB 1922—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that a subdivision of the state may pay a judgment in excess of the specified limits on the recovery of judgments from funds of the subdivision without an act of the Legislature; providing an effective date.

—was referred to the Committees on Judiciary; Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Gaetz—

SB 1924—A bill to be entitled An act relating to viatical settlements; amending s. 626.9911, F.S.; limiting the definition of "life expectancy provider" to those determining life expectancies for the purpose of a viatical settlement contract governed by state law; defining the terms "premium finance loan" and "stranger-originated life insurance"; modifying the definition of "viatical settlement contract" to include additional transactions and specify transactions not constituting such a contract; conforming other definitions to changes made by the act;

amending s. 626.9913, F.S.; requiring that a viatical settlement provider annually file a statement containing information required by state law on or before a specified date; providing requirements for such statements; authorizing the Office of Insurance Regulation to adopt rules; amending s. 626.9914, F.S.; clarifying grounds for which the office may suspend, revoke, deny, or refuse to renew the license of a viatical settlement provider; amending s. 626.99175, F.S.; prohibiting a person from performing the functions of a life expectancy provider regarding viatical settlement contracts without first having registered as a life expectancy provider; amending s. 626.992, F.S.; clarifying restrictions on the use of viatical settlement brokers, viatical settlement providers, and registered life expectancy providers; clarifying a requirement that a person operating as a life expectancy provider register as such; amending s. 626.9922, F.S.; limiting the scope of an examination of the business affairs of certain licensees by the office or Department of Financial Services; clarifying provisions relating to parties to whom such examination requirements apply; creating s. 626.99234, F.S.; authorizing insurers to make certain inquiries to an applicant for a life insurance policy; authorizing an insurer to reject certain applications; prohibiting an insurer from rejecting an application solely because the premiums will be financed under certain circumstances; authorizing an insurer to make certain disclosures to an applicant; authorizing an insurer to require certain certifications from an applicant or insured; amending s. 626.9924, F.S.; requiring that a viatical settlement provider obtain a witnessed document containing certain provisions before the execution of a viatical settlement contract; providing for the use of a third-party trustee or escrow agent during a viatical settlement transaction; amending s. 626.99245, F.S.; deleting provisions requiring the maintenance of certain records from viatical settlement transactions completed in other states; amending s. 626.9925, F.S.; deleting a provision authorizing the Financial Services Commission to adopt rules defining terms for use in the Viatical Settlement Act; amending s. 626.99275, F.S.; prohibiting any person from engaging in stranger-originated life insurance; providing penalties; amending s. 626.99287, F.S.; providing that a viatical settlement contract is void under certain circumstances; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Lawson—

SB 1926—A bill to be entitled An act relating to inactive licenses for health care providers; allowing a health care provider to extend the inactive period beyond 12 months and renew the inactive designation under certain circumstances; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Altman—

SB 1928—A bill to be entitled An act relating to tax credits for certain restaurants; creating s. 509.0495, F.S.; providing definitions; authorizing the Office of Tourism, Trade, and Economic Development to issue tax credits for certain restaurants that employ tipped employees; providing application procedures; providing for annual adjustment of the credit amounts; limiting the amount of such credits; providing funding; providing procedures for applying the credits; providing for publicizing the program; providing penalties for persons who file fraudulent claims; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 1930—A bill to be entitled An act relating to early voting sites; amending s. 101.657, F.S.; permitting the supervisor of elections to designate additional early voting sites; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Peaden—

SB 1932—A bill to be entitled An act relating to pharmacy services; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SJR 1934—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution to authorize the Legislature to provide an ad valorem tax exemption for the homesteads of members of the United States military who are receiving hostile-fire pay or imminent-danger pay.

—was referred to the Committees on Military Affairs and Domestic Security; Community Affairs; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senators Sobel and Bullard—

SB 1936—A bill to be entitled An act relating to common carrier motor vehicles; creating s. 316.255, F.S.; requiring the use of SunPass electronic toll collection system when carrying passengers; defining the term "common carrier"; providing for application; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Transportation and Economic Development Appropriations.

By Senator Constantine—

SB 1938—A bill to be entitled An act relating to cardiology services; providing legislative findings; providing definitions; requiring the Agency for Health Care Administration to post a list of percutaneous coronary intervention centers on its website; requiring the Department of Health to send a list of names and addresses of percutaneous coronary intervention centers to directors and providers for emergency medical services; requiring the department to develop sample assessment criteria relating to cardiac triage on its website; encouraging providers of medical services to use the sample assessment criteria relating to cardiac triage; requiring each medical director of an emergency medical services provider to develop and implement certain protocols for cardiac patients; providing requirements for the protocols; requiring the department to develop and provide technical support, equipment recommendations, and training for identification of patients having ST-elevation myocardial infarction; requiring the department to base the sample assessment criteria relating to cardiac triage on specified programs; requiring the department to conduct a survey of licensed emergency medical services providers and report its findings to certain stakeholders; encouraging the department to identify and provide to emergency medical services providers opportunities and resources to secure appropriate equipment for the identification of ST-elevation myocardial infarction; requiring the department to meet with stakeholders; providing a timeframe for emergency medical services providers to comply with the act; authorizing medical directors to determine appropriate transport locations for patients; requiring the department to adopt rules; requiring the agency to direct hospitals to participate in coordinating a local STEMI system of care; providing requirements for documentation of time for the process of patient care for the hospital portion of the STEMI system of care; redesignating the Office of Trauma

within the department to the Office of Trauma/STEMI; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Fasano—

SB 1940—A bill to be entitled An act relating to trust funds; creating the Mortgage Guaranty Trust Fund within the Office of Financial Regulation; providing for the administration of the trust fund and use of moneys therein; requiring that balances of funds in the trust fund at the end of a fiscal year remain in the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Altman—

SB 1942—A bill to be entitled An act relating to retirement; providing a short title; providing legislative findings; providing a statement of important state interest; amending s. 121.021, F.S.; revising the definition of "special risk member" to include certain members suffering a qualifying injury; amending s. 121.0515, F.S.; providing eligibility requirements for membership in the Special Risk Class for certain members suffering a qualifying injury; providing medical certification requirements; defining "qualifying injury"; prohibiting the grant or creation of additional rights; providing retroactive effect; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Richter—

SB 1944—A bill to be entitled An act relating to insurance; expressing the legislative intent to revise laws relating to insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SB 1946—A bill to be entitled An act relating to public records; expressing the legislative intent to revise laws relating to public records; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Accountability; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SB 1948—A bill to be entitled An act relating to financial services; expressing the legislative intent to revise laws relating to financial services; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SB 1950—A bill to be entitled An act relating to insurance; expressing the legislative intent to revise laws relating to insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SB 1952—A bill to be entitled An act relating to insurance; expressing the legislative intent to revise laws relating to insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Richter—

SB 1954—A bill to be entitled An act relating to insurance; expressing the legislative intent to revise laws relating to insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Smith—

SB 1956—A bill to be entitled An act relating to small business assistance; amending s. 288.703, F.S.; revising criteria for the definition of the term "small business" for purposes of the Florida Small and Minority Business Assistance Act; providing an effective date.

—was referred to the Committees on Commerce; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Gelber—

SB 1958—A bill to be entitled An act relating to trust administration; amending s. 736.0103, F.S.; revising a definition to exclude certain interests as beneficial interests; providing construction; amending s. 736.0105, F.S.; providing an additional limitation on terms of a trust prevailing over provisions of the Florida Trust Code; amending s. 736.0302, F.S.; revising representation authority for holders of a power of appointment; providing a definition; amending s. 736.0306, F.S.; authorizing trust instruments to authorize certain persons to designate one or more persons to represent and bind a beneficiary and receive certain information; amending s. 736.0703, F.S.; revising provisions for absence of liability of excluded trustees under certain circumstances; amending s. 736.0813, F.S.; specifying additional requirements for provision of a complete copy of a trust instrument; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Gelber—

SB 1960—A bill to be entitled An act relating to the discretionary surtax on documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain governmentally owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program

Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; amending s. 201.02, F.S.; revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; providing for application; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gelber—

SB 1962—A bill to be entitled An act relating to the resale of tickets; creating part XII of ch. 559, F.S.; providing definitions; requiring registration of certain ticket resellers; requiring specified information from registrants; providing for a registration fee; requiring a current registration certificate to obtain a local occupational license; requiring specified registration information in contracts and advertisements; requiring notice of changes of name or location; prohibiting assignment of registration; providing for application of specified administrative provisions to such registrations; permitting denial or revocation of registration in certain circumstances; providing for a performance bond; providing penalties; amending s. 817.357, F.S.; prohibiting use of computer software to evade quantity limits on ticket purchases; requiring an original ticket seller to provide specified information on a publicly available Internet site; providing penalties; amending s. 817.36, F.S.; providing civil penalties for certain violations; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; Finance and Tax; and General Government Appropriations.

By Senator Joyner—

SB 1964—A bill to be entitled An act relating to employment discrimination; creating the Helen Gordon Davis Equal Pay Protection Act; making legislative findings relating to equal pay for equal work for women; recognizing the importance of the Agency for Workforce Innovation and the Commission on Human Relations; requiring the Agency for Workforce Innovation to conduct studies and provide information to employers, labor organizations, and the public concerning the means available to eliminate pay disparities between men and women; creating the Governor's Recognition Award for Pay Equity in the Workplace; requiring that the award be made annually to businesses in this state which have engaged in activities that eliminate the barriers to equal pay for equal work for women; requiring the director of the agency and the chairperson of the commission to work cooperatively with the Executive Office of the Governor to create eligibility criteria for employers to receive the award; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Bennett—

SB 1966—A bill to be entitled An act relating to industrial development authorities; amending s. 159.50, F.S.; deleting a provision that prohibits any exemption from taxation or assessments on the leasehold interest of a lessee with respect to any project financed by an authority or any other property or interest owned by certain lessees; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1968—A bill to be entitled An act relating to indemnification; expressing the legislative intent to revise laws relating to indemnification; providing an effective date.

—was referred to the Committee on Judiciary; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Lynn—

SB 1970—A bill to be entitled An act relating to the tax on transient rentals; amending s. 212.03, F.S.; requiring that persons who engage in certain business activities related to transient rentals collect the tax; providing definitions; authorizing the Department of Revenue to adopt rules to exclude certain charges from the definition of the terms "total rent" or "total consideration"; requiring certain persons to report and remit the tax on certain transient rentals; providing requirements, procedures, and limitations; requiring the Department of Revenue to provide for an amnesty for certain unpaid taxes, penalties, and interest; providing criteria for qualifying for the amnesty; providing exclusions from application of the amnesty; authorizing the department to adopt emergency rules to implement the amnesty; providing for the effective period of such rules; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1972—A bill to be entitled An act relating to transparency in government spending; creating s. 215.985, F.S.; providing a short title; providing definitions; requiring the Department of Financial Services to establish a specified website; requiring the website to include specified information relating to annual expenditures, revenues, and bonded indebtedness for governmental entities; specifying requirements for data submission and retention; requiring governmental entities to provide certain information to the department; providing an exemption for specified local governments; providing an exemption for specified information; requiring the Office of Program Policy Analysis and Government Accountability to prepare an annual report; providing report requirements; requiring the report to be submitted to the Governor and the Legislature by a specified date; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 1974—A bill to be entitled An act relating to agriculture; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; exempting certain wetland protection ordinances, regulations, and rules adopted before a specified date from provisions restricting a county's powers over the activity on agricultural land; creating s. 163.3163, F.S.; creating the "Agricultural Nuisance Claim Waiver Act"; providing a short title; providing legislative findings and intent; defining the terms "agricultural land" and "farm operation"; requiring an applicant for certain development permits to sign and submit to a political subdivision a waiver of certain nuisance claims against neighboring agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the waiver; providing that a waiver is a public record; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; Judiciary; and General Government Appropriations.

By Senator Constantine—

SB 1976—A bill to be entitled An act relating to sovereign immunity; expressing the legislative intent to revise laws relating to sovereign immunity; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Diaz de la Portilla—

SB 1978—A bill to be entitled An act relating to education; creating s. 1010.2155, F.S.; requiring that school districts spend a specified percentage of operating funds on classroom instruction; requiring each school district to annually calculate this percentage based on a uniform calculation developed by the Department of Education; requiring school districts to report classroom expenditures according to a format developed by the department; requiring that the department provide technical assistance to districts that fail to meet the required expenditures and to any district upon request; requiring that the school board provide assistance to principals of schools that fail to meet the required expenditures; authorizing the State Board of Education to adopt rules; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 1980—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; authorizing the department to establish circuits and regions headed by circuit administrators and regional directors; amending s. 20.19, F.S.; revising provisions relating to the establishment of the department; providing for operating units called circuits and regions based on judicial circuits; deleting provisions relating to the program directors for mental health and substance abuse, the service districts, child protection workers, the membership of community alliances, and the prototype region; amending ss. 20.43 and 394.78, F.S.; conforming cross-references; providing for legislation to conform the Florida Statutes to changes made by the act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 1982—A bill to be entitled An act relating to sales, storage, and use tax; amending s. 212.06, F.S.; requiring that a person who manufactures or acts as a dealer of factory-built buildings or mobile homes for his or her own use in the performance of contracts for the construction or improvement of real property pay a tax upon the greater of two specified amounts; exempting certain mobile homes from classification as "fixtures" for the purpose of determining whether a person is improving real property; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 1984—A bill to be entitled An act relating to property tax assessment rolls; amending s. 193.114, F.S.; authorizing a property appraiser to request and the executive director of the Department of Revenue to authorize a property appraiser to provide alternative data to the data required in an assessment roll or waive the requirement to include certain data in an assessment roll under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gaetz—

SB 1986—A bill to be entitled An act relating to Medicaid; amending s. 409.913, F.S.; authorizing the Agency for Health Care Administration to immediately terminate participation of a corporate Medicaid provider for actions or inactions of an officer, director, affiliated person, or other person having an ownership interest; requiring the agency to issue a final order under ch. 120, F.S., in order to terminate a provider's participation in the Medicaid program; authorizing the agency to terminate or suspend a corporate Medicaid provider's participation in this state's Medicaid program if its participation has been terminated or suspended in another state or by the Federal Government; authorizing the agency to sanction a corporate Medicaid provider for specified violations; clarifying that the agency's calculation of overpayment in its audit report is based on documentation created contemporaneously with the goods or services rendered and made available to the agency before the issuance of the audit report; prohibiting a Medicaid provider from relying upon or presenting evidence of documentation or data that was not created contemporaneously with the goods or services rendered and made available to the agency before the issuance of its audit report; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

SB 1988—Withdrawn prior to introduction.

By Senator Deutch—

SB 1990—A bill to be entitled An act relating to certain prohibited activities in motor vehicles; prohibiting reading, writing, or the use of wireless communications devices while operating a motor vehicle; providing exceptions; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Communications, Energy, and Public Utilities; and Transportation and Economic Development Appropriations.

By Senator Wise—

SB 1992—A bill to be entitled An act relating to driver responsibility; creating s. 322.2701, F.S.; providing a short title; creating s. 322.27021, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess a specified annual surcharge against a person who accumulates points under specified provisions against his or her driver's license within a certain timeframe; requiring the department to notify a licensee upon assignment of a certain number of points; providing applicability; creating s. 322.27022, F.S.; directing the department to assess specified annual surcharges against a person who has a final conviction within a certain timeframe for a DUI offense; providing applicability; creating s. 322.27023, F.S.; directing the department to assess specified annual surcharges against a person driving without a valid driver's license or without financial responsibility; providing applicability; creating s. 322.2704, F.S.; requiring the department to notify licensees of the surcharges, the time period in which to pay the surcharges, and consequences of noncompliance; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; specifying the period of suspension; creating s. 322.2705, F.S.; directing the department to provide by rule for installment payments of the surcharges; authorizing the department to adopt rules to permit licensees to pay assessed surcharges with credit cards; providing for content of such rules; requiring the department to suspend a driver's license if the credit card payment is subsequently reversed; specifying the period of suspension; creating s. 322.2706, F.S.; directing the department to enter into a contract with a vendor for the collection of specified annual surcharges; creating s. 322.2707, F.S.; authorizing the department to adopt rules to offer certain incentives and to establish an amnesty program and an indigents program for the payment of sur-

charges; creating s. 322.2709, F.S.; providing for distribution of moneys derived from surcharges collected by the department; amending s. 318.121, F.S.; exempting specified provisions from a limitation on surcharges added to civil traffic penalties; providing an effective date.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1994—A bill to be entitled An act relating to motor vehicle emission standards; amending s. 316.2937, F.S.; ratifying a rule of the Department of Environmental Protection which adopts the California motor vehicle emission standards; requiring the Department of Environmental Protection and the Department of Highway Safety and Motor Vehicles to develop a proposal to implement the rule and report to the Legislature; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Commerce; Transportation; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1996—A bill to be entitled An act relating to state universities; amending s. 1009.24, F.S.; authorizing university boards of trustees to increase the Capital Improvement Trust Fund fee subject to certain restrictions; amending s. 1013.64, F.S.; increasing the monetary threshold for the utilization of funds for the replacement of minor facility projects; amending s. 1013.78, F.S.; conforming provisions; amending s. 1013.79, F.S.; revising provisions relating to the matching and expenditure of funds under a university facility challenge grant program; providing an effective date.

—was referred to the Committees on Higher Education; Finance and Tax; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 1998—A bill to be entitled An act relating to street racing; creating the "Luis Rivera Ortega Street Racing Act"; amending s. 316.191, F.S.; revising provisions prohibiting certain speed competitions and exhibitions; prohibiting driving in any race, drag race, or exhibition of speed or acceleration; prohibiting specified activities involving such races, drag races, and exhibitions; providing criminal and noncriminal penalties; providing for revocation of the driver license upon conviction; providing penalties for a second or subsequent offense; requiring that the driving record of a person charged be provided to the court; providing criteria for arrest; revising provisions for impounding a motor vehicle used in a violation; providing for severability; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Constantine—

SB 2000—A bill to be entitled An act relating to motor vehicle lien enforcement; amending s. 30.231, F.S.; authorizing sheriffs expediting execution of a writ of replevin to recover certain additional expenses; amending s. 30.30, F.S.; requiring sheriffs to expedite certain writs of replevin within a specified amount of time; amending s. 78.065, F.S.; requiring courts to advance certain matters related to writs of replevin on the calendar and provide a ruling within a specified amount of time; amending s. 78.068, F.S.; requiring courts to advance certain matters related to prejudgment writs of replevin on the calendar and provide a ruling within a specified amount of time; amending s. 319.24, F.S.; extending the time certain motor vehicle lienholders have to deliver a certificate of title indicating a lien satisfaction or notify the person satisfying the lien that the title is not available; amending s. 320.02, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to withhold registration, renewal of registration, or replacement registration of specified motor vehicles; creating s. 320.1315, F.S.; requiring the department to develop an electronic notification system for certain purposes; authorizing certain motor vehicle floor plan financers to provide the department with certain information; providing responsibilities of the department relating to notification of the issuance of temporary tags; authorizing the department to adopt rules; amending s. 320.0609, F.S.; requiring the issuance and display of a temporary tag under certain conditions; amending s. 320.131, F.S.; extending the authority of the department to design, issue, and regulate the use of temporary tags in cases involving transfer of a registration license plate; amending s. 559.903, F.S.; defining the terms "lienholder" and "owner" for purposes of the "Florida Motor Vehicle Repair Act"; amending s. 559.917, F.S.; providing for a motor vehicle owner or lienholder to obtain the release of a motor vehicle from a motor vehicle repair shop; amending s. 713.585, F.S.; modifying procedures for enforcing liens for labor or services by sale of a motor vehicle; amending s. 818.01, F.S.; providing penalties for the encumbrance, removal, destruction, or concealment of certain personal property; providing responsibilities of the department relating to the issuance of a license plate, revalidation sticker, or replacement license plate; requiring the department to create a notice to surrender form; providing procedures for the dispute of a notice to surrender; authorizing certain secured parties to move in a court of competent jurisdiction that the party be allowed to retain possession of collateral as security for a debt; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 2002—A bill to be entitled An act relating to commercial dog breeding; creating s. 828.291, F.S.; prohibiting a person from owning, possessing, controlling, or otherwise having in custody 50 or more dogs at any one time; requiring a person who owns or otherwise has custody of 10 or more dogs that are 4 months of age or older to adhere to certain specified guidelines relating to exercise, kennel size, sanitary conditions, temperature control, enclosure construction, compatibility of animals, access to food and water, and access to necessary veterinary care and services; authorizing an animal control officer, other authorized public health or safety official, or law enforcement officer, after receiving a complaint or upon his or her own initiative, to investigate any alleged violation of the act; providing that a violation of the act is a misdemeanor of the first degree; listing persons and organizations that are not subject to the act; defining the term "retail pet store"; providing an effective date.

—was referred to the Committees on Community Affairs; Agriculture; and General Government Appropriations.

By Senator Altman—

SB 2004—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Highway Safety and Motor Vehicles; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for disposition of revenue; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain requirements; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 322.264, F.S.; revising the definition of the term "habitual traffic offender" to include a certain number of violations of a

traffic control signal steady red light indication within a certain timeframe; reenacting ss. 322.27(5) and 322.34(1), (2), (5), and (8)(a), F.S., relating to the authority of the Department of Highway Safety and Motor Vehicles to suspend or revoke a driver license and driving while a driver license is suspended, revoked, canceled, or disqualified, for the purpose of incorporating the amendment to s. 322.264, F.S., in references thereto; providing for severability; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Community Affairs; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Crist—

SB 2006—A bill to be entitled An act relating to the collection of taxes; creating s. 215.125, F.S.; authorizing a local government to enter into a contract with a private attorney or collection agent to collect non-ad valorem taxes, fees, service charges, fines, and costs that remain unpaid for 90 days after the due date for such financial obligations; authorizing a tax collector to enter into a contract with a private collector or collection agent to collect tangible personal property taxes that remain unpaid for 90 days after the taxes become delinquent; providing that the collection fee, including reasonable attorney's fees or other costs, may be added to an account referred for collection; prohibiting such fees and costs from exceeding 40 percent of the amount owed; requiring that a collection fee that is added to an account for delinquent tangible personal property taxes become a part of an underlying tax lien; requiring that a tax collector notify the owner of a delinquent account that such account will be referred to a private attorney or collection agent at least 30 days before such referral; authorizing a tax collector to recover collection fees in an amount equal to 20 percent of the amount owed if the collection fee has not attached to the tangible personal property taxes; providing for the liability of delinquent taxpayers; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 2008—A bill to be entitled An act relating to district school board duties; providing a short title; amending s. 1006.07, F.S.; requiring that, beginning with the 2009-2010 school year, each school district provide access to suicide prevention education for all instructional and administrative staff using resources approved by the Statewide Office of Suicide Prevention; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; and Education Pre-K - 12 Appropriations.

SB 2010—Not referenced.

By Senators Deutch, Smith and Gelber—

SB 2012—A bill to be entitled An act relating to prohibited discrimination; amending s. 760.01, F.S.; revising provisions to include sexual orientation, gender identity or expression, pregnancy, and familial status as impermissible grounds for discrimination; conforming terminology; amending s. 760.02, F.S.; defining additional terms; amending ss. 760.05, 760.07, 760.08, and 760.10, F.S.; revising provisions to include sexual orientation, gender identity or expression, pregnancy, familial status, and marital status as impermissible grounds for discrimination; conforming terminology; amending s. 509.092, F.S.; revising provisions to include sexual orientation, gender identity or expression, pregnancy, and familial status as impermissible grounds for discrimination in public lodging establishments and public food service establishments; amending s. 760.22, F.S.; defining additional terms; deleting the definition of the term "handicap"; amending ss. 760.23, 760.24, 760.25, 760.26, and 760.29, F.S.; revising provisions to include sexual orientation, gender identity or expression, pregnancy, familial status, and marital status as impermissible grounds for discrimination; conforming terminology; amending ss. 760.31 and 760.50, F.S.; conforming terminology; amending s. 760.60, F.S.; revising provisions to include sexual orientation, gender identity or expression, pregnancy, and familial status as impermissible grounds for discrimination; conforming terminology; amending s. 419.001, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

SB 2014—Not referenced.

By Senator Bennett—

SB 2016—A bill to be entitled An act relating to environmental permitting; amending s. 373.4144, F.S.; providing legislative intent; revising provisions requiring the Department of Environmental Protection to develop and use a mechanism consolidating federal and state wetland permitting programs; authorizing implementation of a state programmatic general permit or regional general permits by the department and water management districts for certain dredge and fill activities; specifying conditions applicable to such permits; amending s. 373.4211, F.S.; delaying the effective date of a rule adding slash pine and gallberry to the list of facultative plants; revising provisions concerning the methodologies used to delineate the landward extent of wetlands and surface waters; revising provisions concerning the vegetative index used to delineate the landward extent of wetlands and surface waters; providing for permit modification under certain circumstances; providing for certain declaratory statements from the department; providing exemptions for certain permit petitions and applications relating to specified activities; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

By Senators Fasano and Joyner—

SB 2018—A bill to be entitled An act relating to mental health; creating s. 394.9086, F.S.; creating the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; providing legislative findings and intent; providing goals for the community mental health and substance abuse forensic treatment system; defining terms; requiring the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to develop and implement a community mental health and substance abuse forensic treatment system; providing initiatives and strategies for the community forensic system; detailing the services required in the community forensic system; setting forth the eligibility criteria for treatment in the system; requiring the department to develop a continuum of services to implement the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; specifying the services and functions the department must undertake; authorizing the department and the agency to identify geographic areas of the state where the community mental health and substance abuse forensic treatment system will be implemented; amending s. 394.655, F.S.; providing for additional functions of the Criminal Justice, Mental Health, and Substance Abuse Policy Council; amending s. 394.656, F.S.; requiring the department and the agency to cooperate with counties that receive grants funding under the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program; amending s. 394.657, F.S.; requiring county councils to consult with local government when planning or implementing the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; amending s. 394.659, F.S.; requiring the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center at the Louis de la Parte Florida Mental Health Institute at the University of South Florida to perform certain functions with respect to implementing the act; amending s. 409.906, F.S.; adding home and community-based mental health services to the optional Medicaid services offered by the state Medicaid program; amending s. 409.912, F.S.; exempting persons who have serious and persistent mental illnesses and who are receiving services under the Community Mental Health and Substance Abuse Crime Reduction Act from MediPass and managed care plans; amending s. 916.107, F.S.; specifying treatment procedures for a client admitted to a state forensic mental health treatment facility who lacks the capacity to make an informed decision regarding mental health treatment at the time of admission; amending s. 916.111, F.S.; providing for forensic evaluator

training for mental health experts; amending s. 916.115, F.S.; requiring court-appointed experts to have completed forensic evaluator training; requiring the court-appointed expert to be a psychiatrist or a licensed psychologist; requiring the Department of Children and Family Services to maintain and annually provide the courts with a forensic evaluator registry; amending s. 916.13, F.S.; requiring that a defendant who is serving a sentence in the custody of the Department of Corrections, who is charged with a new felony or is entitled to a mandatory appeal, and who has been adjudicated incompetent to proceed due to mental illness be retained in the physical custody of the Department of Corrections; requiring the Department of Corrections to administer competency training curriculum provided by the Department of Children and Family Services; amending s. 916.15, F.S.; requiring that a defendant who is serving a sentence in the custody of the Department of Corrections, who has been charged with a new felony, and who has been adjudicated not guilty by reason of insanity, must be retained in the physical custody of the Department of Corrections for the remainder of his or her sentence; requiring the Department of Corrections to evaluate the defendant and file a report with the committing court requesting that the defendant be returned to the court's jurisdiction to determine if the defendant continues to meet the criteria for involuntary commitment placement; amending s. 916.17, F.S.; requiring that certain defendants be placed in a community residential facility for competency restoration in demonstration areas established under the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; providing exceptions; amending s. 985.19, F.S.; requiring that appointed experts complete the forensic evaluator training program; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 2020—A bill to be entitled An act relating to public officials; reducing the compensation of certain public officials for the 2009-2010 fiscal year; prohibiting the payment of bonuses to such persons; providing for future legislative review; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Joyner—

SB 2022—A bill to be entitled An act relating to mortgage foreclosure diversion pilot programs; providing legislative intent; authorizing each judicial circuit to establish a mortgage foreclosure diversion pilot program; providing for construction with other laws; providing for applicable rules of practice and procedure; requiring when such a mortgage foreclosure diversion pilot program exists, a conciliation conference must be held before an order of foreclosure may issue in a foreclosure proceeding concerning an owner-occupied residential property; prescribing a time period in which such a conference must be held; specifying items that may be included in the order for such a conference; providing for a person to preside over such a conference; specifying issues that must be addressed in such a conference; specifying consequences if a defendant fails to attend the mandatory conciliation conference; providing for termination of pilot programs and repeal of provisions; providing legislative intent concerning construction of provisions with regard to the constitutional prerogatives of the judiciary; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Peaden—

SB 2024— A bill to be entitled An act relating to the treatment of students who have diabetes; providing definitions; requiring the development of a diabetes management and treatment plan and providing requirements for the plan; requiring the parent or guardian of a student who has diabetes to submit a copy of the diabetes management and treatment plan to the school; requiring the school nurse and the school principal, in collaboration with the parent or guardian, to develop an individualized health plan for a student who has diabetes and providing requirements for the plan; requiring a school principal to obtain the services of an unlicensed diabetes care assistant in the school and supervise the assistant; prohibiting a school employee from being penalized or disciplined for refusing to serve as a unlicensed diabetes care assistant; requiring the Florida Diabetes Advisory Council to develop guidelines, with the assistance of certain entities, for the training of unlicensed diabetes care assistants; requiring a school nurse to coordinate the training; providing criteria for the training; requiring the school nurse or principal to maintain a copy of the training guidelines and any records associated with the training; requiring each school district to provide an information sheet to certain district employees who transport or supervise students who have diabetes during off-campus activities; providing requirements for the information sheet; requiring a nurse or unlicensed diabetes care assistant to perform tasks necessary to assist a student who has diabetes; requiring a parent or guardian to sign an agreement authorizing an unlicensed diabetes care assistant to perform the necessary tasks; requiring an unlicensed diabetes care assistant to have access to an individual with expertise in the care of persons who have diabetes in certain circumstances; requiring a principal to have access to the physician who is responsible for a student's diabetes treatment in certain circumstances; requiring each school to adopt a procedure to ensure that a school nurse or unlicensed diabetes care assistant is present and available at school; prohibiting a school district from restricting the assignment of a student who has diabetes to a particular school; providing that an unlicensed diabetes care assistant is not engaging in the practice of nursing and is exempt from state law or rule restricting the activities of a person who is not a health professional; authorizing an unlicensed diabetes care assistant to exercise reasonable judgment in contacting a health care provider in a medical emergency involving a student who has diabetes; requiring a school to allow a student who has diabetes to manage and care for his or her disease; providing immunity from disciplinary action or liability for a school employee; providing that a school nurse is not responsible for and may not be subject to disciplinary action for certain actions; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

By Senator Altman—

SB 2026—A bill to be entitled An act relating to state and local government permitting; providing an extension for the expiration date of certain construction and operating permits and development orders; extending the period for completing required mitigation associated with such permits or orders; prohibiting additional permitting standards or criteria from being adopted or enforced during a specified period; providing for retroactive application; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation and Conservation; Commerce; and Transportation and Economic Development Appropriations.

By Senator Haridopolos—

SB 2028—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public-records and public-meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Rich—

SB 2030—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Department of Health to impose a special fee upon initial licensure and licensure renewal to fund the efforts of the Florida Center for Nursing; providing that the revenues collected as a result of the special fee and revenues collected from nurses who have voluntarily contributed over and above the required fees be transferred from the Medical Quality Assurance

Trust Fund to the Grants and Donations Trust Fund; providing an effective date.

—was referred to the Committees on Health Regulation; Finance and Tax; and Health and Human Services Appropriations.

By the Committee on Commerce—

SB 2032—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 288.9551(8), F.S., relating to an exemption from the public-records law provided for information held by the Scripps Florida Funding Corporation, the Office of Tourism, Trade, and Economic Development, or the Scripps Research Institute or its grantee, and an exemption from the public-meetings law provided for meetings and records of meetings at which such information is discussed; saving the exemptions from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemptions; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Rules.

By the Committee on Commerce—

SB 2034—A bill to be entitled An act relating to the Innovation Incentive Program; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a joint report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 2036—A bill to be entitled An act relating to residential property insurance; amending s. 215.555, F.S.; excluding nonassessable residential property insurance from emergency assessments for the Florida Hurricane Catastrophe Fund; amending s. 627.062, F.S.; providing that nonassessable residential property insurance is not subject to determinations as excessive or unfairly discriminatory; providing an exception; preserving the authority of the Office of Insurance Regulation to disapprove rates or rate filings; amending s. 627.351, F.S.; excluding nonassessable residential property insurance policies from aggregate statewide direct written premium for subject lines of business for purposes of calculating certain emergency assessments; excluding nonassessable residential property insurance from subject lines of business; amending s. 627.4025, F.S.; defining the terms "assessable residential property insurance" and "nonassessable residential property insurance" for purposes of personal lines residential coverage; creating s. 627.7031, F.S.; authorizing insurers to offer nonassessable residential property insurance policies; authorizing residential property owners to purchase nonassessable residential property insurance policies; requiring applications for a nonassessable residential property policy to contain a specified disclaimer; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations.

By Senator Detert—

SB 2038—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "weapon" and "controlled substance"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations.

By Senator Detert—

SB 2040—A bill to be entitled An act relating to 911 emergency dispatcher certification; amending s. 401.465, F.S.; requiring any person serving as a 911 emergency dispatcher to be certified by the Department of Health on or after a specified date; providing conditions under which a public safety agency may employ a 911 emergency dispatcher trainee for a limited period; providing clarifying language with respect to certification or recertification as a 911 emergency dispatcher; revising requirements for certification as a 911 emergency dispatcher; providing an effective date.

—was referred to the Committees on Health Regulation; Community Affairs; and Health and Human Services Appropriations.

By Senator Haridopolos—

SB 2042—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public-records and public-meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Haridopolos—

SB 2044—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public-records and public-meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Haridopolos—

SB 2046—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public-records and public-meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Haridopolos—

SB 2048—A bill to be entitled An act relating to governmental effectiveness and efficiency; expressing the legislative intent to revise laws relating to governmental effectiveness and efficiency; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Haridopolos—

SB 2050—A bill to be entitled An act relating to governmental effectiveness and efficiency; expressing the legislative intent to revise laws relating to governmental effectiveness and efficiency; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Haridopolos—

SB 2052—A bill to be entitled An act relating to governmental effectiveness and efficiency; expressing the legislative intent to revise laws relating to governmental effectiveness and efficiency; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Haridopolos—

SB 2054—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public-records and public-meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Sobel—

SB 2056—A bill to be entitled An act relating to school district required local effort; requiring tax collectors to include on annual tax bills a notice of any specific provisions of law requiring a school district to change its required local effort resulting in a change in property taxes; amending s.200.069, F.S.; requiring the notice of proposed property taxes and non-ad valorem assessments to include an explanation of changes in millage rates for required local effort ad valorem taxes set by the Legislature; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

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

—was referred to the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Baker—

SB 2060—A bill to be entitled An act relating to public-private partnership infrastructure projects; creating s. 287.09475, F.S.; providing legislative findings and intent; defining terms; providing for the Department of Management Services and a state agency or local government to receive or solicit proposals to enter into a public works infrastructure project agreement with a private entity, or a consortium of private entities, to build, operate, or finance a public works infrastructure project; providing criteria for the selection of the project and the private entity that will enter into a partnership agreement with the participating governmental unit to build or operate the project; requiring all reasonable costs to the state related to infrastructure project and not part of the governmental unit's work plan to be borne by the private entity; authorizing the private entity to impose user fees for the use of the infrastructure project by the public; setting forth financing and revenue criteria for the infrastructure project agreement; requiring that each infrastructure facility be in compliance with all applicable federal, state, and local laws, construction standards, and performance standards; authorizing each participating governmental unit to exercise any lawful power possessed by it to aid in the development and construction of the infrastructure project; providing procedures for requesting and considering proposals; authorizing the department and a participating governmental unit to use innovative financing techniques for the infrastructure project; requiring the department to compile a summary of new projects each year; limiting the term of the infrastructure project agreement to a specified number of years; providing that the head of the participating governmental unit may authorize an increase in the term of a project by 25 years; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 2062—A bill to be entitled An act relating to the drug testing of potential and existing beneficiaries for unemployment compensation; creating s. 443.093, F.S.; creating the Drug Deterrence Program within the Agency for Workforce Innovation; providing legislative intent; providing the scope of eligibility for benefits; defining terms; providing for the selection process of individuals to be tested; providing for notice; providing terms of disqualification of benefits; requiring the agency to supply information on drug treatment programs; requiring tested individuals to bear the cost of tests; providing for the reporting of positive results of certain individuals to a law enforcement agency; requiring that the agency contract with qualified laboratories to administer the tests; providing qualifying standards for laboratories; providing for authentication and the admissibility of drug tests in unemployment compensation hearings; creating a rebuttable presumption; providing testing procedures to be followed by laboratories; providing for the preservation of test samples; providing for the retesting of test samples; providing for an appeals process; authorizing the agency to adopt rules; directing the agency to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for expiration of the program; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Altman—

SB 2064—A bill to be entitled An act relating to construction defects; amending s. 558.002, F.S.; providing and revising definitions; amending s. 558.003, F.S.; limiting application of certain notices; amending s. 558.004, F.S.; revising requirements and procedures for notice and opportunity to repair certain defects; specifying that there are no construction lien rights under certain provisions of law for certain testing; providing an exception; revising requirements for parties to exchange certain materials; providing penalties; amending s. 558.005, F.S.; revising requirements for application to certain claims for legal relief; specifying certain notices required for certain contracts; authorizing parties to agree to mediation; revising application of notice requirements to certain earlier contracts; specifying a required notice for certain contracts; providing construction of the requirement; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Haridopolos—

SB 2066—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Haridopolos—

SB 2068—A bill to be entitled An act relating to alternative energy facilities; creating s. 125.0112, F.S.; providing that the construction and operation of a biofuel processing facility or a renewable energy generating facility and the cultivation and production of bioenergy constitutes a valid industrial and agricultural use for purposes of any local zoning regulation; prohibiting such regulation from requiring the owner or operator of the facility to obtain a special exemption, use permit, waiver, or variance, or to pay a special fee exceeding a specified amount; amending s. 373.236, F.S.; requiring that a permit for the use of water for cultivating agricultural products and renewable energy be granted for a specified number of years if certain conditions are met; providing requirements for permittees; providing an exemption; amending s. 403.973, F.S.; providing for the expedited review of permit applications for projects resulting in the production of biofuels or in the construction of a biofuel or biodiesel processing facility or renewable energy generating facility; clarifying provisions relating to memoranda of agreement which establish regional teams for the expedited review of such applications; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Community Affairs; Environmental Preservation and Conservation; Agriculture; and General Government Appropriations.

By Senator Aronberg—

SB 2070—A bill to be entitled An act relating to the termination of a rental agreement at foreclosure; creating s. 83.683, F.S.; providing legislative intent; requiring a landlord to notify each tenant within a specified time that a foreclosure proceeding has been initiated against the premises of which the tenant's dwelling unit is a part; requiring that the written notice include certain specified information; authorizing the tenant to terminate the rental agreement after receiving notice of the foreclosure proceeding; requiring the tenant to pay rent so long as the tenant remains in the dwelling unit; requiring a landlord to notify a prospective tenant of any foreclosure proceeding; requiring the prospective tenant to sign a document acknowledging that the tenant is aware of the foreclosure proceeding and the consequences of executing a rental agreement with the landlord; providing that a tenant may not be evicted from the dwelling unit for a specified time if the landlord did notify the tenant of the foreclosure proceeding; providing that the landlord is subject to a civil penalty for a violation of the act; prohibiting certain persons and entities from recording as negative credit information the fact that a tenant was evicted from his or her residential property if the eviction was due solely to the foreclosure of the landlord's rental property; requiring that such negative information be removed from the tenant's credit report or profile by a specified date; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Richter—

SB 2072—A bill to be entitled An act relating to attorney's fees in workers' compensation cases; amending s. 440.34, F.S.; clarifying requirements for the payment of fees and costs under a retainer agreement; specifying the amount of attorney's fees which a claimant is entitled to recover from a carrier or employer; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Crist—

SB 2074—A bill to be entitled An act relating to the resale of tickets; amending s. 817.36, F.S.; limiting the amount above the original price for which a ticket to an event sponsored by or benefiting certain not-for-profit organizations may be sold; providing penalties; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and General Government Appropriations.

By Senator Oelrich—

SB 2076—A bill to be entitled An act relating to the use of hoax firearms; creating s. 812.129, F.S.; defining the term "hoax firearm" for specified purposes; amending ss. 812.13, 812.133, and 812.135, F.S.; revising provisions relating to robbery, carjacking, and home-invasion robbery to provide increased penalties when a hoax firearm is carried in the course of committing the offense; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; amending s. 948.062, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Justice—

SB 2078—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for eligibility for a mitigation grant; requiring that the program secure contractors through a competitive bid process; requiring that the Department of Financial Services assign contractors to homeowners; deleting a provision authorizing certain mitigation inspectors to participate as mitigation contractors; authorizing fund grants to be made available to certain nonprofit entities; deleting a provision requiring liberal construction of certain requirements; expanding the list of improvements for which grants may be used; requiring that the department require certain improvements as a condition of reimbursing a homeowner approved for a grant; authorizing the department to adopt rules; deleting provisions relating to the use of grants; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.711, F.S.; authorizing an insurer to accept as valid a uniform mitigation verification form signed by specified parties; providing penalties for knowingly submitting a false or fraudulent mitigation form with the intent to re-

ceive an undeserved discount; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Alexander—

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

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Dean—

SB 2082—A bill to be entitled An act relating to mobile home and recreational vehicle parks; amending s. 513.01, F.S.; providing and revising definitions; amending s. 513.012, F.S.; specifying laws and rules to be enforced by the Department of Health; amending s. 513.014, F.S.; revising applicability of recreational vehicle park requirements to mobile home parks; amending s. 513.02, F.S.; revising permit requirements; providing construction review and approval requirements for private parks and camps; amending s. 513.03, F.S.; revising permit application requirements; amending s. 513.045, F.S.; revising fees charged to operators of certain parks or camps; providing for the assessment of late fees; authorizing persons to request from the department a review of plans for a proposed park or camp; authorizing a fee for such review; requiring certain construction and renovation plans to be submitted to the department for review and approval; requiring the department to establish fees for review of such plans and for reinspection of certain parks or camps; amending s. 513.05, F.S.; providing the department with additional rulemaking authority; amending s. 513.051, F.S.; providing for state preemption of regulatory and permitting authority for sanitary and other standards for parks and camps under this chapter; amending s. 513.054, F.S.; providing that if an operator of a mobile home or recreational vehicle park or camp refuses to pay the operating permit fee required by law or fails, neglects, or refuses to obtain an operating a permit for the park commits a misdemeanor of the second degree; amending s. 513.055, F.S.; conforming permit terminology; amending s. 513.10, F.S.; providing that a person who operates a mobile home, lodging, or recreational vehicle park without a permit commits a misdemeanor of the second degree; repealing s. 513.111, F.S., relating to the posting and advertising of certain site rates; creating s. 513.1115, F.S.; providing requirements for the establishment of separation and setback distances; amending s. 513.112, F.S.; deleting a provision requiring guest registers to be made available for inspection by the department at any time; amending s. 513.115, F.S.; revising requirements for the handling of unclaimed property; amending s. 513.13, F.S.; providing a penalty for failure to depart from a park under certain circumstances; barring an operator from certain liability; providing an effective date.

—was referred to the Committees on Health Regulation; Community Affairs; Finance and Tax; and Health and Human Services Appropriations.

By Senator Wise—

SB 2084—A bill to be entitled An act relating to interpreters for the deaf and hard of hearing; creating s. 1002.362, F.S.; providing definitions; creating s. 1002.363, F.S.; requiring that a person be credentialed by the Florida Certification Board in order to practice as an interpreter or transliterator; creating s. 1002.364, F.S.; providing for a statewide credentialing process for interpreters and transliterators; requiring that the board administer such process; requiring that the board establish an Interpreters for the Deaf and Hard of Hearing Advisory Board to recommend policies, procedures, and actions for the credentialing process; prohibiting an interpreter or transliterator from practicing in the state if his or her credential is suspended, inactive, or revoked; creating s. 1002.365, F.S.; providing exemptions from the credentialing requirements under certain circumstances; providing an effective date.

—was referred to the Committees on Regulated Industries; Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Storms—

SB 2086—A bill to be entitled An act relating to the food assistance program; amending ss. 97.021, 402.33, 409.2554, 409.2576, 409.942, 414.0252, 414.065, 414.075, 414.085, 414.095, 414.14, 414.175, 414.31, 414.32, 414.33, 414.34, 414.35, 414.36, 414.39, 414.41, 420.624, 430.2053, 445.004, 445.009, 445.024, 445.026, 445.048, 718.115, 817.568, 921.0022, and 943.401, F.S.; conforming provisions to comply with nomenclature changes made to the program by the Federal Government; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Alexander—

SB 2088—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; deleting provisions relating to the Financial Management Information Board and the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Enterprise Financial Business Operations Office within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the office reports to the Governor and Cabinet; providing the duties of the office; providing that the office is headed by the Enterprise Financial Business Operations Officer who shall be appointed by the Governor and Cabinet; providing the duties of the officer; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to the office; listing the members of the council; providing for a subcouncil and specifying the members of the subcouncil; creating s. 215.924, F.S.; providing for an Enterprise Strategic Financial Business Operations Plan; providing for the contents of the plan; requiring state agencies to adhere to the plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; deleting references to the design and coordination staff; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; repealing s. 215.95, F.S., relating to the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SJR 2090—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to allow the cap on homestead property assessments and the transfer of that cap to a new homestead to inure to the spouse, child, or grandchild of the property owner who inherits the property if the property becomes the homestead of the inheritor.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator King—

SB 2092—A bill to be entitled An act relating to cable and video services; amending s. 610.119, F.S.; extending one of the dates by which the Office of Program Policy Analysis and Government Accountability is required to submit a report on the status of competition in the cable and video service industry; clarifying that two reports are to be filed; requiring that the reports contain certain information; requiring that cable and video service providers submit certain information to the Office of Program Policy Analysis and Government Accountability by specified dates to facilitate the completion of the reports, if not prohibited by federal law or exempt from the public-records law; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; and Commerce; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 2094—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 435.04, F.S., relating to level 2 screening standards; correcting a cross-reference; amending s. 984.03, F.S.; expanding the meaning of the term "child in need of services" to include a child 9 years of age or younger at the time of referral to the Department of Juvenile Justice; amending s. 985.02, F.S.; providing additional legislative findings and intent; amending s. 985.03, F.S.; redefining the term "child in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the department; defining the term "ordinary medical care in department facilities and programs"; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities, and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs for first-time misdemeanor offenders who are 9 years of age or younger; amending s. 985.441, F.S.; providing that a court may commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.601, F.S.; requiring that the department adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities; amending s. 985.644, F.S.; eliminating the exemption from background screening previously granted to a volunteer who assists on an intermittent basis for less than 40 hours per month in programs serving children if the volunteer was under direct and constant supervision by persons who meet the screening requirements; eliminating the Juvenile Justice Standards and Training Commission; providing that the department rather than the commission is responsible for juvenile justice staff development and training; detailing the minimum qualifications for juvenile justice staff of the department and contract providers who deliver direct-care services to children; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

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

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By Senator Baker—

SB 2098—A bill to be entitled An act relating to food safety; creating the "Farm to Fork Food Safety Act"; transferring and reassigning duties and functions, records, personnel property, and unexpended balances of appropriations and other resources relating to food service protection from the Department of Health to the Department of Agriculture and Consumer Services; transferring and reassigning duties and functions, records, personnel, property, and unexpended balances of appropriations and other resources relating to food service establishments from the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services; amending s. 500.03, F.S.; limiting the application of defined terms to part I of ch. 500, F.S.; expanding the definition of the term "food establishment" to include all packing houses for fruits and vegetables; amending s. 500.12, F.S.; providing that the authority to regulate food establishments is preempted to the Department of Agriculture and Consumer Services; transferring, renumbering, and amending s. 500.70, F.S.; transferring the regulation of food service protection from the Department of Health to the Department of Agriculture and Consumer Services; creating s. 500.701, F.S.; authorizing the Department of Agriculture and Consumer Services to impose administrative fines for violations of laws or rules relating to food service protection; creating s. 500.80, F.S.; defining terms; creating s. 500.801, F.S.; providing that the Department of Agriculture and Consumer Services has a duty to inspect and regulate public food service establishments; authorizing the department to have access to establishments to conduct inspections; requiring the adoption of sanitation rules; authorizing the department to approve facility plans; authorizing the department to grant variances from certain construction standards; authorizing the department to charge a fee for variance requests; requiring the department to report the existence of coin-operated amusement machines to the Department of Revenue; requiring the department to provide notices and information relating to temporary food service events; requiring public food service establishments to obtain licenses; authorizing a fee for such licenses; authorizing the department to stop the sale of food and food products that are a threat to the public; requiring public food service establishments to maintain food or food products related to food-borne illnesses; requiring the department to submit annual reports relating to the regulation of public food service establishments; authorizing the department to adopt rules; creating s. 500.802, F.S.; authorizing the Department of Agriculture and Consumer Services to close public food service establishments that threaten the health of the public; authorizing penalties for failure to comply with an order to close such public food service establishments; authorizing the department to adopt rules; transferring, renumbering, and amending s. 500.803, F.S.; transferring the authority to regulate public food service inspectors from the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services; transferring, renumbering, and amending s. 500.804, F.S.; transferring the regulation of food service managers from the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services; transferring, renumbering, and amending s. 500.805, F.S.; transferring the regulation of food service employee training from the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services; creating s. 500.806, F.S.; requiring that funds collected which relate to the regulation of public food service establishments be de-

posited in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; creating s. 500.807, F.S.; specifying the manner in which certain notices from the Department of Agriculture and Consumer Services must be served; creating s. 500.808, F.S.; authorizing a public food service establishment to refuse service to any person except for certain prohibited purposes; creating s. 500.809, F.S.; authorizing an operator of a public food service establishment to maintain rules regulating guests and employees; requiring an operator of a public food service establishment to verify that mobile food dispensing vehicles are licensed by the Department of Agriculture and Consumer Services; creating s. 500.810, F.S.; authorizing public food service establishments to eject undesirable guests except for certain prohibited purposes; providing a criminal penalty for refusing to comply with the request to leave the premises of a public food service establishment; authorizing the arrest of a person who refuses to comply with a request to leave the premises of a public food service establishment; creating s. 500.811, F.S.; authorizing a public food service establishment to refuse service to certain individuals; creating s. 500.812, F.S.; authorizing the operator of a public food service establishment to detain a person who engages in certain disorderly conduct; authorizing a law enforcement officer to arrest such persons; authorizing criminal penalties for resisting detention or arrest; creating s. 500.813, F.S.; authorizing criminal penalties for obtaining food with the intent to defraud; creating s. 509.814, F.S.; specifying certain acts that constitute prima facie evidence of obtaining food with the intent to defraud; creating s. 500.815, F.S.; authorizing an operator of a public food service establishment to take into custody persons believed to have engaged in theft on the premises of a public food service establishment; authorizing a law enforcement officer to arrest persons who are believed to have engaged in theft from a public food service establishment; providing criminal penalties for theft on the premises of a public food service establishment; creating s. 500.816, F.S.; prohibiting the use of fuel-burning wick-type equipment for space heating in a public food service establishment unless the equipment is vented; imposing penalties for unlawful use of fuel-burning wick-type equipment; transferring, renumbering, and amending s. 500.817, F.S.; transferring a requirement for a public food service establishment to provide emergency first aid to choking victims; transferring, renumbering, and amending s. 500.818, F.S.; transferring a requirement to provide notice of an automatic gratuity charge; creating s. 500.819, F.S.; requiring public food service establishments to have adequate sanitary facilities; providing requirements for public food service establishments to have bathrooms, lighting, and to eliminate vermin; prohibiting the employment of persons who have certain types of contagious diseases; transferring, renumbering, and amending s. 500.820, F.S.; transferring an exemption from food service regulations for school carnivals and fairs; transferring, renumbering, and amending s. 500.821, F.S.; transferring a pilot program permitting dogs in certain outdoor portions of public food service establishments; extending the duration of the pilot program by 1 day; creating s. 500.822, F.S.; requiring public food service establishments to obtain licenses from the Department of Agriculture and Consumer Services; authorizing criminal penalties for unlicensed activity; authorizing the department to deny licenses based on specified conduct of an operator; requiring public food service licenses to be conspicuously displayed; creating s. 500.823, F.S.; authorizing the Department of Agriculture and Consumer Services to impose fees for licenses for public food service establishments; authorizing the department to charge fees for the actual costs of epidemiological investigations; creating s. 500.824, F.S.; authorizing the Department of Agriculture and Consumer Services to impose fines and other penalties for violations of laws and rules relating to public food service establishments; authorizing the department to post a closed-for-operation sign on a public food service establishment if its license has been suspended or revoked; authorizing fines and criminal penalties for removing such signs; authorizing the department to impose fines and suspend or revoke licenses for public food service establishments based on specified conduct; creating s. 500.825, F.S.; authorizing criminal prosecutions by the state attorney for operating a public food service establishment in violation of the law; imposing criminal penalties for obstructing agents of the department, failing to obtain a license, or failing to comply with laws or rules; creating s. 500.826, F.S.; authorizing state attorneys, county attorneys, police officers, and other officers to assist the Department of Agriculture and Consumer Services upon request in enforcing laws regulating public food service establishments; amending and renumbering s. 500.827, F.S.; transferring provisions relating to misrepresentation of food or food products; amending ss. 509.013, 509.032, 509.072, 509.091, 509.092, 509.101, 509.141, 509.151, 509.161, 509.162, 509.211, 509.221, 509.241, 509.251, 509.261, 509.281, 509.291, and 509.302, F.S.; conforming provisions to the transfer of the regulation of public food service establishments from the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services; deleting provisions relating to the regulation of public food service establishments; renaming the Division of Hotels and Restaurants of the Department of Business and Professional Regulation as the "Division of Hotels"; renaming the Hotel and Restaurant Trust Fund as the "Hotel Regulation Trust Fund"; conforming cross-references; creating s. 500.90, F.S.; providing for the Department of Agriculture and Consumer Services to serve as the official point of contact with federal agencies for information relating to outbreaks caused by food-borne illnesses; requiring the department to develop a plan to respond to outbreaks caused by food-borne illnesses; requiring the Department of Health and county health departments to provide information relating to outbreaks caused by food-borne illnesses to the department; creating s. 500.901, F.S.; requiring the Department of Agriculture and Consumer Services to post certain inspection records on the Internet; creating s. 500.902, F.S.; requiring the Department of Agriculture and Consumer Services to adopt science-based regulations by rule to minimize the spread of food-borne illnesses; requiring the department to adopt rules to track the shipment of food products from farms and other points of origin to the ultimate consumer; requiring the department to consider certain information in drafting such rules; creating s. 500.903, F.S.; requiring the Department of Agriculture and Consumer Services to adopt recordkeeping requirements by rule for certain food distribution establishments; amending s. 570.48, F.S.; directing the Division of Fruit and Vegetables to perform food safety inspections on farms, greenhouses, and packinghouses and repackers; amending ss. 20.165, 83.49, 159.27, 212.08, 213.053, 215.20, 288.106, 316.1955, 379.362, 381.0061, 386.207, 399.01, 399.07, 399.105, 404.056, 429.14, 455.116, 477.0135, 509.215, 509.2112, 553.5041, 561.01, 561.17, 561.20, 561.29, 562.111, 717.1355, 718.508, 760.01, 760.02, 760.11, 877.06, 877.24, and 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Agriculture; Criminal Justice; Judiciary; Health Regulation; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 2100—A bill to be entitled An act relating to the Florida Building Code; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt amendments to the Florida Building Code to address equivalency standards; amending s. 553.842, F.S.; providing that products bearing a certain certification mark or listing from certain certification agencies are deemed to comply with the Florida Building Code; requiring the commission to specifically approve the International Association of Plumbing and Mechanical Officials Evaluation Service to produce information on which product approvals are based; deleting a requirement that the commission specifically approve the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, and the Southern Building Code Congress International Evaluation Services to produce information on which product approvals are based; deleting a requirement that the commission review the list of statutorily authorized evaluation entities and recommend changes to the list; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Banking and Insurance.

By Senator Constantine—

SB 2102—A bill to be entitled An act relating to sanctions for certain court pleadings; amending s. 57.105, F.S.; prohibiting a monetary sanction against a represented party for a claim that is presented as a good faith argument but that is found to not be supported by the application of then-existing law to material facts; prohibiting sanctions against a party or its attorneys by a court on its own initiative if the case has already been settled or voluntarily dismissed by that party; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Constantine—

SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire county land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring a majority vote of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; providing that the certain proceeds from the Florida Forever Trust Fund shall be spent on certain capital projects within a year after acquisition rather than only at the time of acquisition; requiring a majority vote of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 403.0876, F.S.; providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations.

SR 2106—Not referenced.

By Senator Pruitt—

SB 2108—A bill to be entitled An act relating to the disposition of court fees; providing legislative intent; creating s. 28.002, F.S.; requiring the Legislature to provide for transfer of court-related services from clerks of the court to the state courts system; specifying applicable court-related services; providing for future repeal; amending ss. 28.101, 28.241, 34.041, and 35.22, F.S.; revising allocations of certain court fees; providing for deposit of certain fees or portions of fees into the State Courts Revenue Trust Fund; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 2110—A bill to be entitled An act relating to the testing of inmates for HIV infection; amending s. 951.27, F.S.; requiring the Department of Health to designate certain counties, if approved by the county's governing body, to participate in a program to test each inmate for HIV infection upon sentencing to the county detention facility; providing an exception; providing immunity from liability for complying entities; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate upon his or her entry into a county detention facility; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; Judiciary; and Health and Human Services Appropriations.

Senate Resolutions 2112-2114—Not referenced.

By Senator Dean—

SB 2116—A bill to be entitled An act relating to direct-support organizations; creating s. 381.986, F.S.; authorizing the Department of Health to create a direct-support organization; providing definitions; providing for appointment of members to the board of directors; providing requirements for membership to the board of directors; authorizing the department to allow the direct-support organization to use the department's fixed property and facilities; requiring the direct-support organization to comply with directives and requirements established by the sources of its funding; requiring the direct-support organization to submit certain forms from the Internal Revenue Service to the department; requiring the direct-support organization to provide an annual financial audit; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Dean—

SB 2118—A bill to be entitled An act relating to homeowners' insurance; requiring that the Office of Insurance Regulation provide policyholders with written notice of certain information regarding the termination of a policy and the selection of a new policy; providing deadlines by which information must be provided; requiring that the office provide policyholders with instructions for contacting a broker, agent, or counselor for the purpose of selecting a new coverage plan or making changes to an existing policy; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce; and General Government Appropriations.

By Senator Dean—

SB 2120—A bill to be entitled An act relating to the protection of springs; creating the Florida Springs Stewardship Task Force; providing legislative findings and intent; providing definitions; providing for task force membership and duties; requiring a report to the Legislature; providing for assistance and cooperation from state agencies and local governments; providing for expiration of the task force; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Dean—

SB 2122—A bill to be entitled An act relating to notification of school personnel; amending s. 985.04, F.S.; requiring that specified school personnel be notified when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult; providing an effective date.

—was referred to the Committees on Criminal Justice; Education Pre-K - 12; and Governmental Oversight and Accountability.

By Senator Wise—

SB 2124—A bill to be entitled An act relating to educational choice; creating s. 1002.395, F.S.; establishing the Class Size Grant Program to provide the option to attend a public school other than the one to which a student is assigned, or to provide a class size grant to a private school of choice, for students assigned to classrooms that exceed constitutional class size limits; providing eligibility requirements for receipt of a class size grant; providing restrictions on eligibility; providing for the term of

a grant; providing school district, Department of Education, and Commissioner of Education obligations and authority; providing for parental options; providing eligibility requirements and obligations of private schools participating in the program; providing parent and student responsibilities for receipt of a grant; providing for grant funding, reporting, and payment; restricting liability and the expansion of regulatory authority; requiring rulemaking; amending s. 1003.03, F.S.; requiring the department to report on school district implementation of and compliance with the Class Size Grant Program; amending s. 1002.421, F.S.; conforming provisions relating to accountability of private schools participating in state school choice scholarship programs to include the Class Size Grant Program and the class size grant; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator King—

SB 2126—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for information received from cable and video service providers by the Office of Program Policy Analysis and Government Accountability and all information collected and maintained by the office concerning the status of competition in the cable and video service industry; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Commerce; Governmental Oversight and Accountability; and Rules.

By Senator Crist—

SB 2128—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for delinquency within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 984.03, F.S.; redefining the term "child in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral for delinquency; amending s. 985.02, F.S.; providing additional legislative findings and intent; directing the Department of Juvenile Justice to focus on the principles of restorative justice; requiring that the department direct services toward at-risk children in order to divert them from the juvenile justice system; amending s. 985.03, F.S.; redefining the term "child in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral for delinquency; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs for first-time misdemeanor offenders who are 9 years of age or younger; amending s. 985.245, F.S.; modifying the size and composition of the risk assessment committee; requiring that the risk assessment instrument be independently validated; amending s. 985.664, F.S.; authorizing each juvenile justice circuit board to increase the number of board members from three to five; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

By Senator Detert—

SB 2130—A bill to be entitled An act relating to education; expressing the legislative intent to revise laws relating to education; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

Senate Resolutions 2132-2134—Not referenced.

By Senator Hill—

SB 2136—A bill to be entitled An act relating to road designations; designating the Coach Jermaine D. Hall Memorial Highway in Duval County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Dean—

SB 2138—A bill to be entitled An act relating to disabled veterans; amending ss. 196.081 and 196.091, F.S.; exempting homesteads owned by disabled veterans from non-ad valorem assessments; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

SR 2140—Not referenced.

By Senator Gardiner—

SB 2142—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; expanding the public-records exemption relating to information regarding a licensed foster parent and the foster parent's spouse, minor child, and other adult household members; removing a provision limiting the exemption to the information and records that are held by the Department of Children and Family Services; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

By Senator Gardiner—

SB 2144—A bill to be entitled An act relating to public records; creating an exemption from public-records requirements for the names, addresses, and telephone numbers of persons who are victims of stalking or aggravated stalking which are contained in voter registration and voting records held by the supervisor of elections or the Department of State; providing for an exception under certain circumstances; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Ethics and Elections; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; and Rules.

By Senator Gardiner—

SB 2146—A bill to be entitled An act relating to Citizens Property Insurance Corporation; amending s. 627.351, F.S.; redefining the term "subject lines of business" for purposes of insurance risk apportionment; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations.

By Senator Bennett—

SB 2148—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; providing an exception; amending s. 163.3177, F.S.; revising standards for the future

land use plan in a local comprehensive plan; revising standards for the housing element of a local comprehensive plan; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting exemptions from the limitation on the frequency of plan amendments; extending the deadline for local governments to adopt a public school facilities element and interlocal agreement; providing legislative findings concerning the need to preserve agricultural land and protect rural agricultural communities from adverse changes in the agricultural economy; defining the term "rural agricultural industrial center"; authorizing a landowner within a rural agricultural industrial center to apply for an amendment to the comprehensive plan to expand an existing center; providing requirements for such application; providing a rebuttable presumption that such an amendment is consistent with state rule; providing certain exceptions to the approval of such amendment; deleting provisions encouraging local governments to develop a community vision and to designate an urban service boundary; amending s. 163.3180, F.S.; providing that certain projects or high-performance transit systems be considered as committed facilities; requiring that the costs associated with accommodating a transit facility be credited against the developer's proportionate-share contribution; revising the calculation of school capacity to include relocatables used by a school district; providing a minimum state availability standard for school concurrency; providing that a developer is not required to reduce or eliminate backlog or address class size reduction; providing that charter schools be considered as a mitigation option under certain circumstances; requiring school districts to include relocatables in their calculation of school capacity under certain circumstances; providing for an Urban Placemaking Initiative Pilot Project Program; providing that certain local governments be designated as urban placemaking initiative pilot projects; providing requirements, criteria, procedures, and limitations for such local governments; amending s. 163.3184, F.S.; requiring that a potential applicant for a future land use map amendment meet certain notice and meeting requirements before filing such application; exempting small-scale amendments from certain requirements; revising certain deadlines for comments on the intergovernmental review and state planning agency review of plan amendments; providing that an amendment is deemed abandoned under certain circumstances; authorizing the state land planning agency to grant extensions for comments; requiring that a comprehensive plan or amendment be available to the public a specified number of days before a scheduled hearing; prohibiting certain types of changes to a plan amendment during a specified period before the hearing; requiring that the local government certify certain information to the state land planning agency; conforming a cross-reference; amending s. 163.3187, F.S.; limiting the adoption of certain plan amendments to twice per calendar year; authorizing local governments to adopt certain plan amendments at any time during a calendar year without regard for restrictions on frequency; deleting certain types of amendments from the list of amendments eligible for adoption at any time during a calendar year; deleting exemptions from frequency limitations; providing circumstances under which small-scale amendments become effective; amending s. 163.3217, F.S.; deleting an exemption from the frequency requirements for the adoption of amendments to a local comprehensive plan; amending s. 171.203, F.S.; deleting an exemption for the adoption of a municipal service area as an amendment to a local comprehensive plan; amending s. 380.06, F.S.; providing that the level-of-service standards for the development-of-regional-impact review is the same as the level-of-service standards for evaluating concurrency; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation; and Education Pre-K - 12; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

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

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Environmental Preservation and Conservation; and Senator Aronberg—

CS for SB 148—A bill to be entitled An act relating to mangrove protection; amending s. 403.121, F.S.; expanding the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; providing an effective date.

By the Committee on Banking and Insurance; and Senator Joyner—

CS for SB 170—A bill to be entitled An act relating to breast cancer treatment; providing a short title; amending ss. 627.64171, 627.66121, and 641.31, F.S.; including lymph node dissections under provisions prescribing the length of hospital stay relating to a mastectomy and the outpatient postsurgical followup care that specified health insurers and health maintenance organizations must cover; limiting application; providing an effective date.

By the Committee on Community Affairs; and Senators Dockery and Storms—

CS for SB 270—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public-records requirements for personal identifying information of certain insured dependents; providing a statement of retroactive application of the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Criminal Justice; and Senator Ring—

CS for SB 388—A bill to be entitled An act relating to statutes of limitations; providing a short title; amending s. 95.11, F.S.; eliminating the statute of limitations for wrongful death actions for intentional torts resulting in death from acts described in s. 782.04, F.S., relating to murder, or s. 782.07, F.S., relating to manslaughter; providing for application; providing an effective date.

By the Committee on Health Regulation; and Senator Fasano—

CS for SB 440—A bill to be entitled An act relating to public records; creating s. 893.056, F.S.; exempting from public-records requirements information and records reported to the Department of Health under the prescription drug validation program for the tracking of prescriptions of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Gaetz—

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

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Bennett—

CS for CS for SB 494—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic landscape irrigation systems; requiring irrigation contractors to test for the correct operation of system devices or switches and ensure their proper operation before completing other work on the system; requiring the Department of Environmental Protection to create a model ordinance for adoption by local governments; providing penalties; exempting counties having more stringent requirements from adopting the model ordinance; providing for the disposition of funds raised through penalties imposed; providing an effective date.

By the Committee on Health Regulation; and Senator Wise—

CS for SB 552—A bill to be entitled An act relating to the use of prescribed pancreatic enzyme supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances; requiring the State Board of Education to adopt rules; providing for indemnification; providing an effective date.

By the Committee on Health Regulation; and Senator Gaetz—

CS for SB 574—A bill to be entitled An act relating to the purchase of prescription drugs; amending s. 499.003, F.S.; defining the term "qualifying practitioner" as it relates to the Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; deleting provisions requiring a health care clinic establishment permit for the purchase of certain prescription drugs; conforming a cross-reference; amending s. 499.01211, F.S.; conforming a cross-reference; amending s. 499.03, F.S.; authorizing certain establishments to possess prescription drugs; creating s. 499.031, F.S.; establishing criteria for certain business entities to purchase and possess prescription drugs; requiring a qualifying practitioner at the establishment; requiring the registration of certain qualifying practitioners; assigning duties and responsibilities to a qualifying practitioner and business entity; providing for expiration of the registration of a qualifying practitioner and for renewal of the registration; requiring the Department of Health to establish an online registration system and post certain information related to qualifying practitioners on its website; providing additional grounds for discipline of a qualifying practitioner; providing recordkeeping requirements; amending s. 499.041, F.S.; deleting provisions requiring a fee for a health care clinic establishment permit to conform to changes made by the act; requiring a fee to register as a qualifying practitioner; authorizing a nonrefundable application fee for withdrawn applications or applications that become void; amending s. 499.05, F.S.; conforming cross-references; amending s. 400.9935, F.S.; assigning responsibilities to a medical director who acts as the qualifying practitioner of a licensed health care clinic; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; providing an effective date.

By the Committee on Transportation; and Senator Baker—

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

By the Committee on Higher Education; and Senators Wise, Fasano, and Gardiner—

CS for SB 606—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; revising provisions relating to the transfer of benefits received from the Florida Prepaid College Program to private and out-of-state colleges and universities and to career centers; amending s. 744.1083, F.S., relating to professional guardians; conforming a cross-reference; providing an effective date.

By the Committee on Higher Education; and Senator Oelrich—

CS for SB 622—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing the Board of Trustees of Santa Fe College to establish a transportation fee; providing an effective date.

By the Committee on Banking and Insurance; and Senator Gaetz—

CS for SB 702—A bill to be entitled An act relating to access to health care; amending s. 624.91, F.S.; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; amending s. 636.035, F.S.; specifying certain provider arrangement contract prohibitions or restrictions; prohibiting prepaid limited health service organizations from specifying certain contract continuation or renewal conditions; providing for voiding of certain contracts; specifying absence of liability for certain criminal penalties; amending s. 641.315, F.S.; providing for application to health maintenance organizations of the prohibition against specifying certain contract continuation or renewal conditions; amending s. 766.1116, F.S.; revising time requirements for a health care practitioner's waiver of license renewal fees and continuing education requirements; providing an effective date.

By the Committee on Community Affairs; and Senator Pruitt—

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

By the Committee on Banking and Insurance; and Senators Fasano and Storms—

CS for SB 742—A bill to be entitled An act relating to sinkhole losses; creating s. 627.7063, F.S.; defining the term "sinkhole loss prevention ordinance"; requiring the Financial Services Commission to adopt a building code effectiveness grading schedule by rule to evaluate the effectiveness of sinkhole loss prevention ordinances in reducing the number of sinkhole claims and the severity of sinkhole losses; requiring insurance discounts and surcharges based on the grade assigned to a sinkhole loss prevention ordinance; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senators Rich, Wise, Storms, and Baker—

CS for CS for SB 878—A bill to be entitled An act relating to court actions involving families; amending ss. 39.001, 61.001, 63.022, 68.07, 984.01, and 985.01, F.S., and creating ss. 88.1041, 742.016, 743.001, and 1003.201, F.S.; providing additional purposes relating to implementing a unified family court program in the circuit courts; providing legislative intent; providing an effective date.

By the Committee on Banking and Insurance; and Senators Altman, Oelrich, Rich, King, and Dockery—

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

By the Committee on Health Regulation; and Senator Jones—

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

By the Committee on Commerce; and Senator Fasano—

CS for SB 1062—A bill to be entitled An act relating to unemployment compensation; providing a short title; amending s. 443.036, F.S.; redefining the term "employee leasing company" to reflect reporting requirements imposed by the act; amending s. 443.1216, F.S.; requiring an employee leasing company to submit a report regarding its establishments to the Labor Market Statistics Center within the Agency for Workforce Innovation; providing reporting requirements; requiring the agency to adopt rules; providing definitions; providing for the confidentiality of employing units' identities; providing an effective date.

By the Committee on Criminal Justice; and Senator Aronberg—

CS for SB 1064—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; prohibiting secretly viewing, for specified purposes, under or through the clothing being worn by another person without that person's knowledge or consent in order to view the body of, or the undergarments worn by, that person; providing penalties; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

CS for SB 1276—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; providing an effective date.

By the Committee on Higher Education; and Senators Villalobos, Wilson, Gelber and Bullard—

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

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Higher Education; and Senators Villalobos, Wilson, Gelber and Bullard—

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

—was referred to the Committees on Finance and Tax; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE BUSINESS

The following Executive Orders were filed with the Secretary:

EXECUTIVE ORDER NUMBER 09-43
(Executive Order of Suspension)

WHEREAS, Charles W. Morris, is presently serving as Sheriff for Okaloosa County, Florida; and

WHEREAS, on February 25, 2009, the United States District Court, Northern District of Florida, issued a Warrant for Arrest charging Charles W. Morris with Theft or Bribery concerning Programs receiving Federal Funds in violation of Title 18, United States Code, Section 666; Wire Fraud in violation of Title 18. United States Code, Section 1343; Deprivation of Right to Honest Services in violation of Title 18, United States Code, Section 1346; Engaging in Monetary Transactions in

Property Derived from Specified Unlawful Activity in violation of Title 18, United States Code, Section 1957; and Conspiracy to Commit the Aforementioned Offenses in violation of Title 18, United States Code, Section 371; and

WHEREAS, Article IV, Section 7, Florida Constitution provides that the Governor may suspend from office any county officer for "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony [.]"

WHEREAS, violations of Title 18, United States Code, Sections 666, 1343, 1346, 1957 and 371 constitute felonies, malfeasance or misfeasance; and

WHEREAS, it is in the best interests of the residents of the County of Okaloosa, and the citizens of the State of Florida, that Charles W. Morris be immediately suspended from the public office, which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Charles W. Morris is, and at all times material was, Sheriff for the County of Okaloosa, Florida.

B. The office of Sheriff for the County of Okaloosa, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Warrant for Arrest alleges that Charles W. Morris committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Warrant for Arrest which alleges the commission of felonies, and which alleged conduct constitutes malfeasance or misfeasance, and is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Charles W. Morris is suspended from the public office, which he now holds, to wit: Sheriff for the County of Okaloosa, Florida.

Section 2. Charles W. Morris is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 27th day of February, 2009.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

Referred to the Committee on Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 1112, SB 1280, CS for SB 1282, and SB 1284.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 3 was corrected and approved.

CO-INTRODUCERS

Senators Altman—SB 1212; Baker—SB 316, SB 768, CS for SB 878, SB 888, SB 1212; Bennett—SB 316, SB 1288, SB 2108; Bullard—SR 102, SB 344, SB 1936, SR 2698; Detert—SB 1134; Deutch—SB 344; Fasano—SB 1288; Gardiner—CS for SB 606; Gelber—SR 102; Haridopolos—SB 1212; Hill—SR 102; Joyner—SR 102; King—SB 316, SB 1260, SB 1378; Lawson—SR 102; Lynn—SB 344; Rich—SR 102, SB 602; Richter—SB 316; Ring—SR 102, SB 2626; Smith—SR 102; Storms—CS for SB 270, SB 344, CS for CS for SB 878, SB 1126; Wilson—CS for SB 168, SB 290, SCR 1008

RECESS

On motion by Senator Villalobos, the Senate recessed at 10:57 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene upon call of the President.

Journal of the Senate

Number 3—Regular Session **Thursday, March 19, 2009**

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REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass: SB 1272 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 666 with 1 amendment; SB 1124

The Committee on Health Regulation recommends the following pass: SB 348 with 1 amendment; SB 1628

The bills contained in the foregoing reports were referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 392

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

The Committee on Banking and Insurance recommends the following pass: SB 1138 with 1 amendment

The bill was referred to the Committee on Communications, Energy, and Public Utilities under the original reference.

The Committee on Agriculture recommends the following pass: SB 1974

The Committee on Commerce recommends the following pass: SB 418; SB 628; SB 656; SB 1026

The Committee on Communications, Energy, and Public Utilities recommends the following pass: SB 1590

The Committee on Ethics and Elections recommends the following pass: SB 216

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 644; SJR 1550; SB 2138

The Special Master on Claim Bills recommends the following pass: SB 30 with 1 amendment; SB 56 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1030; SB 2058

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 526

The Committee on Criminal Justice recommends the following pass: CS for SB 258; SB 640

The Committee on Finance and Tax recommends the following pass: SB 412

The Committee on Judiciary recommends the following pass: SB 2102

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

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 324

The Committee on Higher Education recommends the following pass: SB 554

The Committee on Judiciary recommends the following pass: SB 1574

The Committee on Transportation recommends the following pass: SB 486

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

The Committee on Education Pre-K - 12 recommends the following pass: SJR 1828; SB 2254

The Committee on Finance and Tax recommends the following pass: SB 1248

The bills contained in the foregoing reports were referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Health Regulation recommends the following pass: SB 1296

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

The Committee on Banking and Insurance recommends the following pass: SB 1432; SB 1534 with 2 amendments

The Committee on Commerce recommends the following pass: SB 350

The Committee on Community Affairs recommends the following pass: SJR 532 with 1 amendment; CS for SB 582; SJR 738 with 1 amendment; SB 752; SB 978 with 1 amendment; SJR 1164 with 2 amendments; SB 1580 with 1 amendment; SB 1960

The Committee on Education Pre-K - 12 recommends the following pass: SB 1248

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 2160

The Committee on Military Affairs and Domestic Security recommends the following pass: SJR 1302

The Committee on Transportation recommends the following pass: SB 1394

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

The Committee on Community Affairs recommends the following pass: CS for SB 198; CS for SB 742

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 1296

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1104; SB 1210

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

The Committee on Agriculture recommends the following pass: SB 1286

The Committee on Banking and Insurance recommends the following pass: SB 732 with 1 amendment

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1278 with 2 amendments

The Committee on Community Affairs recommends the following pass: SB 538 with 6 amendments; SB 792 with 1 amendment; SB 1572 with 1 amendment; SJR 1906 with 3 amendments

The Committee on Education Pre-K - 12 recommends the following pass: SB 2038 with 1 amendment

The Committee on Ethics and Elections recommends the following pass: SB 1348

The Committee on Health Regulation recommends the following pass: SB 1896

The Committee on Higher Education recommends the following pass: SB 166; SB 1902

The Committee on Transportation recommends the following pass: SB 1290

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1628

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1896

The Committee on Health Regulation recommends the following pass: SB 902; SB 1050

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 242 with 1 amendment

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 1438

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 414 with 1 amendment

The Special Master on Claim Bills recommends the following pass: SB 46 with 1 amendment

The Committee on Transportation recommends the following pass: SB 858 with 1 amendment

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 168 with 1 amendment

The Committee on Health Regulation recommends the following pass: SB 2284

The Committee on Regulated Industries recommends the following pass: SB 1566

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

The Committee on Finance and Tax recommends the following pass: CS for SB 1576

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 234

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

The Committee on Banking and Insurance recommends the following pass: SB 1222

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1018

The Committee on Commerce recommends the following pass: SB 1262; SB 1500 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 1006; SB 1618 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 1428; SB 1862

The Committee on Ethics and Elections recommends the following pass: SJR 1908

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 688; SB 1286

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

The Committee on Community Affairs recommends the following pass: SB 1000 with 1 amendment; SJR 1302

The Committee on Criminal Justice recommends the following pass: SB 1848

The bills contained in the foregoing reports were referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 556

The Committee on Higher Education Appropriations recommends the following pass: SB 234

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SJR 566

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

The Committee on Banking and Insurance recommends the following pass: SB 714 with 1 amendment

The bill was referred to the Committee on Regulated Industries under the original reference.

The Committee on Children, Families, and Elder Affairs recommends the following pass: SM 1330

The Committee on Judiciary recommends the following pass: SB 1396

The Committee on Military Affairs and Domestic Security recommends the following pass: SJR 314

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

The Committee on Agriculture recommends the following pass: SB 68

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

The Committee on Commerce recommends the following pass: SB 634

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1124

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: SB 1248

The Committee on General Government Appropriations recommends the following pass: CS for SB 198; SB 1210

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 252

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 702

The bills were placed on the Calendar.

The Committee on Health Regulation recommends a committee substitute for the following: SB 162

The Committee on Judiciary recommends a committee substitute for the following: SB 1552

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 526

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1132

The Committee on Community Affairs recommends a committee substitute for the following: SB 478

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1548

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 206

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2282

The Committee on Commerce recommends committee substitutes for the following: SB 1308; SB 1502; SB 1570

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1072

The Committee on Environmental Preservation and Conservation recommends committee substitutes for the following: SB 274; SB 2104

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 1834; SB 2188

The Committee on Transportation recommends a committee substitute for the following: SB 424

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1312; SB 1340; SB 1430

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 160; CS for SB 236

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1372

The Committee on Commerce recommends a committee substitute for the following: SB 806

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 1540

The Committee on Regulated Industries recommends a committee substitute for the following: SB 482

The Committee on Transportation recommends committee substitutes for the following: SB 1404; SB 2004

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

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 114

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 2462

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends a committee substitute for the following: SB 1380

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1468

The Committee on Health Regulation recommends a committee substitute for the following: SB 718

The Committee on Judiciary recommends a committee substitute for the following: SB 248

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 110

The Committee on Regulated Industries recommends a committee substitute for the following: SB 764

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

The Committee on Commerce recommends a committee substitute for the following: SB 306

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 1012

The Committee on Finance and Tax recommends a committee substitute for the following: SB 800

The Committee on Regulated Industries recommends a committee substitute for the following: SB 714

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

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 770; SB 1980

The Committee on Commerce recommends a committee substitute for the following: SB 2034

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 1912

The Committee on Judiciary recommends committee substitutes for the following: SB 1342; SB 1400

The Committee on Regulated Industries recommends committee substitutes for the following: SB 682; SB 1218

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

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 260; SB 348

The Committee on Health Regulation recommends a committee substitute for the following: SB 556

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 354; SB 1022

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 892

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1640

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

The Committee on Agriculture recommends a committee substitute for the following: CS for SB 448

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 904; SB 1052; SB 1888

The Committee on Commerce recommends committee substitutes for the following: SB 1024; SB 1288

The Committee on Community Affairs recommends committee substitutes for the following: SB 992; SB 1040

The Committee on Criminal Justice recommends a committee substitute for the following: SB 604

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 264

The Committee on Health Regulation recommends a committee substitute for the following: SB 462

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1326

The Committee on Transportation recommends a committee substitute for the following: SB 344

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

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 1616

The bill with committee substitute attached was referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 1832; SB 2694

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: SB 564

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

The Committee on Agriculture recommends a committee substitute for the following: SB 868

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

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 240

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 1826

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

The Committee on Agriculture recommends committee substitutes for the following: SB 798; SB 2312

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

The Committee on Commerce recommends a committee substitute for the following: SB 816

The Committee on Judiciary recommends a committee substitute for the following: SB 1212

The Committee on Transportation recommends a committee substitute for the following: SB 484

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

The Committee on Education Pre-K - 12 Appropriations recommends a committee substitute for the following: CS for SB 552

The Committee on Judiciary recommends committee substitutes for the following: SB 408; SB 1018

The Policy and Steering Committee on Ways and Means recommends a committee substitute for the following: CS for SB 360

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 1062

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

The Committee on Health Regulation recommends the following not pass: SB 326

The bill was laid on the table.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Environmental Preservation and Conservation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Glasco-Foderingham, Rhoda	07/01/2009
	Joyce, Joseph C.	07/01/2011
	Ross, Donald H.	07/01/2011
Governing Board of the Northwest Florida Water Management District		
Appointee:	Rodriguez, Jose Luis	03/01/2012
Governing Board of the Suwannee River Water Management District		
Appointees:	Davis, Heath	03/01/2012
	Quincey, Donald "Don"	03/01/2012
Governing Board of the St. Johns River Water Management District		
Appointees:	Bournique, Douglas C.	03/01/2012
	Tanzler, Hans G. III	03/01/2012
Governing Board of the Southwest Florida Water Management District		
Appointees:	Beswick, Bryan K.	03/01/2012
	Gramling, Hugh M.	03/01/2012
	Whitehead, Judith C.	03/01/2012

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Bennett—

SB 2152—A bill to be entitled An act relating to pretrial proceedings; amending s. 948.06, F.S.; providing that at the first appearance of a probationer or an offender on community control arrested for a new offense for which the court finds the existence of probable cause, the court may order pretrial detention or pretrial release of the person with or without bail to await further hearing to determine the outcome of a violation hearing; providing for dismissal if no affidavit alleging a violation of probation or community control is filed within a specified period; exempting persons subject to hearings under specified provisions; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Bennett—

SB 2154—A bill to be entitled An act relating to discovery depositions; creating s. 914.29, F.S.; providing that a discovery deposition may not be taken in a case in which the defendant is charged only with a felony of the third degree, a misdemeanor, or a criminal traffic offense when all other discovery provided by law has been completed; providing for an exception for good cause; requiring the trial court to consider certain factors before allowing the discovery deposition; providing that the prohibition against taking a discovery deposition does not apply under a specified circumstance; repealing Rule 3.220(h)(1)(D), Florida Rules of Criminal Procedure, relating to discovery depositions for misdemeanors; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senators Altman and Baker—

SB 2156—A bill to be entitled An act relating to tax credits; amending s. 220.02, F.S.; revising the priority of tax credits that may be taken against the corporate income tax or the franchise tax; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to include the amount of certain tax credits; providing for application; creating s. 220.1811, F.S.; authorizing aerospace sector jobs tax credits and tuition reimbursement tax credits; defining terms; authorizing a tax credit to aerospace businesses based on the salary or tuition reimbursed to certain employees; specifying the maximum annual amount of tax credits

for an aerospace business; limiting the annual amount of tax credits available; providing for the Department of Revenue to approve applications for tax credits; prohibiting increases in the amount of unused tax credits carried over in amended tax returns; providing fines and criminal penalties for certain unlawful claims of tax credits; authorizing the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Haridopolos—

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

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Accountability; and Rules.

By Senator Haridopolos—

SB 2160—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; amending s. 20.19, F.S.; deleting provisions relating to planning by the Department of Children and Family Services; deleting provisions relating to planning in service districts of the department; repealing s. 20.316(4)(e), (f), and (g), F.S.; deleting provisions relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; repealing s. 39.3065(3)(d), F.S.; deleting certain provisions relating to evaluations and reports of child protective investigative services; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; transferring certain duties to the Statewide Guardian Ad Litem Office; repealing s. 39.523(5), F.S.; deleting provisions relating to a report on the placement of children in licensed residential group care; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 120.60, F.S.; deleting a provision relating to filing of notice and certification of an agency's intent to grant or deny a license; amending s. 120.695, F.S.; deleting obsolete provisions relating to agency review of rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to a review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S.; deleting a requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain decisions of value adjustment boards; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting on persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.103, F.S., relating to agencies receiving federal funds; repealing s. 216.172, F.S., relating to meetings of legislative appropriations committees; repealing s. 216.181(10)(c), F.S.; deleting provisions relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S.; deleting provisions relating to a plan for the State Historical Marker Program; repealing s. 272.121, F.S., relating to long-range planning for the Capitol Center; repealing s. 284.50(3), F.S.; deleting a requirement for a report by the Interagency Advisory Council on Loss Prevention and department heads; repealing s. 287.045(11), F.S.; deleting a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 287.16(10), F.S.; deleting a requirement for a report on aircraft use by the Department of Management Services; repealing s. 288.108(7), F.S.; deleting a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1226, F.S.; deleting a requirement for the Office of Tourism, Trade, and Economic Development to certify operations of the Florida Tourism Industry Marketing Corporation; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S.; deleting a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S.; deleting certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S.; deleting the requirement for a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S.; deleting provisions relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S.; deleting provisions relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing s. 366.82(10), F.S.; deleting a provision relating to reports by utilities to the Public Service Commission; amending s. 373.0391, F.S.; deleting provisions relating to provision of

certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S.; deleting a provision relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S.; deleting provisions relating to a report on pre-approved advanced cleanup; amending s. 377.703, F.S.; deleting a requirement for a report from the Public Service Commission on electricity, natural gas, and energy conservation; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S.; deleting a duty of the Fish and Wildlife Conservation Commission relating to an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S.; deleting provisions relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S.; deleting provisions relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S.; deleting the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; amending s. 394.75, F.S.; revising provisions relating to reports by the department on substance abuse and mental health plans; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S.; deleting a provision relating to reports on contracting with behavioral health managing entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S.; deleting requirements for a report on the retention of family practice residents; repealing s. 397.321(1) and (20), F.S.; deleting a requirement that the Department of Children and Family Services develop a plan for substance abuse services and eliminating authorization for a pilot project; repealing s. 397.332(3), F.S.; deleting the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S.; deleting provisions relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S.; deleting a provision relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S.; deleting a requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S.; deleting a provision relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 406.02(4)(a), F.S.; deleting a requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S.; deleting provisions requiring the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S.; deleting provisions requiring periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.146, F.S., relating to the children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S.; deleting provisions relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S.; deleting provisions relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S.; deleting provisions relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S.; deleting a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; repealing s. 414.1251(3), F.S.; deleting a provision relating to an electronic data transfer system for the learnfare program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S.; deleting a provision relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S.; deleting provisions relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 415.111, F.S.; deleting the requirement for a report by the Department of Children and Family Services on exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S.; deleting a requirement for a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s. 429.08(2), F.S.; deleting a provision relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.003, F.S.; revising reporting requirements relating to Workforce Florida, Inc.; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 445.022(4), F.S.; deleting a requirement for reports by regional workforce boards on retention incentives; amending s. 446.50, F.S.; deleting provisions relating to a state plan for displaced homemakers; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S.; deleting a requirement for a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S.; deleting a requirement for reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S.; deleting provisions relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S.; deleting the requirement for a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S.; deleting the requirement for a report by the Commissioner of Agriculture concerning advisory committees; repealing s. 570.0725(5), F.S.; deleting provisions relating to a report by the Department of Agriculture and Consumer Services concerning support for food recovery programs; repealing s. 570.543(3), F.S.; deleting provisions relating to legislative recommendations of the Florida Consumers' Council; amending s. 603.204,

F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.023, F.S.; deleting provisions relating to the comprehensive correctional master plan; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S.; deleting a requirement for a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S.; deleting provisions relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S.; deleting the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S.; deleting provisions relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S.; deleting provisions relating to a report by the Department of Corrections on quality assurance in contractual procurements; repealing s. 1002.34(19), F.S.; deleting provisions relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S.; deleting provisions relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S.; deleting a requirement for a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S.; deleting provisions relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S.; deleting provisions relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 2162—A bill to be entitled An act relating to public meetings and public records; creating s. 311.23, F.S.; providing an exemption from public-meetings requirements for meetings or portions of meetings of the governing board of a public seaport authority at which the board hears or discusses active criminal investigative information or active criminal intelligence information or receives a security briefing from the Department of Law Enforcement; providing conditions precedent to the closing of a meeting; providing an exemption from public-records requirements for an audio or video recording of a closed meeting of the board and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed in the meeting ceases to be active or the security plan is no longer in effect; specifying those persons who are authorized to attend a closed meeting of the board; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Transportation; Governmental Oversight and Accountability; and Rules.

By Senator Fasano—

SB 2164—A bill to be entitled An act relating to bridge designations; designating the Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Hill—

SB 2166—A bill to be entitled An act relating to spousal and child support; amending s. 61.13, F.S.; providing requirements for child support and income deduction orders relating to termination of child support; amending s. 61.14, F.S.; specifying how payments on alimony or spousal support judgments shall be applied; providing for enforcement of interest payments on child support and alimony or spousal support judgments; providing that interest not accrue on postjudgment interest; amending s. 61.30, F.S.; specifying a definition relating to payment of child support varying from the guideline amount whenever any of the children are required by court order to spend a substantial amount of time with either parent; requiring specified findings in order for a court to impute income beyond minimum wage; prohibiting use of certain factors in imputing income beyond minimum wage unless a court makes specified findings; revising provisions relating to income tax calculations used in determining net income; deleting certain net income amounts from the child support guidelines schedule; providing that certain percentages used for combined monthly net income greater than the amount set out in the guidelines schedule shall not be used to determine child support beyond the amount necessary to satisfy the reasonable needs of the child or children; eliminating a reduction in the child care cost added to the basic support obligation; providing for determination of the total minimum child support need; providing for payment of a parent's share of the minimum total child support need; deleting provisions relating to adjustment of a minimum child support award relating to the Internal Revenue Service dependency exemption; providing for adjustment of a party's minimum child support award when application of the child support guidelines leaves the party with a net income lower than the federal poverty guidelines; allowing a court to order a party to execute a waiver of the Internal Revenue Service dependency exemption for a child for good cause shown; amending s. 409.2563, F.S.; revising provisions relating to a presumption of minimum wage earning capacity for purposes of administrative support orders; amending s. 742.08, F.S.; providing for enforcement of interest payments on support judgments; providing that interest shall not accrue on postjudgment interest; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and General Government Appropriations.

By Senator Storms—

SB 2168—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring the Department of Law Enforcement to provide assessment briefings to the governing boards of seaport authorities to address the results of certain inspections; requiring assessment briefings to be provided at least once per year; requiring board members to attend assessment briefings; authorizing the Department of Law Enforcement to fine a seaport if an assessment briefing is cancelled due to lack of attendance by board members; providing for the fine to be paid to the local regional domestic security task force; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Transportation; and Criminal and Civil Justice Appropriations.

By Senator Altman—

SB 2170—A bill to be entitled An act relating to selling, giving, or serving alcoholic beverages or drugs to persons under 21 years of age; amending s. 562.11, F.S.; increasing the penalty imposed for a second or subsequent offense of selling, giving, or serving alcoholic beverages to a person under 21 years of age within a specified period following the prior offense; providing a defense; amending s. 856.015, F.S.; providing that if a person violates the restrictions relating to open house parties where alcoholic beverages or drugs are possessed or consumed by a minor, he or she commits a misdemeanor of the first degree rather than a misdemeanor of the second degree; reenacting s. 322.057(1), F.S., relating to the revocation or suspension of a driver's license, to incorporate the amendments made to s. 562.11, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Wise—

SB 2172—A bill to be entitled An act relating to the Florida National Guard; requiring the Florida National Guard, in conjunction with the Division of Community Colleges and the community colleges of the state, to develop a plan to provide educational opportunities to enlisted members of the Florida National Guard; requiring that the plan be submitted to the Governor and Legislature by a certain date; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Higher Education; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 2174—A bill to be entitled An act relating to public K-12 education; amending s. 1003.41, F.S., relating to the Sunshine State Standards; providing requirements for social studies standards relating to civics education; requiring that social studies standards be included in assessments; amending s. 1008.22, F.S.; requiring that the Florida Comprehensive Assessment Test measure student content knowledge and skills in social studies; requiring that the Commissioner of Education undertake the development of comprehensive assessments of social studies beginning with the 2011-2012 school year; providing requirements for administration; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 2176—A bill to be entitled An act relating to discrimination in the treatment of persons; replacing the term "handicap" with the term "disability" and the term "gender" with the term "sex"; amending s. 419.001, F.S.; conforming a cross-reference; amending s. 760.01, F.S.; conforming terminology; amending s. 760.02, F.S.; providing definitions for purposes of the Florida Civil Rights Act; creating s. 760.0201, F.S.; providing criteria for determining different types of impairments; amending s. 760.05, F.S.; conforming terminology; amending s. 760.06, F.S.; revising the powers of the Florida Commission on Human Relations; amending s. 760.07, F.S.; conforming terms; amending s. 760.08, F.S.; conforming terminology; amending s. 760.10, F.S.; conforming terminology; specifying that protections extend to women who are pregnant or who have any medical condition related to pregnancy or childbirth; amending s. 760.11, F.S.; revising the procedure for filing a complaint with the commission; providing a statute of limitations for filing a civil action with the commission; providing that the commission is not a party in an administrative proceeding under certain circumstances; providing that the commission is not liable for certain costs and fees in a proceeding to which it is not a party; creating s. 760.12, F.S.; providing for the computation of time for purposes of proceedings conducted under ch. 760, F.S.; creating s. 760.13, F.S.; authorizing the commission to create a direct-support organization; providing definitions; providing for a board of directors; providing for appointment of members to the board; providing for terms of office of the board; providing requirements for membership of the board; requiring the direct-support organization to operate under a contract with the Florida Commission on Human Relations; providing requirements for the contract; authorizing the department to allow the direct-support organization to use its property, facilities, and personnel services under certain circumstances; requiring any transaction or agreement between the department's direct-support organization and any other direct-support organization to be approved by the executive director of the commission; requiring the direct-support organization to submit certain forms from the Internal Revenue Service to the department; requiring the direct-support organization to provide an annual financial audit; prohibiting the direct-support organization from exercising certain corporate powers; prohibiting a state employee from receiving compensation from the board for his or her service on the board; authorizing the commission to adopt rules; amending s. 760.22, F.S.; providing definitions for purposes of the Fair Housing Act; creating s. 760.221, F.S.; providing criteria for determining different types of impairments; amending ss. 760.23, 760.24, and 760.25, F.S.; conforming terminology; amending s. 760.29, F.S.; revising the registration requirements for a facility or community claiming an exemption as a facility or community for older persons; increasing the registration fee; authorizing the commission to impose a fine against a facility or community that fails to register or renew its registration; conforming terminology; amending s. 760.31, F.S.; conforming terminology; amending s. 760.32, F.S.; authorizing the commission to use any method of discovery authorized by the Florida Rules of Civil Procedure with regard to investigations; amending s. 760.34, F.S.; requiring a respondent to file a response to a complaint regarding a discriminatory housing practice; requiring verification of the complaint and response; authorizing the commission to dismiss a complaint related to a discriminatory housing practice; authorizing the aggrieved party to request an administrative hearing related to the discriminatory housing practice; providing procedures for the administrative hearing; amending ss. 760.50 and 760.60, F.S.; conforming terminology; providing for severability; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Judiciary; and General Government Appropriations.

By Senator Crist—

SB 2178—A bill to be entitled An act relating to mail-in secondhand dealers of jewelry and precious metals; creating part III of ch. 538, F.S.; defining terms; excluding certain persons and businesses from applicability of the act; providing registration and recordkeeping requirements; providing for verification of a seller's identification; requiring the seller to present a notarized statement to the secondhand dealer that the photographic identification is true and accurate under certain circumstances; requiring the seller to provide a sworn statement that the seller is the lawful owner of the jewelry or precious metals that are offered for sale and has the authority to sell the jewelry or precious metals; prescribing procedures for deficiencies in information required to be provided by a seller; providing holding periods for jewelry and precious metals; providing procedures for returning a seller's jewelry and precious metals; providing procedures for notifying a law enforcement agency of transactions; prescribing procedures for tendering payments;

requiring the dealer to remit payment to the seller within 2 business days and for the seller to acknowledge receipt of payment within 30-calendar days; providing for the inspection of records and premises by law enforcement agencies; providing holding periods for jewelry and precious metals purchased by a secondhand dealer; providing requirements for the storage of jewelry and precious metals; describing prohibited acts and practices; providing criminal penalties; providing for a cause of action for stolen jewelry and precious metals; providing for a petition for the return of jewelry and precious metals; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; Finance and Tax; and General Government Appropriations.

Senate Bills 2180-2186—Not referenced.

By Senator Joyner—

SB 2188—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising the definition of the term "agency" for purposes of ch. 120, F.S.; amending s. 120.525, F.S.; requiring each agency to give notice of public meetings, hearings, and workshops on the agency's website; requiring each agency to publish agendas on the agency's website; amending s. 120.54, F.S.; revising the definition of the term "small business" with regard to special matters to be considered by an agency in rule adoption; requiring an agency to ensure that persons responsible for preparing a proposed rule be available at a public hearing regarding the proposed rule; requiring that certain materials submitted to the agency on or before the date of the final public hearing be considered by the agency and made a part of the record of the rulemaking proceeding; requiring that a change to a proposed rule be in response to written materials submitted to the agency within a specified time after the date of publication of the notice of intended agency action or submitted to the agency on or before the date of the final public hearing; requiring that a proposed rule become effective on a date specified in the notice of the agency's intended action; requiring that the statement of an agency's organization and operations be published on the agency's website; providing that a rule that adopts federal standards becomes effective upon the date designated by the agency in the notice of intent to adopt the rule; amending s. 120.80, F.S.; deleting a provision that prohibits the Department of Environmental Protection from adopting the lowest regulatory cost alternative under certain circumstances; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; Environmental Preservation and Conservation; and Commerce.

By Senator Altman—

SB 2190—A bill to be entitled An act relating to tax collections, sales, and liens; amending ss. 197.102, 197.122, 197.123, 197.162, 197.172, 197.182, 197.222, 197.2301, 197.322, 197.332, 197.343, 197.344, 197.3635, 197.373, 197.402, 197.403, 197.413, 197.414, 197.4155, 197.416, 197.417, 197.432, 197.4325, 197.442, 197.443, 197.462, 197.472, 197.473, 197.482, 197.492, 197.502, 197.542, 197.552, and 197.582, F.S.; revising, updating, and consolidating provisions of chapter 197, F.S., relating to definitions, tax collectors, lien of taxes, returns and assessments, unpaid or omitted taxes, discounts, interest rates, Department of Revenue responsibilities, tax bills, judicial sales, prepayment of taxes, assessment rolls, duties of tax collectors, tax notices, delinquent taxes, lienholders, special assessments, non-ad valorem assessments, tax payments, distribution of taxes, advertisements of property with delinquent taxes, attachment, delinquent personal property taxes, sales of property, tax certificates, tax deeds, and tax sales; creating s. 197.146, F.S.; authorizing tax collectors to issue certificates of correction to tax rolls and outstanding delinquent taxes for uncollectable personal property accounts; requiring the tax collector to notify the property appraiser; providing construction; creating ss. 197.2421 and 197.2423, F.S., renumbering and amending ss. 197.253, 197.303, and 197.3071, F.S., and amending ss. 197.243, 197.252, 197.254, 197.262, 197.263, 197.272, 197.282, 197.292, 197.301, and 197.312, F.S.; revising, updating, and consolidating provisions of chapter 197, F.S., relating to deferral of tax payments for real property, homestead property, recreational and commercial working waterfront property, and affordable rental property; creating s. 197.4725, F.S.; providing authorization and requirements for purchase of county-held tax certificates; specifying required amounts to be paid; providing for fees; providing for electronic services; amending ss. 192.0105, 194.011, and 194.013, F.S.; correcting cross-references; repealing s. 197.202, F.S., relating to destruction of 20-year-old tax receipts; repealing s. 197.242, F.S., relating to a short title; repealing ss. 197.304, 197.3041, 197.3042, 197.3043, 197.3044, 197.3045, 197.3046, 197.3047, 197.307, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079, F.S., relating to deferrals of tax payments; repealing s. 197.433, F.S., relating to duplicate certificates; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Ring—

SB 2192—A bill to be entitled An act relating to the Florida Consumer and Small Business Arbitration Act; reorganizing provisions of ch. 682, F.S.; amending s. 682.01, F.S.; conforming a short title provision; creating s. 682.501, F.S.; providing a short title; creating s. 682.502, F.S.; providing for applicability; providing definitions; providing that the act does not apply to certain insurance policies and certain arbitrations; providing that mandatory binding arbitration is void and unenforceable except as otherwise provided by federal law; creating s. 682.503, F.S.; providing proceedings to compel arbitration; creating s. 682.504, F.S.; providing for the appointment of arbitrators and umpires; prohibiting certain persons from serving as an arbitrator or umpire; providing disclosure requirements; requiring arbitrators and umpires to perform their duties in compliance with certain standards; requiring an oath; creating s. 682.505, F.S.; providing procedures for an arbitration proceeding; requiring arbitrators and umpires to conduct arbitration in a manner that is fundamentally fair; authorizing an arbitrator or umpire to issue subpoenas for the attendance of witnesses and production of documents; providing for discovery and procedures to be conducted by certain rules; requiring that witnesses testify under oath; providing for per diem and travel expenses; providing that a party has a right to be represented by an attorney at an arbitration proceeding or hearing; providing for venue; providing for decisions to be made by majority vote in certain circumstances; prohibiting the administration of an arbitration under certain agreements or rules; prohibiting the award of certain fees; providing recording requirements; creating s. 682.506, F.S.; providing requirements for issuing an arbitration award; requiring that the written award and agreement or provision for arbitration be entered into the court of record; requiring the court to confirm the award under certain circumstances; requiring the judgment to be recorded, docketed, and enforced as any other judgment in a civil action; creating s. 682.507, F.S.; authorizing an arbitrator or umpire to award any relief or damages allowed by law; requiring the circuit court to establish the amount of compensation for arbitrators and umpires if the parties cannot agree; authorizing an arbitrator or umpire to award attorney's fees and other expenses of arbitration to the same extent as would be allowed if the same claim were brought in a court of law; creating s. 682.508, F.S.; providing circumstances under which a court may vacate an award; prohibiting parties from narrowing or expanding the grounds for vacating an award; creating s. 682.509, F.S.; providing procedures for the modification and correction of awards; providing that an application to modify or correct an award may be joined in the alternative with an application to vacate the award; authorizing the court to modify or correct awards under certain circumstances; providing that an application to modify or correct an award may be joined in the alternative with an application to vacate the award; requiring a motion to modify or correct an award to be filed under a certain rule; creating s. 682.510, F.S; authorizing the appeal of an arbitration decision; providing circumstances under which an arbitration decision may be appealed; specifying rules which may be reviewed by writ of certiorari; creating s. 682.511, F.S.; providing information to be included in arbitration agreement disclosure provisions; providing that failure to make such disclosures constitutes a deceptive and unfair trade practice and a waiver of rights to compel arbitration; providing for the enforcement of such provision by injunction; providing liability; providing an effective date.

—was referred to the Committees on Commerce; Banking and Insurance; Judiciary; and Rules.

By Senator Garcia—

SB 2194—A bill to be entitled An act relating to mental health; revising part I of ch. 394, F,S., relating to the Florida Mental Health Act, to substitute the term "individual" for the terms "person," "patient," or "client"; amending s. 394.453, F.S.; conforming terms; amending s. 394.455, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 394.457, F.S.; conforming terms; amending s. 394.4572, F.S.; conforming terms; deleting certain background screening requirements and exemptions for certain mental health professionals; amending s. 394.4573, F.S.; conforming terms; deleting a report requirement relating to the implementation of staffing standards in state treatment facilities; amending ss. 394.4574 and 394.458, F.S.; conforming terms; amending s. 394.459, F.S.; conforming terms; requiring physical examinations and psychiatric evaluations to be documented in the clinical record; requiring facilities to provide procedures for reporting events that place individuals receiving services at risk of harm; requiring facilities to provide information and assist individuals with advance directives; amending ss. 394.4593 and 394.4595, F.S.; conforming terms; amending s. 394.4597, F.S.; conforming terms; specifying the rights, authority, and responsibilities of a representative; amending s. 394.4598, F.S.; conforming terms; requiring a guardian advocate to make every effort to make the decision the individual would have made; amending s. 394.4599, F.S.; conforming terms; repealing s. 394.460, F.S., relating to the rights of professionals; amending s. 394.461, F.S.; conforming terms; specifying that only governmental facilities may serve as receiving and treatment facilities; creating s. 394.4611, F.S.; providing for integrated adult mental health crisis stabilization unit and addictions receiving facility services; authorizing licensure by the Agency for Health Care Administration; specifying who may receive services; requiring the Department of Children and Family Services to adopt rules; amending s. 394.4615, F.S.; conforming terms; amending s. 394.462, F.S.; conforming terms; providing that a law enforcement officer acting in good faith may not be held liable for false imprisonment; amending s. 394.4625, F.S.; conforming terms; requiring a minor's assent to voluntary admission; requiring an individual who has been voluntarily admitted and charged with a crime to be returned to the custody of a law enforcement agency after discharge; amending s. 394.463, F.S.; conforming terms; requiring an ex parte order for involuntary examination to be based on specific facts and have occurred within the last 14 days; specifying requirements for certificates for involuntary examination executed by examining professionals; providing notification requirements to guardians of minors who are involuntarily examined; revising the procedures for holding a person for involuntary examination and for emergency situations; amending s. 394.4655, F.S.; conforming terms; amending s. 394.467, F.S.; conforming terms; requiring a facility to send a copy of the petition for involuntary inpatient placement to the Agency for Health Care Administration; requiring an attorney representing an individual in involuntary placement to represent the individual's expressed desires; requiring the state attorney to participate in all hearings on involuntary placement; prohibiting continuance requests from parties other than the individual; requiring the court to also conduct a hearing on capacity to consent to treatment; providing for the appointment of a guardian advocate if an individual is found incompetent; requiring the court to allow certain testimony at hearings on involuntary placement; requiring the Division of Administrative Hearings to inform an individual of his or her right to an independent expert examination; amending ss. 394.46715 and 394.4672, F.S.; conforming terms; repealing s. 394.4674, F.S., relating to a plan and report on the deinstitutionalization of patients in treatment facilities; amending s. 394.4685, F.S.; conforming terms; authorizing a public facility to request the transfer of an individual to a private facility; amending s. 394.469, F.S.; conforming terms; requiring a discharged individual who is charged with a crime to be returned to the custody of a law enforcement agency; amending ss. 394.473, 394.475, 394.4785, 394.4786, 394.47865, 394.4787, 394.4788, and 394.4789, F.S.; conforming terms; amending ss. 39.407, 394.495, 394.496, 394.9085, 419.001, and 744.704, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Peaden—

SB 2196—A bill to be entitled An act relating to clinical perfusionists; amending s. 456.048, F.S.; specifying financial responsibility requirements for clinical perfusionists; creating s. 468.901, F.S.; providing definitions; requiring a supervising physician to be qualified in the medical area in which the clinical perfusionist performs; prescribing duties of a clinical perfusionist; requiring a clinical perfusionist to convey that he or she is a clinical perfusionist to a patient; authorizing a clinical perfusionist to perform medical tasks and services within a certain protocol; prohibiting a clinical perfusionist from prescribing, ordering, compounding, or dispensing certain drugs or a medical device; providing that a clinical perfusionist may administer certain drugs, fluids, and blood products under the supervision of a physician; exempting a perfusionist in training from requirements of a clinical perfusionist; requiring board approval of training programs for clinical perfusionists; providing certification requirements; providing provisional certifying requirements; providing for a temporary certificate as a clinical perfusionist; authorizing the Board of Medicine and the Board of Osteopathic Medicine to impose a penalty against a clinical perfusionist found guilty of or investigated for violating ch. 456, ch. 457, or ch. 458, F.S.; authorizing the chairpersons of the Board of Medicine and the Board of Osteopathic Medicine to appoint certain persons to advise the boards regarding rules for the certification of clinical perfusionists; providing duties of the boards; providing for the denial, suspension, or revocation of a certificate; requiring the boards to adopt rules; requiring the Department of Health to allocate fees collected to the boards; providing exemptions from certification requirements for clinical perfusionists; excluding hospitals from payment of certain costs; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Haridopolos—

SB 2198—A bill to be entitled An act relating to tobacco settlement agreements; amending s. 569.23, F.S.; defining a term; requiring trial courts to stay the execution of all judgments in favor of certain former class action members during appellate proceedings upon the posting of a supersedeas bond or other surety by signatories, successors, or affiliates of a signatory to a tobacco settlement agreement applicable to all such judgments; limiting the total cumulative value of all supersedeas bonds or other surety to a certain amount; permitting a court to order a specific defendant that dissipates assets to avoid payment of a judgment to increase the surety; providing applicability; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Oelrich—

SB 2200—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.26165, F.S.; providing for certain flexibility in the awards programs of the Florida Thoroughbred Breeders' Association in order to attract thoroughbred breeding and training operations; prohibiting the association from giving certain awards under certain circumstances; amending s. 550.2625, F.S.; clarifying provisions relating to owners' awards; amending s. 550.5251, F.S.; providing an exception to requirements relating to required races for thoroughbred permitholders; providing an effective date.

—was referred to the Committees on Regulated Industries; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Garcia—

SB 2202—A bill to be entitled An act relating to professional certification standards for emergency management officials; amending s. 20.18, F.S.; providing requirements for appointment as director of the Division of Emergency Management of the Department of Community Affairs; amending s. 252.38, F.S.; providing that each county emergency management director must meet minimum certification qualifications; creating s. 252.381, F.S.; providing requirements for appointment as a county emergency director or to an equivalent position; providing exceptions to such qualifications; providing an effective date.

—was referred to the Committees on Community Affairs; Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Siplin—

SB 2204—A bill to be entitled An act relating to early voting; amending s. 101.657, F.S.; deleting requirements that must be met in order for branch offices to be used as early voting sites; authorizing the supervisor of elections to designate any facility open to the public as an early voting site; requiring that early voting commence on a specified day before a primary election and a specified day before a general election; requiring that early voting be provided for a minimum number of hours each day; authorizing the supervisor to allow early voting sites to remain open each day for as long as the supervisor deems necessary; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Siplin—

SB 2206—A bill to be entitled An act relating to the restraint of children; amending s. 985.35, F.S.; requiring the Department of Juvenile Justice to adopt rules governing the procedures that may be used to restrain a child upon his or her arrival at the courthouse; prohibiting the use of instruments of restraint on a child after the child arrives at the courthouse; prohibiting subjecting a child to extended periods of isolation; prohibiting the use of instruments of restraint upon a child during any court proceeding; providing specified exemptions; amending s. 985.483, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Baker—

SB 2208—A bill to be entitled An act relating to disability retirement benefits; amending s. 121.091, F.S.; providing that certain members of the Special Risk Class who retired under the disability retirement provisions of the Florida Retirement System may be reemployed and continue to receive their disability retirement benefits; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 2210—A bill to be entitled An act relating to the distribution of charter county transit system surtax proceeds; prohibiting certain counties from withholding surtax proceeds from certain municipalities; requiring certain counties to retroactively reimburse certain municipalities excluded from distributions of surtax proceeds for withheld surtax proceeds; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Wilson—

SB 2212—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; exempting municipalities in certain counties from applicability of provisions limiting the rates they may charge consumers outside their boundaries for provision of water or sewer utility services; providing an effective date.

—was referred to the Committees on Community Affairs; Communications, Energy, and Public Utilities; Finance and Tax; and General Government Appropriations.

SR 2214—Not referenced.

By Senator Gaetz—

SB 2216—A bill to be entitled An act relating to state employee fee waivers; amending s. 1009.265, F.S.; revising provisions relating to the waiver of state university and community college tuition and fees for state employees; providing that distance learning and online courses are included in the types of courses available for the waiver; requiring that a state employee receive approval from his or her supervisor before using the waiver to take a course during normal working hours; requiring that the available space in a course be determined no later than the end of the drop-add period; prohibiting the use of the waiver for work on a dissertation or thesis, directed individual study, or other one-on-one instruction; authorizing state universities and community colleges to include credit hours generated by students who are using the waiver in the calculation of full-time equivalent enrollments for state funding purposes; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Higher Education; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 2218—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 20.316, F.S.; requiring the Department of Juvenile Justice to establish the Juvenile Justice Policy Research Institute within the department; specifying purposes of the institute; amending s. 27.51, F.S.; providing that public defenders are available to juveniles at all stages of delinquency court proceedings; amending s. 394.492, F.S.; providing that a child referred for a delinquent act when he or she was younger than age 11 may be considered at risk of emotional disturbance and therefore subject to referral for mental health services; amending ss. 984.03 and 985.03, F.S.; correcting terminology in the definition of "child in need of services"; amending s. 409.9025, F.S.; providing for Medicaid eligibility for juveniles committed to certain residential juvenile programs; amending s. 943.0515, F.S.; requiring the Department of Law Enforcement to notify specified agencies of the criminal history records of a minor which are expunged; requiring the arresting agency, the county, and the department to send the notice of expungement to those entities that received the criminal history records information; requiring that criminal history records that are to be expunged be physically destroyed or obliterated by the criminal justice agency having physical custody of the records; providing an exception; amending s. 943.0585, F.S.; prohibiting certain criminal history records from being expunged; providing that other records may be expunged under certain circumstances; providing that certain information be included in the application for a certificate of eligibility for expunction; providing for county responsibilities when a county has disseminated criminal history record information that is the subject of an expungement order; prohibiting an agency, organization, or company to which criminal history record information was disseminated from releasing the expunged information after a specified period; amending s. 943.059, F.S.; prohibiting certain criminal records from being sealed; providing that other records may be sealed under certain circumstances; requiring that certain information be included in the application for a certificate of eligibility for sealing; providing for county responsibilities when a county has disseminated criminal history record information that is the subject of a sealing order; prohibiting an agency, organization, or company to which criminal history record information was disseminated from releasing the sealed information after a specified period; amending s. 943.0582, F.S.; conforming a cross-reference; defining the term "violent offense"; providing for automatic expunction of the arrest record of a minor for a nonviolent first offense if no charges or petition was brought concerning the offense; providing for reversal of the expunction if the person is subsequently found to have committed a criminal offense or comparable ordinance violation; amending s. 985.125, F.S.; providing for establishment of prearrest or postarrest diversion programs by additional agencies; creating s. 985.165, F.S.; providing legislative findings; requiring state funding of community-based substance abuse intervention, evaluation,

and treatment services programs in each judicial circuit; providing for diversion of certain first-time drug offenders into such programs; amending s. 985.245, F.S.; requiring the juvenile risk assessment instrument to allow additional points to be assessed against a child who is charged with a felony and who has a prior residential delinquency commitment; amending s. 985.441, F.S.; providing for commitment of juveniles who are pregnant or mothers with infant children in small family-style, community-based programs when appropriate; creating s. 985.461, F.S.; requiring that all youth exiting juvenile justice commitment programs have made available to them the services of an identified community-based, interagency transition planning team; creating s. 985.495, F.S.; requiring the Department of Juvenile Justice to provide access to community-based, gender-specific aftercare services to all girls in transition from department programs; requiring that the department place such girls under female probation or conditional release case managers; providing for creation of a female caseload supervision team in certain circumstances; creating s. 985.566, F.S.; requiring mandatory parole hearings for certain inmates who are sentenced to an adult correctional facility as a child, who have not committed a specified offense, and who have served a specified period of time; providing that inmates convicted of specified offenses are ineligible; providing for participation of victims in such hearings; amending s. 985.622, F.S.; requiring that certain juvenile justice programs offer vocational training; requiring the Department of Juvenile Justice to work with the Agency for Workforce Innovation and Workforce Florida, Inc., to ensure that all job skills training is in areas directly tied to careers listed on Florida's targeted occupation list; deleting obsolete provisions; amending s. 985.644, F.S.; requiring the Department of Juvenile Justice to conduct demonstration projects that emphasize the benefits of outcome-based contracting with certain performance standard requirements; authorizing the use of interim and long-term outcome performance measures; requiring projects to be completed by a specified date; amending s. 435.04, F.S.; authorizing the Department of Juvenile Justice, in certain circumstances, to hire persons for employment in youth facilities who were formerly in the juvenile justice system and exited successfully; amending s. 985.644, F.S.; authorizing the Department of Juvenile Justice to conditionally hire juvenile justice employees upon successful completion of a preliminary background screening, but prior to a full background screening, under specified conditions; amending s. 985.664, F.S.; providing that juvenile justice circuit boards and juvenile justice county councils may receive funds through local discretionary grants for specified purposes; amending s. 1006.13, F.S.; providing that zero-tolerance policies does not apply to petty acts of misconduct and misdemeanors; requiring that discipline or prosecution for a violation of a zero-tolerance policy should be based on considerations of an individual student and particular circumstances; providing that school districts should involve law enforcement agencies only for serious offenses that threaten safety and use alternatives to expulsion or referral for prosecution in certain circumstances; amending s. 1011.62, F.S., relating to allocations from the Florida Education Finance Program to school districts for the operation of schools; providing for the establishment of a cost factor for students in juvenile justice education programs; requiring the Department of Juvenile Justice, in consultation with representatives of specified entities, to conduct a review of the detention risk assessment instrument; providing for creation of a Disproportionate Minority Contact Task Force; providing for membership, goals, and duties; requiring a report; providing for dissolution of the task force; providing for pilot projects for reduction of disproportionate minority contact; providing for goals of the pilot projects; requiring reports; providing for termination of the pilot projects; directing the Children and Youth Cabinet to coordinate and assist specified entities in reviewing and amending K-12 zero-tolerance policies; providing for goals of the review; providing legislative findings; requiring the Department of Juvenile Justice to identify service areas that promote the concept of community-based programs; requiring a report; requiring the Governor to establish a task force to review and make recommendations to modify current statutes or practices associated with restoration of competency; providing for membership; requiring a report; providing for termination of the task force; requiring the Governor to establish a task force to perform a role delineation study and review and make recommendations concerning specified issues; requiring a report; providing for termination of the task force; requiring the Department of Corrections, the Department of Juvenile Justice, and the Department of Children and Family Services to work with a university in the State University System to calculate the return on investment and cost savings of crime reduction through effective prevention and intervention programming; requiring a report; reenacting s. 402.22(4) and (7), F.S., relating to educational programs for students in residential care facilities, to incorporate the amendments made to s. 1011.62, F.S., in a reference thereto; reenacting ss. 985.66(3)(a) and 985.688(10)(b), F.S., relating to juvenile justice training academies and county and municipal delinquency programs and facilities, respectively, to incorporate the amendments made to s. 985.644, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; Education Pre-K - 12; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Siplin—

SB 2220—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Florida Biodiversity Foundation license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Siplin—

SB 2222—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Trinity license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Siplin—

SB 2224—A bill to be entitled An act relating to trust funds; creating s. 25.3825, F.S.; creating the Fiscal Stability Trust Fund within the state courts system to be administered by the Supreme Court; providing for administration of the trust fund and use of moneys therein; requiring balances to remain in the trust fund at the end of the fiscal year; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Banking and Insurance—

SB 2226—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008; authorizing the Office of Financial Regulation to participate in the Nationwide Mortgage Licensing System and Registry; creating s. 494.00121, F.S.; providing for the issuance of subpoenas; amending s. 494.0014, F.S.; revising provisions relating to the refund of fees; deleting an obsolete provision; capping the amount of administrative fine that can be assessed for a single violation at $25,000; authorizing a fine of $1,000 for each day of unlicensed activity up to $25,000; amending s. 494.00165, F.S.; prohibiting unfair and deceptive advertising relating to mortgage brokering and lending; repealing s. 494.0017, F.S., relating to claims paid from the Regulatory Trust Fund; creating s. 494.00172, F.S.; providing for a $20 fee to be assessed against loan originators and a $100 fee to be assessed against mortgage brokers and lenders at the time of license application or renewal; providing that such fees shall be deposited into the Mortgage Guaranty Trust Fund and used to pay claims against licensees; providing for a cap on the amount collected and deposited; providing requirements for seeking recovery from the trust fund; providing limitations on the amount paid; providing for the assignment of certain rights

to the office; providing that payment for a claim is prima facie grounds for the revocation of a license; amending s. 494.0018, F.S.; conforming cross-references; amending ss. 494.0019 and 494.002, F.S.; conforming terms; amending s. 494.0023, F.S.; providing that there is a conflicting interest if a licensee or the licensee's relatives have a 1 percent or more interest in the person providing additional products or services; amending s. 494.0025, F.S.; prohibiting the alteration, withholding, concealment, or destruction of records relevant to regulated activities; amending s. 494.0028, F.S.; conforming terms; repealing ss. 494.0029 and 494.00295, F.S., relating to mortgage business schools and continuing education requirements; providing a directive to the Division of Statutory Revision; amending s. 494.003, F.S.; revising provisions relating to who is exempt from loan originator or mortgage broker licensing and regulation; repealing s. 494.0031, F.S., relating to licensure as a mortgage brokerage business; creating s. 494.00312, F.S.; providing for the licensure of mortgage brokers; providing license application requirements; providing grounds for license denial; requiring the denial of a license under certain circumstances; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; requiring licenses to be renewed annually by a certain date; repealing s. 494.0032, F.S., relating to renewal of a mortgage brokerage business license or branch office license; creating s. 494.00321, F.S.; providing for the renewal of a mortgage broker license; providing license renewal requirements; creating s. 494.00323, F.S.; providing for the licensure of loan originators; providing license application requirements; providing grounds for license denial; requiring the denial of a license under certain circumstances; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; requiring licenses to be renewed annually by a certain date; creating s. 494.00324, F.S.; providing for the renewal of a loan originator license; repealing s. 494.0033, F.S., relating to a mortgage broker license; amending s. 494.00331, F.S.; prohibiting a loan originator from being employed or contracting with more than one mortgage broker or mortgage lender; repealing s. 494.0034, F.S., relating to renewal of mortgage broker license; amending s. 494.0035, F.S.; providing for the management of a mortgage broker by a principal loan originator and a branch office by a loan originator; providing minimum requirements; amending s. 494.0036, F.S.; revising provisions relating to the licensure of a mortgage broker's branch office; increasing the fees for such license; amending s. 494.0038, F.S.; revising provisions relating to loan origination and mortgage broker fees; creating s. 494.00385, F.S.; providing for loan modification fees; providing requirements and limitations; amending s. 494.0039, F.S.; conforming terms; amending s. 494.004, F.S.; revising provisions relating to licensees; providing for registry requirements; deleting obsolete provisions; amending s. 494.0041, F.S.; revising provisions relating to administrative fines and penalties; providing additional grounds for assessing fines and penalties; amending s. 494.0042, F.S.; providing for loan originator fees; conforming terms; amending ss. 494.00421 and 494.0043, F.S.; conforming terms; amending s. 494.006, F.S.; revising provisions relating to who is exempt from mortgage lender licensing and regulation; repealing s. 494.0061, F.S., relating to mortgage lender license requirements; creating s. 494.00611, F.S.; providing for the licensure of mortgage lenders; providing license application requirements; providing grounds for license denial; requiring the denial of a license under certain circumstances; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; requiring licenses to be renewed annually by a certain date; creating s. 494.00612, F.S.; providing for the renewal of a mortgage lender license; repealing s. 494.0062, F.S., relating to correspondent mortgage lender license requirements; amending s. 494.0063, F.S.; requiring a mortgage lender to obtain an annual financial audit report and submit a copy to the office within certain time periods; repealing s. 494.0064, F.S., relating to renewal of mortgage lender license; repealing s. 494.0065, F.S., relating to certain licenses and registrations that were converted into mortgage lender licenses; amending s. 494.0066, F.S.; revising provisions relating to a mortgage lender branch office license; increasing the fees for such license; creating s. 494.00665, F.S.; providing for a principal loan originator and branch manager for a mortgage lender; providing requirements and limitations; amending s. 494.0067, F.S.; revising requirements of mortgage lenders; providing for registry requirements; deleting obsolete provisions; amending ss. 494.0068, 494.0069, 494.007, and 494.0071, F.S.; conforming terms; amending s. 494.0072, F.S.; revising provisions relating to administrative fines and penalties; providing additional grounds for assessing fines and penalties; amending ss. 494.00721, 494.0073, 494.0075, 494.0077, and 501.1377 F.S.; conforming terms; providing for the termination of mortgage business school licenses; providing for the expiration of mortgage brokerage business licenses, mortgage broker licenses, and correspondent mortgage lender licenses; providing requirements for applying for a mortgage broker license and a loan originator license by a certain date; providing for the transfer of a mortgage lender licenses; providing for a one-time $50 registry fee to be imposed on new licensees; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; Finance and Tax; and General Government Appropriations.

By Senator Siplin—

SB 2228—A bill to be entitled An act relating to litigation; creating s. 46.061, F.S.; requiring the division of total fault for parties and nonparties by judgment in negligence cases; defining negligence cases; determining criteria for negligence cases; providing exceptions and limitations for joint and several liability; creating s. 46.071, F.S.; abrogating use of privilege and immunity defenses as to all statutory causes of action, abuse of process, malicious prosecution, and fraud upon the court; requiring strict enforcement of and compliance with all provisions; creating s. 46.081, F.S.; providing for assignment or interest in all claims or rights of a commercial and personal nature in whole or part; providing an implied waiver of any fiduciary or confidential relationship; providing standing for parties having an assignment or interest; requiring strict enforcement of and compliance with all provisions; reenacting and amending s. 57.105, F.S., relating to attorney's fees and sanctions for raising unsupported claims or defenses; providing an entitlement to fees and requiring compliance with filing provisions; providing legislative intent; amending s. 59.041, F.S.; requiring the court's opinion to cite authority for a rendered determination; providing that a transcript is not required for a proper and full examination of a case; amending s. 59.06, F.S.; providing purposes for appellate review of orders on motions to dismiss, for dismissal, and for summary judgment; amending s. 454.18, F.S.; authorizing deputy clerks of court and deputy sheriffs who are employed less than full-time to practice law; conforming an exception; codifying otherwise authorized acts to practice law; providing conditions, circumstances and review for lay representation; providing for retroactive and perspective application; amending s. 454.23, F.S.; clarifying the exception otherwise authorized as to penalties; providing penalties for acts of attorneys duly admitted or authorized to practice law; amending s. 768.81, F.S.; requiring the division of total fault for parties and nonparties by judgment; requiring the division of total fault for an occurrence only among the plaintiff, parties who may be held legally liable, and specified nonparties; providing for court jurisdiction over nonparties and allocation of fault to certain nonparties; providing for proper court application; requiring strict enforcement and compliance of all provisions; amending s. 924.051, F.S.; requiring that the court's opinion cite authority for a rendered determination; providing that a transcript is not required for proper and full examination; amending s. 924.33, F.S.; requiring that the court's opinion cite authority for a rendered determination; providing that a transcript is not required for proper and full examination; creating s. 939.055, F.S., relating to sanctions for raising unsupported offenses, defenses, or delay; providing an entitlement to any award and requiring compliance with filing provisions; providing legislative intent; providing for strict enforcement and compliance of all provisions; repealing s. 924.395, F.S., relating to sanctions in criminal appeal cases; providing an effective date.

—was referred to the Committees on Judiciary; Criminal and Civil Justice Appropriations; and Rules.

By Senator Dockery—

SB 2230—A bill to be entitled An act relating to relocation grants; amending s. 420.9072, F.S.; authorizing counties and eligible municipalities to use funds from the State Housing Initiatives Partnership Program to provide relocation grants for persons who are evicted from rental properties that are in foreclosure; providing eligibility requirements for receiving a grant; providing that authorization for the relocation grants expires July 1, 2010; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Siplin—

SB 2232—A bill to be entitled An act relating to high school graduation; providing a short title; establishing the General Education Development Exit Option Program; providing a purpose for such program; providing definitions; providing eligibility criteria for students to enroll in the program; providing that enrollment in the program is voluntary and requires parental notification and consent; providing that a student enrolled in the program may participate in all high school curricular and extracurricular activities if eligible; providing an exemption for students enrolled in the program from the minimum graduation requirements for a standard high school diploma; requiring that such exemption be documented in an exceptional student's individual education plan; requiring that a student who is enrolled in the program be promoted to grade 10 or the grade level of his or her cohort group upon enrollment in the program; providing that such student may take the grade 10 Florida Comprehensive Assessment Test; providing that a student who does not meet the graduation requirements in his or her senior year may return for a 13th year of school to enroll in the program; providing that such student is not required to take classes upon meeting the program requirements and is deemed a high school graduate; providing requirements for the successful completion of the program; requiring that a student's transcript identify certain information regarding the program; requiring that the Department of Education include the program in its calculation of the high school graduation rate; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Siplin—

SB 2234—A bill to be entitled An act relating to the judicial system; amending s. 2.01, F.S.; clarifying which common and statute laws of England in effect on July 4, 1776, are not inconsistent with the Constitution and laws of the United States and acts of the Legislature; amending s. 25.382, F.S.; clarifying the definition of the term "state courts system"; requiring that an annual report concerning the recruitment and retention of minorities and women within the judicial system be submitted to the Governor, the Cabinet, and the Legislature; requiring the Supreme Court to implement a plan for promoting civics education among all residents of the state; requiring the Supreme Court to prepare an annual report concerning the plan and to submit the report to specified persons and the Legislature; requiring the Supreme Court to submit all final reports prepared from 2000 and thereafter to certain designated persons; requiring the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct a full audit review and examination every 2 years of the state judicial system, the counties, and the state correctional system; amending s. 43.20, F.S.; requiring that certain expenses and administrative costs for the Judicial Qualifications Commission be appropriated from the state courts system; requiring the commission to employ separate staff for each commission hearing panel; requiring use of a designated staff committee of five common citizen electors to assist and engage in the deliberations of each commission panel; requiring the designated staff committee to prepare a report of suggestions or comments; requiring that a copy of the report be forwarded to the hearing panel and the Supreme Court; providing that the reports of the designated staff committee are public records; requiring the commission to adopt rules; requiring the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct a full audit review and examination of the commission every 2 years; providing for application; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Siplin—

SB 2236—A bill to be entitled An act relating to public school funding; providing for school district flexibility in the 2009-2010 fiscal year to expend specified funds for operating expenses; requiring district school board adoption of a resolution and approval of an amendment to the school district's operating budget; amending s. 1011.71, F.S.; deleting a restriction on the expenditure of capital outlay millage for educational facilities and sites under a lease-purchase agreement; deleting a restriction on the expenditure of operating revenues made available through the payment of property and casualty insurance premiums; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Aronberg—

SB 2238—A bill to be entitled An act relating to the Special Risk Class of the Florida Retirement System; amending s. 121.0515, F.S.; authorizing certain employees to purchase additional retirement credit for past service at a 3-percent Special Risk Class accrual value; providing for contribution rate increases to fund certain benefits; directing the Division of Statutory Revision to adjust certain contribution rates; requiring that a portion of revenues generated from the gambling compact with the Seminole Tribe of Florida be used for supplemental salary increases to law enforcement, correctional, and correctional probation officers; providing a statement of important state interest; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Rich—

SB 2240—A bill to be entitled An act relating to the Interstate Compact for the Placement of Children; creating s. 409.408, F.S.; authorizing the Governor to execute a new interstate compact on the placement of children; specifying the provisions of the compact; creating s. 409.409, F.S.; providing for the present Interstate Compact on the Placement of Children to remain in effect until the Governor enters into the new compact; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Gaetz—

SJR 2242—A joint resolution proposing amendments to Section 25 of Article I and Section 4 of Article VII and the creation of two new sections in Article XII of the State Constitution to prohibit increases in the assessed value of homestead property if the market value of the property decreases and to require challenges to an assessment of real property to be procedurally fair.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2244—A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; specifying conservation purposes for which land must be used in order to qualify for an ad valorem tax exemption; requiring that such land be perpetually encumbered by a conservation easement or other instrument; providing for the assessment and ad valorem taxation of real property within an area perpetually encumbered by a conservation easement or other instrument which contains a paved road, residence, commercial structure, or other improvement; requiring land that is exempt from ad valorem taxation and used for agricultural or silvicultural purposes be managed pursuant to certain best-management practices; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; providing that land less than a certain acreage does not qualify for the ad valorem tax exemption; providing exceptions; requiring the Department of Revenue to adopt rules; amending s. 193.011, F.S.; requiring a property appraiser to consider the use of property for conservation purposes

in determining the just value of the property; amending s. 193.501, F.S.; providing for the assessment of certain land used for conservation purposes; defining the term "conservation purpose"; providing an effective date.

—was referred to the Committees on Community Affairs; Agriculture; Environmental Preservation and Conservation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator King—

SB 2246—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term "transportation facilities"; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees' benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fiscal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Governmental Oversight and Accountability; Finance and Tax; and Transportation and Economic Development Appropriations.

By Senator Hill—

SB 2248—A bill to be entitled An act relating to the taxation of public-private transportation facilities; amending s. 334.30, F.S.; exempting certain public-private transportation facilities from certain specified taxes and special assessments; excluding certain taxes from such exemption; providing an effective date.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 2250—A bill to be entitled An act relating to court filing fees for evictions; amending s. 34.041, F.S.; reducing the filing fee for civil actions filed to remove a tenant from possession of real property; creating a filing fee for civil actions filed to remove a tenant from possession of real property and to seek damages from the tenant; requiring that certain filing fees be deposited in the state courts' Mediation and Arbitration Trust Fund; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 2252—A bill to be entitled An act relating to professional liability insurance; amending s. 627.912, F.S.; requiring that certain written claims or actions for damages be reported to the Office of Insurance Regulation; defining the term "claim"; specifying events giving rise to the duty to report claims; requiring that certain reports be filed following any calendar year in which no claim or action for damages was closed; specifying a deadline for the filing of such reports; providing a procedure for the correction of reports submitted in error; requiring that certain reopened claims be treated as new claims and reported following specified events; requiring that corrective reports be made for certain claims; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By Senators Detert and Richter—

SB 2254—A bill to be entitled An act relating to school district funding; authorizing a school district to expend certain funds from its operating budget as nonrecurring expenditures allocated by specific appropriation; requiring that each school board adopt a resolution finding that such funds are urgently needed to maintain school board operating expenses; requiring that the school board amend the school district's 2009-2010 operating budget by identifying the amount of funds to be expended; providing for repeal; requiring legislative review of the

transfer of such funds; providing that the transfer of such funds may be reauthorized by the Legislature; amending s. 1011.71, F.S.; revising certain effective dates relating to the district school tax; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Oelrich—

SB 2256—A bill to be entitled An act relating to student access to health insurance; creating s. 1006.72, F.S.; providing a short title; providing legislative intent; requiring state universities that have student health centers to seek reimbursement from a student's private health insurance for services and prescriptions and ensure that the student health center is an in-network provider for certain health insurance companies; providing that it is the student's responsibility to resolve outstanding balances owed to a student health center before registering for a subsequent school term; authorizing a state university to require students to provide proof of health insurance coverage as a nonacademic condition of enrollment under certain circumstances; authorizing universities to offer university-sponsored student health insurance coverage for students who do not otherwise have proof of health insurance; providing for acceptable, alternative health insurance; providing requirements for proof of health insurance coverage; providing criteria to be eligible as a university-sponsored health insurance provider for student health care services; requiring universities to report certain information related to student health insurance; requiring the Board of Governors to work with state universities, the Office of Insurance Regulation within the Department of Financial Services, and the health insurance providers to reduce premiums and enhance benefits; requiring the Board of Governors to review student access to health care services and provide a report to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Higher Education; Banking and Insurance; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gelber—

SB 2258—A bill to be entitled An act relating to offenses by public officials or others; creating s. 838.23, F.S.; prohibiting a person or public servant from engaging in certain activities to deprive another of his or her right of honest services; providing for such prohibition to be construed in accordance with certain federal laws; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Ethics and Elections; Criminal and Civil Justice Appropriations; and Rules.

By Senator Joyner—

SB 2260—A bill to be entitled An act relating to driver license services; amending s. 322.135, F.S.; revising a fee charged for driver license transactions administered by county tax collectors; providing for the fee to be adjusted in relation to the change in the Consumer Price Index; authorizing a tax collector to enter into interlocal agreements for the provision of driver license services; providing that such fee shall be paid to the tax collector in addition to other fees; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gaetz—

SB 2262—A bill to be entitled An act relating to the regulation of professions; amending s. 455.213, F.S.; deleting signature notarization from the information that the Department of Business and Professional Regulation may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 455.2281, F.S.; authorizing the department to set unlicensed activities special fees for each profession; authorizing the department to adopt rules that reduce or waive the fees under certain circumstances; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 489.109, F.S.; authorizing the Construction Industry Licensing Board to establish a fee for the initial certification and renewal of business organizations; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.117, F.S.; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the Construction Industry Licensing Board to deny a registration or certification to qualify a business organization under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending ss. 489.127, 489.128, 489.129, and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; amending s. 509.233, F.S.; revising provisions relating to public food service establishment requirements; deleting a provision establishing a pilot program that provides an exemption for dogs in designated outdoor areas of public food service establishments; deleting a provision that provides for the future review and repeal of such pilot program; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and General Government Appropriations.

By Senator Storms—

SB 2264—A bill to be entitled An act relating to the Motor Fuel Marketing Practices Act; repealing s. 526.303(4), (6), (7), (9), and (11), F.S., relating to definitions to conform; repealing s. 526.304, F.S., relating to unlawful predatory practices and exceptions; deleting provisions prohibiting certain predatory practices; amending s. 526.305, F.S., relating to unlawful discriminatory practices and exceptions; conforming

provisions to the repeal of s. 526.304, F.S.; repealing s. 526.309, F.S., relating to exempt sales; providing an effective date.

—was referred to the Committees on Transportation; Commerce; Judiciary; and General Government Appropriations.

By Senator Crist—

SB 2266—A bill to be entitled An act relating to liens for recovering, towing, or storing vehicles and vessels; amending s. 322.34, F.S.; creating certain rights for lienholders; deleting a return receipt mailing requirement; amending s. 713.78, F.S.; clarifying provisions; deleting a return receipt mailing requirement; creating certain rights for lienholders; deleting a provision that allows a complaint to be filed in the county where the owner resides; creating a cause of action to determine the rights of the parties after a vehicle or vessel has been sold; providing for attorney's fees and costs; providing a right of inspection to lienholders; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Judiciary.

By Senator Baker—

SB 2268—A bill to be entitled An act relating to motor vehicle racing events; amending s. 549.09, F.S.; providing that a motorsport liability release signed by a minor is valid if the release is also signed by the parent or guardian of the minor; providing an effective date.

—was referred to the Committees on Judiciary; Children, Families, and Elder Affairs; and Rules.

By Senator Gelber—

SB 2270—A bill to be entitled An act relating to the corporate income tax; providing legislative findings and intent; amending s. 220.03, F.S.; revising a definition; defining the terms "tax haven" and "water's edge group"; amending s. 220.13, F.S.; conforming a cross-reference; redefining the term "adjusted federal income" to limit the subtraction of certain deductions and certain carryovers; requiring the subtraction of certain dividends from taxable income; creating s. 220.136, F.S.; providing rules and criteria to determine if a corporation is a member of a water's edge group; creating s. 220.1363, F.S.; providing a reporting method for a water's edge group; providing for the apportionment of income to the state; requiring a member of a water's edge group having nexus with this state to file a single return for the water's edge group; providing for the determination of income for a member of a water's edge group having a different tax year than the water's edge group; requiring a water's edge group return to include a computational schedule; requiring a water's edge group to file a domestic disclosure spreadsheet along with its return; authorizing the Department of Revenue to adopt rules; amending s. 220.14, F.S.; providing for the proration of an exemption during a leap year; limiting a water's edge group to a single claim of a specified exemption; amending s. 220.15, F.S.; deleting provisions relating to affiliated groups with respect to certain sales of a financial institution; amending s. 220.183, F.S.; deleting provisions relating to affiliated groups with respect to community contribution tax credits; amending s. 220.1845, F.S.; deleting provisions relating to affiliated groups with respect to the contaminated site rehabilitation tax credit; amending s. 220.187, F.S.; deleting provisions relating to affiliated groups with respect to the tax credit for contributions to nonprofit scholarship funding organizations; amending s. 220.191, F.S.; deleting provisions relating to affiliated groups with respect to the capital investment tax credit; amending s. 220.192, F.S.; deleting provisions relating to affiliated groups with respect to the renewable energy technologies investment tax credit; amending s. 220.193, F.S.; deleting provisions relating to affiliated groups with respect to the Florida renewable energy production tax credit; amending s. 220.51, F.S.; deleting provisions relating to the rulemaking authority of the Department of Revenue with respect to consolidated reporting for affiliated groups; amending s. 220.64, F.S.; conforming cross-references; providing transitional rules for corporate income tax returns filed by water's edge groups and affiliated groups of corporations; specifying the allocation of funds that are recaptured under the act; repealing s. 220.131, F.S., relating to adjusted federal income for affiliated groups; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 2272—A bill to be entitled An act relating to inservice professional development academies; amending s. 1012.985, F.S.; revising provisions relating to regional inservice professional development academies; requiring that one school district be designated to serve as the fiscal agent for each regional academy; deleting provisions that require such academies to meet certain criteria in order to receive start-up funds; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lynn—

SB 2274—A bill to be entitled An act relating to vocational rehabilitation programs; amending s. 413.20, F.S.; redefining and deleting terms; repealing s. 413.206, F.S., relating to a 5-year plan for the Division of Vocational Rehabilitation within the Department of Education; amending s. 413.30, F.S.; revising provisions relating to eligibility for services; requiring the division to conduct trial work experiences before determining that an individual is incapable of benefiting from services; requiring the division to refer an individual to other programs if the division determines that the individual is ineligible for services; requiring the division to serve those having the most significant disabilities first under specified circumstances; amending s. 413.341, F.S.; allowing confidential records to be released for evaluation or audit purposes; repealing ss. 413.70 and 413.72, F.S., relating to the limiting disabilities program; repealing s. 413.73, F.S., relating to the disability assistance program; providing effective dates.

—was referred to the Committees on Education Pre-K - 12; Commerce; and Education Pre-K - 12 Appropriations.

By Senator Oelrich—

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

providing penalties; amending ss. 760.40 and 948.014, F.S.; conforming provisions to changes made by this act; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Accountability; Judiciary; and Criminal and Civil Justice Appropriations.

By Senator Gelber—

SB 2278—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.334, F.S.; deleting provisions for applying to the Division of Pari-mutuel Wagering for a permit to conduct quarter horse race meetings; deleting provisions for granting a license to conduct quarter horse racing; deleting a provision for governance and control of quarter horse racing; deleting a requirement for intertrack wagering to be conducted by a quarter horse permitholder; amending s. 550.054, F.S.; prohibiting the Division of Pari-mutuel Wagering from issuing new pari-mutuel permits; providing for retroactive application; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; and General Government Appropriations.

By Senator Gelber—

SB 2280—A bill to be entitled An act relating to workers' compensation; amending s. 440.105, F.S.; deleting provisions prohibiting payments for services in connection with a worker's compensation claim which are not approved by a judge of compensation claims; amending s. 440.34, F.S.; deleting provisions prohibiting a judge of compensation claims from approving the payment of attorney's fees in excess of certain amounts; providing that ch. 440, F.S., does not impair the right of a claimant to contract with an attorney; deleting provisions prohibiting a judge of compensation claims from approving a retainer agreement that permits placing an employee's compensation into an escrow account until benefits have been paid; deleting a provisions authorizing a judge of compensation claims to approve a limited amount of alternative attorney's fee; amending s. 440.491, F.S.; authorizing additional training and education benefits for employees who have attained maximum medical improvement; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; and Rules.

By Senators Bennett and Lynn—

SB 2282—A bill to be entitled An act relating to first-responder services; creating ss. 125.01045 and 166.0446, F.S.; prohibiting counties and municipalities from imposing taxes, charging fees, or seeking reimbursement for costs relating to certain first-responder services; providing an exception; defining the term "first responder"; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Haridopolos—

SB 2284—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; deleting the term "approved program" to conform to the repeal by the act of the Board of Nursing's authority to approve nursing programs; defining the term "eligible program"; amending s. 464.004, F.S.; revising the board's membership to include a nurse educator member of an eligible program; amending s. 464.008, F.S.; requiring applicants for licensure as a registered nurse or licensed practical nurse to be graduates of an eligible program; deleting a provision requiring such applicants to complete the graduation requirements of an approved program to conform to the repeal by the act of the board's authority to approve nursing programs; deleting a provision authorizing the board to approve equivalent requirements for professional nursing preparation; amending s. 464.015, F.S.; requiring that the terms "Graduate Nurse" and "Graduate Practical Nurse" be used only by graduates of eligible programs; conforming provisions to the repeal by the act of the board's authority to approve nursing programs; amending s. 464.022, F.S.; authorizing graduates of eligible programs to practice nursing pending the results of the licensing examination; conforming provisions to changes made by the act; repealing s. 464.019, F.S., relating to the board's approval of nursing programs; providing an effective date.

—was referred to the Committees on Health Regulation; Higher Education; and Health and Human Services Appropriations.

By Senator Gardiner—

SB 2286—A bill to be entitled An act relating to licensure of health-care-related facilities; repealing s. 395.0199, F.S., relating to private utilization review in health care; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references to changes made by the act; repealing s. 400.141(16), F.S., relating to a licensed facility's requirement to report the number of vacant beds in its facility which are available for resident occupancy; amending s. 400.147, F.S.; redefining the term "adverse incident"; deleting the agency's requirement to submit a report to the Legislature on adverse incidents occurring at nursing homes; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.464, F.S.; revising provisions relating to the licensure of home health agencies to conform to changes made by the act; amending s. 400.497, F.S.; conforming a cross-reference to changes made by the act; amending s. 400.506, F.S.; revising provisions relating to the licensure of nurse registries to conform to changes made by the act; repealing s. 400.509, F.S., relating to registration of particular service providers that are exempt from licensure, certificates of registration, and regulation of registrants; amending s. 400.512, F.S.; revising provisions relating to the screening of home health agency personnel to conform to changes made by the act; amending s. 400.9935, F.S.; revising the legal responsibilities of a medical or clinic director of a health care clinic; revising the accreditation requirements for a clinic that is engaged in magnetic resonance imaging services; repealing s. 400.995, F.S., relating to agency administrative penalties; amending s. 408.803, F.S.; redefining the term "change of ownership" with regard to the Health Care Licensing Procedures Act; amending s. 408.806, F.S.; revising the license application process; authorizing the agency to provide electronic access to information or documents; amending s. 408.807, F.S.; revising the process to change ownership of certain health care facilities; amending s. 408.808, F.S.; authorizing the issuance of a provisional license to an applicant submitting an application for a change of ownership; amending s. 408.809, F.S.; revising the requirements for the background screening of applicants; providing an exception for rescreening; authorizing a person who has a disqualifying offense to continue to perform his or her duties under certain circumstances pending the outcome of the application for exemption; amending s. 408.810, F.S.; revising minimum licensure requirements; amending s. 408.811, F.S.; revising inspection requirements; authorizing the agency to require an applicant or licensee to submit a plan of correction for deficiencies; amending s. 408.813, F.S.; classifying violations of the Health Care Licensing Procedures Act; amending s. 408.820, F.S.; conforming cross-references to changes made by the act; creating s. 408.821, F.S.; providing for emergency management planning; authorizing the issuance of an inactive license under certain circumstances; providing requirements for an inactive license; authorizing the agency to establish rules related to emergency management planning in consultation with the Department of Community Affairs; repealing s. 408.831(3) and (4), F.S., relating to the denial, suspension, or revocation of a license, or change of ownership; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to the Medicaid program in this state; repealing s. 429.071, F.S., relating to a pilot program for an intergenerational respite care assisted living facility; amending s. 429.08, F.S.; authorizing the agency to provide certain information electronically or through the agency's website to referral providers, the Department of Children and Family Services, and the Department of Elderly Affairs; deleting the provision that required the field offices of the agency to establish local coordinating workgroups; amending s. 429.19, F.S.; revising the classification of violations; deleting a provision that requires the agency to make a reasonable attempt to discuss violations and recommend corrective actions to the owner or administrator of a facility; authorizing the agency to provide a list of sanctioned facilities electronically or through the agency's Internet site; amending s. 429.23, F.S.; redefining the term "adverse incident" with regard to the Assisted Living Facilities Act; deleting the agency's requirement to submit a report on reports of adverse incidents occurring at

assisted living facilities; requiring that incidents of abuse, neglect, or exploitation be reported to the Department of Children and Family Services; repealing s. 429.26(9), F.S., relating to the appropriateness of admission of an individual to an assisted care facility; amending s. 435.04, F.S.; authorizing certain employees of nursing homes, assisted care facilities, and related health care facilities to submit an affidavit of compliance with regard to background screening at the time of relicensure to the licensing agency; amending s. 435.05, F.S.; authorizing each employer that is required to conduct level 2 background screening to sign an affidavit at the time of relicensure; amending s. 483.031, F.S.; revising provisions relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; defining the term "waived test" as a test that the federal Centers for Medicare and Medicaid Services, rather than the Health Care Financing Administration, has determined qualifies for a certificate of waiver; repealing s. 483.106, F.S., relating to the application for a certificate of exemption for certain clinical laboratories; amending s. 483.172, F.S.; revising a provision relating to the assessment of a licensing fee for a certificate of exemption to conform to changes made by the act; amending s. 483.23, F.S.; revising provisions relating to offenses regarding a clinical laboratory license to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Storms—

SB 2288—A bill to be entitled An act relating to child welfare; amending s. 39.001, F.S.; adding family-centered practice to the principles upon which the child protection system should be based; amending s. 39.01, F.S.; conforming a cross-reference; amending s. 39.0121, F.S.; conforming cross-references; amending s. 39.013, F.S.; conforming terms; amending s. 39.202, F.S.; requiring the Department of Children and Family Services to permanently keep all records of child abuse, abandonment, and neglect which relate to services provided to the child; requiring the department to notify the child's legal custodian or the adult child of how such records may be obtained; requiring the department to adopt rules; amending s. 39.301, F.S.; providing definitions; providing for a safety assessment as part of child protective investigations; deleting provisions relating to preliminary determinations, when to file petitions for dependency, when to conduct onsite and enhanced onsite protective investigations, when certain services should be provided, certain training requirements, and certain rule adoption requirements; providing a directive to the Division of Statutory Revision; repealing ss. 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, 39.318, F.S., relating to the Family Builders Program; creating s. 39.320, F.S.; providing legislative findings and intent relating to family-centered practice; creating s. 39.321, F.S.; providing goals for family-centered practice; creating s. 39.322, F.S.; providing principles for family-centered practice; authorizing the department to adopt rules; creating s. 39.323, F.S.; authorizing the department to use certain funds for delivering family-centered practice services; amending s. 39.504, F.S.; revising provisions relating to an injunction to protect a child; requiring the petition to be verified; providing for hearings; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 409.1451, F.S.; conforming terms relating to dependency placement; allowing a participant in the Road-to-Independence program to be reinstated; amending s. 409.1671, F.S.; requiring the Department of Children and Family Services to ensure that contracts with community-based agencies are funded by general revenue and federal funding sources; requiring the agencies to document federal earnings and to return undocumented earnings to the department; permitting contracts with the agencies to be increased by excess earnings; authorizing the department to outsource certain functions relating to the agencies; permitting certain expenditures by the agencies; requiring that fixed-price contracts with the agencies have a 2-month advance and that interest on the advance be retained by the agencies to expend on allowable child welfare services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 2290—A bill to be entitled An act relating to the Business Attraction Incentive Award Program; providing for the payment of a finder's fee to a person who aids a business in the selection of a site for relocation; stating the purpose of the program; defining terms; providing for the administration of the program by the Office of Tourism, Trade, and Economic Development; limiting the amount of the finder's fee; providing fines and criminal penalties for fraudulent claims for finder's fees; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 2292—A bill to be entitled An act relating to required advertisements and notices by governmental entities; creating s. 50.0311, F.S.; defining the term "publicly accessible website" for specified purposes; providing circumstances under which a governmental entity may use its website for legally required advertisements and public notices; requiring that legally required advertisements and notices be conspicuously placed on publicly accessible websites; requiring that such notice or advertisement indicate the initial date of publication on such website; amending ss. 50.011, 50.021, 50.051, 50.061, 100.342 125.012, 125.35, 125.66, 129.03, 129.06, 138.12, 153.53, 153.55, 153.79, 157.03, 157.21, 157.28, 159.32 , 162.12, 163.3184, 163.3225, 163.356, 163.360, 163.361, 163.380, 163.387, 163.511, 163.514, 163.516, 163.524, 165.041, 165.051, 166.041, 166.0497, 170.05, 170.07, 171.0413, 171.051, 173.09, 177.101, 180.09, 180.24, 189.4044, 189.417, 190.006, 190.033, 191.005, 192.0105, 194.037, 197.3632, 200.065, 205.032, 205.042, 255.0525, 274.06, 298.301, 348.243, 348.83, 348.943, 348.953, 348.968, 350.81, 373.4592, 373.45924, 373.536, 376.80, 379.2425, 380.06, 403.973, 420.9075, 553.73, 633.025, 705.103, and 715.109, F.S.; providing requirements for publication in newspapers and on the Internet for certain required notices and advertisements by governmental entities; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Wise—

SB 2294—A bill to be entitled An act relating to environmental control; directing the Department of Environmental Protection to develop a plan for the implementation of an expedited permitting process for nuclear power plants; directing the department to develop a plan for the implementation of an offshore drilling program; providing requirements for the plans; requiring the plans to be submitted to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; and General Government Appropriations.

By Senator Constantine—

SB 2296—A bill to be entitled An act relating to the influenza vaccine; amending ss. 402.305, 402.313, and 402.3131, F.S.; requiring children receiving care at child care facilities, family day care homes, and large family child care homes to be vaccinated for the influenza virus; requiring the Department of Health to adopt rules to add the vaccine to its list of required vaccines; requiring child care facilities, family day care homes, and large family child care homes to furnish proof of compliance to the department by a specified date; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Crist—

SB 2298—A bill to be entitled An act relating to the Department of Corrections; amending s. 940.061, F.S.; removing provisions that require the Department of Corrections to assist eligible inmates and offenders on community supervision to complete the application for the restoration of civil rights; requiring the Department of Corrections to send to the Parole Commission a monthly electronic list of those offenders who may be eligible for the restoration of their civil rights; amending s. 944.35, F.S.; providing that an employee of a private correctional facility commits a felony of the third degree if he or she engages in sexual misconduct with an inmate or an offender supervised by the department in the community; providing an exception; creating s. 945.604, F.S.; defining the term "claim" for institutional and noninstitutional purposes; specifying when a claim for payment or a claim for overpayment is considered submitted; describing procedures to follow when filing a claim for payment and when filing a claim for overpayment; providing that the filing procedures may not be waived; creating s. 945.6041, F.S.; defining the terms "emergency medical transportation services" and "health care provider"; providing a compensation limit if there is no contract between the department and a health care provider or an emergency medical transportation services provider and a medical service is provided to an inmate by a health care provider or an emergency medical transportation services provider; providing an exception for charges for medical services provided at a hospital operated by the department; amending s. 947.1405, F.S.; requiring any person who has been placed under supervision and is electronically monitored by the department to pay the department for the cost of the electronic monitoring service; requiring that funds collected from the person be deposited into the General Revenue Fund; authorizing the Department of Corrections to exempt a person from the payment of all or any part of the electronic monitoring service cost under certain circumstances; amending s. 948.01, F.S.; requiring the court to use the orders of supervision prepared by the Department of Corrections when placing a defendant on community supervision; amending s. 948.03, F.S.; requiring that a person placed on probation agree to live in the community without violating any law and to submit to having his or her digitized photograph taken by the department; providing that the offender's photograph may be displayed on the public website of the department while the offender is on supervision; amending s. 948.09, F.S.; requiring a person to pay the department the cost of electronically monitoring the offender while the offender is placed on supervision; providing for a cost cap on the monitoring service; providing that the department may exempt a person from paying all or any part of the costs of the electronic monitoring service under certain circumstances; amending s. 948.101, F.S.; removing terms and conditions for criminal quarantine community control for a defendant who is being sentenced for criminal transmission of HIV; amending s. 948.11, F.S.; removing certain conditions related to electronic monitoring; amending s. 951.23, F.S.; removing requirements for the Department of Corrections to collect specified data; amending s. 958.045, F.S.; requiring the Department of Corrections to submit a report to the court at least 30 days before a youthful offender is scheduled to complete the basic training program; requiring the court to modify the youthful offender's sentence and place the offender on probation if the youthful offender has successfully completed the basic training program; amending s. 960.292, F.S.; requiring the court to retain continuing jurisdiction over a convicted offender for the duration of the sentence and up to 5 years after the offender is released from incarceration or supervision for the sole purpose of entering a civil restitution lien order; amending s. 906.293, F.S.; providing a methodology for determining damages owed to the state by a convicted offender; amending s. 906.297, F.S.; providing that the state may initiate a civil action to collect costs at any time during the offender's incarceration and up to 5 years after the offender is released from incarceration or supervision; repealing ss. 944.293 and 948.001(3), F.S., relating to the restoration of the civil rights of a convicted felon and criminal quarantine community control, respectively; amending s. 948.09, F.S.; conforming a cross-reference; reenacting s. 921.0021(7)(c), F.S., relating to definitions related to the severity ranking chart, to incorporate the amendment made to s. 944.35, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

SB 2300—A bill to be entitled An act relating to the Florida Energy and Climate Commission; requiring the commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Garcia—

SB 2302—A bill to be entitled An act relating to community associations; amending s. 20.165, F.S.; providing powers for employees of the Division of Florida Condominiums, Timeshares, and Mobile Homes; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, jurisdiction, and responsibilities; amending s. 34.01, F.S.; providing jurisdiction for disputes involving a homeowners' association and one or more members of the association; requiring a court to advance matters related to elections on the court calendar; amending s. 468.436, F.S.; revising a ground for disciplinary action relating to misconduct or negligence; requiring the Department of Business and Professional Regulation to enter an order permanently revoking certain community association manager or firm licenses; creating s. 627.714, F.S.; requiring coverage under a condominium unit owner's policy or a cooperative shareholder's policy to include a minimum amount of loss assessment coverage; providing coverage requirements; amending s. 689.28, F.S.; revising the definition of the term "transfer fee"; amending s. 718.111, F.S.; requiring coverage for certain personal property to be the responsibility of the condominium unit owner; revising board meeting notice requirements; requiring insurance policies issued or renewed on or after a specified date to conform to specified loss assessment coverage requirements; revising and deleting provisions relating to hazard or casualty insurance coverage requirements, to conform; deleting a provision requiring the condominium association to be an additional named insured and loss payee on all casualty insurance policies issued to unit owners in the condominium operated by the association; amending s. 718.112, F.S.; revising notice requirements for board of administration meetings; revising terms of board members; revising requirements for the reappointment of certain board members; revising election notice requirements; providing requirements for the amendment of association bylaws; providing for the removal of certain directors and officers; providing qualifications for service on the board of directors; amending s. 718.113, F.S.; authorizing the association to install code-compliant impact glass as hurricane protection in certain areas; amending s. 718.116, F.S.; deleting provisions limiting the liability of mortgagee and successors acquiring title by foreclosure or by deed in lieu of foreclosure for certain unpaid assessments; deleting an exemption from liability for certain persons acquiring title to a condominium as a result of the foreclosure of the mortgage or by deed in lieu of the foreclosure of the mortgage; deleting a provision limiting the availability of certain provisions in certain cases; deleting a definition; providing lien priority; authorizing an association to demand future regular assessments related to the condominium unit under specified conditions; amending s. 718.1265, F.S.; providing conditions under which the association may use certain emergency powers; amending s. 718.3025, F.S.; requiring certain associations to enter into a management agreement with a licensed person or firm; amending s. 718.501, F.S.; revising condominium matters under which the division has jurisdiction; revising and providing powers of the division; requiring the division to create a specified booklet for association directors; amending s. 718.5012, F.S.; authorizing the Office of the Condominium Ombudsman to assist in the resolution of certain disputes; amending s. 718.50151, F.S.; redesignating the Community Association Living Study Council as the Community Association Study Council; revising council membership; amending s. 719.103, F.S.; revising definitions; changing references from unit owner to shareholder in statutes relating to cooperatives; amending s. 719.104, F.S.; providing civil penalties for violations of accounting records requirements; exempting certain personal information from unit owner records requests; providing immunity from liability for certain information provided by

associations to prospective purchasers or lienholders under certain circumstances; providing legislative intent; requiring that property insurance be based upon the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal; requiring that the full insurable value be determined at specified intervals; providing means by which an association may provide adequate property insurance coverage; authorizing an association to consider certain information when determining coverage amounts; providing for coverage by developer-controlled associations; providing that policies may include deductibles as determined by the association's board of directors; providing requirements and guidelines for the establishment of such deductibles; requiring that the amounts of deductibles be set at a meeting of the board; providing requirements for such meeting; requiring that an association controlled by shareholders operating as a residential cooperative use its best efforts to obtain and maintain adequate insurance to protect the association and property under its supervision or control; authorizing an association to obtain and maintain liability insurance for directors and officers, insurance for the benefit of association employees, and flood insurance for common elements, association property, and units; requiring that every property insurance policy issued or renewed on or after a specified date for the purpose of protecting the cooperative provide certain coverage; requiring that such policies contain certain provisions; providing responsibilities of the shareholder and association with regard to reconstruction work and associated costs after a casualty loss; requiring the association to maintain certain insurance or fidelity bonding for persons who control or disburse funds of the association; providing requirements with respect to financial statements and reports; providing that the operation of the cooperative shall be by the association; providing that shareholders shall be members of the association; providing legislative intent; providing that a director of the association who abstains from voting on any action taken on any corporate matter shall be presumed to have taken no position with regard to the action; providing duties of officers, directors, and agents of a cooperative association and liability for monetary damages under certain circumstances; providing that the association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers; providing powers of the association with respect to title to property and purchase of units; amending s. 719.106, F.S.; requiring certain items to be placed on the agenda of board meetings; providing requirements for shareholder meetings; providing terms of office and election requirements for the board of directors; providing criteria for the amendment of the bylaws; providing eligibility to vote on certain questions involving reserve funds; requiring proxy questions relating to reserves to contain a specified statement; requiring the bylaws to contain certain provisions; requiring that directors and officers who are delinquent in certain payments owed in excess of certain periods of time be deemed to have abandoned their offices; requiring that directors and officers charged with certain offenses involving an association's funds or property be suspended from office pending resolution of the charge; providing for the reinstatement of such directors and officers under certain circumstances; providing qualifications for directors; repealing s. 719.1064, F.S., relating to the failure to fill vacancies on board of administration and the appointment of a receiver upon petition of a shareholder; amending s. 719.107, F.S.; providing the expense of installation, replacement, operation, repair, and maintenance of hurricane shutters or other hurricane protection shall constitute either a common expense or shall be charged individually to the shareholders under certain conditions; amending s. 719.108, F.S.; providing grounds for disapproval of the proposed lease of a unit by an association; providing priority of liens; providing lien requirements; providing for the extension of certain liens; providing lien notice and filing requirements; providing foreclosure requirements; providing the association with the power to purchase a cooperative unit at a foreclosure sale; requiring the association to provide a certificate of assessment under certain conditions; providing for the establishment of fees for the preparation of such certificates; providing for the refund of certain fees; authorizing the association to demand payment of future assessments under certain circumstances; creating s. 719.113, F.S.; providing that maintenance of common areas is the responsibility of the association; providing that the cooperative documents may include reference that the association provide certain maintenance for the condominium; providing that there shall be no material alteration or substantial additions to the common areas or to real property which is association property; providing for protection of the common areas; allowing shareholders to display a United States flag as well as other specified flags on designated days and patriotic holidays; requiring the board to adopt hurricane shutter specifications; authorizing the board to install certain hurricane protection; prohibiting the board from installing certain hurricane shutters or other hurricane protection under certain circumstances; providing for the maintenance, repair, and replacement of hurricane shutters or other hurricane protection; authorizing the board to operate hurricane shutters without shareholder permission under certain circumstances; prohibiting the board from refusing to approve the installation or replacement of hurricane shutters under certain conditions; requiring that the board inspect certain buildings and issue a report under certain conditions; providing an exception; prohibiting the board from refusing a request for reasonable accommodation for the attachment to a unit of religious objects meeting certain size specifications; authorizing the board to install solar collectors, clotheslines, or other energy-efficient devices upon or within common areas or association property; creating s. 719.117, F.S.; providing legislative findings; providing provisions relating to the termination of the cooperative form of ownership of a property due to economic waste or impossibility or optional termination; providing grounds for termination; providing an exemption; providing that the approval of a plan of termination by certain mortgage lienholders is not required under certain conditions; providing powers and duties of the board relating to the plan of termination; providing requirements following natural disasters; providing reporting requirements; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of cooperative property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing for recovery of attorney's fees and costs; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another cooperative by the trustee; creating s. 719.1224, F.S.; prohibiting strategic lawsuits against public participation; providing legislative findings and intent; prohibiting a governmental entity, business organization, or individual from filing certain lawsuits made upon specified bases against a shareholder; providing rights of a shareholder who has been served with such a lawsuit; providing procedures for the resolution of certain claims; providing for the award of damages and attorney's fees; prohibiting associations from expending association funds in prosecuting such a suit against a shareholder; amending s. 719.1255, F.S.; requiring the division to provide alternative dispute resolution for certain matters; creating s. 719.1265, F.S.; authorizing an association to exercise certain powers in instances involving damage caused by an event for which a state of emergency has been declared; limiting the applicability of such powers; amending s. 719.301, F.S.; providing circumstances under which shareholders other than a developer may elect not less than a majority of the members of the board; requiring a turnover inspection report; requiring that the report contain certain information; creating s. 719.3025, F.S.; requiring written contracts for the operation, maintenance, or management of a cooperative association or cooperative property; providing contract requirements; authorizing the association to procure outside services under certain circumstances; providing that services or obligations not stated on the face of the contract shall be unenforceable; providing applicability; amending s. 719.3026, F.S.; revising a provision authorizing certain associations to opt out of provisions relating to contracts for products and services; removing provisions exempting contracts executed before a specified date from certain competitive bid requirements; providing requirements for any contract or transaction between an association and one or more of its directors or a specified other entity in which one or more of its directors are directors or officers or have a financial interest; amending s. 719.303, F.S.; providing that hearings regarding noncompliance with a declaration be held before certain persons; amending s. 719.501, F.S.; providing authority and responsibilities of the division; providing for enforcement actions brought by the division in its own name; providing for the imposition of penalties by the division; requiring that the division issue a subpoena requiring production of certain requested records under certain circumstances; providing for the issuance of notice of a declaratory statement with respect to documents governing a cooperative; deleting requirement that the division adopt certain accounting principles; requiring that the division provide training and educational programs for association board members and shareholders; authorizing the division to include certain training components, review or approve training and educational programs offered by providers, and maintain a list of approved programs and providers; requiring the division to develop a program to certify both volunteer and paid mediators; providing responsibilities of the division with regard to such mediators; requiring that certain individuals cooperate with the division in any investigation conducted by the division; requiring the division to cooperate with similar agencies in other jurisdictions to establish certain procedures, standards, and forms; speci-

fying what constitutes completeness of notice to developer; authorizing the division to issue a notice to show cause; requiring an association to pay any penalty due to the division before having standing to maintain or defend any action in the courts of this state; creating s. 719.5011, F.S.; requiring the Office of the Condominium Ombudsman to assist cooperative associations and cooperative shareholders; amending s. 719.503, F.S.; providing shareholder disclosure requirements for the sale of interest in a cooperative association; amending s. 720.302, F.S.; deleting a provision to conform to changes made by the act; amending s. 720.3085, F.S.; revising provisions relating to the effectiveness and priority of homeowners' associations' liens; repealing s. 720.311, F.S., relating to dispute resolution; amending s. 721.16, F.S.; conforming a cross-reference; requiring a study by the Office of Program Policy Analysis and Government Accountability for specified purposes; requiring a report to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Joyner—

SB 2304—A bill to be entitled An act relating to the presidential preference primary; amending s. 103.101, F.S.; revising the dates relating to the presidential preference primary; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Storms—

SB 2306—A bill to be entitled An act relating to the Marriage Education Trust Fund; creating s. 741.0101, F.S.; creating the Marriage Education Trust Fund within the Executive Office of the Governor; providing for administration of the trust fund and use of moneys therein; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Finance and Tax; and Health and Human Services Appropriations.

By Senator Gelber—

SB 2308—A bill to be entitled An act relating to performing arts center funding; amending s. 212.20, F.S.; revising the authority of the Department of Revenue to distribute certain tax proceeds to include distributions to performing arts centers; creating s. 288.163, F.S.; designating the Office of Tourism, Trade, and Economic Development as the state agency for screening applicants for performing arts center funding; providing a definition; requiring the office to adopt funding application rules; specifying certification duties of the office; specifying uses of certain funds; requiring the office to notify the department of certifications; authorizing the department to conduct audits to verify expenditures; authorizing the department to recover certain funds under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Storms and Baker—

SB 2310—A bill to be entitled An act relating to premarital preparation; amending s. 741.01, F.S.; providing for an additional marriage license fee and distribution of proceeds; providing for refund of this additional fee for completion of a premarital preparation course; amending s. 741.011, F.S.; conforming a provision to changes made by this act; amending s. 741.0305, F.S.; increasing the minimum number of hours of a premarital preparation course; specifying that the use of a premarital inventory may be a part of a premarital preparation course; defining the term "premarital inventory"; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and Health and Human Services Appropriations.

By Senator Dean—

SB 2312—A bill to be entitled An act relating to agriculture; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 316.003, F.S.; revising the term "farm tractor" for purposes of state uniform traffic control; amending s. 320.51, F.S.; exempting certain types of motor vehicles from requirements for registration, payment of license taxes, and display of license plates; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to publish nonregulatory guidance for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; authorizing the department to adopt rules; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; providing an effective date.

—was referred to the Committees on Agriculture; Transportation; Finance and Tax; and General Government Appropriations.

By Senator Wise—

SB 2314—A bill to be entitled An act relating to affordable housing; amending s. 201.15, F.S.; providing criteria relating to distribution of proceeds from the excise tax on documents to increase housing accessibility for persons with special needs; amending s. 420.0003, F.S.; providing additional policy guidelines under the state housing strategy for the development of programs for housing production or rehabilitation; including the needs of persons with special needs in the strategy's periodic review and report; amending s. 420.0004, F.S.; defining the terms "disabling condition" and "person with special needs"; conforming cross-references; amending s. 420.5087, F.S.; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; amending ss. 163.31771, 196.1978, 212.08, 215.5586, and 420.507, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Jones—

SB 2316—A bill to be entitled An act relating to pari-mutuel facilities; amending s. 550.002, F.S.; revising the definition of the term "full schedule of live racing or games" as it applies to quarter horse permitholders; amending s. 550.01215, F.S.; removing an exception to the required issuance date of licenses to conduct thoroughbred racing performances; amending s. 550.105, F.S.; revising provisions for business and occupational licenses; providing for a determination of fees for such licenses valid for more than 12 months; directing the Division of Pari-mutuel Wagering to adopt rules for licensing periods and renewal cycles; defining the term "convicted" as it applies to occupational license applicants; limiting application of the term "conviction"; revising the time period that a temporary occupational license may be valid; removing a requirement that an applicant's signature be witnessed and notarized or signed in the presence of a division official; providing for retention of

fingerprints and criminal history screening; providing for payment of fee for screenings; providing that the fee be established by rule of the Department of Law Enforcement; requiring that the cost of processing fingerprints and conducting a national criminal history record check for a general occupational license be borne by the slot machine licensee and for a business or professional occupational license be borne by the person being checked; requiring licensees to disclose certain convictions; amending s. 550.2415, F.S.; revising provisions prohibiting cruelty to animals; providing that the prohibition applies to any act of cruelty involving any animal; authorizing the division to inspect any area at a pari-mutuel facility for certain purposes; amending s. 550.334, F.S.; removing a provision for issuing a permit to conduct quarter horse race meetings; removing a provision for issuing a license to conduct quarter horse racing; removing provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; revising provisions for licensing to conduct thoroughbred racing; revising certain dates relating to licensing and the thoroughbred racing season; removing a provision for a summer thoroughbred horse racing permit; removing expired provisions relating to scheduled performances; amending s. 849.086, F.S.; revising provisions for initial and renewal issuance of a cardroom license; revising provisions for renewal of a cardroom occupational license; revising requirements for occupational licensee's criminal records check; providing a limitation on occupational licensee fees; amending ss. 772.102 and 895.02, F.S.; correcting cross-references; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; Finance and Tax; and General Government Appropriations.

By Senator Constantine—

SB 2318—A bill to be entitled An act relating to postsecondary tuition rates; providing a short title; creating s. 1009.286, F.S.; providing legislative intent; requiring that a student who is enrolled at a State University System institution pay the out-of-state tuition rate per credit hour if the student exceeds 120 percent of the number of credit hours required to complete a degree program; providing for applicability; requiring that an educational plan be developed for a student who exceeds the required credit hours; authorizing each State University System institution to develop a process for exempting a student from the increased tuition rate under certain circumstances; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Richter—

SB 2320—A bill to be entitled An act relating to transportation projects; amending s. 334.30, F.S.; revising requirements for approval of agreements between the Department of Transportation and private entities for the building, operation, ownership, or financing of transportation facilities; requiring a public-private partnership to provide certain financial benefits to the state and the counties where any tolls are collected or where the facility is located; revising provisions for agreements under which the department may lease existing toll facilities through public-private partnerships; limiting distribution of proceeds from leases of facilities on the State Highway System to funding improvement projects on the State Highway System; providing requirements for selection of such projects; requiring distribution of proceeds to be in accordance with specified provisions; requiring certain coordination between the department and counties and municipalities where such tolls will be collected; requiring such distributions to provide an increase in current funding; requiring the department to share a required independent analysis with the local governments impacted by any proposed lease; amending s. 338.165, F.S.; providing requirements for use of revenues generated pursuant to the lease of an existing toll facility under specified provisions; requiring that such revenue be used to pay debt service on any bond indebtedness related to the facility and for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the existing toll facility is located; directing a metropolitan planning organization in a county where a leased toll facility is located to submit a list of projects to be funded; providing requirements for such list; prohibiting funding for such projects from supplanting funds committed in the department's 5-year work program or from reducing future allocations to a district; providing that use of funds is subject to department approval; amending s. 339.135, F.S.; restricting reductions in fund allocations to a county for projects in the department's tentative work program; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gaetz—

SB 2322—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Legislative Oversight Council on United States Department of Defense Base Realignment and Closure Activities; providing the council's mission; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for members to be reimbursed for expenses; providing for council committees and the tasks of the committees; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; and Commerce; and the Policy and Steering Committee on Ways and Means.

By Senator Gaetz—

SB 2324—A bill to be entitled An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public-records requirements for specified records relating to military bases which are held by the Legislative Oversight Council on United States Department of Defense Base Realignment and Closure Activities; creating an exemption from public-meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public-records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

By Senator Ring—

SB 2326—A bill to be entitled An act relating to renewable energy and technologies; creating s. 377.809, F.S.; authorizing the Florida Energy and Climate Commission to create the Go Green Florida Program to issue monetary grants and recognition awards recognizing innovative local and statewide efforts to reduce energy consumption, raise awareness of alternative energy-efficient practices, reward efforts that encourage alternative energy use, and reduce the carbon footprint of this state; authorizing the commission to use certain funds for specified objectives; requiring the commission to establish an advisory panel; providing for membership on the advisory panel; providing that nongovernmental members of the advisory panel are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties; requiring the advisory panel to prepare recommendations for the Florida Energy and Climate Commission regarding grants and recognition awards; requiring the commission to create criteria for grants and recognition awards; providing for the requirements of the criteria; authorizing the commission to coordinate its other programs with the Go Green Florida Program; authorizing the commission to request assistance coordinating the activities and implementations of the Go Green Florida Program from the Volunteer Florida Foundation; requiring the commission to adopt rules; amending ss. 320.08056 and 320.08058, F.S.; creating the Go Green Florida license plate; establishing an annual fee for the plate; providing for the dis-

tribution of use fees received from the annual sale of such plates; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Transportation; and General Government Appropriations.

By Senator Dean—

SB 2328—A bill to be entitled An act relating to clean energy; creating the Clean Portfolio Standards Act; providing legislative intent; defining the term "clean energy"; requiring each electric utility to ensure that at least 20 percent of all retail electric sales be derived from clean energy by a specified date; requiring public utilities to give priority to entities that produce clean energy in this state when purchasing electricity; requiring each electric utility to make a good faith effort to acquire sufficient clean energy to comply with the provisions of the act; providing exceptions; encouraging electric utilities in this state to pursue the joint-ownership of nuclear power plants; authorizing the Public Service Commission to adopt rules to ensure that public utilities produce clean energy in a fair and impartial manner; authorizing the Public Service Commission to develop an accreditation process to ensure that any entities providing clean energy in this state satisfy the legislative goals of this act; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Richter—

SB 2330—A bill to be entitled An act relating to corporations; amending s. 607.0728, F.S.; authorizing certain alternative procedures for the election of members of the board of directors; amending s. 607.0807, F.S.; revising resignation procedures for members of the board of directors; providing that a resignation may be irrevocable under certain conditions; amending s. 607.0809, F.S.; revising procedures for filling a vacancy on the board of directors; providing an effective date.

—was referred to the Committees on Commerce; and Judiciary.

By Senator Peaden—

SB 2332—A bill to be entitled An act relating to obesity prevention; amending s. 381.0054, F.S.; providing definitions; requiring the operator of a food service establishment that has five or more locations in the state to conspicuously disclose the number of calories of certain food items served or offered for sale in the food service establishment; providing the manner and requirements for the disclosure; providing exceptions; providing that certain actions constitute a violation of the act; providing immunity from liability for the operator under certain circumstances; providing for the disclosure requirement to be superseded by federal law under certain circumstances; providing for the disclosure requirement to apply to all food service establishments after a specified date; providing an effective date.

—was referred to the Committees on Health Regulation; Commerce; Judiciary; and Health and Human Services Appropriations.

By Senator Dean—

SB 2334—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.1961, F.S.; revising requirements for the use of moneys in the trust fund; authorizing the Northwest Florida Water Management District and the Suwannee River Water Management District to use a portion of moneys in the trust fund for specific purposes; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Gaetz—

SB 2336—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2338—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2340—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2342—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2344—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2346—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2348—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2350—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2352—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2354—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2356—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2358—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2360—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2362—A bill to be entitled An act relating to the tax code; expressing the legislative intent to revise laws relating to the tax code; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2364—A bill to be entitled An act relating to the tax code; expressing the legislative intent to revise laws relating to the tax code; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Gaetz—

SB 2366—A bill to be entitled An act relating to the tax code; expressing the legislative intent to revise laws relating to the tax code; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 2368—A bill to be entitled An act relating to legal holidays and special observances; creating s. 683.332, F.S.; designating July 10 as "Associations Advance Florida Day"; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By Senator Gaetz—

SB 2370—A bill to be entitled An act relating to state purchasing of vehicles; providing definitions; requiring state agencies, state universities, and certain local governments to purchase hybrid, flex-fuel, or biodiesel vehicles if such vehicles are available; authorizing the Department of Management Services to adopt rules; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 2372—A bill to be entitled An act relating to state lands; amending s. 253.03, F.S.; deleting provisions authorizing the temporary lease of the South Florida Evaluation and Treatment Center complex to Miami-Dade County; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; General Government Appropriations; and Rules.

By Senator Detert—

SB 2374—A bill to be entitled An act relating to public records; expressing the legislative intent to revise laws relating to a public-records exemption for educational records; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; Education Pre-K - 12 Appropriations; and Rules.

By Senator Altman—

SB 2376—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a short title; amending s. 212.05, F.S.; limiting the amount of tax collected on individual sales of aircraft or boats; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Haridopolos—

SM 2378—A memorial to the Congress of the United States, urging Congress to adopt and submit to the states for ratification an amendment to the Constitution of the United States to provide term limits for United States Senators and Representatives.

—was referred to the Committee on Governmental Oversight and Accountability.

By Senator Wilson—

SB 2380—A bill to be entitled An act relating to the allocation and expenditure of state lottery revenues; amending s. 24.121, F.S.; requiring a portion of Powerball net revenues to be allocated to voluntary prekindergarten education programs; providing for the use of funds; providing an effective date.

—was referred to the Committees on Regulated Industries; Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wilson—

SB 2382—A bill to be entitled An act relating to contributions to relieve homelessness; amending s. 320.02, F.S.; requiring the motor vehicle registration form and registration renewal form to include an option to make a voluntary contribution to aid the homeless; amending s. 322.08, F.S.; requiring the driver's license application form to include an option to make a voluntary contribution to aid the homeless; amending s. 322.18, F.S.; requiring the driver's license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; providing that voluntary contributions for the homeless are not income of a revenue nature for the purpose of applying certain service charges; providing for such contributions to be deposited into the Grants and Donations Trust Fund of the Department of Children and Family Services and used by the State Office on Homelessness for certain purposes; providing an effective date.

—was referred to the Committees on Transportation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Fasano—

SB 2384—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; providing additional legislative findings; redefining the terms "covered event," "covered policy," "losses," "estimated claims-paying capacity," and "actual claims-paying capacity" to refer to reimbursement contracts; specifying uses of moneys in the Florida Hurricane Catastrophe Fund; providing for the expiration of certain requirements related to the initiation of reimbursement contracts; revising provisions with respect to issuance and use of revenue bonds; providing additional legislative findings regarding the issuance of certain revenue bonds; authorizing the State Board of Administration to direct the Office of Insurance Regulation to levy emergency assessments under certain circumstances; providing an expiration date for certain such authorizations; excluding certain assessments from the effects of such expiration; limiting the amount of such emergency assessments; requiring that the board appoint an advisory council; providing purposes and duties for the council; providing for membership of the council; requiring that the Chief Financial Officer annually designate a chair of the council; revising coverage levels under the Temporary Increase in Coverage Limits option to conform to changes made by the act; creating the Florida Hurricane Protection Program within the Florida Hurricane Catastrophe Fund; specifying purpose of the program; providing definitions; requiring that the board adopt a plan of operation for the program by rule; providing requirements for the plan of operation; requiring that certain coverage be provided; providing limitations and requirements for such coverage; requiring participation by certain insurers by entrance into a contract with the program; providing requirements for such contract; specifying powers and duties of the program; specifying duties of participating insurers; providing sanctions for noncompliance; providing limitations on liability; providing for the adoption of rates and forms; providing for the calculation of reinsurance needs; authorizing the acquisition of additional reinsurance for specified purposes; providing for transition; requiring that insurers make certain rate and form filings; providing legislative intent; requiring that the board adopt the plan of operation on or before a specified deadline; providing for implementation of the program; authorizing the board to adopt the plan of operation and forms as emergency rules; providing for the expiration of such emergency rules; requiring that the board initiate rulemaking within a specified period after the adoption of emergency rules; requiring that the board submit the initial rate plan required to implement the Florida Hurricane Protection Program to the Office of Insurance Regulation on or before a specified deadline; requiring that the office review the initial rate plan on an expedited basis; requiring that the office approve the initial rate plan on or before a specified deadline; providing that annual rate filings made subsequent to the initial rate plan take effect only after approval by the office; requiring transitional rate and form filings; amending s. 624.509, F.S.; specifying the applicability of the insurance premium tax to policies issued by the Florida Hurricane Protection Program; amending s. 627.351, F.S.; prohibiting Citizens Property Insurance Corporation from issuing or renewing certain types of policies after a specified date; providing an exception to restrictions on the acceptance of certain offers of coverage; requiring that the corporation provide access to specified policy information by insurance agents on or before specified deadlines; requiring that the corporation transfer a specified portion of its surplus to the fund; providing for the use of the corporation's information technology by the program; transferring ownership of such information technology to the program; amending s. 627.706, F.S.; specifying which counties are considered "high sinkhole hazard counties"; requiring that certain property insurance policies in such counties include catastrophic ground cover collapse coverage; prohibiting such policies in such areas from including coverage for sinkhole losses; requiring that an insurer make available to such policyholder an endorsement or separate policy providing sinkhole coverage; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 2386—A bill to be entitled An act relating to educational assessment; providing for discontinuation at the end of the 2008-2009 school year of the Florida Comprehensive Assessment Test in science administered to students in grade 11; requiring the science assessment administered at the high school level to be one or more end-of-course examinations; specifying requirements for an end-of-course examination; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Gaetz—

SB 2388—A bill to be entitled An act relating to surplus lands available for affordable housing; transferring, renumbering, and amending ss. 125.379 and 166.0451, F.S.; providing that a county or municipality failing to complete and update the inventory of all real property held by the county or municipality which is appropriate for affordable housing is ineligible to receive any state funding for affordable housing; providing that determining when the inventory is updated or complete is a ministerial act; amending s. 253.034, F.S.; requiring that a manager of conservation lands report to the Board of Trustees of the Internal Improvement Trust Fund at least every 5 years those lands that are not being used for the purpose for which they were originally leased; requiring that the Division of State Lands annually submit to the President of the Senate and the Speaker of the House of Representatives a copy of the state inventory identifying all nonconservation lands; requiring that the division publish a copy of the annual inventory on its website and notify by electronic mail the executive head of the governing body of each local government having lands in the inventory within its jurisdiction; amending s. 253.0341, F.S.; conforming cross-references to changes made by the act; creating s. 1011.775, F.S.; requiring that each

district school board prepare an inventory list at specified intervals of all real property within its jurisdiction which is not included in the 5-year district facilities work plan; requiring that the district school board adopt a resolution including the inventory list; providing acceptable uses for properties identified as appropriate for use as affordable housing on the inventory list; providing that a district school board that fails to complete an inventory list is ineligible to receive funding under the Merit Award Program; amending s. 1012.225, F.S.; requiring each district school board to certify to the Commissioner of Education its completion of a list of surplus real property; providing that the determination of completion of a district school board inventory by the Commissioner of Education is a ministerial act; providing an effective date.

—was referred to the Committees on Community Affairs; Education Pre-K - 12; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Peaden—

SB 2390—A bill to be entitled An act relating to state agency governance; amending s. 20.42, F.S.; revising the qualifications for the Secretary of Health Care Administration at the Agency for Health Care Administration; amending s. 20.43, F.S.; revising the qualifications for the State Surgeon General at the Department of Health; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Altman—

SB 2392—A bill to be entitled An act relating to renewable energy; creating s. 366.925, F.S.; establishing the "Florida Renewable Energy Freedom Act"; providing definitions; requiring electric utilities to provide producers of renewable energy with interconnection and metering services; specifying requirements and fees for such services; requiring electric utilities to purchase renewable energy at specified rates; requiring the Florida Public Service Commission to adopt specified rules; requiring producers of renewable energy to provide the commission with certain information; providing a limitation on the sale or transfer of electrical energy produced from renewable energy sources; requiring the commission to submit an annual report to the Governor and the Legislature; specifying report requirements; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Finance and Tax; and General Government Appropriations.

By Senator Gaetz—

SJR 2394—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution to increase the number of students who may be assigned to a public school teacher and to require that the existing class size limits apply to the average number of students per teacher at a public school.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 2396—A bill to be entitled An act relating to educational instruction; amending s. 1003.42, F.S.; requiring that the instructional staff of a public school teach a thorough presentation and critical analysis of the scientific theory of evolution and certain governmental, legal, and civic-related principles; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Gaetz—

SB 2398—A bill to be entitled An act relating to the tax code; expressing the legislative intent to revise laws relating to the tax code; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 2400—A bill to be entitled An act relating to a Medicaid home and community-based waiver program; amending s. 409.912, F.S.; eliminating the involvement of the Agency for Persons with Disabilities in the requirement that the Agency for Health Care Administration develop or amend a home and community-based services waiver to provide services to persons who have certain diagnoses; expanding the waiver to include children and adults who are diagnosed as having myotubular myopathy; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

By Senator Gardiner—

SB 2402—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a business establishment, the injured person must prove that the business establishment had knowledge of the condition in that the condition existed for a sufficient time for the business establishment to have taken action to remedy the condition; providing that constructive knowledge may be proven by circumstantial evidence; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; providing an effective date.

—was referred to the Committees on Commerce; and Judiciary.

By Senator Storms—

SB 2404—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising terminology; amending s. 415.102, F.S.; defining the term "activities of daily living" and revising the term "vulnerable adult"; conforming a cross-reference; amending s. 415.103, F.S.; requiring the central abuse hotline to immediately transfer certain calls relating to vulnerable adults to the appropriate local law enforcement agency; amending s. 415.1051, F.S.; authorizing the Department of Children and Family Services to file a petition to determine incapacity; prohibiting the department from acting as guardian or providing legal counsel to the guardian; amending s. 322.142, F.S.; providing a cross-reference to authorize the release of certain records for purposes of protective investigations; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Oelrich—

SB 2406—A bill to be entitled An act relating to claims by law enforcement and correctional officers; amending s. 112.18, F.S.; providing conditions under which a law enforcement officer, correctional officer, or correctional probation officer who suffers from a specified medical condition and has materially departed from the prescribed treatment for that condition shall lose a specified presumption for claims made after a specified date; defining the term "prescribed course of treatment"; providing for second medical opinions in certain situations; providing that only claims made before leaving employment are eligible for a specified presumption; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

SB 2408—A bill to be entitled An act relating to compensation for wrongful incarceration; amending s. 961.02, F.S.; defining the term "actual innocence" for purposes of the Victims of Wrongful Incarceration Compensation Act; redefining the term "wrongfully incarcerated person" in order to conform; amending s. 961.03, F.S.; requiring that a petition for compensation include clear and convincing evidence of actual innocence; requiring the petitioner to submit fingerprints for criminal history records checks; providing procedures for taking and submitting fingerprints; requiring that the results of the criminal history records checks be submitted to the clerk of the court; providing for use of the results by the court; amending s. 961.05, F.S.; eliminating the requirement that a wrongfully incarcerated person provide certain court records and documentation from the Department of Corrections along with an application for compensation; requiring the Department of Legal Affairs to request certain records from the clerk of the court and the Department of Corrections; amending s. 961.06, F.S.; precluding submission of an application for compensation if the wrongfully incarcerated person has received a prior favorable judgment from a civil action arising out of the wrongful incarceration; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Baker—

SB 2410—A bill to be entitled An act relating to the Department of Management Services; amending s. 255.248, F.S.; revising, eliminating, and providing additional definitions used in ss. 255.249 and 255.25, F.S.; amending s. 255.249, F.S.; substantially revising responsibilities of the Department of Management Services with respect to the use and management of state-owned office buildings and the lease of privately owned buildings by the state; providing that the department has exclusive authority over, and is the primary contact point and managing agent for, existing and future leases to a state agency; providing for the right of the department to direct an agency to occupy a specific location; precluding a state agency from negotiating or executing its own lease for space; requiring the department to manage all parking activities, including the management of parking structures and appurtenant facilities; requiring the department to ensure efficient occupancy and allocation of space in state-owned buildings and in privately owned buildings leased to a state agency; requiring the department to be responsible for both custodial and preventative maintenance of state-owned buildings and appurtenant parking facilities and grounds; requiring an annual comprehensive leasing report to the Governor and the Legislature; specifying contents of the report; requiring the department to adopt specified rules for implementation of the section; authorizing the department to procure contracts for real estate consulting and for tenant brokerage services; authorizing the use of a contractor procured to provide such services to assist with the execution of specified responsibilities; providing for continuing effect of existing contracts; precluding the department from executing a lease agreement with specified private landlords; providing nonapplicability; creating s. 255.2491, F.S.; requiring agencies to identify intraagency resources related to leasing and lease administration functions by a specified date; requiring the department to submit a plan by a specified date identifying positions needed to support centralized leasing activities within the department; requiring specified state agencies to enter into an interagency agreement with the department relating to the assumption of centralized leasing activities by the department; specifying requirements to be contained in the agreement; amending s. 255.25, F.S.; substantially revising provisions relating to required approval by the department prior to the construction or lease of buildings; requiring the department to utilize the competitive solicitation process for specified leases; requiring an alternative process for leases exempt from the competitive solicitation; requiring the department to follow a specified process for competitive solicitation established in department rule; providing exceptions to the competitive solicitation process; requiring the department to adopt specified rules; amending ss. 110.171, 255.25001, 288.012, 288.1224, 288.1226, 944.10, 957.04, 985.682, and 1013.17, F.S.; conforming, correcting, and clarifying cross-references; providing effective dates.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 2412—A bill to be entitled An act relating to debt settlement; creating the "Debt Settlement Services Act"; defining terms; providing exceptions to the application of the act; requiring that a person be licensed if he or she intends to provide or offers to provide debt settlement services to a client who resides in this state; requiring that the Office of Financial Regulation maintain and publicize on its website certain information; providing for an application form and requiring a fee and proof of an insurance policy or a surety bond; detailing the information that must be in a completed application; requiring that an applicant sign the completed application form acknowledging the accuracy and truth of each answer and statement made in the application; requiring an applicant for licensure or a licensed debt settlement advisor to notify the office of any change within a prescribed time; requiring that the office make available to the public the information contained in an initial application and a renewal application for a debt settlement advisor license; providing procedures for the acceptance and rejection of an initial application for a debt settlement advisor license; setting forth the grounds by which the office may reject an application; authorizing an appeal under ch. 120, F.S., if the applicant is denied a license or if the office does not act on the initial application within a prescribed time; detailing the procedures to follow to renew a license for a debt settlement advisor; authorizing a debt settlement advisor who is renewing his or her license, or who is appealing a denial of a license renewal, to provide debt settlement services under certain circumstances; requiring the office to consider documents from other states as an application to become a debt settlement advisor in this state; requiring each debt settlement advisor to act in good faith; requiring each licensed debt settlement advisor to maintain a toll-free telephone service, staffed at a level that reasonably permits a client to speak to a customer-service representative; requiring the debt settlement advisor to provide certain documents to a prospective client before signing a debt settlement services agreement; providing that a debt settlement advisor may communicate by electronic means in compliance with federal law; setting forth the elements of a debt settlement services agreement; authorizing a client to cancel the debt settlement services agreement within a specified time; providing the cancellation form; requiring the disclosures and documents in a debt settlement services agreement to be in English unless the office provides otherwise; requiring a debt settlement advisor to furnish a translation of the documents in the primary language of the client under specified circumstances; detailing the fees and other charges the debt settlement advisor may impose; prohibiting a debt settlement advisor from soliciting contributions from or on behalf of a client; specifying agreements that are voidable; authorizing a debt settlement advisor to terminate the debt settlement services agreement if the client does not pay for debt settlement services within a specified time; requiring the debt settlement advisor to prepare periodic reports; prohibiting a debt settlement advisor from engaging in certain acts and practices; requiring that advertisements for debt settlement services be honest and free of certain conflicts; requiring each debt settlement advisor to establish an internal formal complaint process for the advisor to receive, review, and address or resolve formal complaints; requiring a debt settlement advisor to keep a file of all formal complaints and to disclose it to the office upon request; describing the powers of the Office of Financial Regulation; authorizing the office to adopt rules; providing for administrative remedies for violations of the act; authorizing the office to levy a civil penalty; authorizing the office to suspend, revoke, or deny renewal of a license to a debt settlement advisor under certain circumstances; authorizing an advisor to appeal a suspension or revocation of a license under ch. 120, F.S.; providing for private enforcement of the act; providing for an award of attorney's fees; providing that a violation of the act is a deceptive and unfair trade practice; providing that this act is supplemental to and does not preempt other consumer protection laws; providing time limitations for commencing a civil proceeding; providing for the act's relation to the Electronic Signatures in Global and National Commerce Act; providing for severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Peaden—

SB 2414—A bill to be entitled An act relating to interscholastic athletics; amending s. 1006.20, F.S.; providing legislative intent and findings; providing that the nonprofit organization governing interscholastic athletics is exempt from ch. 120, F.S.; requiring that a public high school that sponsors an interscholastic athletics program be a member of the organization; providing that public and private middle schools may also be members of the organization; providing membership for the organization's governing structure; prohibiting a person from serving on more than one group in the organization's governing structure; dividing the state into seven administrative sections; dividing the administrative sections into 14 legislative divisions; requiring that the organization provide notice of all meetings and hearings on its Internet website within a certain period before the meeting or hearing; establishing a board of directors; providing membership; providing terms; providing duties and responsibilities; requiring an annual audit of the organization's financial accounts and records by an independent certified public accountant; requiring that the board of directors annually report on the activities of the organization to state government leaders; requiring that the board of directors meet monthly; providing a quorum; prohibiting the board of directors from delegating its powers and duties; providing duties and responsibilities for the chief administrative officer and administrative staff; requiring that the board of directors establish a personnel management system; providing requirements for the organization's retirement plan; replacing the organization's representative assembly with a legislative council; establishing the legislative council as the organization's primary legislative authority; providing membership; providing terms; providing duties and responsibilities; requiring that the legislative council meet a certain number of times each school year; providing a system for weighing the votes of elected council members; providing a quorum; replacing the organization's public liaison advisory committee with a leadership council; establishing the leadership council as the primary advisory group to the board of directors and legislative council; providing membership; providing terms; providing duties and responsibilities; requiring that the leadership council meet a certain number of times each school year; providing a quorum; establishing a committee on appeals as the appellate authority of the organization; providing membership; providing terms; providing duties and responsibilities; requiring that the organization's bylaws establish the criteria for considering appeals; authorizing the committee on appeals to review decisions of sectional eligibility committees; requiring that the committee on appeals meet monthly; providing a quorum; creating a committee on infractions; establishing the committee on infractions for the administration of the organization's enforcement program; providing membership; providing terms; providing duties and responsibilities; establishing standards for determinations made by the committee on infractions; requiring that the committee on infractions meet at least once each year; providing a quorum; providing voting requirements for meetings of the committee on infractions; replacing the committee on appeals in each administrative section with a sectional eligibility committee; providing membership; providing duties and responsibilities; establishing criteria for an undue hardship; limiting the sectional eligibility committees' exemption powers; requiring that each sectional eligibility committee meet monthly; providing a quorum; providing voting requirements for meetings of the sectional eligibility committees; providing that the organization's rules be adopted, amended, or repealed only by the board of directors or legislative council; establishing the entities that may sponsor rule proposals; requiring that the board of directors review rules adopted by the legislative council; providing an effective date for rules adopted by the legislative council; providing requirements for the bylaws; requiring that the organization adopt rules for sports that have been established by a nationally recognized sanctioning body unless waived by a two-thirds vote of the legislative council and approved by the board of directors; providing a timeline for appointments to the board of directors and requiring that the organization meet by a specified date; requiring that the board evaluate the organization's governing structure and make recommendations to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations.

By Senator Gaetz—

SB 2416—A bill to be entitled An act relating to solid waste disposal; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and Community Affairs.

By Senator Gaetz—

SB 2418—A bill to be entitled An act relating to the tax code; expressing the legislative intent to revise laws relating to the tax code; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Wise—

SB 2420—A bill to be entitled An act relating to parental rights; amending s. 39.401, F.S.; providing that a child may be taken into custody only pursuant to a court order unless there is an immediate threat to the child's health or safety; amending s. 39.702, F.S.; requiring citizen review panels to be established in all judicial circuits; requiring the recommendations of the panel to be considered at a hearing or trial on the termination of parental rights; amending s. 39.809, F.S.; requiring the court to consider the recommendations of a citizen review panel when considering the termination of parental rights; lengthening the number of days between the advisory hearing and the adjudicatory hearing; requiring a jury for the adjudicatory hearing or trial; requiring the hearing or trial to be open to the public except pursuant to court order; requiring the recommendations of the citizen review panel to accompany the court's order; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By Senator Storms—

SB 2422—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring a contract between the Agency for Health Care Administration and certain health maintenance organizations or entities that do not provide prepaid health care services to set rates on a beneficiary-specific, risk-adjusted basis; requiring that funds repaid to the agency by managed care plans that spend less than a certain percentage of the capitation paid to the plan to be deposited into a trust fund by the agency and transferred to the Department of Children and Family Services; requiring the agency to assess interest and fines; requiring the agency to continue to offer beneficiaries a choice of and contract with prepaid mental health plans under certain conditions; prohibiting MediPass beneficiaries from enrolling in a health maintenance organization for behavioral health services; amending s. 409.91211, F.S.; conforming a provision to changes made by the act; amending s. 409.9122, F.S.; providing that mental illness is a showing of good cause to allow a Medicaid recipient to disenroll and select another managed care plan or MediPass after a specified period of time; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Justice—

SB 2424—A bill to be entitled An act relating to water supply; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing definitions; providing for the powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district

governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing construction with respect to the water supply development component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 11.80, 120.52, 163.3167, and 163.3177, 163.3191, 186.009, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references and terminology; amending s. 373.016, F.S., relating to the declaration of policy, to conform; amending s. 373.019, F.S., relating to definitions, to conform; amending s. 373.026, F.S.; conforming a cross-reference; amending s. 373.036, F.S., relating to the Florida water plan and district water management plans, to include the Florida water supply plan and district water supply plans and make other conforming changes; amending ss. 373.042, 373.0421, 373.0695, 373.199, 373.223, 373.2234, 373.229, 373.414, 373.421, 373.4592, 373.45926, 373.4595, 373.470, 373.536, 373.59, 378.212, 378.404, 403.031, 403.0891, 403.813, 403.890, 556.102, and 682.02, F.S.; conforming cross-references; renumbering s. 373.71, F.S., relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; Finance and Tax; and General Government Appropriations.

By Senator Detert—

SB 2426—A bill to be entitled An act relating to student records; expressing the legislative intent to revise laws relating to student records; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; Education Pre-K - 12 Appropriations; and Rules.

By Senator Wise—

SB 2428—A bill to be entitled An act relating to a charter technical career center pilot project; creating s. 1002.345, F.S.; establishing the Charter Technical Career Center Associate in Applied Science Degree Pilot Project; providing purpose; authorizing each charter technical career center participating in the pilot project to offer programs that lead to specified associate in applied science degrees; providing requirements for the centers; requiring collaboration with the Department of Education to make recommendations for the approval of associate degree programs; requiring reporting; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 2430—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; revising criteria determining liability for payment of the tax; providing an alternative methodology for payment of the tax under certain circumstances; providing requirements and procedures; providing for application; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Detert—

SB 2432—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public-records requirements for the home addresses, personal e-mail addresses, and telephone numbers of instructional personnel and school administrators, the home addresses, personal e-mail addresses, telephone numbers, and places of employment of the spouses and children of instructional personnel or school administrators, and the names and locations of schools and day care facilities attended by the children of instructional personnel or school administrators; requiring an agency that is the custodian of such personal information to maintain the exempt status of the personal information; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Senator Altman—

SB 2434—A bill to be entitled An act relating to implementation of changes to the State Constitution; expressing the legislative intent to revise laws implementing changes made to the State Constitution relating to the homestead exemption; providing an effective date.

—was referred to the Committees on Finance and Tax; and Community Affairs; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2436—A bill to be entitled An act relating to excise tax; expressing the legislative intent to revise laws relating to excise tax; providing an effective date.

—was referred to the Committees on Finance and Tax; and Judiciary; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2438—A bill to be entitled An act relating to taxes on cigarettes and other tobacco products; expressing the legislative intent to revise laws relating to taxes on cigarettes and other tobacco products; providing an effective date.

—was referred to the Committee on Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2440—A bill to be entitled An act relating to non-ad valorem assessments for purposes of hurricane mitigation; expressing the legislative intent to revise laws relating to non-ad valorem assessments for purposes of hurricane mitigation; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; and Banking and Insurance; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2442—A bill to be entitled An act relating to the insurance premium tax; expressing the legislative intent to revise laws relating to the insurance premium tax; providing an effective date.

—was referred to the Committees on Finance and Tax; and Banking and Insurance; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2444—A bill to be entitled An act relating to excise taxes; expressing the legislative intent to revise laws relating to excise taxes; providing an effective date.

—was referred to the Committees on Finance and Tax; and Judiciary; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2446—A bill to be entitled An act relating to fuel taxes; expressing the legislative intent to revise laws relating to fuel taxes; providing an effective date.

—was referred to the Committees on Finance and Tax; and Transportation; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2448—A bill to be entitled An act relating to implementation of changes to the State Constitution; expressing the legislative intent to revise laws relating to implementation of the changes made to the State Constitution by amendment 4 as it relates to the taxation of conservation lands; providing an effective date.

—was referred to the Committees on Finance and Tax; Environmental Preservation and Conservation; and Community Affairs; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2450—A bill to be entitled An act relating to unemployment compensation tax; expressing the legislative intent to revise laws relating to unemployment compensation tax; providing an effective date.

—was referred to the Committees on Finance and Tax; and Commerce; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2452—A bill to be entitled An act relating to property tax assessments; expressing the legislative intent to revise laws relating to appeals of property tax assessments; providing an effective date.

—was referred to the Committees on Finance and Tax; and Community Affairs; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2454—A bill to be entitled An act relating to implementation of changes to the State Constitution; expressing the legislative intent to revise laws relating to implementation of the changes made to the State Constitution by amendment 3 as it relates to the assessment of residential real property; providing an effective date.

—was referred to the Committees on Finance and Tax; and Community Affairs; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2456—A bill to be entitled An act relating to taxation; expressing the legislative intent to revise laws relating to taxation; providing an effective date.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2458—A bill to be entitled An act relating to education personnel; providing a short title; amending s. 39.202, F.S.; providing for access to records by certain Department of Education employees or agents in cases of child abuse or neglect; amending ss. 120.81, 1002.36, 1003.62, and 1003.621, F.S., to conform to provisions in the act; amending s. 1004.04, F.S.; requiring the Department of Education to report on the effectiveness of graduates of state-approved teacher preparation programs; amending s. 1012.21, F.S.; conforming provisions; requiring the department to report on educational insufficiency and dismissal and termination related thereto; requiring rulemaking to define educational insufficiency; amending s. 1012.22, F.S.; deleting certain provisions relating to district school board adoption of salary schedules; requiring

each district school board to report to the department on its adopted differentiated pay policy; amending s. 1012.2315, F.S.; revising department reporting requirements relating to the assignment of teachers; amending s. 1012.28, F.S.; conforming provisions; creating s. 1012.335, F.S., relating to contracts with instructional personnel hired on or after July 1, 2009; providing intent, findings, and definitions; providing conditions for receipt of probationary, annual, and professional performance contracts; providing a penalty for violation of a contract; providing criteria and procedures for suspension or dismissal of instructional personnel on contract; providing procedures for hearings to contest charges; requiring rules to define just cause; amending s. 1012.34, F.S.; revising provisions to require a school district personnel appraisal system; specifying criteria and procedures for the appraisal process; requiring approval of appraisal instruments; requiring appraisals twice a year for first-year teachers; requiring evaluation of appraisal system; conforming provisions; amending s. 1012.52, F.S.; requiring the State Board of Education to adopt by rule the Florida Educator Accomplished Practices; requiring periodic review and revision of the practices; amending s. 1012.56, F.S.; correcting cross-references; authorizing Voluntary Prekindergarten Education Program providers to meet certain requirements relating to educator certification; providing additional means of demonstrating mastery of professional preparation and education competence; authorizing State Board of Education rules for acceptance of certain teaching experience and course credits; providing for retroactive application; amending s. 1012.795, F.S.; conforming provisions; amending s. 1012.98, F.S.; authorizing certain organizations, including organizations of Voluntary Prekindergarten Education Program providers, to develop a professional development system and a program for demonstration of education competence; amending s. 1012.986, F.S.; specifying criteria for leadership standards under the William Cecil Golden Professional Development Program for School Leaders; authorizing the program to be offered through state-approved leadership programs; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Aronberg—

SB 2460—A bill to be entitled An act relating to local regulation of vessels; amending s. 327.60, F.S.; prohibiting certain ordinances or local laws relating to the operation and equipment of vessels from discriminating against airboats except by a unanimous rather than two-thirds vote of the governing body enacting such ordinance; providing an effective date.

—was referred to the Committees on Community Affairs; and Environmental Preservation and Conservation.

By Senator Deutch—

SB 2462—A bill to be entitled An act relating to veterans; requiring school districts to observe Veterans' Day and Veterans' Appreciation Week; providing requirements for such recognition; directing the Department of Children and Family Services to establish up to three pilot projects for the purpose of reducing suicide among veterans and increasing access to services; providing duties of the department; providing requirements for the pilot project programs; requiring the Statewide Office of Suicide Prevention, the Department of Veterans' Affairs, and the Florida National Guard to enter into partnerships with the pilot projects and community providers to implement the initiative; requiring an evaluation and a report to the Governor and Legislature; providing for expiration of the pilot projects; establishing a veterans' suicide prevention direct-support organization answerable to the Statewide Office for Suicide Prevention to assist with funding veterans' suicide prevention initiatives; providing corporate requirements; providing for a board of directors; providing for a contract with the office and requirements for the contract; authorizing the organization to use the property, facilities, and personnel services of the office; requiring the moneys of the organization to be deposited in a separate account in the name of the organization; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Education Pre-K - 12; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Senator Sobel—

SB 2464—A bill to be entitled An act relating to the Medicaid managed care pilot program; repealing s. 409.91211, F.S., relating to the Medicaid managed care pilot program; amending s. 409.912, F.S.; deleting references to the pilot program to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Villalobos—

SB 2466—A bill to be entitled An act relating to school districts; creating s. 1001.454, F.S.; providing for the recall of district school board members; providing applicability; providing requirements for the petition for recall and the signature process; providing requirements for the recall election; requiring that the ballot for recall contain certain statements; amending s. 1012.22, F.S.; requiring that each district school board adopt the district school superintendent's recommendations relating to compensation and salary schedules unless 66 percent of the district school board members vote to reject such recommendations; amending s. 1012.27, F.S.; revising provisions relating to the district school superintendent's duty to prepare and recommend salary schedules for adoption by the district school board; prohibiting the school superintendent from recommending an increase in salary schedules of administrative personnel or managers if the salary schedules of instructional personnel and educational support employees have not been increased; requiring that the school superintendent review the salary schedules of all administrative personnel and managers to ensure that no person is paid in excess of twice the district's average salary of classroom teachers for the prior academic year; requiring that the school superintendent recommend corrective action to address any pay disparity; providing for severability; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Ethics and Elections; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Villalobos—

SB 2468—A bill to be entitled An act relating to asbestos and silica claims; amending s. 774.202, F.S.; revising the purpose of the Asbestos and Silica Compensation Fairness Act; amending s. 774.203, F.S.; revising definitions; amending s. 774.204, F.S.; providing that physical impairment or death is an essential element of an asbestos or silica claim; revising the requirements of a prima facie showing of physical impairment or death as a result of a medical condition to which exposure to asbestos was a contributing factor; deleting the requirements for a prima facie showing of physical impairment or death as a result of certain cancers by a smoker; providing that a prima facie showing is not required in a civil action alleging an asbestos claim based on certain cancers, including cancer of the colon, rectum, and stomach; deleting a provision that prohibits a person from filing a civil action alleging an asbestos claim that is based on cancer of the colon, rectum, or stomach in the absence of a prima facie showing; revising requirements for certain evidence relating to physical impairment; amending s. 774.205, F.S.; revising requirements for bringing a civil action alleging an asbestos or silica claim in the courts of this state; amending s. 774.206, F.S.; deleting the provision that prohibits damages from being awarded for fear or risk of cancer in a civil action asserting an asbestos or silica claim; amending s. 774.207, F.S.; authorizing punitive damages to be awarded only in accordance with state law; amending s. 774.208, F.S.; deleting liability rules with regard to product sellers; providing for applicability; providing an effective date.

—was referred to the Committees on Judiciary; Commerce; and Rules.

By Senator Bullard—

SB 2470—A bill to be entitled An act relating to children's promise zones; amending s. 409.147, F.S.; renaming "children's zones" as "children's promise zones"; revising legislative findings and intent and policy and purpose; revising definitions; requiring the governing body to establish a children's promise zone planning team; providing powers and responsibilities of the planning team; revising provisions relating to the strategic community plan; providing for additional focus areas; renaming and extending duration of the Magic City Children's Zone, Inc., pilot project; providing for the corporation to be administered by the Department of Children and Family Services; revising composition of the board of directors and election and duties of officers; providing for the department to enter into a contract with a not-for-profit corporation to implement the children's promise zone program; authorizing the Ounce of Prevention Fund of Florida, Inc., to retain certain interest earnings to finance project activities; requiring annual documentation of interest earnings and expenditures; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Community Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Storms—

SB 2472—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 39.201, F.S.; adding the agency to the list of governmental entities that have access to information in the Department of Children and Family Service's central abuse hotline; amending s. 393.063, F.S.; redefining the term "adult day training"; amending s. 393.066, F.S.; providing for adult day training services and deleting reference to day habilitation services; amending s. 393.067, F.S.; requiring the staff of licensed facilities to receive training on abuse, neglect, and exploitation; amending s. 393.0673, F.S.; revising provisions relating to grounds for license suspension, denial, or revocation; amending s. 393.13, F.S.; specifying that persons who have developmental disabilities have a right to be free from abuse, neglect, and exploitation; amending s. 415.103, F.S.; requiring the central abuse hotline to immediately transfer certain calls relating to vulnerable adults to a local law enforcement agency; amending s. 435.04, F.S.; providing additional criminal offenses for screening certain developmental disability personnel; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

By Senator Altman—

SB 2474—A bill to be entitled An act relating to cigarette products of nonsettling manufacturers; creating s. 210.23, F.S.; providing the purpose of the act; creating s. 210.232, F.S.; defining terms; creating s. 210.234, F.S.; imposing a fee on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of nonsettling manufacturer cigarettes that are required to have a stamp affixed or stamp insignia applied to the package of cigarettes on which tax is otherwise required to be paid and nonsettling manufacturer cigarette tobacco products that are subject to the tax imposed by ch. 210, F.S.; providing that the fee imposed is in addition to any other privilege, license, fee, or tax required or imposed by state law; prescribing methods to affix a stamp or insignia to the tobacco products; creating s. 210.236, F.S.; providing the fee rate for nonsettling manufacturers; providing for the annual increase of fees; creating s. 210.238, F.S.; requiring the Attorney General to post a directory listing of all settling manufacturers that have provided accurate certifications of their products to calculate its payments under the tobacco settlement agreement for the relevant year on the Internet website of the Attorney General; providing that any cigarette or cigarette tobacco product of a brand family not on the directory list be presumptively considered a nonsettling manufacturer product; creating s. 210.240, F.S.; requiring each dealer, agent, and distributing agent to file a report; requiring the report to include certain specified information; creating s. 210.242, F.S.; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to provide a nonsettling manufacturer with a report of the fees paid with respect to the nonsettling manufacturer's cigarettes and cigarette tobacco products; requiring the division to respond by a certain date; creating s. 210.245, F.S.; providing penalties for a nonsettling manufacturer that fails to pay the mandated fees; creating s. 210.246, F.S.; providing for application of the act; creating s. 210.248, F.S.; authorizing the division to adopt rules; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 2476—A bill to be entitled An act relating to public school education; amending s. 1002.31, F.S.; requiring reimbursement to school districts for reasonable costs for student transportation to certain schools and choice programs; amending ss. 1003.428, 1003.429, 1003.43, 1003.433, and 1008.22, F.S.; deleting the requirement that a student earn a passing score on the Florida Comprehensive Assessment Test (FCAT) for purposes of high school graduation; revising components of the FCAT; revising provisions relating to the use of concordant scores; amending s. 1008.25, F.S.; deleting mandatory retention for certain grade 3 students; authorizing certain promotion for good cause; amending s. 1008.33, F.S.; revising provisions relating to State Board of Education intervention in the operation of a district school system; requiring state board rulemaking relating to school performance; amending s. 1008.34, F.S.; changing the school grading system to a school performance system; specifying school performance categories and the basis for designating such categories; providing for determination of school district performance; authorizing school districts to give certain schools increased budget authority; amending s. 1008.341, F.S.; revising provisions relating to the school improvement rating for alternative schools, to conform; amending s. 1008.36, F.S.; changing the Florida School Recognition Program to the Every Child Matters Program; providing intent and purpose of the program; providing for financial assistance to schools providing remediation and intervention services to certain students; specifying the uses of program funds; providing Department of Education duties; amending ss. 1001.42, 1002.33, 1002.415, 1002.45, 1003.62, 1003.621, 1008.31, 1008.345, 1011.62, 1011.64, and 1012.2315, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Gardiner—

SB 2478—A bill to be entitled An act relating to children with disabilities; amending s. 393.063, F.S.; redefining the term "developmental disability" and defining the term "Down syndrome"; creating s. 456.0291, F.S.; requiring certain licensing boards to require continuing education on developmental disabilities for certain licensees and certificateholders; providing course content; providing penalties; providing rulemaking authority; requiring the Department of Health to develop and implement a plan to promote awareness of developmental disabilities; amending s. 627.6686, F.S.; providing health insurance coverage for individuals with developmental disabilities; amending s. 641.31098, F.S.; providing coverage under a health maintenance contract for individuals with developmental disabilities; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; authorizing students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship; conforming cross-references; requiring a private school to refund scholarship payment under certain circumstances; permitting students to receive scholarship services at locations other than the private school's site under specified conditions; providing retroactive eligibility for scholarships under certain circumstances; amending s. 1002.51, F.S.; revising definitions for the Voluntary Prekindergarten Education Program; amending s. 1002.53 and creating s. 1002.66, F.S.; establishing a prekindergarten program option for children with disabilities; providing eligibility criteria for early intervention services; providing for the approval of early intervention service providers; authorizing the expenditure of funds for early intervention services; amending s. 1002.71, F.S.; authorizing a child participating in a prekindergarten program for children with disabilities to reenroll in another program option under certain conditions; amending s. 1002.75, F.S.; revising the powers and duties of the Agency for Workforce Innovation for prekindergarten programs; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Banking and Insurance; Regulated Industries; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Gardiner and Fasano—

SB 2480—A bill to be entitled An act relating to the use of restraint and seclusion on students with disabilities in public schools; creating s. 1003.573, F.S.; providing definitions; providing legislative intent and findings; prohibiting school personnel from manually physically restraining a student with disabilities; providing an exception in emergency cases when there is an imminent and significant threat to the physical safety of the student or others; prohibiting school personnel from using force during manual physical restraint; providing exceptions; prohibiting the use of manual physical restraint by school personnel who are not trained in district-approved methods for applying physical restraint; prohibiting mechanical restraint, prone restraint, and other specified methods of restraint; requiring the school to medically evaluate a student as soon as possible after the student is manually physically restrained; prohibiting school personnel from placing a student with disabilities in forced seclusion; prohibiting time-out; providing exceptions; requiring that school personnel be trained in seclusion and restraint; providing for reporting such procedures to the Department of Education by publication in the school district's policies and procedures manual; requiring a school to prepare an incident report after each occasion when a student is physically restrained; requiring that the report contain certain information; requiring the school to contact the parent or guardian of a student with disabilities who is placed in restraint by school personnel; requiring the school to send the incident report to the student's parent or guardian and the department; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Wise—

SB 2482—A bill to be entitled An act relating to school improvement and accountability; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; repealing s. 1003.413(5), F.S., relating to a requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; revising provisions relating to the general requirements for middle grades promotion; providing an exception; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing exceptions; amending s. 1003.429, F.S.; revising provisions relating to accelerated high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program which apply to students who enter grade 9 in the 2009-2010 school year; amending s. 1003.433, F.S.; providing that a student who enters middle school at the eighth grade from out of state or from a foreign country is not required to spend additional time in school to meet the requirements for middle grades promotion under certain circumstances; requiring that such student receive immediate and intensive instruction in English language acquisition under specified circumstances; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate school districts as academically high-performing schools districts if certain criteria are met; requiring that such designation occur at the next meeting of the State Board of Education on or after a specified date each year; providing that the designation is effective beginning the following school year; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.22, F.S.; providing that concordant scores that are earned before taking the grade 10 Florida Comprehensive Assessment Test may not be used to qualify for a standard high school diploma; requiring that a student who has not earned passing scores on the grade 10 FCAT participate in each retake of the assessment until he or she earns a passing score or achieves a passing score on a standardized assessment which is concordant with FCAT passing scores; deleting provisions relating to concordant scores for the FCAT; amending s. 1008.25, F.S.; requiring that each district school board annually post certain information on its Internet website; revising the date that each district school board is required to report certain information to the State Board of Education; amending s. 1008.33, F.S.; requiring that the state system of educational accountability comply with the federal Elementary and Secondary Act after the State Board of Education evaluates and determines that it is consistent with certain principles; providing that public schools are accountable to the State Board of Education; providing responsibilities for the State Board of Education regarding the system of school improvement and accountability; requiring that the Department of Education categorize public schools annually based on school grade and student performance; providing that schools are subject to intervention strategies; authorizing the department to prescribe reporting requirements to review and monitor the progress of schools; providing criteria for categorizing schools as the lowest performing schools; requiring that the school district implement certain options for dealing with lowest performing schools in the district; requiring that a school make significant progress to advance to another category; authorizing the State Board of Education to impose a public reprimand on a school district that deviates from or fails to implement its improvement plan; authorizing the State Board of Education to withhold the transfer of all state funds generated by the students assigned to the school and allowable federal funds if the deviation or failure is repeated, continuous, or serious; requiring that the department implement the school improvement plan immediately; requiring that the State Board of Education adopt rules; amending s. 1008.34, F.S.; revising provisions relating to the designation of school grades; amending s. 1008.36, F.S.; revising the date that school staff and the school advisory council is required to reach an agreement regarding the distribution of financial awards under the Florida School Recognition Program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Smith—

SB 2484—A bill to be entitled An act relating to mobile home park tenancies; requiring park owners to give tenants a right of first refusal to purchase individual parcels within a park under certain conditions; amending s. 201.15, F.S.; removing a limitation on the amount of proceeds from excise taxes on documents which may be deposited into the State Housing Trust Fund on or after a specified date; amending s. 723.061, F.S.; extending the minimum length of advance notice that must be given by a park owner to a tenant before evicting the tenant due to a change in land use of the underlying park property; amending s. 723.0612, F.S.; revising payment amounts mobile home owners are entitled to from the Florida Mobile Home Relocation Corporation under certain circumstances; increasing the amounts mobile home owners abandoning their mobile homes may collect from the corporation; amending s. 723.071, F.S.; requiring mobile home park owners receiving a bona fide offer for purchase to notify the officers of the homeowners' association; requiring a homeowners' association purchasing a mobile home park to execute a contract for only the park that it represents; authorizing a time extension for home owners when a park owner changes the terms and conditions of the offer to purchase the park; revising requirements with respect to unsolicited offers; providing the homeowners' association with the right of first refusal to purchase the park in the event of an unsolicited offer; encouraging mobile home owners to organize as homeowners' associations to negotiate a right of first refusal with a park owner; redefining the term "offer" for such purposes; providing a limitation on an exception relating to transfers by partnerships; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 2486—A bill to be entitled An act relating to firesafety; amending s. 633.01, F.S.; requiring that the State Fire Marshal adopt rules in consultation with the Department of Education; requiring that the State Fire Marshal assume specified duties for certain counties; amending s. 633.021, F.S.; redefining the term "firesafety inspector"; amending s. 1013.12, F.S.; inserting a cross-reference; requiring inspection of certain property by an official appointed by a district school board within a specified period after the issuance of a certificate of occupancy and an-

nually thereafter; requiring that such inspections be made by certain persons; requiring that the board submit a copy of the firesafety inspection report to the county, municipality, or independent special fire control district providing fire-protection services to the subject facility within a specified period after the inspection; requiring that the board include a plan of action and schedule for correcting any deficiencies; identifying property owned or leased by the board which must be inspected by certain local or state agencies within a specified period after the issuance of a certificate of occupancy and requiring that inspections be made annually thereafter; requiring that a county, municipality, or independent special fire control district, in conjunction with the board, include a plan of action and schedule for correcting any deficiencies; requiring that a board-appointed fire official take specified action under certain circumstances; providing for the inspection of charter schools and public postsecondary educational facilities; authorizing certain state and local agencies to conduct those inspections at any time; requiring that the agency submit a copy of the inspection to the charter school sponsor; requiring inspection of specified property by certain government entities each fiscal year; requiring that, upon request, the inspecting authority provide a copy of each firesafety report to the board in the district in which the facility is located; requiring that, in consultation with the charter school, the inspecting authority include a plan of action and schedule for correcting deficiencies; requiring that the inspecting authority take specified action under certain circumstances; requiring that a board-appointed fire official or certain government entities report the failure to take corrective action within the period specified in the plan of action; providing the State Fire Marshal with certain authority; requiring that firesafety inspections of state universities and community college facilities, including certain charter schools, be made in accordance with the Florida Fire Prevention Code; requiring that each community college facility be inspected annually by certain persons; requiring that the inspecting authority develop a plan of correction for each deficiency; requiring that the community college provide a copy of each firesafety inspection report to certain government entities; requiring that the inspecting authority report the failure of any school, community college board, or charter school to take corrective action within the period prescribed in the plan of action or correction; deleting a requirement that the State Fire Marshal publish an annual report containing certain information; amending s. 1013.371, F.S.; requiring that each school board provide for the periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Florida Building Code, the Florida Fire Prevention Code, and State Requirements for Educational Facilities; authorizing a board to use certain inspectors when conducting inspections and reviews of site plans; amending s. 1013.38, F.S.; requiring that a board submit a copy of the site plan for each proposed new facility or addition exceeding a specified number of square feet to certain government entities; authorizing such entities to review the site plan for compliance; providing that such site plans are not subject to local amendments or ordinances; requiring that such reviews be performed at no charge to a school board or community college board; providing circumstances under which a site plan may not be approved; authorizing the referral of disagreements between specified parties regarding the requirements or application of the Florida Fire Prevention Code to the State Fire Marshal; providing the State Fire Marshal with final administrative authority in resolving those disagreements; specifying the means by which boards may ensure compliance with building codes and life safety codes; adding conforming cross-references; providing requirements that must be fulfilled before any new construction, renovation, or remodeling is commenced; prohibiting a certificate of occupancy from being issued until the board makes certain determinations; requiring that the method of compliance with certain provisions of state law be documented and maintained as part of the construction record; requiring that the board provide reasonable access to certain documents and, when requested by specified governmental entities, provide certain information in writing; providing an effective date.

—was referred to the Committees on Banking and Insurance; Education Pre-K - 12; Community Affairs; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 2488—A bill to be entitled An act relating to investment products for public employees; amending ss. 112.215, 121.055, 121.35, 121.4501, 175.071, 185.06, 218.415, and 1012.875, F.S.; requiring public employee deferred compensation plans, the state employee Senior Management Service Optional Annuity Program, the State University Optional Retirement Program, the Public Employee Optional Retirement Program, firefighters' pension plans, police officers retirement trust funds, local government investment plans, and the State Community College System Optional Retirement Program to identify and divest of any scrutinized companies by a certain date; providing an effective date.

—was referred to the Committees on Banking and Insurance; Higher Education; Community Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 2490—A bill to be entitled An act relating to renewable energy policy; providing for legislative ratification of the rules on renewable portfolio standards adopted by the Public Service Commission; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Commerce; and Environmental Preservation and Conservation.

By Senator Altman—

SB 2492—A bill to be entitled An act relating to tax administration; expressing the legislative intent to revise laws relating to tax administration; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; General Government Appropriations; and Rules.

By Senator Altman—

SB 2494—A bill to be entitled An act relating to property tax administration; expressing the legislative intent to revise laws relating to property tax administration; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; General Government Appropriations; and Rules.

By Senator Altman—

SB 2496—A bill to be entitled An act relating to taxation; expressing the legislative intent to revise laws relating to taxation; providing an effective date.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2498—A bill to be entitled An act relating to taxation; expressing the legislative intent to revise laws relating to taxation; providing an effective date.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2500—A bill to be entitled An act relating to the communications services tax; expressing the legislative intent to revise laws relating to the communications services tax; providing an effective date.

—was referred to the Committees on Finance and Tax; Communications, Energy, and Public Utilities; General Government Appropriations; and Rules.

By Senator Altman—

SB 2502—A bill to be entitled An act relating to ad valorem taxation; expressing the legislative intent to revise laws relating to ad valorem taxation; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2504—A bill to be entitled An act relating to the corporate income tax; expressing the legislative intent to revise laws relating to the corporate income tax; providing an effective date.

—was referred to the Committees on Finance and Tax; Commerce; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2506—A bill to be entitled An act relating to the documentary stamp tax; expressing the legislative intent to revise laws relating to the documentary stamp tax; providing an effective date.

—was referred to the Committees on Finance and Tax; Judiciary; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2508—A bill to be entitled An act relating to the sales and use tax; expressing the legislative intent to revise laws relating to the sales and use tax; providing an effective date.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2510—A bill to be entitled An act relating to the sales and use tax; expressing the legislative intent to revise laws relating to the sales and use tax; providing an effective date.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2512—A bill to be entitled An act relating to implementation of changes to the State Constitution; expressing the legislative intent to revise laws relating to implementation of the changes made to the State Constitution by amendment 6 as it relates to the assessment of working waterfronts; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2514—A bill to be entitled An act relating to the documentary stamp tax; expressing the legislative intent to revise laws relating to the documentary stamp tax; providing an effective date.

—was referred to the Committees on Finance and Tax; Judiciary; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2516—A bill to be entitled An act relating to taxes on alcoholic beverages; expressing the legislative intent to revise laws relating to taxes on alcoholic beverages; providing an effective date.

—was referred to the Committees on Finance and Tax; Regulated Industries; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2518—A bill to be entitled An act relating to taxes on transient rentals; expressing the legislative intent to revise laws relating to taxes on transient rentals; providing an effective date.

—was referred to the Committees on Finance and Tax; Commerce; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Peaden—

SB 2520—A bill to be entitled An act relating to annuity contracts for senior consumers; creating s. 627.45545, F.S.; providing a short title; providing legislative findings; providing definitions; specifying annuity contract protection criteria for senior consumers; providing for application of the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By Senators Dean and Baker—

SB 2522—A bill to be entitled An act relating to payment in lieu of taxes; requiring that the state reimburse certain counties and local governments for revenues lost as a result of amendments to the State Constitution pertaining to land used for conservation purposes and working waterfront property; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation and Conservation; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lawson—

SB 2524—A bill to be entitled An act relating to homestead property foreclosure actions; providing a short title; specifying application to homestead property; providing procedural requirements and limitations for plaintiffs, defendants, and courts in certain foreclosure actions; specifying document production requirements; requiring mediation; specifying settlement negotiation requirements; providing criteria for commercial reasonableness of renegotiated loans; requiring the Department of Business and Professional Regulation to adopt rules relating to appraisal methods; providing for forbearance liens under certain circumstances; providing lien limitations; providing for satisfaction of such liens; requiring the Supreme Court to determine certain forms; specifying application to certain foreclosure actions; providing for future repeal; providing an effective date.

—was referred to the Committees on Banking and Insurance; Regulated Industries; Judiciary; and Criminal and Civil Justice Appropriations.

Senate Resolutions 2526-2528—Not referenced.

By Senator Baker—

SB 2530—A bill to be entitled An act relating to water resources; amending s. 373.185, F.S.; providing legislative findings regarding the use of Florida-friendly landscape; revising the principles of Florida-friendly landscape; deleting references to "xeriscape"; revising eligibility

criteria for certain water management district incentive programs; requiring certain local government ordinances and amendments to incorporate specified landscape irrigation and design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscape practices; specifying the University of Florida's Yards and Neighborhoods extension program or a similar program as a primary resource for the delivery of educational programs relating to such practices; providing that such programs are exempt from ch. 120, F.S.; providing that certain regulations prohibiting the implementation of Florida-friendly landscape or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing construction; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; clarifying that the fine imposed for engaging in the unlicensed practice of water well contracting applies per occurrence; amending ss. 125.568, 166.048, 255.259, 335.167, 373.228, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation and Conservation; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Bennett—

SB 2532—A bill to be entitled An act relating to public employment; amending s. 112.3135, F.S.; deleting a provision that exempts district school boards or community college districts from a restriction on the employment of relatives; amending s. 112.313, F.S.; prohibiting a public officer from receiving dual compensation or being paid more than once for coincident hours of the workday; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Bennett—

SB 2534—A bill to be entitled An act relating to public K-12 educational funding; amending s. 1003.02, F.S.; prohibiting the use of school district funds for the funding of or contracting with community-based organizations to provide noninstructional programs or services that are not required by law; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Constantine—

SB 2536—A bill to be entitled An act relating to boating; amending s. 253.04, F.S.; providing that the duty of the Board of Trustees of the Internal Improvement Trust Fund to conserve and improve state-owned lands includes the preservation and regeneration of seagrass; providing that operating a vessel outside a lawfully marked channel in a careless manner causing seagrass scarring within certain aquatic preserves is a violation of the vessel laws and a noncriminal infraction; defining the terms "seagrass scarring" and "seagrass"; providing for a uniform boating citation; providing criminal penalties for refusal to post bond or accept and sign the citation; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.50, F.S.; revising requirements for persons on board a vessel to wear a personal floatation device; revising the age at which such device is required; providing exceptions; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; providing for costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; amending s. 327.73, F.S.; providing for disposition of a citation for carelessly causing seagrass scarring; providing penalties; amending s. 379.338, F.S.; providing for confiscation and disposition of illegally taken game, wildlife, freshwater fish, and saltwater fish; providing for proceeds from sales to be deposited into the Marine Resources Conservation Trust Fund; providing for an agency that assists in the enforcement action to receive a portion or all of any forfeited property; creating s. 379.3381, F.S.; providing for photographs of game, wildlife, freshwater fish, or saltwater fish to be used as evidence in a prosecution in lieu of the game, wildlife, freshwater fish, or saltwater fish; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Criminal Justice; Judiciary; and General Government Appropriations.

By Senator Detert—

SB 2538—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring that each school district report certain information to the Department of Education regarding state-approved supplemental educational services providers that are providing services to public school students in the district by a specified date each year; requiring that the department evaluate each provider based on such information and assign a service designation; providing an exception for such designation; requiring that the department adopt rules specifying the threshold requirements for such designation; requiring that the department report the service designations to the providers, the school districts, parents, and the public by a specified date each year; authorizing school districts to use certain funds to meet the requirements in the act; requiring that the State Board of Education adopt rules; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senators Altman and Wise—

SB 2540—A bill to be entitled An act relating to the Governor's School for Science and Technology; creating s. 1002.371, F.S.; establishing the Governor's School for Science and Technology within the Florida K-20 public education system and the Department of Education; providing that the school offer intensive instruction for students in grades 9 through 12 and summer programs for teachers; providing for the school to be located in Brevard County; providing legislative intent; providing for a board of trustees to be appointed by the Governor, subject to confirmation by the Senate; providing for terms of office; providing for members of the board of trustees to be reimbursed for travel expenses; authorizing the board of trustees to adopt rules, subject to approval by the State Board of Education; providing powers and duties of the board of trustees; requiring the board of trustees to submit a progress report by a certain date; providing requirements for legislative budget requests; providing for funding; requiring that a student enrolled in the school be recorded as enrolled in the student's home school district for purposes of funding; amending ss. 110.205, 216.251, 1000.04, 1002.20, and 1003.02, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Altman—

SB 2542—A bill to be entitled An act relating to tax administration; expressing the legislative intent to revise laws relating to tax administration; providing an effective date.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2544—A bill to be entitled An act relating to ad valorem taxation; expressing the legislative intent to revise laws relating to ad valorem taxation; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2546—A bill to be entitled An act relating to the corporate income tax; expressing the legislative intent to revise laws relating to the corporate income tax; providing an effective date.

—was referred to the Committees on Finance and Tax; Commerce; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SJR 2548—A joint resolution expressing the legislative intent to propose an amendment to the State Constitution relating to the homestead exemption.

—was referred to the Committees on Finance and Tax; and Community Affairs; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SJR 2550—A joint resolution expressing the legislative intent to propose an amendment to the State Constitution relating to the assessment of real property for purposes of property taxation.

—was referred to the Committees on Finance and Tax; and Community Affairs; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2552—A bill to be entitled An act relating to housing for homeless or disabled veterans; amending s. 196.1978, F.S.; providing that the property exemption for affordable housing applies to property owned by an exempt entity that is preparing the property to house homeless or disabled veterans; requiring an exempt entity to annually file an application to claim the exemption; permitting an exemption on a particular property to be claimed for up to 5 years; providing an effective date.

—was referred to the Committees on Community Affairs; Military Affairs and Domestic Security; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Constantine—

SB 2554—A bill to be entitled An act relating to physical education; amending s. 1003.455, F.S.; clarifying provisions requiring that a school district notify a student's parent regarding certain options available to the student as an alternative to participation in physical education; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Health Regulation.

By Senator Altman—

SB 2556—A bill to be entitled An act relating to implementation of changes to the State Constitution; expressing the legislative intent to revise laws implementing changes to the State Constitution relating to the assessment of real property for property tax purposes; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SJR 2558—A joint resolution expressing the legislative intent to propose an amendment to the State Constitution relating to taxation.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SJR 2560—A joint resolution expressing the legislative intent to propose an amendment to the State Constitution relating to property taxation.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Smith—

SB 2562—A bill to be entitled An act relating to a tax refund program for business sustainability training; authorizing a sales tax refund to construction businesses for a portion of the tuition cost to attend training by the United States Green Building Council; limiting the amount of the sales tax refund per employee; authorizing small businesses to apply for the tax refund; providing duties of the Department of Revenue; requiring a business to apply to the department for the sales tax refund; authorizing small businesses to apply the tax refund against sales tax or corporate income tax liabilities; limiting the annual amount of sales tax refunds available; authorizing the department to adopt rules; providing for expiration of the program; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 2564—A bill to be entitled An act relating to the Corporate Income Tax Credit Scholarship Program; amending s. 220.187, F.S.; requiring that students who are participating in the Corporate Income Tax Credit Scholarship Program take the Florida Comprehensive Assessment Test under certain conditions; providing additional requirements for private schools that are participating in the program; revising the Department of Education's obligations under the program; amending s. 1002.421, F.S.; providing additional requirements for teachers employed by or under contract with private schools that are participating in the program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Ring—

SB 2566—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.054, F.S.; providing that a county hospital sales surtax applies to sales amounts greater than $5,000; providing an effective date.

—was referred to the Committees on Health Regulation; Finance and Tax; and General Government Appropriations.

By Senator Garcia—

SB 2568—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Bay of Pigs Museum & Library license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Wise—

SB 2570—A bill to be entitled An act relating to early learning; amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program; amending s. 39.202, F.S.; replacing an obsolete reference to a repealed program with an updated reference to the school readiness program; authorizing county agencies responsible for licensure or approval of child care providers to be granted access to certain confidential reports and records in cases of child abuse or neglect; amending s. 39.5085, F.S.; deleting an obsolete reference to a repealed program; amending s. 125.901, F.S.; reducing the number of members on the governing board providing children's services within certain counties; amending s. 383.14, F.S.; replacing obsolete references to the former State Coordinating Council for School Readiness Programs with updated references to the agency; transferring, renumbering, and amending s. 402.25, F.S.; updating an obsolete reference to a repealed program; deleting obsolete references relating to the repealed prekindergarten early intervention program and Florida First Start Program; amending s. 402.26, F.S.; revising legislative intent; updating an obsolete reference to a repealed program; amending s. 402.281, F.S.; updating an obsolete reference to a former council; requiring the Department of Children and Family Services to consult with the agency regarding the approval of accrediting associations for the Gold Seal Quality Care program; transferring, renumbering, and amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-Line from the department to the agency; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising procedures for child care market rate reimbursement and child care grants; transferring authority to establish the procedures from the department to the agency; directing the agency to adopt a prevailing market rate schedule for child care services; revising definitions; prohibiting the schedule from interfering with parental choice; authorizing the agency to enter into contracts and adopt rules; amending s. 402.313, F.S.; deleting obsolete provisions authorizing the department to license family day care homes participating in a repealed program; amending s. 402.45, F.S.; updating an obsolete reference relating to a former council; directing the Department of Health to consult with the agency regarding certain training provided for contractors of the community resource mother or father program; amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a child care facility and receive certain payments for the same child; deleting an obsolete reference to a repealed program; amending s. 411.01, F.S.; revising provisions relating to the School Readiness Act; revising legislative intent; revising the duties and responsibilities of the Agency for Workforce Innovation; extending the date by which early learning coalitions must be organized; revising requirements for parental choice; directing the agency to establish a formula for allocating school readiness funds to each county; providing for legislative notice and review of the formula; amending s. 411.0101, F.S.; revising requirements for services provided by the statewide child care resource and referral network; updating obsolete references to repealed programs; amending s. 411.0102, F.S.; revising provisions relating to the Child Care Executive Partnership Act; updating obsolete references to repealed programs; deleting provisions relating to the duties of each early coalition board; amending s. 411.0105, F.S.; revising lead agency responsibilities for administration of certain federal provisions; requiring the Department of Education to contract with the agency; amending s. 411.203, F.S.; deleting an obsolete reference to a repealed program; conforming provisions; amending s. 411.221, F.S.; updating an obsolete reference to a former council; amending ss. 445.024, 445.030, 490.014, and 491.014, F.S.; deleting obsolete references to repealed programs; conforming provisions to the repeal of the subsidized child care case management program; amending ss. 1002.53, 1002.67, and 1002.71, F.S.; conforming provisions; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; repealing ss. 402.3135 and 402.3145, F.S., relating to the subsidized child care program case management program and the subsidized child care transportation program; transferring and renumbering s. 402.3016, F.S., relating to Early Head Start collaboration grants; providing an effective date.

—was referred to the Committees on Commerce; Education Pre-K - 12; Children, Families, and Elder Affairs; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Dean—

SB 2572—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative findings; defining the term "rural agricultural industrial center"; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing requirements for such application; requiring that the local government amend its comprehensive plan within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing that such presumption may be rebutted by a preponderance of the evidence; providing an exception for optional sector plans and rural land stewardship areas; amending ss. 163.3184 and 380.06, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

By Senator Haridopolos—

SB 2574—A bill to be entitled An act relating to information technology; amending s. 11.90, F.S.; deleting an obsolete provision relating to duties of the Legislative Budget Commission; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; requiring the agency to complete certain duties relating to a proposed enterprise information technology services plan by a specified date; creating the Office of Information Security within the agency; designating the Chief Information Security Officer as head of the office and who reports to the executive director of the agency; providing the duties of the officer; requiring the agency to submit a plan for information technology security to the Legislature and Governor by a certain date; amending s. 110.205, F.S.; revising certain positions relating to the obsolete State Technology Office that are exempted from career service; amending s. 282.003, F.S.; renaming the Information Technology Resources Management Act as the "Enterprise Information Technology Services Management Act"; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to proposed enterprise information technology services submitted by the agency; deleting the requirement that the agency develop a migration plan; amending s. 282.201, F.S.; revising the duties of the agency; specifying the requirements for obtaining an exception to the limitations on agencies relating to computer services; amending s. 282.203, F.S.; providing an additional duty for a state primary data center; revising the date for appointing a board of trustees of a primary data center; revising the method for determining representation on the board of trustees; revising the role on the board of the executive director of the Agency for Enterprise Information Technology; providing an additional duty of the board; amending s. 282.204, F.S.; deleting obsolete provisions; providing that the Northwood Shared Resource Center is an agency established with the Department of Children and Family Services; authorizing the secretary of the department to appoint a temporary chair of the center's board of trustees; requiring the agency and the department to identify and transfer department resources by budget amendment; amending s. 282.205, F.S.; deleting obsolete provisions relating to the Southwood Shared Resource Center; amending s. 282.318, F.S.; renaming the Security of Data and Information Technology Infrastructure Act as the "Enterprise Security of Data and Information Technology Act"; providing that information technology security is an enterprise information technology service; substituting the Office of Information Security for the agency and revising the associated duties related to information technology security; amending s. 282.33, F.S.; specifying that the Agency for

Enterprise Information Technology shall make recommendations relating to the efficiency of state primary data centers; creating s. 282.34, F.S.; establishing a state e-mail system as an enterprise information technology service; directing the Southwood Shared Resource Center to manage and operate the system; directing the agency to conduct an analysis of such service by a certain date and establish a workgroup to develop an implementation plan; prohibiting a state agency from terminating such service unless authorized by the Legislature; requesting the Division of Statutory Revision to create part IV of ch. 282, F.S.; creating s. 282.701, F.S.; providing a short title; transferring and renumbering s. 282.102, F.S., relating to the powers of the Department of Management Services with respect to a state communication system; transferring, renumbering, and amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S., relating to the SUNCOM system; substituting the department for the State Technology Office; transferring and renumbering s. 282.109, F.S., relating to the emergency control of the state communications system; transferring, renumbering, and amending ss. 282.1095 and 282.111, F.S., relating to the communications system for law enforcement agencies; substituting the department for the State Technology Office; transferring, renumbering, and amending ss. 282.21, F.S., relating to remote electronic access; substituting the department for the State Technology Office; repealing s. 282.22, F.S., relating to materials and products acquired or developed by the State Technology Office; amending s. 287.042, F.S.; revising the duties of the department to include the development of procedures that ensure certain records requirements; deleting the requirement that the department consult with the office on agreements for the joint purchase of information technology; deleting a requirement for the department and office to access certain contracts; amending s. 1004.52, F.S.; deleting the requirement that the Institute on Urban Policy and Commerce consult with the office and the Chief Information Officer on requirements for computers purchased for the community computer access grant program; deleting and transferring certain administrative rules relating to the State Technology Office; amending s. 17, chapter 2008-116, Laws of Florida; providing that a state primary data center is the custodian of resources and equipment located in the data center for the purposes of ch. 272, F.S.; amending ss. 318.18, 393.002, and 1001.26, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Lynn—

SB 2576—A bill to be entitled An act relating to review of exemptions and exclusions from the tax on sales, use, and other transactions; amending s. 11.903, F.S.; expanding purposes of the Joint Legislative Sunset Committee to conform to changes made by this act; creating s. 11.9035, F.S.; providing a short title; providing additional responsibilities of the Joint Legislative Sunset Committee for the purpose of reviewing exemptions from the general state sales and use tax and exclusions of sales of services from such taxation; providing for meetings and governance by joint rules; providing definitions; specifying powers and duties; providing for reports; requiring continuing periodic review of sales tax exemptions and exclusions; providing for legislative proposals; amending s. 212.08, F.S.; providing for future elimination of all sales, rental, use, consumption, distribution, and storage tax exemptions under the section except those for general groceries, medical, guide dogs for the blind, and household fuels; repealing s. 212.051, F.S., relating to exemption for equipment, machinery, and other materials for pollution control; repealing s. 212.052, F.S., relating to exemption for research or development costs; repealing s. 212.0598, F.S., relating to partial exemption for air carriers' maintenance bases; repealing s. 212.0602, F.S., relating to a limited exemption for education; repealing s. 212.0801, F.S., relating to an exemption for qualified aircraft; repealing s. 212.0821, F.S., relating to legislative intent that political subdivisions and public libraries use sales tax exemption certificates for certain purchases; repealing s. 212.09, F.S., relating to trade-ins deducted; repealing s. 212.096, F.S., relating to credit for job creation in enterprise zones; repealing s. 212.097, F.S., relating to Urban High Crime area job tax credit; repealing s. 212.098, F.S., relating to rural job tax credit; providing for future repeal of certain provisions of ss. 212.02, 212.03, 212.031, 212.04, 212.05, 212.0506, 212.06, 212.0601, 212.07, 212.081, 212.12, 212.20, and 376.75, F.S., relating to various sales and use tax exemptions, exclusions, and credits; providing exceptions; providing effective dates.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Altman—

SB 2578—A bill to be entitled An act relating to the Department of Revenue; amending s. 55.204, F.S.; providing for the duration of certain judgment liens; amending s. 72.011, F.S.; clarifying the date by which an action to contest any tax, interest, or penalties must be filed; conforming cross-references; authorizing the Department of Revenue, the Department of Highway Safety and Motor Vehicles, and the Department of Business and Professional Regulation to adopt rules for the waiver of the requirement for the payment of uncontested amounts and the deposit of security in actions to contest the legality of any tax, interest, or penalty; amending s. 95.091, F.S.; providing that the duration of a tax lien relating to certain unemployment compensation taxes expires 10 years following a certain date; amending s. 201.02, F.S.; providing conditions under which debt forgiven by a mortgage holder in connection with a short sale of real property is not a consideration subject to the tax on documents; amending s. 202.125, F.S.; clarifying that an exemption from the communications services tax does not apply to a residence that is all or part of a transient public lodging establishment; amending s. 212.07, F.S.; conforming a cross-reference; imposing criminal penalties on a dealer who willfully fails to collect certain taxes or fees after notice of a duty to collect the taxes or fees by the Department of Revenue; amending s. 212.08, F.S.; providing criteria to determine the tax on a package that contains taxable nonfood products and exempt food products; clarifying that the sales tax exemption for building materials used in the rehabilitation of real property located in an enterprise zone applies only during the rehabilitation of the real property; authorizing a single application for a tax refund for certain contiguous parcels of real property; revising information that must be included in the application for the tax refund; providing that the tax exemption for building materials used in an enterprise zone may inure to a unit of government; amending s. 212.12, F.S.; deleting provisions relating to criminal penalties for failing to register as a dealer or to collect tax after notice from the Department of Revenue; amending s. 212.18, F.S.; providing criminal penalties for willfully failing to register as a dealer after notice from the Department of Revenue; requiring the department to send written notice of the duty to register by personal service, registered mail, or both; amending s. 213.053, F.S.; providing that the Department of Revenue may share certain information with the Florida Energy and Climate Commission; providing that the Department of Revenue may share taxpayer names and identification numbers for purposes of information-sharing agreements with financial institutions; providing that provisions restricting the disclosure of confidential information do not apply to certain methods of electronic communication for certain purposes; providing that the Department of Revenue may release information relating to outstanding tax warrants to the Department of Business and Professional Regulation; authorizing the Department of Revenue to publish a list of taxpayers against whom it has filed a warrant or judgment lien certificate; requiring the department to update the list at least monthly; authorizing the Department of Revenue to adopt rules; creating s. 213.0532, F.S.; defining terms; requiring the Department of Revenue to enter into information-sharing agreements with financial institutions to collect information relating to taxpayers; requiring financial institutions to provide to the department certain information each calendar quarter; requiring the department to pay a reasonable fee to a financial institution for certain costs; providing that financial institutions do not need to provide notice of information-sharing agreements to accountholders; providing that financial institutions are not liable for certain acts taken in connection with information-sharing agreements; authorizing the Department of Revenue to take civil actions against noncompliant financial institutions; authorizing the Department of Revenue to adopt rules; amending s. 213.25, F.S.; authorizing the Department of Revenue to reduce a tax refund or a tax credit to the extent of liability for unemployment compensation taxes; amending s. 213.50, F.S.; authorizing the Department of Business and Professional Regulation to revoke the hotel or restaurant license of a licenseholder having an outstanding tax warrant for a certain period; authorizing the Department of Business and Professional Regulation to deny an application to renew the hotel or restaurant license of a licenseholder having an outstanding tax warrant

for a certain period; amending s. 213.67, F.S.; clarifying the date by which an action to contest a notice of intent to levy must be filed; creating s. 213.758, F.S.; defining terms; providing for the transfer of tax liabilities to the transferee of a business or a stock of goods under certain circumstances; providing exceptions; requiring a taxpayer who quits a business to file a final tax return; authorizing the Department of Legal Affairs to seek injunctions to prevent business activities until taxes are paid; requiring the transferor of a business or stock of goods to file a final tax return and make a full tax payment after a transfer; authorizing a transferee of a business or stock of goods to withhold a portion of the consideration for the transfer for the payment of certain taxes; authorizing the Department of Legal Affairs to seek an injunction to prevent business activities by a transferee until the taxes are paid; providing that the transferees are jointly and severally liable with the transferor for the payment of taxes, interest, or penalties under certain circumstances; limiting the transferee's liability to the value or purchase price of the transferred property; authorizing the Department of Revenue to adopt rules; amending s. 220.192, F.S.; providing for the administration of certain portions of the renewable energy technologies tax credit program by the Florida Energy and Climate Commission; providing for retroactive application; amending s. 336.021, F.S.; revising the distribution of the ninth-cent fuel tax on motor fuel and diesel fuel; amending s. 443.036, F.S.; providing for the treatment of a single-member limited liability company as the employer; amending s. 443.1215, F.S.; correcting a cross-reference; amending s. 443.1316, F.S.; conforming cross-references; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; creating s. 213.691, F.S.; authorizing the Department of Revenue to file an integrated warrant or judgment lien for a taxpayer's total liability for taxes, fees, or surcharges; requiring the integrated warrant or judgment lien certificate to itemize amounts due for each tax, fee, or surcharge; creating s. 213.692, F.S.; authorizing the Department of Revenue to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant or tax lien; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the Department of Revenue from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant or tax lien certificate; authorizing the department to adopt rules; repealing s. 195.095, F.S., relating to the authority of the Department of Revenue to develop lists of bidders that are approved to contract with property appraisers, tax collectors, or county commissions for assessment or collection services; repealing s. 213.054, F.S., relating to monitoring and reporting on the use of a tax deduction claimed by international banking institutions; providing effective dates.

—was referred to the Committees on Finance and Tax; Criminal Justice; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 2580—A bill to be entitled An act relating to the State Board of Administration; amending s. 215.44, F.S.; requiring that the board create an audit committee for specified purposes; providing for membership of the committee; providing requirements for members of the committee; prescribing terms for members; providing that members are state officers as defined by state law; providing duties and powers of the committee; requiring that the executive director of the board respond in writing and indicate whether action will be taken within a specified period after receipt of a recommendation from the committee; requiring that a copy of the executive director's response be provided to the board and the committee; requiring that the committee appoint a Chief of Internal Audit; providing powers and obligations of the chief; authorizing the board to prescribe additional powers and duties to the committee; amending s. 215.441, F.S.; requiring that the board appoint an executive director; providing requirements for appointment as executive director; providing duties of the executive director; authorizing the board to set additional requirements for appointment; providing that the executive director is a state officer for purposes of certain provisions of state law; amending s. 215.442, F.S.; requiring that the executive director's quarterly report to the board of trustees of the State Board of administration and Investment Advisory Council contain certain information; amending s. 215.444, F.S.; increasing the number of members of the Investment Advisory Council; requiring that the council annually make certain recommendations; requiring that the council approve all new products considered for investment by the board; requiring that a specified number of members of the council represent specified interests; providing that members are state officers for purposes of certain provisions of state law; amending s. 215.47, F.S.; conforming cross-references; amending s. 215.475, F.S.; requiring that the Investment Advisory Council assist in the development of the Florida Retirement System Defined Benefit Plan Investment Policy Statement; deleting provisions requiring the review of recommended changes to the statement by the council; creating s. 215.4754, F.S.; requiring that the board adopt by rule standards of conduct for investment advisers and managers; providing circumstances under which a contract with an investment adviser or manager is voidable; prohibiting a public Investment Advisory Council member or such member's business organization or affiliate from performing certain actions during the member's service on the council and for a specified period thereafter; creating s. 215.4755, F.S.; requiring that an investment adviser or manager disclose certain information to the board; requiring that an investment adviser or manager annually file a statement with the board; requiring that the statement contain certain information and be filed on or before a specified deadline on a form prescribed by the board; requiring that the statement cover the preceding calendar year; requiring that an investment adviser or manager file a new or amended statement under certain circumstances; amending s. 218.409, F.S.; requiring that the board create a participating investor council; providing purposes of the council; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Senator Deutch—

SB 2582—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending ss. 212.03, 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.06, and 212.08, F.S.; providing for a 1 percent increase in the tax rate; amending s. 212.12, F.S.; revising brackets for calculating sales tax amounts; amending s. 212.20, F.S.; providing for distribution of revenues from the additional 1 percent increase in the tax rate; amending ss. 212.03, 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.06, and 212.08, F.S.; providing for a future 1 percent decrease in the tax rate; amending s. 212.12, F.S.; providing for future revision of brackets for calculating sales tax amounts; amending s. 212.20, F.S.; providing for future deletion of a provision providing for distribution of revenues from the additional 1 percent increase in the tax rate; amending ss. 11.45, 202.18, 218.245, 218.65, and 288.1169, F.S.; conforming cross-references; repealing the 1 percent increase in the tax rate upon the repeal of a sufficient number of exemptions from the tax which are estimated by the Revenue Estimating Conference to generate at least an equivalent amount of revenues; identifying exemptions for consideration for repeal; providing effective dates.

—was referred to the Committees on Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Crist—

SB 2584—A bill to be entitled An act relating to state university student fees; amending s. 1009.24, F.S.; requiring that the moneys from the Capital Improvement Trust Fund be used for the purpose of funding projects to benefit the student body; requiring that each university establish a Capital Improvement Trust Fund Committee; requiring that the committee determine and recommend projects that are eligible for funding; providing for committee membership; requiring that the committee submit its recommendations to the local board of trustees for review, subject to the Board of Governors' approval, only if the university

president, in consultation with the student body president, approves the recommendations; requiring that each state university board of trustees increase the activity and service fees beginning in the 2009-2010 fiscal year in an amount equal to $1 per credit hour; requiring that the university appropriate the revenues from such fees to its respective university alumni association to fund programs, activities, and services that benefit the student body; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senators Deutch and Hill—

SB 2586—A bill to be entitled An act relating to proposed constitutional amendments or other public measures; amending s. 101.151, F.S.; requiring ballots to include headings for amendments to the State Constitution and for other measures; requiring a financial impact statement to follow each citizen initiative to amend the State Constitution; amending s. 101.161, F.S.; requiring ballot summaries for constitutional amendments and other public measures to be written at the eighth grade reading level; authorizing the Department of State to define the term "eighth grade reading level" by rule; amending s. 100.371, F.S.; deleting provisions relating to financial impact statements for constitutional amendments and revisions proposed by initiative; creating s. 100.375, F.S.; requiring the Financial Impact Estimating Conference to provide a financial impact statement for amendments and revisions proposed by initiative or joint resolution; amending s. 16.061, F.S.; conforming a cross-reference; providing for application of the act to proposed amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Finance and Tax; the Policy and Steering Committee on Ways and Means; the Policy and Steering Committee on Governmental Operations; and the Committee on Rules.

By Senator Aronberg—

SB 2588—A bill to be entitled An act relating to Medicaid; amending s. 409.901, F.S.; redefining the term "third party" for purposes of the Medicaid program to include additional entities; amending s. 409.910, F.S.; revising the requirements for distributing recovered Medicaid assistance with respect to third parties; providing that certain settlements are void under certain circumstances under the Medicaid Third-Party Liability Act; revising the manner in which an amount recovered from an action in tort against a third party is distributed; requiring the Agency for Health Care Administration to request information, including the social security number, to determine whether health insurance or health services could be, should be, or have been claimed; providing requirements for making agency requests; requiring certain pharmacy benefits managers to accept Medicaid billings that are prepared using the current Medicare standard billing format; prohibiting an entity, insurer, or third party from excluding the processing of Medicaid subrogation claims; amending s. 733.701, F.S.; requiring the clerks of court to submit a report that notifies the agency of probate openings; providing requirements for the report; amending s. 735.206, F.S.; providing that the Agency for Health Care Administration is a creditor for any person who is 55 years of age or older at the time of death with regard to probate proceedings; requiring a petitioner to serve a copy of the petition for summary administration and the death certificate upon the agency; providing a timeframe in which the court may enter an order of summary administration allowing distribution of assets to persons or creditors; authorizing a creditor who did not receive notice and for whom provision for payment was not made to enforce a claim; requiring the court to provide the creditor with a copy of the petition and order of summary administration; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Health and Human Services Appropriations.

By Senator Siplin—

SB 2590—A bill to be entitled An act relating to nutrition labeling in restaurants; creating s. 509.321, F.S.; providing definitions; requiring certain restaurants to provide nutritional labeling of standard food items by a certain date; providing that the requirements of the act do not create civil liability and are enforceable only by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation as part of its regular restaurant inspection program; providing that the act preempts any related municipal or county ordinance; providing fines for violations; authorizing the division to adopt rules; providing an effective date.

—was referred to the Committees on Health Regulation; Regulated Industries; Judiciary; and General Government Appropriations.

By Senator Baker—

SB 2592—A bill to be entitled An act relating to clothes washer rebates; creating s. 373.187, F.S.; providing a definition for the term "front-loading clothes washer"; requiring water management districts to develop and implement incentive programs for local governments to adopt consumer rebate programs for specified clothes washers; specifying a limitation; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Commerce; Finance and Tax; and General Government Appropriations.

By Senator Gaetz—

SB 2594—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.002, F.S.; revising a definition; providing that a greyhound permitholder who meets certain requirements may engage in specific wagering activities without meeting a minimum number of live performances; amending s. 550.054, F.S.; imposing a moratorium on the issuance of new greyhound racing permits; amending s. 550.0951, F.S.; conforming provisions; amending s. 849.086, F.S.; revising the number of live performances that a greyhound permitholder must conduct in order to renew a cardroom license; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; and General Government Appropriations.

By Senator Wise—

SB 2596—A bill to be entitled An act relating to services for persons with disabilities; amending s. 393.0661, F.S.; revising elements required to be included in the plan developed and implemented by the agency to redesign the home and community-based services delivery system; authorizing the Agency for Persons with Disabilities and the Agency for Health Care Administration to implement pilot programs and to seek federal approval therefor; requiring a report to the Governor and Legislature; authorizing the agencies to adopt rules; amending s. 409.906, F.S.; requiring the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, to develop and implement a revised procurement process for durable medical equipment and supplies for clients served by developmental disabilities and family and supported living waivers; authorizing development of a plan to use electronic debit cards for the purchase of such equipment and supplies; authorizing a pilot program; requiring a report to the Governor and Legislature; authorizing the agencies to seek federal approval and adopt rules; amending s. 39.201, F.S.; authorizing the Agency for Persons with Disabilities to use information in the central abuse hotline as part of the licensure process; amending s. 393.063, F.S.; revising the definition of "adult day training"; amending s. 393.066, F.S.; requiring the agency to promote adult day training services; deleting provisions relating to habilitation services provided for certain clients in community-based residential facilities; amending s. 393.067, F.S.; revising facility licensure requirements for staff training; amending s. 393.0673, F.S.; providing additional grounds for imposition of a fine or denial, suspension, or revocation of a license; amending s. 393.13, F.S.; establishing the right of persons with developmental disabilities to be free from abuse, neglect, and exploitation in residential facilities; amending s. 415.103, F.S.; providing for certain reports to the central abuse hotline relating to vulnerable adults to be immediately transferred to the county sheriff's office; amending s. 435.04, F.S.; requiring certain residential facility and developmental disabilities center personnel to be screened

for certain criminal offenses; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

By Senator Gaetz—

SB 2598—A bill to be entitled An act relating to the regulation of professions; amending s. 455.2124, F.S.; authorizing a board or commission, or the department if no such board or commission exists for a profession, to require the completion of certain continuing education requirements by inactive licensees seeking to regain active status; amending s. 455.2179, F.S.; increasing the quadrennial fees for renewal of eligibility to provide certain continuing education courses; amending ss. 455.2228 and 455.273, F.S.; increasing the period for completion of certain renewal, recertification, and relicensing requirements from biennially to quadrennially; amending s. 455.271, F.S.; authorizing certain licensees to submit a written request for a grace period upon the expiration of a license; requiring that such licensee pay a specified fee and complete certain continuing education requirements; increasing the length of certain licensure and renewal cycles; amending ss. 468.403, 468.453, 468.525, 468.613, 469.005, 474.217, and 475.180, F.S.; providing conditions under which a nonresident who has been licensed in good standing for a specified period in another state qualifies for licensure in this state; amending s. 476.114, F.S.; authorizing certain persons to take the examination for licensure as a cosmetologist; requiring that certain persons desiring to be a barber apply to the department in writing under certain conditions; amending s. 477.019, F.S.; authorizing certain persons to take the examination for licensure as a cosmetologist; requiring that certain persons desiring to be a cosmetologist apply to the department in writing under certain conditions; amending s. 481.209, F.S.; authorizing any person meeting certain criteria to take the examination for licensure as an architect or interior designer; requiring that such persons apply to the department in writing; requiring that persons applying for licensure as an interior designer remit a nonrefundable application fee; requiring that the department adopt a form for applications for licensure as an interior designer; amending s. 481.213, F.S.; providing conditions under which a nonresident who has been licensed as an architect in good standing for a specified period in another state qualifies for licensure as an architect in this state; amending s. 489.111, F.S.; authorizing a person applying for licensure as a contractor to substitute for certain experience requirements the passing of a prelicensure course approved by the Construction Industry Licensing Board and established by department rule; amending s. 489.115, F.S.; providing conditions under which a nonresident who has been licensed as a contractor in good standing for a specified period in another state qualifies for licensure as a contractor in this state; amending s. 489.118, F.S.; deleting an obsolete provision; amending s. 489.511, F.S.; providing conditions under which a nonresident who has been licensed as an electrical or alarm system contractor in good standing for a specified period in another state qualifies for licensure as an electrical or alarm system contractor in this state; amending s. 489.515, F.S.; authorizing the Electrical Contractors' Licensing Board to adopt certain alternative means by which an applicant for certification may demonstrate financial responsibility; amending s. 492.105, F.S.; requiring that a person desiring to be licensed in this state as a geologist apply to the department on a form adopted by the department, remit a nonrefundable application fee, and meet certain requirements; providing an effective date.

—was referred to the Committees on Regulated Industries; and General Government Appropriations.

Bill Numbers **2600—2602** have been reserved for appropriations bills.

By Senator Gardiner—

SB 2604—A bill to be entitled An act relating to residential properties; amending s. 718.112, F.S.; requiring each newly elected director to certify to the secretary of the association that he or she has read the association's declarations of covenants and restrictions, articles of incorporation, bylaws, and current written policies and will work to uphold such documents and policies to the best of his or her ability; providing that a failure to timely file the statement automatically disqualifies the director from service on the association's board of directors; requiring the secretary of the association to retain a director's certification for inspection by the members for a specified period of years after a director's election; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting a salary or compensation for certain association personnel; providing exceptions; amending s. 720.305, F.S.; authorizing fines assessed against members which exceed a certain amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring an association to retain certifications for a specified time; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform to changes made by the act; amending s. 720.302, F.S.; correcting a cross-reference to conform to changes made by the act; establishing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners' associations; providing that dispute resolution cases pending on the date of repeal will continue under the repealed provisions; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; setting applicability of provisions for mediation and arbitration applicable to disputes in homeowners' associations; creating exceptions; providing applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that the notice of dispute be delivered before referral to mediation or arbitration; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of a mediator and times to meet; providing penalties for failure to mediate; creating s. 720.506, F.S.; creating an opt-out provision; creating s. 720.507, F.S.; creating a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of an arbitrator and times to meet; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing for rules of procedure; providing for confidentiality; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for enforcement of mediation agreements and arbitration awards; providing that any three or more condominium associations may form a self-insurance fund for certain purposes under certain conditions; requiring that the contract for participating in the fund disclose certain information and contain certain provisions; requiring that a disclosure be provided to an association before execution of such contract; requiring that such disclosure contain certain information; providing for the charging of contributions for participation in the fund; requiring that the majority of the governing board of the fund be participants in the fund; providing powers of the governing board; authorizing the fund to enter into certain contracts; requiring that the fund use a general lines agent meeting certain criteria when soliciting participation in the fund; prohibiting the fund from taking certain actions when selecting such agent; requiring that the fund be independently audited at specified intervals; authorizing the fund to accumulate funds or distribute excess funds to participants on a pro rata basis; providing for a deductible for participants in the fund; exempting such self-insurance funds from certain requirements, regulations, fees, taxes, and assessments; providing effective dates.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Judiciary; Finance and Tax; and General Government Appropriations.

By Senator Pruitt—

SB 2606—A bill to be entitled An act relating to stormwater management system design; establishing a study commission to develop recommendations relating to stormwater management system design; specifying study criteria; providing for commission membership, meetings, and expiration; requiring the commission to submit findings and legislative recommendations to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Regulated Industries; Environmental Preservation and Conservation; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Justice—

SB 2608—A bill to be entitled An act relating to public school student progression; amending s. 1008.25, F.S.; requiring student proficiency in additional subjects; providing a process by which the retention of a student for a reading deficiency may be appealed; providing for exemption from mandatory retention through successful appeal; specifying circumstances recognized as justification for granting an appeal; providing for reporting; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Sobel—

SB 2610—A bill to be entitled An act relating to the aviation fuel tax; providing a short title; providing legislative intent; amending s. 206.9825, F.S.; providing an exemption from the aviation fuel tax for aviation fuel purchased in the state capital by a qualifying airline for use in certain aircraft; providing an effective date.

—was referred to the Committees on Transportation; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 2612—A bill to be entitled An act relating to substance abuse services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a license application; amending s. 397.405, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary, regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797, 397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

By Senator Gaetz—

SB 2614—A bill to be entitled An act relating to the Healthy and Fit Florida Act; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; transferring, renumbering, and amending s. 381.84, F.S., relating to the comprehensive statewide tobacco education and use prevention program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco usage; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93 F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; amending s. 385.101, F.S.; renaming the Chronic Diseases Act as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs;

amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; establishing the Office of Public Health Nutrition within the department; providing duties of the office; requiring the department to promote personal responsibility to prevent chronic disease or slow its progression; requiring the department to promote regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.206, F.S.; renaming the hematology-oncology care center program as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; Ethics and Elections; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Joyner—

SB 2616—A bill to be entitled An act relating to inmate re-entry to the workforce; amending s. 944.012, F.S.; revising an agency reference; amending s. 944.024, F.S.; requiring that an offender's postsentence intake include a vocational assessment; amending s. 944.705, F.S.; requiring the Department of Corrections to include specified information in a release orientation program; creating s. 944.7055, F.S.; authorizing the Department of Corrections to issue photographic identification cards to all inmates immediately prior to release; requiring acceptance of such cards by state agencies; prohibiting specified offenses relating to such cards; providing penalties; requiring the department to assist inmates in obtaining specified documents prior to release; amending s. 944.707, F.S.; requiring the department to develop partnerships with the Florida Community College System to secure vocational training and potential financial aid for releasees; amending s. 944.708, F.S.; revising provisions concerning rulemaking; amending s. 944.801, F.S.; requiring the department to select vocational training programs in conjunction with specified information from the Agency for Workforce Innovation; requiring the department to develop a plan to identify which inmates have education levels below ninth grade levels for specified purposes; requiring the department to include certain inmates in specified reading programs; providing legislative intent concerning disqualification of ex-offenders from occupations; requiring state agencies and regulatory boards to submit to legislative officers and committees a report that states current restrictions on the employment of ex-offenders and possible alternatives that are compatible with protecting public safety; directing the Department of Corrections to study and prepare a report and recommendations concerning work-release programs; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations.

By Senator Constantine—

SB 2618—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; requiring the Fish and Wildlife Conservation Commission rather than the Department of Revenue to distribute a specified sum from the Invasive Plant Control Trust Fund to eradicate melaleuca; amending s. 253.002, F.S.; setting forth duties of the commission as they relate to state lands; amending ss. 369.20, 369.22, and 369.25, F.S.; providing that the commission has the authority to enforce statutes relating to aquatic weeds and plants; amending s. 379.304, F.S.; providing that anyone violating the provisions governing the sale or exhibition of wildlife are subject to specified penalties relating to captive wildlife; amending s. 379.338, F.S.; authorizing an investigating law enforcement agency to dispose of illegally taken wildlife, freshwater fish, or saltwater fish in certain specified ways; requiring that live wildlife, freshwater fish, and saltwater fish be properly documented as evidence and returned to the habitat unharmed; requiring that nonnative species be disposed of in accordance with rules of the Fish and Wildlife Conservation Commission; providing for the disposition of furs and hides; requiring that the proceeds of sales be deposited in the State Game Trust Fund or the Marine Resources Conservation Trust Fund; requiring the Fish and Wildlife Conservation Commission to give to a state, municipal, or county law enforcement agency that enforces or assists the commission in enforcing the law all or a portion of the value of any property forfeited during an enforcement action; creating s. 379.3381, F.S.; providing that photographs of wildlife or freshwater or saltwater fish may be offered into evidence to the same extent as if the wildlife, freshwater fish, or saltwater fish were directly introduced as evidence; requiring that the photograph be accompanied by a writing containing specified information relating to the illegal seizure of the wildlife or freshwater or saltwater fish; requiring that the wildlife or freshwater or saltwater fish be disposed of as provided by law; amending s. 379.353, F.S.; providing that a resident of this state is exempt from paying certain recreational licenses if the person is eligible for Medicaid services and has been issued an identification card by the Agency for Health Care Administration; repealing s. 379.366(7), F.S., relating to the regulation of the commercial harvesting of blue crabs; amending s. 379.3671, F.S.; providing that if a certificate issued to a person to use a spiny lobster trap is not renewed within a specified period, the certificate will be considered abandoned and revert to the commission; amending s. 379.3751, F.S.; revising the alligator trapping agent's license and the alligator farming agent's license to allow the

trapper and the farmer to possess, process, and sell the hides and meat of the alligator; removing the limitation that an alligator trapping agent's license could be issued only in conjunction with an alligator trapping license; amending s. 379.3761, F.S.; providing penalties for the wrongful exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising penalties for a person who unlawfully possesses wildlife; amending s. 379.401, F.S.; making it a level 2 violation for a person to feed or entice an alligator or crocodile and a level 4 violation for a person to illegally kill, injure, or capture an alligator or crocodile; amending s. 379.4015, F.S.; making it a level 2 violation for a person to illegally exhibit of sell wildlife; creating s. 379.501, F.S.; providing penalties for unlawfully disturbing aquatic weeds and plants; providing that a person is liable to the state for any damage caused to the aquatic weeds or plants and for civil penalties; providing that if a person willfully harm aquatic weeds and plants he or she commits a felony of the third degree; providing criminal penalties; creating s. 379.502, F.S.; authorizing the commission to seek judicial or administrative remedies for unlawfully disturbing aquatic weeds and plants; providing for procedures; authorizing a respondent to request mediation; providing for an award of attorney's fees; providing requirements for calculating administrative penalties; providing for the administrative law judge to consider evidence of mitigation; requiring that penalties be deposited into the Invasive Plant Control Trust Fund; creating 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that the judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing that anyone who unlawfully disturbs aquatic weeds or plants is subject to civil penalties; authorizing a court to impose a civil penalty for each offense in an amount not to exceed $10,000 per offense; providing for joint and several liability; providing for determining the value of fish killed for purposes of assessing damages; amending s. 403.088, F.S.; requiring the commission to approve a program intended to control aquatic weeds or algae; creating s. 15.3055, F.S.; designating the osprey as the official state bird of Florida; amending s. 319.32, F.S.; increasing the title fee for each original certificate of title issued for a vehicle previously registered outside this state, the proceeds of which are to be paid to the Nongame Wildlife Trust Fund; amending s. 320.08056,F.S.; increasing the license plate fees for the Manatee license plate and the Conserve Wildlife license plate to $25; reenacting s. 379.209(2), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32 F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; providing effective dates.

—was referred to the Committees on Environmental Preservation and Conservation; Criminal Justice; Judiciary; Finance and Tax; and General Government Appropriations.

By Senator Altman—

SB 2620—A bill to be entitled An act relating to medical quality assurance; amending s. 395.0193, F.S.; requiring certain disciplinary actions to be reported to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.0197, F.S.; requiring the agency to forward copies of adverse incident reports to the department; amending s. 395.3025, F.S.; authorizing disclosure of certain patient records to the department; requiring the administrator or records custodian of a facility to certify which records have been provided to the department; requiring the facility to charge a fee for copies of the records provided to the department; amending s. 400.145, F.S.; requiring the administrator or records custodian of a facility to certify which records have been provided to the department; amending s. 400.147, F.S.; authorizing the department to receive notification of adverse incidents for purposes of certain disciplinary proceedings; requiring the department to review certain adverse incident reports; requiring the agency to forward adverse incident reports to the department; amending s. 456.001, F.S.; providing a definition; amending s. 456.011, F.S.; providing additional requirements for the constitution of a quorum for meetings of certain committees and boards operating under ch. 456, F.S.; amending s. 456.013, F.S.; requiring an application fee for licensure examinations; providing for extension of a temporary license; revising licensure requirements; authorizing the board or department to adopt rules requiring the display of a professional license; amending s. 456.025, F.S.; authorizing the increase of certain licensure fees; authorizing the imposition of reinspection fees; amending s. 456.036, F.S.; prohibiting the department from renewing the license of licensees owing outstanding fees, costs, or fines; providing for notice; providing for renewal of a license when requirements are met; amending s. 456.037, F.S.; authorizing the board or department to require by rule the display of a business establishment license; amending s. 456.063, F.S.; authorizing the board or department to adopt rules relating to the reporting of sexual misconduct by licensed health care practitioners; amending s. 456.072, F.S.; providing that failure to report disciplinary actions taken against a licensee's license to practice is an additional ground under which the practitioner is subject to discipline by the department or the board having jurisdiction over the practitioner; providing penalties; amending ss. 381.00593, 381.0303, 456.074, 456.41, 468.703, 627.6474, 641.315, 766.1016, 766.1116, 768.13, and 768.28, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Peaden—

SB 2622—A bill to be entitled An act relating to motor vehicle short-term rental or lease insurance; amending s. 324.021, F.S.; requiring lessees under certain motor vehicle rental or lease agreements to obtain certain liability insurance; specifying minimum insurance requirements for motor vehicles rented or leased for less than a single year; providing requirements; prohibiting a lessor from leasing to a lessee without having such insurance; authorizing certain lessors to offer and sell certain insurance; authorizing such lessors to charge a fee under certain circumstances; specifying absence of lessor liability under certain circumstances; providing application; providing an effective date.

—was referred to the Committees on Commerce; Banking and Insurance; and Judiciary.

By Senator Aronberg—

SB 2624—A bill to be entitled An act relating to health care clinics; amending s. 400.9905, F.S.; redefining the term "clinic" for purposes of the Health Care Clinic Act to exclude those entities that derive more than a certain percentage of their revenue from oncology services or radiation therapy services; providing an effective date.

—was referred to the Committees on Health Regulation; Finance and Tax; and Health and Human Services Appropriations.

By Senators Haridopolos, Ring, Lynn, Oelrich, Smith, Bennett, and Gaetz—

SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the "Consumer Choice and Protection Act"; amending s. 364.01, F.S.; providing that it is the intent of the Legislature that the Public Service Commission not regulate Internet protocol-enabled service, including voice-over-Internet service; amending s. 364.02, F.S.; redefining the terms "basic local telecommunications service," "nonbasic service," and "telecommunications company" and defining the term "Internet protocol-enabled service"; amending ss. 364.011 and 364.013, F.S.; exempting Internet protocol-enabled services from the regulatory jurisdiction of the Public Service Commission; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company's schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; deleting provisions relating to rate increases for nonbasic services; authorizing a telecommunications company to change the price of a nonbasic service with 1 day's notice; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; amending s. 364.10,

F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; requiring each local exchange telecommunications company to advise each residential customer of the least-cost service available to that customer when the residential customer initially requests basic local telecommunications service; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; reenacting s. 364.059(1)(a), F.S., relating to petitions filed in a telecommunication proceeding seeking a stay of an anticompetitive price reduction, to incorporate the amendments made to s. 364.051 F.S., in a reference thereto; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Commerce; and General Government Appropriations.

By Senator Wise—

SB 2628—A bill to be entitled An act relating to virtual instruction programs; amending ss. 1000.04 and 1002.20, F.S.; conforming provisions to changes made by the act; repealing s. 1002.415, F.S., relating to the K-8 Virtual School Program within the Department of Education; amending s. 1002.45, F.S.; providing that virtual instruction programs may be provided by the same or different contracted providers; requiring that a virtual instruction program provide virtual instruction to part-time or full-time students enrolled in virtual courses in kindergarten through grade 12; authorizing a school district to contract with various virtual instruction providers; authorizing a regional consortium to assist its member districts individually or collectively in obtaining the best price from such providers; revising the qualifications for instructional staff; deleting a provision that authorizes a charter school to enter into a joint agreement with a school district in order to participate in the district's virtual instruction program; revising the qualifications for providers offering virtual instruction; deleting a provision that prohibits a school district from increasing the enrollment of its full-time virtual instruction program; revising the participation requirements that a student must meet to enroll in the virtual instruction program; deleting provisions relating to funding provided through the Florida Education Finance Program; revising the requirements for a virtual instruction program; authorizing a school district to terminate a contract with a virtual instruction provider without cause if the school district provides at least 90 days' notice of such termination; requiring that a school district provide certain information to parents and students relating to opportunities for accessing courses offered by virtual instruction providers that are contracted with the school district; deleting provisions relating to the 2008-2009 school district virtual instruction program; requiring that the State Board of Education adopt rules establishing criteria for the approval of virtual instruction providers; amending s. 1003.01, F.S.; revising the definition of the term "core-curricula courses" to conform to changes made by the act; amending s. 1011.61, F.S.; revising the definition of the term "full-time equivalent student" to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Haridopolos—

SB 2630—A bill to be entitled An act relating to motor vehicle dealerships; amending s. 320.642, F.S.; revising provisions for establishing an additional motor vehicle dealership in or relocating an existing dealer to a location within a community or territory where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; revising notice requirements; revising provisions for denial of an application for a motor vehicle dealer license in any community or territory; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles when evaluating the application; revising provisions under which a dealer has standing to protest a proposed additional or relocated motor vehicle dealer; revising time period within which the opening or reopening of the same or a successor dealer is not considered an additional motor vehicle dealer subject to protest; revising provisions for a proposed addition or relocation concerning a dealership that performs only service; amending s. 320.643, F.S.; revising provisions for transfer, assignment, or sale of franchise agreements; prohibiting rejection of proposed transfer of interest in a motor vehicle dealer entity to a trust or other entity, or a beneficiary thereof, that is established for estate planning purposes; prohibiting placing certain conditions on such transfer; revising provisions for a hearing by the department or a court relating to a proposed transfer; providing for severability; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Judiciary.

By Senator Storms—

SB 2632—A bill to be entitled An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for enforcement of medical support obligations in child-support-enforcement cases; amending s. 61.13, F.S.; establishing standards for a presumption of reasonable costs of and accessibility to health insurance; requiring that the court make a written finding before deviating from the presumed reasonable cost; amending s. 61.1301, F.S.; conforming a provision to changes made by the act; amending s. 409.2554, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for the enforcement of medical support obligations in child-support-enforcement cases that received services under the Social Security Act; amending s. 409.256, F.S.; conforming a cross-reference; amending s. 409.2561, F.S.; requiring the Department of Revenue rather than the IV-D agency, to obtain medical support information for Medicaid recipients and applicants, to provide health insurance policy information to the state Medicaid agency, and to be notified by the Medicaid agency about the discontinuance of health insurance; amending s. 409.2563, F.S.; conforming provisions to changes made by the act; defining the term "caretaker"; deleting the term "caretaker relative"; revising requirements for the notice of proceeding to establish an administrative support order and a financial affidavit form; requiring the department to refer the child-support proceeding to the Division of Administrative Hearings if the department determines that an evidentiary hearing is appropriate; amending s. 409.25635, F.S.; authorizing the department to collect noncovered medical expenses in installments; amending s. 409.2564, F.S.; authorizing the Department of Revenue to reduce the amount owed for retroactive support that is permanently assigned to the state, effective on a specified date; revising the procedures for reviewing and modifying a child support order; authorizing the court to modify a support order without a hearing under certain circumstances; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a waiver from the Secretary of the United States Department of Health and Human Services to authorize the Department of Revenue to provide services in accordance with Title IV-D of the Social Security Act to individuals who are owed support without need of an application; amending s. 409.2572, F.S.; conforming a cross-reference; amending s. 409.2576, F.S.; conforming provisions to changes made by the act; amending s. 409.259, F.S.; extending the date to implement the electronic filing of pleadings and other papers with the clerks of the circuit court in Title IV-D cases; amending s. 409.910, F.S.; requiring the Agency for Health Care Administration to provide certain information to the Department of Revenue for purposes of administering the state Title IV-D program; amending s. 414.095, F.S.; clarifying that a family must assign to the Department of Revenue any rights to support from any other person in order to receive temporary cash assistance; providing effective dates.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Storms—

SB 2634—A bill to be entitled An act relating to adult protection and care; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to make a reproduction of a digital record of a licensee for the purposes of ch. 415, F.S., relating to adult protective investigations; amending s. 400.141, F.S.; requiring a search of the Department of Law Enforcement's sexual offender data base to be conducted on prospective or newly admitted nursing home residents; allowing a licensed facility to use certain information to assess the needs of its resident and to provide health care and protective and support services; allowing a licensed facility to disclose certain information to its residents; requiring certain contract workers to sign in and out of a facility and for the facility to maintain a log of the information; amending s. 408.808, F.S.; deleting a cross-reference; amending s. 408.810, F.S.; requiring health care facilities regulated by the Agency for Health Care Administration to post certain information in the facility; amending s. 415.103, F.S.; requiring certain reports to the central abuse hotline relating to vulnerable adults to be immediately transferred to the appropriate law enforcement agency; amending s. 415.1051, F.S.; authorizing the Department of Children and Family Services to file the petition to determine incapacity in adult protection proceedings; prohibiting the department from serving as the guardian or providing legal counsel to the guardian under specified circumstances; amending s. 415.112, F.S.; specifying rules to be adopted by the Department of Children and Family Services relating to adult protective services under ch. 415, F.S.; amending s. 429.02, F.S.; revising the definition of "service plan" to remove the limitation that plans apply only to residents in assisted living facilities who receive extended congregate care services; amending s. 429.07, F.S.; providing that requirements for specialty licenses apply to current licensees as well as applicants for an extended congregate care and limited nursing license; conforming a cross-reference; deleting the requirement that the Department of Elderly Affairs submit a yearly report on extended congregate care services; amending s. 429.174, F.S.; requiring certain contract workers to sign in and out of a facility and for the facility to maintain a log of the information; amending s. 429.255, F.S.; requiring professional volunteers to report their observations about residents to a facility employee, who is required to make appropriate notation in the residents' records; providing that the owner or administrator of an assisted living facility is responsible for the services provided in the facility; amending s. 429.26, F.S.; clarifying a prohibition on moving a resident; providing for the development of a service plan for all residents; requiring a search of the Department of Law Enforcement's sexual offender data base to be conducted on prospective or newly admitted nursing home residents; requiring residents in nursing care to be assessed monthly for change of status; requiring residents to be assessed periodically for competency to handle personal and financial affairs; amending s. 429.27, F.S.; prohibiting assisted living facility personnel from making certain decisions for a resident or act as the resident's representative or surrogate; amending s. 429.28, F.S.; requiring that notice of a resident's relocation or termination of residency be in writing and a copy sent to specified persons, including the State Long-Term Care Ombudsman Program; requiring the program to include the information in their annual report; requiring facilities to have a written grievance procedure that includes certain information; requiring that grievances reported to the local ombudsman council be included in a statewide reporting system; amending s. 429.294, F.S.; deleting a cross-reference; amending s. 429.41, F.S.; requiring all residents of assisted living facilities to have a service plan; amending s. 429.65, F.S.; defining the term "reside"; amending s. 429.69, F.S.; providing that the failure of an adult family-care home provider to live in the home is grounds for the denial, revocation, or suspension of a license; amending s. 429.73, F.S.; requiring adult family-care home residents to be periodically assessed for competency to handle personal and financial affairs; repealing s. 400.141(13), F.S., relating to a requirement to post certain information in nursing homes; repealing s. 408.809(3), F.S., relating to the issuance of a provisional license while awaiting federal background screening results; repealing s. 429.08(2), F.S., deleting a provision relating to local workgroups of field offices of the Agency for Health Care Administration; repealing s. 429.41(5), F.S., relating to agency inspections; amending ss. 430.80 and 651.118, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Senator Dean—

SB 2636—A bill to be entitled An act relating to the Department of Environmental Protection; providing legislative intent; transferring the Office of Coastal and Aquatic Managed Areas and related state law enforcement officer positions within the Bureau of Park Police in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; requiring the Department of Environmental Protection and the Fish and Wildlife Conservation Commission to prepare a specified plan and submit the plan to the Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a specified study and submit the study to the Legislature; directing the Department of Environmental Protection to issue a request for proposals for a public-private land management demonstration pilot project for state parks and greenways and trails; specifying requirements for the project; requiring the Office of Program Policy Analysis and Government Accountability to prepare and submit a report to the Governor, the Legislature, the Acquisition and Restoration Council, and the Legislative Budget Commission; directing the Department of Environmental Protection, in consultation with the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, to issue a request for proposals for a public-private land management demonstration pilot project for specified conservation lands; specifying requirements for the project; requiring a third-party certified auditor to prepare and submit a report to the Governor, the Legislature, the Acquisition and Restoration Council, and the Legislative Budget Commission; amending ss. 20.331, 253.86, and 259.037, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Detert—

SB 2638—A bill to be entitled An act relating to state-federal relations; amending s. 14.23, F.S.; revising legislative intent; providing for direct access of the Legislative Committee on Intergovernmental Relations to staff of the Office of State-Federal Relations; expanding duties of the office; providing for appointment of a Florida Federal Grants Coordinator by the President of the Senate and the Speaker of the House of Representatives; providing that the coordinator serve at the pleasure of the President of the Senate and the Speaker of the House of Representatives; requiring the coordinator to report to the committee; providing duties and responsibilities of the coordinator; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Constantine—

SB 2640—A bill to be entitled An act relating to assisted reproductive technology; amending s. 742.14, F.S.; prohibiting any person other than an attorney from receiving compensation for making a referral to an egg, sperm, or preembryo donor or gestational surrogate; prohibiting any person other than an attorney from advertising for, or seeking, an egg, sperm, or preembryo donor or gestational surrogate; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

By Senator Aronberg—

SM 2642—A memorial to the Congress of the United States, urging Congress to pass legislation that establishes a national universal health care program with a comprehensive range of benefits.

—was referred to the Committee on Health Regulation.

By Senator Siplin—

SB 2644—A bill to be entitled An act relating to the construction of electric transmission lines; amending s. 403.524, F.S.; removing exceptions to requirements for an electric utility to obtain certification prior to construction of a transmission line; requiring an electric utility to notify affected municipalities of proposed transmission line sites and routes; requiring disclosure of methods used to determine routes and efforts to minimize impact on the municipality; authorizing a municipality to request a hearing by the Florida Public Service Commission to determine disputes with the electric utility; authorizing a municipality to bring an action challenging transmission line siting; authorizing a local governmental entity that requests electric transmission lines be placed underground to share the underground installation costs with any surrounding governmental entity that benefits from the installation; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Community Affairs; Environmental Preservation and Conservation; and General Government Appropriations.

By Senator Deutch—

SB 2646—A bill to be entitled An act relating to personal injury claims; creating s. 626.9745, F.S.; prohibiting resolution or settlement of certain personal injury claims for certain benefits within a certain time after the date of an injury; providing an exception when an insurer tenders policy limits to the injured party; permitting insurance carriers to advance or pay a portion of coverage under certain circumstances; providing for a credit against final settlement or jury verdict amounts for payments made; providing for unenforceability of certain settlements or releases; specifying a violation as a false and fraudulent insurance claim to which criminal penalties apply; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Criminal Justice.

By Senator Dean—

SB 2648—A bill to be entitled An act relating to agriculture; expressing the legislative intent to revise laws relating to agriculture; providing an effective date.

—was referred to the Committees on Agriculture; and General Government Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Fasano—

SB 2650—A bill to be entitled An act relating to pharmaceutical take-back programs; creating s. 499.0295, F.S.; requiring drug manufacturers who sell drugs in this state to establish a take-back program that accepts and disposes of pharmaceuticals turned in by consumers by a certain date; provides program requirements; requires the manufacturer to submit a program plan to the Department of Health, which must review and approve or reject the plan; requiring retail pharmacies to post a sign informing consumers about the take-back program; requiring a manufacturer to pay a fee to the department designed to cover the department's administrative costs for the program; authorizing the department to impose administrative fines for violations; establishing an advisory committee to advise the department on issues relating to take-back programs; providing for member appointment, terms, selection of a chairperson, number of meetings, and reimbursement for expenses; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Senator Fasano—

SB 2652—A bill to be entitled An act relating to public records; amending s. 494.00125, F.S.; providing a public-records exemption for information obtained by the Office of Financial Regulation from the Nationwide Mortgage Licensing System and Registry which is confidential under federal or other state law; providing an exemption for credit reports obtained by the office for licensing purposes; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; repealing s. 494.0021, F.S., relating to financial statements, to conform to changes made by the act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

By Senator Altman—

SB 2654—A bill to be entitled An act relating to high school graduation; amending s. 1003.428, F.S.; deleting provisions relating to general requirements for high school graduation to conform to changes made by the act; creating s. 1003.4281, F.S.; providing requirements for graduation with a core diploma beginning with students entering their first year of high school in the 2010-2011 school year; creating s. 1003.4282, F.S.; providing requirements for graduation with a college preparatory diploma beginning with students entering their first year of high school in the 2010-2011 school year; creating s. 1003.4283, F.S.; providing requirements for graduation with a career preparatory diploma beginning with students entering their first year of high school in the 2010-2011 school year; providing credit requirements, authority to modify courses for exceptional students, standards for graduation, and authority for rulemaking and enforcement for the core diploma, the college preparatory diploma, and the career preparatory diploma; creating s. 1003.4284, F.S.; authorizing the Department of Education to implement a Graduation Exit Option Program under which a high school student shall be awarded an alternative diploma; providing requirements for participation in the program and receipt of a diploma; requiring a school district to receive approval annually to participate in the program; requiring rulemaking; amending s. 1003.4285, F.S.; conforming provisions; creating s. 1003.4286, F.S.; providing for applicability of major and minor areas of interest or electives as credit requirements for graduation; requiring remediation in certain instances; creating s. 1003.4287, F.S.; providing for applicability of physical education and performing arts credit options for graduation; creating s. 1003.4288, F.S.; providing for applicability of district school board policies to assist students in meeting grade point average requirements for graduation; creating s. 1003.4289, F.S.; providing for applicability of accommodations and modifications of procedures for students with disabilities for purposes of graduation; creating s. 1003.4295, F.S.; requiring each public high school to offer specified acceleration courses; amending s. 1003.43, F.S.; deleting provisions relating to general requirements for high school graduation to conform to changes made by the act; creating s. 1003.4305, F.S.; authorizing the award of a standard high school diploma to certain honorably discharged veterans; amending s. 1007.263, F.S.; conforming a cross-reference; amending s. 1008.22, F.S.; requiring passing scores on the grade 10 FCAT to meet grade-level proficiency; conforming provisions and cross-references; amending s. 1009.531, F.S.; conforming provisions; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; providing additional academic requirements for receipt of Florida Bright Futures Scholarship Program awards; amending s. 1009.537, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Haridopolos—

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

relating to dealers in agricultural products; providing an appropriation; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Baker—

SB 2658—A bill to be entitled An act relating to Medicare and Medicaid fraud; providing legislative findings; providing a purpose; requiring that an applicant applying for the licensure of, or acquiring a controlling interest in, a health care clinic, home health agency, or home medical equipment provider be a legal resident of the United States for a specified period and demonstrate proof of financial ability to operate; prohibiting the Agency for Health Care Administration from issuing a license to a home health agency under certain circumstances; providing criminal penalties; authorizing the agency to adopt rules; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; and Health and Human Services Appropriations.

By Senators Wise and Lynn—

SB 2660—A bill to be entitled An act relating to small county transportation development; terminating the Department of Transportation Small County Outreach Program; transferring funds to the Rural County Road Improvement Program; providing for continuation of projects; amending ss. 201.15, 215.211, and 339.08, F.S.; directing certain funds in the State Transportation Trust Fund to be used for the Rural County Road Improvement Program in lieu of the Small County Outreach Program; amending s. 339.2816, F.S.; renaming the Small County Road Assistance Program as the Rural County Road Improvement Program; revising the purpose of the program; revising criteria for projects under the program; defining the term "resurfacing"; revising the definition of "small county"; creating the Rural County Road Improvement Program Advisory Council to review and recommend proposed projects for funding; providing for membership of the council; providing a limit on the portion of federal grants and special funding designated for road improvements which may be directed to eligible projects in counties with populations of less than 80,000; providing that the department shall fund 75 percent of the cost of projects on county roads funded under the program; revising requirements for eligibility; providing for contract provisions prohibiting employment of illegal immigrants and requiring reporting of violations to the department; requiring the department to keep a record of reported violations and report the violations to the Legislature; providing for an annual appropriation; authorizing the department to allocate unused funds to other priorities; exempting programs from specified use requirements; repealing s. 339.2818, F.S., relating to the Small County Outreach Program; amending s. 468.617, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By Senator Lawson—

SB 2662—A bill to be entitled An act relating to emergency health care providers; providing legislative findings and intent; amending s. 768.28, F.S.; providing that certain emergency health care providers are agents of the state for purposes of sovereign immunity when acting pursuant to specified statutory obligations; requiring certain indemnity for the state from providers; providing penalties; providing definitions; providing applicability; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; Judiciary; and Health and Human Services Appropriations.

By Senator Bennett—

SB 2664—A bill to be entitled An act relating to childhood vaccinations; amending s. 1003.22, F.S.; authorizing a parent or guardian to object to immunizing a minor on philosophical grounds; requiring that the parent or guardian sign a form in order to refuse to vaccinate the minor; providing requirements for the form; requiring that the parent or guardian periodically sign a new form in order to continue the exemption; providing an effective date.

—was referred to the Committees on Health Regulation; and Education Pre-K - 12.

By Senator Haridopolos—

SB 2666—A bill to be entitled An act relating to state construction management contracting; creating s. 255.32, F.S.; defining terms; authorizing the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects; providing criteria; authorizing the department to enter into continuing contracts under certain circumstances; providing that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond; requiring the department to adopt rules; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations.

By Senator Baker—

SB 2668—A bill to be entitled An act relating to corporate income tax credits for small business corporations; requiring the Department of Revenue to establish a corporate income tax credit program for certain small businesses; providing a definition; requiring the department to provide tax credit applications on its website; providing for department approval of tax credit applications; requiring the department to file copies of approved applications and send copies to applicants; providing criteria and requirements for and limitations on the tax credit; authorizing not-for-profit small business corporations to auction eligible tax credits to certain entities; specifying uses of proceeds of auctioned credits; requiring the department to develop a plan to auction tax credits; requiring the department to establish a workgroup for certain purposes; authorizing the department to adopt rules; requiring the Office of Program Policy Analysis and Government Accountability to review the program and report to the Legislature; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Baker—

SB 2670—A bill to be entitled An act relating to stun guns; amending s. 776.06, F.S.; redefining the term "deadly force" to exclude the discharge of a dart-firing stun gun by a law enforcement officer or correctional officer; redefining the term "less-lethal munition" to include projectiles that penetrate the body; amending s. 790.01, F.S.; prohibiting a local government from regulating nonlethal weapons or other electric devices; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Siplin—

SB 2672—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Children First license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Senator Bennett—

SB 2674—A bill to be entitled An act relating to childhood immunizations; amending s. 1003.22, F.S.; revising the list of required childhood immunizations; creating s. 1003.221; providing a set of recommended vaccination requirements that address the manner and frequency of administration of immunizations for children who are entitled to admittance into kindergarten or any other initial entrance into a public or private school in this state; providing an effective date.

—was referred to the Committees on Health Regulation; and Education Pre-K - 12.

By Senator Smith—

SB 2676—A bill to be entitled An act relating to unfair and deceptive insurance trade practices by public adjusters; amending s. 626.854, F.S.; specifying prohibitions for public adjusters relating to soliciting professional employment; prohibiting public adjusters and persons associated with public adjusters from sending unsolicited written communications under certain circumstances; specifying criteria for such communications; specifying requirements for and prohibitions relating to certain written or electronic communications from public adjusters to prospective clients; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Joyner—

SB 2678—A bill to be entitled An act relating to economic development; creating s. 288.7017, F.S.; providing a short title; creating the Microenterprise Development Program within the Office of Tourism, Trade, and Economic Development; providing the purpose of the program; providing definitions; requiring the office to select community development financial institutions to issue microenterprise loans and provide business skills development services for microentrepreneurs; providing criteria and application procedures for the selection of community development financial institutions; requiring that the office give priority to the selection of certain community development financial institutions; requiring a community development financial institution to enter into a grant agreement; providing eligibility criteria for the award of loans to microenterprises; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing for the disbursement of certain funds from the Economic Development Trust Fund; providing for the collection and deposit of loan payments; requiring community development financial institutions to submit a report to the office; providing that certain financial instruments used to secure loans are exempt from certain taxes; providing for reversion and carryforward of certain unexpended appropriations; requiring a community development financial institution to enter into a grant agreement; authorizing a community development financial institution to subcontract for certain services; specifying that business skills development services must include certain activities; requiring community development financial institutions to submit a report to the office; requiring that grant funds be used only for expenditures that meet certain federal matching requirements; requiring the office to submit a report to the Governor and Legislature; requiring the office to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce; Banking and Insurance; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Smith—

SB 2680—A bill to be entitled An act relating to homeless persons; amending s. 775.085, F.S.; reclassifying offenses evidencing prejudice based on the homeless status of the victim; creating s. 784.0815, F.S.; providing a definition; providing a minimum sentence and other penalties for a person convicted of an aggravated assault or aggravated battery upon a homeless person; requiring the inclusion of housing status in certain crime reports; requiring reporting of such data; creating s. 943.17165, F.S.; requiring the Department of Law Enforcement to develop a telecourse concerning hate crimes against homeless persons; requiring the department to consult subject matter experts for the development of the telecourse; requiring the department to develop a protocol that law enforcement personnel are required to follow concerning such offenses; requiring that crime prevention activities incorporate the protection of the homeless population; amending s. 1003.42, F.S.; requiring public school instruction in homelessness; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study into the nature and scope of hate crimes or violent crimes that occur against homeless persons; requiring a report and recommendations by a specified date; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; Education Pre-K - 12; and Criminal and Civil Justice Appropriations.

By Senator Pruitt—

SB 2682—A bill to be entitled An act relating to the Florida College System; amending s. 20.15, F.S.; providing that the Florida College System is a division of the Department of Education in lieu of the community college system; amending s. 1000.21, F.S.; including "junior college" and "state college" within the institutions of the Florida College System; specifying the service areas of the Florida College System; amending s. 1001.60, F.S.; providing that an institution in the Florida College System may change the institution's name and use the designation "state college," in lieu of "community college," "junior college," or "college" under certain circumstances and according to specified preconditions; requiring the board of trustees of a state college that changes the name of an institution to seek statutory codification of the name change during the next regular legislative session; amending s. 1004.65, F.S.; revising the primary mission of the community college to include providing upper level instruction and awarding baccalaureate degrees as specifically authorized by law; repealing s. 1004.875, F.S., relating to the State College Pilot Project; amending s. 1007.23, F.S.; requiring that the statewide articulation agreement provide for the admission of certain graduates to a state college or university; providing for a community college associate in arts graduate to receive priority over out-of-state students for admission to an institution within the Florida College System offering upper-division programs; reenacting ss. 121.051(2)(c), 440.491(6)(a), and 961.06(1)(b), F.S., relating to participation in the Florida Retirement System, reemploying injured employees, and compensation for wrongful incarceration, respectively, to incorporate the amendments made to s. 1000.21, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By the Committee on Military Affairs and Domestic Security—

SB 2684—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter restricted access areas; establishing a statewide access eligibility reporting system within the department; deleting the requirement that seaports promptly notify the department of any changes in access levels; specifying that costs for the department's access reporting system may be charged and paid by the seaport, other employing entity, or person screened; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; adding the department to those entities responsible for allocating funds for security projects; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Senator Lawson—

SB 2686—A bill to be entitled An act relating to litigation; amending s. 39.401, F.S.; providing that no person may take a child alleged to be dependant into custody except in cases involving an immediate threat to the health or safety of the child; providing additional exceptions; amending s. 39.702, F.S.; deleting a requirement that a citizen review panel be authorized through an administrative order by the chief judge of the circuit; authorizing citizen review panels to make recommendations in adjudicatory hearings under a specified provision; amending s. 39.809, F.S.; providing for recommendations by citizen review panels in hearings or trials on petitions for termination of parental rights; limiting continuances; providing an exception; providing that hearings or trials involving termination of parental rights are open to the public; providing an exception; requiring that reports and recommended orders from citizen review panels accompany written orders in certain proceedings; creating s. 46.061, F.S.; providing that in negligence cases, judgment must be entered on the basis of percentage of fault and not joint and several liability; defining the term "negligence cases"; providing for the application of joint and several liability to certain cases; creating s. 46.071, F.S.; providing that certain privileges and immunities are not valid defenses in certain actions under statute or in other specified actions; providing for construction; creating s. 46.081, F.S.; providing for assignability of claims; providing that claims or rights in injury may be given as a divided part or interest; providing for standing of parties having executed an assignment or executed a giving of interest; providing for construction of provisions; amending s. 57.105, F.S.; revising requirements concerning motions to obtain sanctions for raising unsupported claims or defenses; providing for construction of provisions; providing that the section creates a substantive right to attorney's fees; providing definitions; providing intent; amending s. 59.041, F.S.; providing requirements for court opinions relating to claims of harmless error; providing that neither the court file nor the appellate record requires a transcript or statement of proceedings for a proper, full examination of the case before the court; deleting a provision for liberal construction of harmless error provisions; amending s. 59.06, F.S.; revising provision relating to motions for dismissal or summary judgment; providing that an order sustaining a motion for dismissal or summary judgment without leave to amend or with prejudice or absent an allowance for some other further action expressly rendered by the court is an order sufficient to allow an interlocutory appeal to be made within a specified period; amending s. 454.18, F.S.; revisions provisions relating to persons allowed to practice law; providing for lay representations in certain proceedings; providing for challenges to such representation; providing for application; amending s. 454.23, F.S.; prohibiting specified acts by attorneys; providing criminal penalties; amending s. 768.81, F.S.; providing for apportionment of damages to nonparties; providing for construction; amending s. 839.24, F.S.; prohibiting violations concerning certain procedural rules and laws; providing penalties; amending s. 843.0855, F.S.; prohibiting certain acts relating to obstruction of justice and deprivation of rights under color of law during court proceedings; providing penalties; providing for construction; amending ss. 924.051 and 924.33, F.S.; providing requirements for court opinions in specified cases; providing that neither the court file nor the appellate record requires a transcript or statement of proceedings in order for a proper, full examination of the case before the court; creating s. 939.051, F.S.; providing sanctions for persons found to have abused the judicial system; providing for motions for sanctions; providing for construction; repealing s. 924.395, F.S., relating to sanctions; amending s. 985.35, F.S.; requiring the Department of Juvenile Justice to adopt rules governing the procedures that may be used to restrain a child upon his or her arrival at the courthouse; prohibiting the use of instruments of restraint on a child after the child arrives at the courthouse; prohibiting subjecting a child to extended periods of isolation; providing specified exemptions; amending s. 985.483, F.S.; conforming a cross-reference; creating s. 985.602, F.S.; prohibiting use of restraints on a child; providing exceptions; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Children, Families, and Elder Affairs.

By Senator Peaden—

SB 2688—A bill to be entitled An act relating to traffic control; amending s. 316.003, F.S.; providing a definition; creating s. 316.0753, F.S.; establishing a traffic control photographic program using unmanned cameras to record vehicles that violate laws relating to traffic control signal devices; providing program requirements; providing for enforcement; providing penalties; providing requirements for citations; providing an appeals process; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Community Affairs; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Baker—

SB 2690—A bill to be entitled An act relating to Medicaid reform; requiring the Agency for Health Care Administration to establish a legislative workgroup on Medicaid reform; providing for membership, meetings, and duties; requiring a report to the Governor and Legislature; providing for expiration of the workgroup; amending s. 395.1041, F.S.; providing legislative intent with respect to access to nonemergency medical services; amending s. 408.910, F.S.; eliminating the opt-out provision for Medicaid reform participants in the Florida Health Choices Program; amending s. 409.8132, F.S.; eliminating the choice counseling option for applicants for the Medikids program component; amending s. 409.912, F.S.; conforming a cross-reference; amending s. 409.91211, F.S., relating to the Medicaid managed care pilot program; authorizing the agency to seek changes to the current Medicaid reform waiver; revising objectives for distribution of certain Medicaid program funds; requiring the agency to provide plan recipients with reform plan encounter data and a toll-free complaint telephone number; deleting references to a choice counseling system and the opt-out option for Medicaid recipients; requiring the agency to post certain standards and policies on its Internet website; authorizing the agency to develop financial incentives for community-based care providers for certain purposes; amending s. 409.91213, F.S., relating to the agency's quarterly progress and annual reports to the Legislature; deleting references to Medicaid choice counseling services, the opt-out program, and the enhanced benefit accounts program; amending s. 409.9122, F.S., relating to mandatory Medicaid managed care enrollment; deleting references to the opt-out program and certain contracts for choice counseling services; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Wise—

SB 2692—A bill to be entitled An act relating to deaf and hard-of-hearing services; providing definitions; providing legislative findings and intent; creating the Division of Deaf and Hard-of-Hearing Services within the Department of Education; providing an organizational structure for the division; providing duties and responsibilities for the division; requiring that the division submit a biennial status report to the Governor and the Legislature; requiring that the report contain certain information; authorizing the division to apply for, receive, and expend moneys from grants and gifts; creating certain service programs within the division; providing the duties and responsibilities of such programs; creating the Commission for the Deaf and Hard of Hearing within the division; providing for membership; requiring that the Governor appoint members; providing terms; requiring that the Department of Education provide administrative support to the commission; providing that board members serve without compensation but receive reimbursement for per diem and travel expenses; requiring that the commission advise the division and advocate on behalf of persons who are deaf or hard of hearing; providing that members of the commission be removed for cause; requiring that the commission meet quarterly; requiring that the commission create bylaws; prohibiting an employee of the division from serving as a member of the commission; requiring the commission to appoint an executive director; requiring the Governor to appoint an interim executive director; amending s. 20.15, F.S.; establishing the Division of Deaf and Hard-of-Hearing Services within the Department of Education; repealing s. 413.271, F.S.; relating to the

Florida Coordinating Council for the Deaf and Hard of Hearing; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Senator Alexander—

SB 2694—A bill to be entitled An act relating to state financial matters; amending s. 216.292, F.S.; providing that certain transfers of appropriations by the head of an agency or the Chief Justice may be made only if specific authority is provided in the General Appropriations Act; amending s. 216.311, F.S.; prohibiting an agency or branch of state government from contracting to pay, without legislative authority, liquidated damages or any other moneys resulting from the breach or early termination of a contract or agreement, from contracting to pay interest because of insufficient budget authority to pay an obligation in the current year, or from obligating the state to make future payments to cover unpaid current payments; providing that such contracts are null and void; defining the terms "contract" and "agreement"; creating s. 216.312, F.S.; requiring the executive and judicial branch to notify the Governor and the Legislature before entering into contracts or agreements in excess of a certain amount, which authorize expenditures in anticipation of revenues, or for which payment is delayed for a certain time after expenditure; transferring, renumbering, and amending s. 287.0582, F.S.; requiring a state contract to identify the appropriation that funds the contract; providing an exception; expanding the statement that must be included in state contracts to include grounds for terminating the contract based on budget deficits; requiring the judicial branch to include the statement in its contracts; providing an exception; requiring the agency head or chief judge to sign contracts that exceed a certain amount; requiring the agency head or chief judge to review certain contracts and certify compliance with ch. 216, F.S.; providing that contracts in violation of these provisions are null and void; providing penalties; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Senator Aronberg—

SB 2696—A bill to be entitled An act relating to elders and disabled adults; establishing a pilot program in a specified county to provide services to persons with Alzheimer's disease or other dementia-related disorders who are wandering and disoriented; providing purposes of the pilot program; requiring the development of interagency memoranda of understanding; providing sovereign immunity for certain facilities providing specified services; requiring an evaluation and report to the Legislature; providing for expiration; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

SR 2698—Not referenced.

By Senator Gelber—

SB 2700—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; exempting certain businesses that deal in precious metals from regulation as secondhand dealers; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax.

SR 2702—Not referenced.

By Senator Lawson—

SJR 2704—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution to authorize the Legislature to grant a partial exemption from ad valorem taxation and non-ad valorem assessments for homestead property renovated or reconstructed by certain entities.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Senator Rich—

SB 2706—A bill to be entitled An act relating to animal control or cruelty ordinances; amending s. 828.27, F.S.; requiring a county or municipality enacting an ordinance relating to animal control or cruelty to impose a surcharge on the civil penalty for violations of the ordinance; specifying use of the proceeds of the surcharge; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

Senate Bills 2708-2718—Not referenced.

Senate Resolutions 2720-2722—Not referenced.

SB 2724—Not referenced.

By Senator Villalobos—

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

—was referred to the Committee on Rules.

ADDITIONAL REFERENCES

By Senator Hill—

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

—was also referred to the Committee on Community Affairs.

By Senator Ring—

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

—was also referred to the Committee on Health Regulation.

By Senator Rich—

SB 56—A bill to be entitled An act for the relief of Madonna Castillo, a minor, and Reyna Castillo, individually and as the natural guardian of Madonna Castillo, by the City of Hialeah; providing for an appropriation to compensate them for injuries and damages sustained by Madonna Castillo as a result of the negligence of the City of Hialeah; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Community Affairs.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Military Affairs and Domestic Security; and Senator Bullard—

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

By the Committee on Environmental Preservation and Conservation; and Senators Justice, Bullard, Jones, and Joyner—

CS for SB 114—A bill to be entitled An act relating to environmental cleanup; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content and delivery of such notice; requiring local governments to provide specified notice of site rehabilitation; requiring the Department of Environmental Protection to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; requiring the department to provide specified notice to certain property owners; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements; creating s. 376.30717, F.S.; creating the Petroleum Restoration Program Advisory Board; providing for membership, terms, appointment of a chair and vice chair, reimbursement for expenses, and meetings; requiring the board to review the Petroleum Restoration Program; requiring an annual report to the Secretary of Environmental Protection and the Legislature; providing for the content of the report; providing an effective date.

By the Committees on Judiciary; and Criminal Justice; and Senator Ring—

CS for CS for SB 160—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "minor," and "sports coach"; specifying what is included as a "sanctioning authority of an independent youth athletic team"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring the sanctioning authority to notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; providing that a background screening in compliance with the federal Fair Credit Reporting Act satisfies screening provisions; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; requiring a sanctioning authority to maintain the affidavit in its files and to provide a copy of the affidavit to anyone upon request; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

By the Committee on Health Regulation; and Senator Ring—

CS for SB 162—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient's health records in order to facilitate the exchange of data between certain health care facility personnel, practitioners, and providers and attending physicians; creating s. 408.051, F.S.; creating the "Florida Electronic Health Records Exchange Act"; providing definitions; authorizing the release of certain health records under emergency medical conditions without the consent of the patient or the patient representative; providing for immunity from civil liability; providing duties of the Agency for Health Care Administration with regard to the availability of specified information on the agency's Internet website; requiring the agency to develop and implement a universal patient authorization form in paper and electronic formats for the release of certain health records; providing procedures for use of the form; providing penalties; providing for certain compensation and attorney's fees and costs; creating s. 408.0512, F.S.; requiring the Agency for Health Care Administration to operate an electronic medical records system adoption loan program, subject to specific appropriation; specifying the uses of the loan; requiring the agency to adopt rules related to standard terms and conditions for the loan program; amending s. 483.181, F.S.; expanding access to laboratory reports in order to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

By the Committees on Judiciary; and Military Affairs and Domestic Security; and Senators Justice, Deutch, and Baker—

CS for CS for SB 206—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; clarifying and updating references with respect to courts-martial; amending s. 250.482, F.S.; revising applicability of provisions with respect to immunity from penalization for National Guard members ordered into state active duty by employers; requiring National Guard members to notify employers of intent to return to work; providing exceptions under which employers are not required to allow such members to return to work; providing for entitlement to seniority and other rights and benefits for National Guard members returning to work following state active duty; providing that such members may not be discharged from employment except for cause; providing rights and requirements with respect to use of vacation and leave by such members; removing a limitation with respect to the right of an employee ordered into state active duty to bring a civil action for a specified violation by an employer; amending s. 250.82, F.S.; clarifying provisions; creating s. 250.905, F.S.; providing for the imposition of a civil penalty for specified noncompliance with specified provisions of ch. 250, F.S., or with other specified provisions of federal law; providing an effective date.

By the Committees on Judiciary; and Criminal Justice; and Senators Dean, Aronberg, and Baker—

CS for CS for SB 236—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing that a rebuttable presumption of a person's or entity's intent to unlawfully use utility services exists under certain circumstances; providing penalties; providing that theft of utility services for the purpose of manufacturing a controlled substance is a third-degree felony; providing that prosecution of theft of utility services for the purpose of manufacturing a controlled substance is in lieu of prosecution for theft pursuant to s. 812.014, F.S.; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

By the Committee on Ethics and Elections; and Senator Bennett—

CS for SB 240—A bill to be entitled An act relating to specifications for ballots; amending s. 101.151, F.S.; requiring that each ballot include a selection allowing the voter to indicate that he or she chooses not to vote for any candidate; specifying the effect of such a selection; providing an effective date.

By the Committee on Judiciary; and Senator Ring—

CS for SB 248—A bill to be entitled An act relating to clerks of the circuit court; amending s. 27.52, F.S.; requiring an applicant for the appointment of a public defender to consent to an indigency background review conducted by a court clerk; providing for a new fee for the background review; requiring an applicant to pay an indigent intake fee within a certain period of time after submitting an application for the appointment of a public defender; requiring that the court assess both fees pursuant to alternative procedures for failure to pay; providing for the deposit of certain fees relating to indigent persons into the Indigent Criminal Defense Trust Fund; deleting provisions authorizing a clerk of court to retain certain fees for administrative costs; requiring a clerk of court to use the Comprehensive Case Information System to conduct an indigency background review; requiring a clerk to use the results of the review to determine whether an applicant is indigent; amending s. 28.241, F.S.; revising criteria to determine when a fee to reopen a case must be paid; providing that the fee does not apply to motions to enforce stipulations or motions for contempt; requiring the payment of a fee upon the filing of a counter petition; amending s. 28.246, F.S.; reducing the period of time that an account must be unpaid before a clerk of court may refer the account to a collection agent or private attorney for collection; reducing the amount of the collection fee that may be paid to a collection agent or attorney under certain circumstances; amending s. 34.041, F.S.; requiring the payment of a fee upon the filing of a counter petition; requiring a clerk of court to deposit that fee into the General Revenue Fund; requiring the payment of an additional filing fee for filings that require the transmittal of a case to another court; revising criteria to determine when a fee to reopen a case must be paid; providing that the fee does not apply to motions to enforce stipulations or motions for contempt; amending s. 45.035, F.S.; authorizing a clerk of court to charge an additional fee for judicial sales conducted by electronic means; requiring the fee to be paid by the winning bidder; amending s. 57.082, F.S.; renaming an application fee for a determination of indigent status for purposes of receiving a court-appointed attorney in certain civil cases; deleting provisions authorizing a clerk of court to retain a portion of the fees collected from persons applying for a court-appointed attorney for administrative costs; amending s. 197.542, F.S.; providing for the costs of electronic tax deed sales to be added to other charges for costs of the sale; requiring payment of such costs by a certificateholder upon filing an application for a tax deed; amending s. 318.18, F.S.; requiring a report relating to certain surcharges imposed by ordinance to be submitted to the board of county commissioners; authorizing a county to impose an additional surcharge by ordinance to secure the repayment of bonds relating to court facilities and related purposes; amending s. 322.245, F.S.; requiring the Department of Highway Safety and Motor Vehicles to mail notices to certain persons who have failed to comply with directives of a court; amending s. 938.30, F.S.; exempting inmates from the provision authorizing the court to examine persons to ensure compliance with certain financial obligations; amending s. 938.301, F.S.; providing that circuit court judges have jurisdiction to ensure compliance with court-imposed financial obligations in all types of cases; providing for the appointment of a workgroup to review court-related fees, service charges, costs, and fines; specifying the membership of the workgroup; requiring the workgroup to submit a report to the President of the Senate and Speaker of the House of Representatives by a certain date; providing for expiration of the provisions creating the workgroup; repealing s. 939.17, F.S., relating to money deposited by a defendant under prosecution by the state; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Wise—

CS for SB 260—A bill to be entitled An act relating to Alzheimer's disease; creating s. 430.5025, F.S.; directing the Department of Elderly Affairs to develop and implement a public education program relating to screening for Alzheimer's disease; providing criteria for awarding grants; providing a definition; requiring grant recipients to submit an evaluation of certain activities to the department; authorizing the department to provide technical support; requiring an annual report to the Legislature; requiring the department to conduct or support a study on memory-impairment screening; requiring a report to the Legislature; providing an effective date.

By the Committee on Ethics and Elections; and Senator Joyner—

CS for SB 264—A bill to be entitled An act relating to voter information cards; amending s. 97.071, F.S.; requiring voter information cards to contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; providing transitional instructions for the supervisors of elections; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senators Constantine, Dockery, and Jones—

CS for SB 274—A bill to be entitled An act relating to the protection of springs; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and ground water; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to implement a statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; providing an effective date.

By the Committee on Commerce; and Senators Rich, Sobel, and Detert—

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

By the Committee on Transportation; and Senators Rich, Oelrich, Jones, Hill, Altman, Lynn, Storms, Bullard, Deutch, Gaetz, and Lawson—

CS for SB 344—A bill to be entitled An act relating to safety belt law enforcement; creating the Dori Slosberg and Katie Marchetti Safety Belt Law; amending s. 316.614, F.S.; deleting a provision exempting passengers in a pickup truck from the requirement to use a safety belt;

providing an exemption for certain vehicles from provisions of state law relating to the use of safety belts; deleting a requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Crist—

CS for SB 348—A bill to be entitled An act relating to the Medicaid Buy-in Program for Persons with Disabilities; requiring the Secretary of Health Care Administration, the Secretary of Children and Family Services, the Executive Director of the Agency for Persons with Disabilities, and the Director of the Division of Vocational Rehabilitation to convene a work group to plan for a Medicaid Buy-in Program for Persons with Disabilities; requiring a report to the Legislature; providing an effective date.

By the Committee on Banking and Insurance; and Senator Crist—

CS for SB 354—A bill to be entitled An act relating to coverage for mental and nervous disorders; amending s. 627.668, F.S.; revising requirements and limitations for optional coverage for mental and nervous disorders; specifying nonapplication under certain circumstances; amending s. 627.6675, F.S.; conforming a cross-reference; repealing s. 627.669, F.S., relating to optional coverage required for substance abuse impaired persons; providing for application; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Community Affairs; and Senators Bennett, Gaetz, Ring, Pruitt, Haridopolos, Richter, Hill, King, and Lynn—

CS for CS for SB 360—A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the state land planning agency to issue a notice to a school board or local government to show cause for not imposing sanctions; requiring that the state land planning agency submit its findings to the Administration Commission within the Executive Office of the Governor if the agency finds insufficient cause to impose sanctions; authorizing the Administration Commission to impose certain sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; limiting the adoption of certain amendments to the text of a plan to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research within the Legislature; amending s. 186.509, F.S.; revising provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; providing that the act fulfills an important state interest; providing an effective date.

By the Committee on Judiciary; and Senator Fasano—

CS for SB 408—A bill to be entitled An act relating to clinical laboratories; amending s. 440.102, F.S.; deleting the requirement that initial drug tests conducted pursuant to a drug-free workplace program be conducted by a licensed or certified laboratory; amending s. 483.181, F.S.; requiring clinical laboratories to accept human specimens submitted by advanced registered nurse practitioners; providing an effective date.

By the Committee on Transportation; and Senator Gardiner—

CS for SB 424—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; providing that the executive director of the Florida Transportation Commission is in the Senior Management Service; amending s. 125.42, F.S.; providing for counties to incur certain costs related to the relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities may not be designated as developments of regional impact under certain circumstances; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; requiring the department to advertise certain contracts as design-build contracts; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring that a copy be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies as well as construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing the collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending s. 348.0003, F.S.; requiring transportation, bridge, and toll authorities to comply with the financial disclosure requirements of the State Constitution;

amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; clarifying that a municipality or county is authorized to make a determination of customary use with respect to regulations governing commercial wall murals and that such determination must be accepted in lieu of any agreement between the state and the United States Department of Transportation; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor and report to the Governor, the Legislature, and the affected metropolitan planning organizations; repealing part III of ch. 343 F.S., relating to the Tampa Bay Commuter Transit Authority; transferring any assets to the Tampa Bay Area Regional Transportation Authority; providing an effective date.

By the Committees on Agriculture; and Criminal Justice; and Senator Rich—

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

By the Committee on Health Regulation; and Senator Fasano—

CS for SB 462—A bill to be entitled An act relating to a prescription drug validation program; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic system to validate the prescribing and dispensing of certain controlled substances; requiring specified prescribing and dispensing information to be reported to the electronic system; requiring the department, in conjunction with specified organizations, to adopt by rule a reasonable-person standard appropriate for the prescription drug validation program; providing a reporting period; providing for implementation of a shorter reporting period; providing exemptions from participation in the system; authorizing the Department of Health to establish when to suspend and when to resume requirements for reporting dispensing information during declared emergencies; requiring all nonexempt pharmacists, pharmacies, dispensing physicians, and prescribing and dispensing health care practitioners to submit information in a specified format; providing that the cost to the dispenser in submitting the required information may not be material or extraordinary; providing that specified costs are not material or extraordinary; limiting access to the system; providing for the use of data for specified purposes; requiring compliance with state and federal privacy and security laws; authorizing an agency or person to maintain the data for a specified period if the data is pertinent to an ongoing health care or active law enforcement investigation or prosecution; requiring the reporting of certain performance measures; providing criminal penalties for violations; requiring that all costs incurred by the department for the program be paid through a federal grant or through available private funding sources; authorizing the Office of Drug Control, in coordination with the Department of Health, to establish a direct-support organization; providing a definition; providing for a board of directors appointed by the director of the Office of Drug Control; authorizing the direct-support organization to operate under written contract with the Office of Drug Control; authorizing certain activities and expenditures of the direct-support organization; providing requirements for the use of certain facilities and services; providing for audits; prohibiting the direct-support organization from exercising certain powers; establishing that a prescribing health care practitioner, dispensing physician, or pharmacist is not liable for use of the department-provided controlled substances prescription information of a patient; requiring a study of the feasibility of enhancing the prescription drug validation program for specified purposes; requiring certain persons to present specified identification to obtain prescriptions; providing for recordkeeping for certain transactions; requiring the Agency for Health Care Administration to continue implementation of electronic prescribing and an electronic prescribing clearinghouse; requiring the Department of Health to adopt rules; establishing a Program Implementation and Oversight Workgroup; providing for membership; providing for reimbursement of certain member expenses; providing for meetings; providing the purpose of the workgroup; requiring reports; providing for the creation, membership, and duties of subcommittees; providing for a final report and the termination of the workgroup; amending s. 458.309, F.S.; requiring certain physicians who engage in pain management to register their facility with the department; requiring the department to inspect the facility; requiring the Board of Medicine to adopt rules setting forth standards of practice for certain physicians who engage in pain management; providing criteria for the rules; providing an effective date.

By the Committee on Community Affairs; and Senator Baker—

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

By the Committee on Regulated Industries; and Senator Baker—

CS for SB 482—A bill to be entitled An act relating to auctioneers; amending s. 468.385, F.S.; revising requirements for licensure as an auctioneer, auctioneer apprentice, and auction business; requiring the submission of fingerprints for a criminal records check; requiring that an applicant for a license bear the cost of fingerprinting and a criminal records check; prohibiting reissuance of a license for a specified period following license revocation; amending s. 468.3855, F.S.; requiring the sponsor of an auctioneer apprentice to review records of the apprentice; amending s. 468.389, F.S.; authorizing the board of auctioneers to impose penalties on a business that violates laws pertaining to auctions; providing an effective date.

By the Committee on Transportation; and Senator Gaetz—

CS for SB 484—A bill to be entitled An act relating to operators of motor vehicles involved in multiple crashes; amending s. 322.0261, F.S.; requiring that the Department of Highway Safety and Motor Vehicles screen crash reports to identify a third crash by the same operator within a specified period after the driver's first crash; requiring a driver who is convicted of or who pleads nolo contendere to a traffic offense giving rise to three or more crashes within a specified period to attend a department-approved driver improvement course in order to maintain his or her driving privileges; describing the content of the driving course; requiring successful completion of a behind-the-wheel examination; requiring that the department cancel an operator's driver's license if the operator fails to complete the course within a specified time; providing an effective date.

By the Committee on Criminal Justice; and Senator Lynn—

CS for SB 526—A bill to be entitled An act relating to court costs; amending s. 938.10, F.S.; expanding the list of provisions of law for which a court is required to impose an additional court cost for certain pleadings or findings relating to offenses against a minor and certain other offenses; increasing the amount of the court cost; allocating certain portions of the court cost to certain trust funds; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Health Regulation; and Senator Wise—

CS for CS for SB 552—A bill to be entitled An act relating to the use of prescribed pancreatic enzyme supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances; requiring the State Board of Education to adopt rules; providing for indemnification; providing an effective date.

By the Committee on Health Regulation; and Senators Gaetz, Bennett, Detert, Dean, Wise, Smith, Fasano, Altman, Siplin, Pruitt, Lawson, Haridopolos, Lynn, and Baker—

CS for SB 556—A bill to be entitled An act relating to the Medicaid program; amending s. 409.911, F.S.; increasing the number of members of the Low-Income Pool Council; providing membership criteria; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Haridopolos, Gaetz, Oelrich, and Dean—

CS for SB 564—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing effective dates, one of which is contingent.

By the Committee on Criminal Justice; and Senators Fasano and Joyner—

CS for SB 604—A bill to be entitled An act relating to confidential informants; creating Rachael's Law; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide a person who is requested to serve as a confidential informant the opportunity to consult with legal counsel; requiring training for persons involved in the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review its practices regarding confidential informants; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing an effective date.

By the Committee on Regulated Industries; and Senator Fasano—

CS for SB 682—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; repealing s. 509.233(1) and (7), F.S., relating to a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments; abrogating the repeal of the program; providing an effective date.

By the Committee on Regulated Industries; and Senators Jones and Fasano—

CS for SB 714—A bill to be entitled An act relating to condominium insurance; amending s. 718.111, F.S.; requiring that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal; requiring that such replacement cost be determined at least once within a specified period; providing means by which an association may provide adequate property insurance; authorizing an association to consider deductibles when determining an adequate amount of property insurance; providing that failure to maintain adequate property insurance constitutes a breach of fiduciary duty by the members of the board of directors of an association; revising the procedures for the board to establish the amount of deductibles; requiring that an association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate property insurance to protect the association and certain property; requiring that every property insurance policy issued or renewed on or after a specified date provide certain coverage; excluding certain items from such requirement; providing that excluded items and any insurance thereupon are the responsibility of the unit owner; requiring that condominium unit owner's policies conform to certain provisions of state law; deleting provisions relating to certain hazard and casualty insurance policies; conforming provisions to changes made by the act; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; requiring that every property insurance policy to an individual unit owner contain a specified provision; providing an effective date.

By the Committee on Health Regulation; and Senator King—

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

By the Committee on Regulated Industries; and Senators Pruitt and Fasano—

CS for SB 764—A bill to be entitled An act relating to the production and shipment of wine; creating s. 561.222, F.S.; authorizing the direct shipment of wine into and within this state for personal consumption only; providing legislative intent; requiring licensure of winery shippers by the Division of Alcoholic Beverages and Tobacco; providing license requirements; requiring recipients of a direct shipment of wine to be 21 years of age; requiring proof of age of a recipient; providing for the payment of taxes, a monthly report, and recordkeeping by winery shippers; providing requirements for common carriers that make deliveries of wine; providing administrative and criminal penalties for violations of the act; authorizing the division and the Department of Revenue to adopt rules; amending ss. 561.24, 561.54, 561.545, and 564.045, F.S.; conforming provisions to changes made by the act; amending s. 599.004, F.S.; revising requirements for qualifying as a certified Florida Farm Winery; providing for severability; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Fasano—

CS for SB 770—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; revising provisions relating to the Department of Elderly Affairs; deleting references to the boards of area agencies on aging; amending s. 430.203, F.S.; extending the period of designation as a lead agency; requiring that each area agency on aging, rather than the department, develop request for proposals for a community care for the elderly lead agency; prohibiting the Division of Administrative Hearings from hearing disputes relating to the request-for-proposal process developed by the area agencies; amending s. 430.2053, F.S.; conforming cross-references; providing an effective date.

By the Committee on Agriculture; and Senator Baker—

CS for SB 798—A bill to be entitled An act relating to off-highway vehicles; amending s. 261.03, F.S.; redefining the terms "ATV" and "off-

highway vehicle" and defining the term "ROV" for purposes of provisions relating to off-highway vehicle safety; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" for purposes of the Florida Uniform Traffic Control Law; amending s. 317.0003, F.S.; redefining the terms "ATV" and "off-highway vehicle" and defining the term "ROV" for purposes of provisions relating to the titling of such vehicles; providing an effective date.

By the Committee on Finance and Tax; and Senator Baker—

CS for SB 800—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property appraisers' authority to inspect property for assessment purposes; requiring the Department of Revenue to establish minimum standards for the use of image technology consistent with standards developed by professionally recognized sources for mass appraisal of real property; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

By the Committee on Commerce; and Senator Constantine—

CS for SB 806—A bill to be entitled An act relating to novelty lighters; prohibiting the sale or distribution of novelty lighters; providing a definition; providing an exception; providing penalties; providing an effective date.

By the Committee on Commerce; and Senator Garcia—

CS for SB 816—A bill to be entitled An act relating to legislative sunset review; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; adding the Office of Tourism, Trade, and Economic Development and certain of its partners and offices to the list of agencies to be reviewed by July 1, 2010; revising the date on which the office must submit an agency report to the Legislature; providing an effective date.

By the Committee on Agriculture; and Senator Dean—

CS for SB 868—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.163, F.S.; authorizing disciplinary action against pest control licensees for violations by employees under certain circumstances; limiting the grounds for disciplinary action against a certified operator in charge; requiring notices of administrative actions taken against pest control employees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting licensure of applicants prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against private investigators, security officers, and recovery agents who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufactures, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; permitting fines not exceeding $5,000 per violation of certain food safety laws; creating s. 500.70, F.S.; defining terms; requiring minimum food safety standards for producing, harvesting, packing, and repacking tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers; providing penalties; authorizing the department to adopt best management practices for the tomato industry by rule; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; authorizing the department to adopt rules; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for

identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; defining the term "responsible position"; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; authorizing the department to deny licenses to certain applicants; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senators Bennett and Detert—

CS for SB 892—A bill to be entitled An act relating to mental health and substance abuse services; creating s. 394.4612, F.S.; authorizing the Agency for Health Care Administration to license facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; providing eligibility criteria for treatment services; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Deutch—

CS for SB 904—A bill to be entitled An act relating to parental responsibility and time-sharing; amending s. 61.046, F.S.; redefining the terms "parenting plan" and "parenting plan recommendations"; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that shared parental responsibility is detrimental to a child when a parent is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of substantially changed circumstances; requiring a court to make explicit written findings if, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms "other person," "parent," and "relocation"; substituting the term "access to" for "visitation"; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, 61.21, and 61.30, F.S.; conforming provisions to changes made by the act; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

By the Committee on Community Affairs; and Senator Rich—

CS for SB 992—A bill to be entitled An act relating to the sterilization of dogs and cats; amending s. 823.15, F.S.; allowing the release of a dog or cat from an animal shelter operated by an animal control agency, humane society, or animal adoption organization without compliance with the requirement for sterilization if a licensed veterinarian certifies that the dog or cat has a medical condition that would be substantially aggravated by such procedure or the procedure would likely cause the death of the dog or cat; revising requirements for the release of a cat or dog upon written agreement for sterilization; defining the term "animal adoption organization"; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

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

By the Committee on Judiciary; and Senator Joyner—

CS for SB 1018—A bill to be entitled An act relating to guardians ad litem; amending s. 61.402, F.S.; authorizing a person certified by a not-for-profit legal aid organization to serve as a guardian ad litem in a dissolution of marriage proceeding that does not involve child abuse, abandonment, or neglect; requiring that such person undergo a security background investigation and undergo training in a program developed by The Florida Bar; providing a penalty for failing to disclose a material fact in an application to act as a guardian ad litem; providing an effective date.

By the Committee on Banking and Insurance; and Senators Altman, Fasano, Detert, Rich, Hill, and Siplin—

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

By the Committee on Commerce; and Senators Dean, Lynn, and Baker—

CS for SB 1024—A bill to be entitled An act relating to reimbursement of federal excise taxes on motor fuel; creating s. 686.701, F.S.;

providing requirements and limitations on reimbursement provisions of certain fuel supply contracts; providing notice requirements; providing for payment security requirements; providing for electronic transfer of funds; specifying application to contracts; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 1040—A bill to be entitled An act relating to affordable housing; amending s. 159.807, F.S.; providing limitations on the Florida Housing Finance Corporation's access to the state allocation pool; deleting a provision exempting the corporation from the applicability of certain uses of the state allocation pool; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 196.196, F.S.; providing additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to an exemption from ad valorem taxation; providing a definition; subjecting organizations owning certain property to ad valorem taxation under certain circumstances; providing for tax liens; providing for penalties and interest; providing an exception; providing notice requirements; amending s. 196.1978, F.S.; providing that property owned by certain nonprofit entities or Florida-based limited partnerships and used or held for the purpose of providing affordable housing to certain income-qualified persons is exempt from ad valorem taxation; revising legislative intent; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 420.503, F.S.; defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions; amending s. 420.9072, F.S.; conforming a cross-reference; authorizing counties and eligible municipalities to use funds from the State Housing Initiatives Partnership Program to provide relocation grants for persons who are evicted from rental properties that are in foreclosure; providing eligibility requirements for receiving a grant; providing that authorization for the relocation grants expires July 1, 2010, amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution which may be used for manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; providing for retroactive application; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by the local housing assistance trust fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; revising notice requirements for public hearings of the advisory committee; requiring the committee's final report, evaluation, and recommendations to be submitted to the corporation; deleting cross-references to conform to changes made by the act; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Joyner—

CS for SB 1052—A bill to be entitled An act relating to grandparental visitation; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; providing a rebuttable presumption in favor of the minor's parent; requiring a preliminary hearing on harm to the minor resulting from denial of visitation; providing for the payment of fees and costs by a petitioner who fails to make a prima facie showing of harm; authorizing appointment of a guardian ad litem and mediation following a prima facie showing of harm; providing for a home-study investigation or professional evaluation of the minor if mediation fails; authorizing grandparental visitation if the court makes specified findings; requiring clear and convincing evidence that the denial of visitation has caused or is likely to cause demonstrable harm to the child's health, safety, or welfare; providing factors for court consideration in determining whether there is harm to the minor; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the consolidation of certain concurrent actions; providing for modification of an order awarding grandparental visitation; limiting the frequency of actions seeking visitation; providing relief to the grandparent if the parent unreasonably denies or interferes with court-ordered visitation; prohibiting visitation subsequent to adoption except under certain circumstances; providing for application of sanctions for unsupported claims or defenses; providing for venue; amending s. 752.015, F.S.; conforming a cross-reference; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; repealing s. 752.01, F.S., relating to actions for grandparental visitation; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; and Commerce; and Senator Fasano—

CS for CS for SB 1062—A bill to be entitled An act relating to unemployment compensation; providing a short title; amending s. 443.036, F.S.; redefining the term "employee leasing company" to reflect reporting requirements imposed by the act; amending s. 443.1216, F.S.; requiring an employee leasing company to submit a report regarding its establishments to the Labor Market Statistics Center within the Agency for Workforce Innovation; providing reporting requirements; requiring the agency to adopt rules; providing definitions; providing an effective date.

By the Committee on Criminal Justice; and Senator Baker—

CS for SB 1072—A bill to be entitled An act relating to Special Risk Class retirement benefits; amending s. 121.091, F.S.; providing that certain members of the Special Risk Class may participate in the Deferred Retirement Option Program for an additional 36 months; prohibiting such members from being reemployed or contracting with the same employing agency from which the member retired; providing exceptions; deleting obsolete provisions; providing legislative findings with respect to the state's interest in protecting the public's safety and welfare by extending retirement benefits for officers and funding increased retirement benefits in an actuarially sound manner; providing an effective date.

By the Committee on Banking and Insurance; and Senators Fasano and Bennett—

CS for SB 1132—A bill to be entitled An act relating to credit counseling services; amending s. 817.801, F.S.; defining and redefining terms; amending s. 817.802, F.S.; prohibiting a credit counseling organization from engaging in certain additional specified acts; deleting a provision

that allows the organization to collect a fee for insufficient fund transactions; amending s. 817.803, F.S.; revising provisions relating to an exception provided to attorneys providing representation to clients; amending s. 817.804, F.S.; requiring a credit counseling organization to obtain a surety bond; creating s. 817.8045, F.S.; providing for service contracts; requiring certain provisions to be included in such contracts; requiring the credit counseling organization to provide the consumer with copies of all signed documents; amending ss. 817.805 and 817.806, F.S.; conforming terms to changes made by the act; providing an effective date.

By the Committee on Judiciary; and Senators Constantine, Gardiner, Baker, Haridopolos, and Altman—

CS for SB 1212—A bill to be entitled An act relating to public transit; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation; amending s. 341.302, F.S.; revising certain citations; revising the time period within which the department must revise the rail system plan and requiring a report; providing additional duties for the department relating to a regional rail system plan; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; providing an effective date.

By the Committee on Regulated Industries; and Senator Bennett—

CS for SB 1218—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public-records requirements for the identifying and location information of current or former investigators and inspectors of the Department of Business and Professional Regulation and the spouses and children of such personnel; requiring a written statement that reasonable efforts have been made to prevent access through other means; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Commerce; and Senators Aronberg, Bennett, Fasano, and Detert—

CS for SB 1288—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s.

617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

By the Committees on Commerce; and Commerce—

CS for SB 1308—A bill to be entitled An act relating to baseball spring training facilities; amending ss. 14.2015 and 212.20, F.S., relating to the Office of Tourism, Trade, and Economic Development and the distribution of certain tax proceeds; conforming cross-references; amending s. 218.64, F.S.; revising a defined term to conform; amending s. 288.1162, F.S.; deleting provisions relating to funding facilities for spring training franchises; authorizing the Auditor General to verify whether certain funds for professional sports franchises have been used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds were not used as required by law; creating s. 288.11621, F.S.; authorizing certain units of local government to apply for certification to receive funds for a facility for a spring training franchise; providing definitions; providing eligibility requirements; providing criteria to competitively evaluate applications for certification; limiting the use of funds granted to specified public purposes; requiring certified applicants to submit annual reports to the Office of Tourism, Trade, and Economic Development; requiring the Office of Tourism, Trade, and Economic Development to decertify certified applicants under certain circumstances; requiring the office to develop a strategic plan relating to baseball spring training activities; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; authorizing the Auditor General to conduct an audit of certified applicants to verify whether certified applicants have used certain funds for baseball spring training facilities as required by law; amending s. 288.1229, F.S.; providing that the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist in the retention of professional sports franchises; providing an effective date.

By the Committee on Criminal Justice; and Senator Fasano—

CS for SB 1312—A bill to be entitled An act relating to sexual battery; creating s. 794.052, F.S.; requiring each law enforcement officer who investigates an alleged sexual battery incident to assist the victim in obtaining medical treatment if medical treatment is necessary, a forensic examination, and crisis-intervention services from a certified rape crisis center; requiring the law enforcement officer to advise the victim that he or she may contact a certified rape crisis center for services; requiring the law enforcement officer to immediately notify the victim of the legal rights and remedies available to a victim of sexual battery; directing that the notice of rights and remedies be written on a standard notice form developed and distributed by the Florida Council Against Sexual Violence and the Department of Law Enforcement; requiring the notice to include certain information; providing an effective date.

By the Committee on Regulated Industries; and Senator Fasano—

CS for SB 1326—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; authorizing the dispensing of instant bingo tickets by electronic devices; requiring that such devices be capable of recording certain transaction information; requiring that such devices be monitored and operational only under specific circumstances; providing that the devices may not be used to operate in a manner other than for dispensing instant bingo tickets; providing for the devices to dispense change; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1340—A bill to be entitled An act relating to firearms transactions; amending s. 790.335, F.S.; clarifying that violations of provisions prohibiting keeping any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms may be committed by entities as well as individuals; requiring that secondhand dealers and pawnbrokers who electronically submit certain firearm transaction records to law enforcement agencies submit specified information in the coding of the Florida Crime Information Center; providing an effective date.

By the Committees on Judiciary; and Judiciary—

CS for SB 1342—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to a public-records exemption for identification and location information of certain agency personnel; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; relocating and revising the public-records exemption provided for identification and location information concerning federal attorneys, judges, and magistrates; defining the term "identification and location information"; eliminating social security numbers from the scope of information covered by the public-records exemption; requiring a federal attorney, judge, or magistrate to submit a written statement that reasonable efforts have been made to protect the information from disclosure through other means; providing an effective date.

By the Committee on Banking and Insurance; and Senators Bennett, Fasano, and Lynn—

CS for SB 1372—A bill to be entitled An act relating to insurance; providing a short title; amending s. 624.310, F.S.; expanding the definition of "affiliated party" to include certain third-party marketers; amending s. 626.025, F.S.; including family members of insurance agents in a prohibition related to the transaction of life insurance; amending s. 626.621, F.S.; expanding grounds for discretionary refusal, suspension, or revocation of certain licenses; amending s. 626.641, F.S.; prohibiting the Department of Financial Services from issuing certain licenses in certain circumstances; amending s. 626.798, F.S.; prohibiting a family member of a life insurance agent from being a beneficiary of certain policies; amending s. 626.9521, F.S.; providing criminal and administrative penalties for the offenses of "twisting" and "churning" when a victim is 65 years of age or older, if such offense involves fraudulent conduct; limiting the amount of such administrative penalties; providing that the failure to ascertain a customer's age at the time of an insurance application does not constitute a defense to certain violations of state law; authorizing the use of video depositions in certain circumstances; amending s. 626.99, F.S.; extending the unconditional refund period for customers 65 years of age or older; requiring that an insurer provide a prospective purchaser of an annuity policy with a buyer's guide to annuities; requiring that such buyer's guide contain certain information; requiring that an insurer attach a cover page to an annuity policy informing the purchaser of the unconditional refund period; requiring that the cover page provide other specified information; amending s. 627.4554, F.S.; authorizing the department to order monetary restitution in certain circumstances; prohibiting an annuity contract issued to a person 65 years of age or older from containing a deferred sales charge in excess of a specified percentage; requiring that such charge be reduced to zero within a specified period; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 1380—A bill to be entitled An act relating to solar energy; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; deleting a provision that requires solar energy systems in this state to meet a certain standard; providing that a person who manufactures and sells solar products and systems does not need a contractor license if certain requirements are met; providing an effective date.

By the Committee on Judiciary; and Senator Aronberg—

CS for SB 1400—A bill to be entitled An act relating to public records; amending s. 733.604, F.S.; revising the provision that subjects an estate inventory to inspection; creating exemptions from public-records requirements for certain estate inventories and accountings; requiring custodians to disclose certain inventories or accountings to certain persons or by court order; providing retroactive application; providing for review and repeal of the exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Transportation; and Senators Altman, Gelber, Ring, Rich, and Deutch—

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

By the Committee on Criminal Justice; and Senators King and Joyner—

CS for SB 1430—A bill to be entitled An act relating to parole for adolescent offenders; providing a short title; amending s. 947.16, F.S.; providing definitions; providing that an adolescent offender who was 15 years of age or younger at the time of commission of an offense and who is sentenced to life or more than 10 years in prison is eligible for parole if the offender has been incarcerated for a minimum period and has not previously been convicted or adjudicated delinquent of or had adjudication withheld for certain offenses; requiring an initial eligibility interview to determine whether the adolescent offender has been sufficiently rehabilitated for parole; providing criteria to determine sufficient rehabilitation; providing eligibility for a reinterview after a specified period for adolescent offenders denied parole; providing that the adolescent offender be incarcerated in a facility that has a GED program; providing that if the adolescent offender is granted parole, the adolescent offender must participate in any available reentry program for 2 years; defining the term "reentry program"; providing priority for certain programs; providing for eligibility for an initial eligibility interview for offenders in their eighth or subsequent year of incarceration on the effective date of the act; providing for retroactive application; providing an effective date.

By the Committee on Community Affairs; and Senators Dean, Bennett, and Storms—

CS for SB 1468—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; creating s. 193.7041, F.S.; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; creating s. 193.7042, F.S.; requiring that property appraisers notify property owners of the denial of an application to classify property as working waterfront property; providing for the appeal of such denial to the value adjustment board; requiring a filing fee of a certain amount; providing for the appeal of a denial of a petition to the value adjustment board to the circuit court; requiring that property appraisers notify property owners whose property was classified as working waterfront property by a value adjustment board or court to recertify that the use and ownership of the property have not changed; authorizing the waiver of certain notice and certification requirements; amending s. 259.105, F.S.; renaming the "Stan Mayfield Working Waterfronts Program" within the Florida Communities Trust as the "Stan Mayfield Commercial Waterfronts Restoration and Preservation Program"; amending s. 380.502, F.S.; conforming provisions to changes made by the act; amending s. 380.503, F.S.; deleting a definition for the term "working waterfronts" for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; providing a cross-reference; clarifying provisions relating to the authority of the Florida Communities Trust to provide grants or loans for certain projects; clarifying the trust's rulemaking authority; deleting obsolete provisions; amending s. 380.508, F.S.; deleting provisions relating to the purpose of working waterfront projects; amending s. 380.5105, F.S.; conforming provisions

to changes made by the act; providing a definition for the term "commercial waterfront"; providing that certain property does not qualify as commercial waterfront property; providing for water-dependent commercial activities; limiting participation in the program to counties and municipalities effective on a specified date; limiting the uses of acquired property in perpetuity; requiring that the Florida Communities Trust adopt rules establishing procedures and an application process; providing an effective date.

By the Committee on Commerce; and Senators Fasano, Haridopolos, Richter, and Bennett—

CS for SB 1502—A bill to be entitled An act relating to Fast Track Economic Stimulus for Small Businesses; establishing the New Markets Development Program; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose information relating to certain tax credits to the Office of Tourism, Trade, and Economic Development; authorizing penalties for unlawful disclosure of the information; amending s. 220.02, F.S.; revising the order in which credits against the corporate income tax or franchise tax must be applied; amending s. 220.013, F.S.; revising the definition of the term "adjusted federal income" to include the amount of certain tax credits; creating s. 288.991, F.S.; providing a short title; creating s. 288.9912, F.S.; encouraging capital investment in certain communities to create and retain jobs through the use of tax credits; creating s. 288.9913, F.S.; providing definitions; creating s. 288.9914, F.S.; requiring the Office of Tourism, Trade, and Economic Development to identify industries in which certain investments may be made; providing for a waiver of the limitation; requiring a qualified community development entity to submit an application for approval of an investment as a qualified investment; requiring the Office of Tourism, Trade, and Economic Development to review and approve or deny the applications; providing for partial approval of applications under certain circumstances; requiring a qualified community development entity to issue a qualified investment within a certain time period; requiring a qualified community development entity to report the issuance of a qualified investment within a certain time period; creating s. 288.9915, F.S.; prohibiting certain interest payments on certain qualified investments for a certain time period; requiring qualified community development entities to maintain certain records; limiting the amount of low-income community investments that may be received by a qualified active low-income community business; creating s. 288.9916, F.S.; creating the new markets tax credit; specifying the amount of the credit; specifying certain tax years in which the tax credit may be used; requiring certain insurance companies to apply the tax credit against certain taxes; limiting transferability of the tax credit; creating s. 288.9917, F.S.; requiring a qualified community development entity to submit certain reports to the Office of Tourism, Trade, and Economic Development after a credit allowance date; requiring the Office of Tourism, Trade, and Economic Development to certify the tax credit amount that may be taken by a taxpayer; creating s. 288.9918, F.S.; requiring a qualified community development entity to submit annual reports to the Office of Tourism, Trade, and Economic Development; creating s. 288.9919, F.S.; subjecting qualified community development entities to audits under the State Single Audit Act; authorizing the Office of Tourism, Trade, and Economic Development to conduct examinations to verify compliance with the New Markets Development Program Act; creating s. 288.9920, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to recapture tax credits under certain circumstances; requiring the Office of Tourism, Trade, and Economic Development to issue a proposed notice of recapture; providing an opportunity to cure a deficiency prior to recapture; authorizing penalties for submitting fraudulent information to the Office of Tourism, Trade, and Economic Development; creating s. 288.9921, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; creating s. 288.9922, F.S.; providing for the expiration of the New Markets Development Program Act on a certain date; providing an effective date.

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

CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending ss. 1002.20 and 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; prohibiting zero-tolerance policies from requiring the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the individual student and the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; providing an effective date.

By the Committee on Criminal Justice; and Senator Joyner—

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

By the Committee on Judiciary; and Senator Bennett—

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

By the Committee on Commerce; and Senator Garcia—

CS for SB 1570—A bill to be entitled An act relating to household moving services; amending s. 507.01, F.S.; redefining the term "storage"; amending s. 507.03, F.S.; providing for the biennial renewal of mover and moving broker registrations; authorizing the Department of Agriculture and Consumer Services to extend registration expiration dates to establish staggered dates; requiring the calculation of biennial registration fees based on an annual rate; deleting a provision requiring certain movers and moving brokers to obtain a local license or registration and pay the state registration fee; amending s. 507.04, F.S.; authorizing a mover to exclude liability for household goods packed by the shipper under certain circumstances; amending s. 507.06, F.S.; authorizing a mover to refuse to transport or ship household goods under certain circumstances; amending s. 507.07, F.S.; prohibiting a mover or moving broker from conducting business without being registered with the department; providing penalties; amending s. 507.13, F.S.; preempting local ordinances and regulations except in certain counties; restricting the levy or collection of local registration fees and taxes of movers and moving brokers; providing for local registration and bonding; exempting local business taxes from preemption; providing an effective date.

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

CS for SB 1616—A bill to be entitled An act relating to career and adult education; amending s. 20.15, F.S.; renaming the Division of

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

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 1640—A bill to be entitled An act relating to public accountancy; amending s. 455.217, F.S.; providing that persons regulated as public accountants by the Department of Business and Professional Regulation under ch. 473, F.S., are exempt from the requirement that applicants for licensure in other regulated professions must pass an examination pertaining to state laws and rules for that profession regulated by the department; amending s. 455.271, F.S.; providing that certain licensees are not subject to specified continuing education requirements for reactivation of a license; amending s. 473.303, F.S.; specifying that members of the Board of Accountancy and probable cause panels who hold licenses must be licensed in this state; amending s. 473.305, F.S.; deleting provisions requiring a late filing fee; amending s. 473.308, F.S.; revising educational requirements for applicants for licensure; providing an exception to a work experience requirement for certain persons; amending s. 473.311, F.S.; deleting an examination requirement for licensure renewal; amending s. 473.313, F.S.; deleting a minimum continuing education requirement for reactivating an inactive license; requiring certain continuing education hours in ethics in order to reactivate certain licenses; conforming provisions; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Community Affairs—

CS for SB 1826—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 73.0155, F.S., relating to an exemption from public-records requirements for business information provided by the owner of a business to a governmental condemning authority as part of an offer of business damages in presuit negotiations in an eminent domain proceeding; reorganizing and clarifying provisions; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Governmental Oversight and Accountability—

CS for SB 1832—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2009, and July 1, 2010; providing a declaration of important state interest; amending ss. 20.22, 121.021, 121.025, and 121.1905, F.S.; transferring the Division of Retirement and all related powers and duties from the Department of Management Services to the State Board of Administration; directing the Division of Statutory Revision to prepare a bill for consideration by the Legislature conforming provisions of the Florida Statutes to changes made by the act; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Governmental Oversight and Accountability—

CS for SB 1834—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending ss. 257.35 and 257.38, F.S.; revising a public-records exemption that is provided for nonpublic manuscripts and other archival material held by the Florida State Archives within the Department of State or held by a local government archive; providing a definition; clarifying provisions governing the continued confidentiality of certain records that are transferred to the custody of the Division of Library and Information Services, placed in the keeping of the division, or donated to an official archive of a municipality or county; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for repeal of the exemption; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

CS for SB 1888—A bill to be entitled An act relating to temporary and concurrent custody of a child; revising ch. 751, F.S., relating to petitions and court orders awarding the temporary custody of a child to an extended family member, to also provide for concurrent custody with the parents of the child; amending ss. 751.01 and 751.02, F.S.; conforming provision to changes made by the act; amending s. 751.011, F.S.; revising definitions; defining the term "concurrent custody"; amending s. 751.03, F.S.; revising the petition for concurrent custody to also include a description of efforts made to obtain consent; amending s. 751.05, F.S.; providing that if a parent objects to a petition for concurrent custody, the court shall give the petitioner the option of converting the petition to one for temporary custody; providing for dismissal of the petition; providing that an order granting concurrent custody does not affect the ability of the parents to obtain the physical custody of the child at any time; providing for the court to terminate an order for concurrent custody if a parent withdraws his or her consent to the order; providing an effective date.

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

CS for SB 1912—A bill to be entitled An act relating to public records; amending s. 1008.24, F.S.; providing an exemption from public-records requirements for personally identifiable information or allegations of misconduct obtained or reported in connection with an investigation of a testing impropriety conducted by the Department of Education; providing that the exemption applies until the investigation is concluded or becomes inactive; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

CS for SB 1980—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; authorizing the department to establish circuits and regions headed by circuit administrators and regional directors; amending s. 20.19, F.S.; revising provisions relating to the establishment of the department; providing for operating units called circuits and regions based on judicial circuits; deleting provisions relating to the program directors for mental health and substance abuse, the service districts, child protection workers, the membership of community alliances, and the prototype region; amending ss. 20.43 and 394.78, F.S.; conforming cross-references; providing for legislation to conform the Florida Statutes to changes made by the act; providing an effective date.

By the Committee on Transportation; and Senator Altman—

CS for SB 2004—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring such detectors to meet department contract specifications; re-

quiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation or the county; requiring the county or Department of Transportation to issue permits for the installation; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; providing for preexisting equipment; creating s. 316.0776, F.S.; providing for placement and installation of detectors on certain roads; amending s. 316.1967, F.S.; providing for inclusion of persons having outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, and certain nursing homes; reenacting s. 320.03(8), F.S., relating to the duties of tax collectors relative to motor vehicle registration and license plate distribution, to incorporate the amendments made to s. 316.1967, F.S., in a reference thereto; providing for severability; providing an effective date.

By the Committees on Commerce; and Commerce—

CS for SB 2034—A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending ss. 166.231, 212.05, 212.08, 212.098, and 220.15, F.S.; revising industry code designations; amending 212.097, F.S.; revising industry code designations; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; providing an additional criterion for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire county land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring a majority vote of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; providing that the certain proceeds from the Florida Forever Trust Fund shall be spent on certain capital projects within a year after acquisition rather than only at the time of acquisition; requiring a majority vote of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 403.0876, F.S.; providing that the De-

partment of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Joyner—

CS for SB 2188—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising the definition of the term "agency" for purposes of ch. 120, F.S.; amending s. 120.525, F.S.; requiring each agency to give notice of public meetings, hearings, and workshops on the agency's website; requiring each agency to publish agendas on the agency's website; amending s. 120.54, F.S.; revising the definition of the term "small business" with regard to special matters to be considered by an agency in rule adoption; requiring an agency to ensure that persons responsible for preparing a proposed rule be available at a public hearing regarding the proposed rule; requiring that certain materials submitted to the agency on or before the date of the final public hearing be considered by the agency and made a part of the record of the rulemaking proceeding; requiring that a change to a proposed rule be in response to written materials submitted to the agency within a specified time after the date of publication of the notice of intended agency action or submitted to the agency on or before the date of the final public hearing; requiring that a proposed rule become effective on a date specified in the notice of the agency's intended action; requiring that the statement of an agency's organization and operations be published on the agency's website; providing that a rule that adopts federal standards becomes effective upon the date designated by the agency in the notice of intent to adopt the rule; amending s. 120.80, F.S.; deleting a provision that prohibits the Department of Environmental Protection from adopting the lowest regulatory cost alternative under certain circumstances; providing an effective date.

By the Committee on Banking and Insurance; and Senators Bennett and Lynn—

CS for SB 2282—A bill to be entitled An act relating to first-responder services; creating ss. 125.01045 and 166.0446, F.S.; prohibiting counties and municipalities from imposing a fee or seeking reimbursement for costs relating to certain first-responder services; providing an exception; defining the term "first responder"; providing an effective date.

By the Committee on Agriculture; and Senator Dean—

CS for SB 2312—A bill to be entitled An act relating to agriculture; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to publish guidance for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; providing an effective date.

By the Committee on Military Affairs and Domestic Security; and Senator Deutch—

CS for SB 2462—A bill to be entitled An act relating to veterans; requiring school districts to observe Veterans' Day and Veterans' Appreciation Week; providing requirements for such recognition; directing the Department of Children and Family Services to establish up to three pilot projects for the purpose of reducing suicide among veterans and increasing access to services; providing duties of the department; providing requirements for the pilot project programs; requiring the Statewide Office of Suicide Prevention, the Department of Veterans' Affairs, and the Florida National Guard to enter into partnerships with the pilot projects and community providers to implement the initiative; requiring an evaluation and a report to the Governor and Legislature; providing for expiration of the pilot projects; establishing a veterans' suicide prevention direct-support organization answerable to the Statewide Office for Suicide Prevention to assist with funding veterans' suicide prevention initiatives; providing corporate requirements; providing for a board of directors; providing for a contract with the office and requirements for the contract; authorizing the organization to use the property, facilities, and personnel services of the office; requiring the moneys of the organization to be deposited in a separate account in the name of the organization; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Alexander—

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

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Environmental Preservation and Conservation; and Senators Justice, Bullard, Jones, and Joyner—

CS for SB 114—A bill to be entitled An act relating to environmental cleanup; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content and delivery of such notice; requiring local governments to provide specified notice of site rehabilitation; requiring the Department of Environmental Protection to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; requiring the department to provide specified notice to certain property owners; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements; creating s. 376.30717, F.S.; creating the Petroleum Restoration Program Advisory Board; providing for membership, terms, appointment of a chair and vice chair, reimbursement for expenses, and meetings; requiring the board to review the Petroleum Restoration Program; requiring an annual report to the Secretary of Environmental Protection and the Legislature; providing for the content of the report; providing an effective date.

—was referred to the Committees on Community Affairs; Education Pre-K - 12; and General Government Appropriations.

By the Committee on Health Regulation; and Senator Ring—

CS for SB 162—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient's health records in order to facilitate the exchange of data between certain health care facility personnel, practitioners, and providers and attending physicians; creating s. 408.051, F.S.; creating the "Florida Electronic Health Records Exchange Act"; providing definitions; authorizing the release of certain health records under emergency medical conditions without the consent of the patient or the patient representative; providing for immunity from civil liability; providing duties of the Agency for Health Care Administration with regard to the availability of specified information on the agency's Internet website; requiring the agency to develop and implement a universal patient authorization form in paper and electronic formats for the release of certain health records; providing procedures for use of the form; providing penalties; providing for certain compensation and attorney's fees and costs; creating s. 408.0512, F.S.; requiring the Agency for Health Care Administration to operate an electronic medical records system adoption loan program, subject to specific appropriation; specifying the uses of the loan; requiring the agency to adopt rules related to standard terms and conditions for the loan program; amending s. 483.181, F.S.; expanding access to laboratory reports in order to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Judiciary; and Health and Human Services Appropriations.

By the Committee on Judiciary; and Senator Ring—

CS for SB 248—A bill to be entitled An act relating to clerks of the circuit court; amending s. 27.52, F.S.; requiring an applicant for the appointment of a public defender to consent to an indigency background review conducted by a court clerk; providing for a new fee for the background review; requiring an applicant to pay an indigent intake fee within a certain period of time after submitting an application for the appointment of a public defender; requiring that the court assess both fees pursuant to alternative procedures for failure to pay; providing for the deposit of certain fees relating to indigent persons into the Indigent Criminal Defense Trust Fund; deleting provisions authorizing a clerk of court to retain certain fees for administrative costs; requiring a clerk of court to use the Comprehensive Case Information System to conduct an indigency background review; requiring a clerk to use the results of the review to determine whether an applicant is indigent; amending s. 28.241, F.S.; revising criteria to determine when a fee to reopen a case must be paid; providing that the fee does not apply to motions to enforce stipulations or motions for contempt; requiring the payment of a fee upon the filing of a counter petition; amending s. 28.246, F.S.; reducing the period of time that an account must be unpaid before a clerk of court may refer the account to a collection agent or private attorney for collection; reducing the amount of the collection fee that may be paid to a collection agent or attorney under certain circumstances; amending s. 34.041, F.S.; requiring the payment of a fee upon the filing of a counter petition; requiring a clerk of court to deposit that fee into the General Revenue Fund; requiring the payment of an additional filing fee for filings that require the transmittal of a case to another court; revising criteria to determine when a fee to reopen a case must be paid; providing that the fee does not apply to motions to enforce stipulations or motions for contempt; amending s. 45.035, F.S.; authorizing a clerk of court to charge an additional fee for judicial sales conducted by electronic means; requiring the fee to be paid by the winning bidder; amending s. 57.082, F.S.; renaming an application fee for a determination of indigent status for purposes of receiving a court-appointed attorney in certain civil cases; deleting provisions authorizing a clerk of court to retain a portion of the fees collected from persons applying for a court-appointed attorney for administrative costs; amending s. 197.542, F.S.; providing for the costs of electronic tax deed sales to be added to other charges for costs of the sale; requiring payment of such costs by a certificateholder upon filing an application for a tax deed; amending s. 318.18, F.S.; requiring a report relating to certain surcharges imposed by ordinance to be submitted to the board of county commissioners; authorizing a county to impose an additional surcharge by ordinance to secure the repayment of bonds relating to court facilities and related purposes; amending s. 322.245, F.S.; requiring the Department of Highway Safety and Motor Vehicles to mail notices to certain persons who have failed to comply with directives of a court; amending s. 938.30, F.S.; exempting inmates from the provision authorizing the court to examine persons to ensure compliance with certain financial obligations; amending s. 938.301, F.S.; providing that circuit court judges have jurisdiction to ensure compliance with court-imposed financial obligations in all types of cases; providing for the appointment of a workgroup to review court-related fees, service charges, costs, and fines; specifying the membership of the workgroup; requiring the workgroup to submit a report to the President of the Senate and Speaker of the House of Representatives by a certain date; providing for expiration of the provisions creating the workgroup; repealing s. 939.17, F.S., relating to money deposited by a defendant under prosecution by the state; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Finance and Tax; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Judiciary; and Senator Fasano—

CS for SB 408—A bill to be entitled An act relating to clinical laboratories; amending s. 440.102, F.S.; deleting the requirement that initial drug tests conducted pursuant to a drug-free workplace program be conducted by a licensed or certified laboratory; amending s. 483.181, F.S.; requiring clinical laboratories to accept human specimens submitted by advanced registered nurse practitioners; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Health Regulation; and Senator Gaetz—

CS for SB 574—A bill to be entitled An act relating to the purchase of prescription drugs; amending s. 499.003, F.S.; defining the term "qualifying practitioner" as it relates to the Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; deleting provisions requiring a health care clinic establishment permit for the purchase of certain prescription drugs; conforming a cross-reference; amending s. 499.01211, F.S.; conforming a cross-reference; amending s. 499.03, F.S.; authorizing certain establishments to possess prescription drugs; creating s. 499.031, F.S.; establishing criteria for certain business entities to purchase and possess prescription drugs; requiring a qualifying practitioner at the establishment; requiring the registration of certain qualifying practi-

tioners; assigning duties and responsibilities to a qualifying practitioner and business entity; providing for expiration of the registration of a qualifying practitioner and for renewal of the registration; requiring the Department of Health to establish an online registration system and post certain information related to qualifying practitioners on its website; providing additional grounds for discipline of a qualifying practitioner; providing recordkeeping requirements; amending s. 499.041, F.S.; deleting provisions requiring a fee for a health care clinic establishment permit to conform to changes made by the act; requiring a fee to register as a qualifying practitioner; authorizing a nonrefundable application fee for withdrawn applications or applications that become void; amending s. 499.05, F.S.; conforming cross-references; amending s. 400.9935, F.S.; assigning responsibilities to a medical director who acts as the qualifying practitioner of a licensed health care clinic; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By the Committee on Commerce; and Senator Garcia—

CS for SB 816—A bill to be entitled An act relating to legislative sunset review; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; adding the Office of Tourism, Trade, and Economic Development and certain of its partners and offices to the list of agencies to be reviewed by July 1, 2010; revising the date on which the office must submit an agency report to the Legislature; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By the Committee on Agriculture; and Senator Dean—

CS for SB 868—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.163, F.S.; authorizing disciplinary action against pest control licensees for violations by employees under certain circumstances; limiting the grounds for disciplinary action against a certified operator in charge; requiring notices of administrative actions taken against pest control employees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting licensure of applicants prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against private investigators, security officers, and recovery agents who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufactures, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; permitting fines not exceeding $5,000 per violation of certain food safety laws; creating s. 500.70, F.S.; defining terms; requiring minimum food safety standards for producing, harvesting, packing, and repacking tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers; providing penalties; authorizing the department to adopt best management practices for the tomato industry by rule; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; authorizing the department to adopt rules; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 581.011, F.S.; deleting terminol-

ogy relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; defining the term "responsible position"; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; authorizing the department to deny licenses to certain applicants; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; and General Government Appropriations.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

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

—was referred to the Committee on General Government Appropriations.

By the Committee on Commerce; and Senators Aronberg, Bennett, Fasano, and Detert—

CS for SB 1288—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.;

providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—was referred to the Committees on Judiciary; and Finance and Tax.

By the Committee on Criminal Justice; and Senator Fasano—

CS for SB 1312—A bill to be entitled An act relating to sexual battery; creating s. 794.052, F.S.; requiring each law enforcement officer who investigates an alleged sexual battery incident to assist the victim in obtaining medical treatment if medical treatment is necessary, a forensic examination, and crisis-intervention services from a certified rape crisis center; requiring the law enforcement officer to advise the victim that he or she may contact a certified rape crisis center for services; requiring the law enforcement officer to immediately notify the victim of the legal rights and remedies available to a victim of sexual battery; directing that the notice of rights and remedies be written on a standard notice form developed and distributed by the Florida Council Against Sexual Violence and the Department of Law Enforcement; requiring the notice to include certain information; providing an effective date.

—was placed on the Calendar.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 1380—A bill to be entitled An act relating to solar energy; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; deleting a provision that requires solar energy systems in this state to meet a certain standard; providing that a person who manufactures and sells solar products and systems does not need a contractor license if certain requirements are met; providing an effective date.

—was referred to the Committees on Commerce; and General Government Appropriations.

By Senator Bennett—

SB 1618—A bill to be entitled An act relating to boards of county commissioners; amending s. 125.35, F.S.; authorizing such boards to lease certain county property for a limited term: providing an effective date.

—was referred to the Committee on Judiciary; and the Policy and Steering Committee on Ways and Means.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 1112, SB 1280, CS for SB 1282 and SB 1284 which he approved on March 17, 2009.

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Florida Citrus Commission		
Appointees:	Albritton, Ben W., Jr., Wauchula	05/31/2011
	Smith, Steven M., LaBelle	05/31/2011
	Streetman, George H., Vero Beach	05/31/2011
Regulatory Council of Community Association Managers		
Appointees:	Clifton, Ronald D., Jr., South Daytona	10/31/2012
	Moran, Kelly A., Tampa	10/31/2012
	Rogers, Margaret A., Winter Park	10/31/2011
State of Florida Correctional Medical Authority		
Appointees:	Abercrombie, David Earl, Madison	09/30/2012
	Maya, Victor J., Miami	09/30/2011
	Tedder, Deborah A., Davie	09/30/2010
Education Practices Commission		
Appointees:	Bondurant, Pamela M., Marianna	09/30/2012
	Dancy, Linda C., Winter Springs	09/30/2010
Board of Massage Therapy		
Appointee:	Burke-Wammack, Bridget K.	10/31/2012
Board of Pharmacy		
Appointees:	Griffin, Cynthia R., Jacksonville	10/31/2012
	Weizer, Michele, Boca Raton	10/31/2012
Public Employees Relations Commission		
Appointee:	Delgado, John M.	01/01/2013
Board of Veterinary Medicine		
Appointee:	Maxwell, Guy Ray, Melbourne	10/31/2012

Referred to the Committee on Ethics and Elections.

Florida Energy and Climate Commission		
Appointees:	Baughman McLeod, Kathy, Tallahassee	09/30/2010
	Ferguson, Howell L., Thomasville, GA	09/30/2011
	Jackson, Timothy T., Longwood	09/30/2011
	Murley, James F., Miami	09/30/2011

Referred to the Committees on Communications, Energy, and Public Utilities; and Ethics and Elections.

ENROLLING REPORTS

SB 1112 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 11, 2009.

R. Philip Twogood, Secretary

SB 1280, CS for SB 1282, and SB 1284 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 13, 2009.

R. Philip Twogood, Secretary

CO-INTRODUCERS

Senators Altman—SB 124, SJR 1908; Aronberg—SR 102, SB 116, CS for SB 198, SB 316, SB 918, SB 1000, SCR 1008; Baker—CS for SB 198, CS for CS for SB 206, SB 216, CS for CS for SB 236, SB 238, SB 550, SB 590, SB 644, CS for SB 1024, SB 1184, SJR 1302, SB 1310, SB 1526, SJR 1550, SB 1572, SB 1854, SJR 1908, SB 2310; Bennett—SJR 314, SB 666, SB 918, CS for SB 1132, SB 1386, SB 1468, SB 1502, SB 1580, SJR 1906, SJR 1908; Bullard—SB 80, CS for SB 114, SB 126, SB 150, SB 450; Crist—SB 2018; Dean—CS for SB 198, SB 316, SB 1128, SJR 1908; Detert—SB 150, CS for SB 198, SB 1288; Deutch—SR 102, SB 150, CS for SB 198, SB 538, SCR 1008, SB 1124, SJR 1302, SB 1404; Diaz de la Portilla—CS for SB 198, SJR 1908, SB 2018; Dockery—SB 150, CS for SB 198, SB 274, SB 1032, SB 2018; Fasano—SB 216, CS for SB 714, CS for SB 1372, SB 1878, SJR 1908; Gaetz—CS for SB 198, SB 344, SJR 1828, SJR 1906, SJR 1908; Garcia—SJR 1908; Gelber—CS for SB 198, SCR 1008, SB 2018; Haridopolos—SJR 1908; Hill—SB 1022; Jones—CS for SB 114, CS for SB 198, CS for SB 274, SCR 1008; Joyner—CS for SB 114, SR 180, SB 220, SB 310, SB 1430, SB 2012; Justice—SR 102, SB 150, CS for SB 270, SB 500; King—CS for SB 198, CS for SB 762, SB 2018; Lawson—SB 150, SB 344, SB 1310; Lynn—CS for SB 198, SB 580, SB 918, SB 1006, SB 1024, SB 1032, SB 1112, CS for SB 1372, SB 2282; Oelrich—SB 150, CS for SB 198, SB 720, SJR 1908; Peaden—CS for SB 198; Pruitt—SJR 1908; Rich—CS for SB 198, SB 318, SB 1022, SB 2012, SB 2018; Richter—SB 1502, SB 2254; Ring—SB 880, SB 2012; Siplin—SB 150, SB 1022, SB 1310, SB 2018; Sobel—SR 102, SB 150, SB 350, SB 720; Storms—SB 642, SB 1032, CS for SB 1468, SB 1854, SJR 1908; Wilson—SB 150, CS for SB 198, SB 1128, SR 2112; Wise—CS for SB 198, SJR 1908, SB 2018

Senator Bennett withdrew as co-introducer of SB 2108. Senator Garcia withdrew as co-introducer of CS for SB 556.

SENATE PAGES

March 9-13, 2009

Joseph "Joe" Alexionok II, Tallahassee; Marissa Brown, Pompano Beach; Brooke Bustle, Palmetto; Angelyca Clements, Tallahassee; Sarah C. Files, Eustis; Wesley Fishman, Tallahassee; Katherine "Katie" Harrell, Zolfo Springs; Trevan "T.J." Hughes, Cutler Bay; Ben Miller, Plantation; Deborah Lynn Norman, Tallahassee; A'Shaydrian Nicole O'Neal, Havana; Lauren Ouellette, Eustis; Lauren Ashley Pigott, Crawfordville; Irene "Rosie" Posada, Tampa; Shannon "Zet" Primm, Madison; Caroline Rand, Ormond Beach; Margaret Robbins, Tampa; Rebekah Sheppard, Orlando; Leoniesha S. Smith, Tallahassee; Kimora Williams, Tallahassee

March 16-20, 2009

Sean E. Abraham, Miami; Taylor C. Acree, Williston; Mollie Adam, Margate; Amanda Allise Balwine, Jacksonville; Zack Batley, Plant City; Meredith Peyton, Sarasota; Emily Bundy, Longwood; Brittney Cannon, Sarasota; Cyrus C. Calhoun III, Tallahassee; Artavis Dudley, Tallahassee; Brooke Eubanks, Tallahassee; Karla Flagg, Palatka; Alexandria "Zanda" Ford, Tallahassee; Jenny Gloudeman, Windermere; Mary "Alexandra" Goodman, Tampa; Laura Kathryn Harper, Ponte Vedra; Brooke Jackson, Winter Park; Jakel E. Osborne, West Palm Beach; Christopher Sullivan, Plant City; Eric Summerall, North Fort Myers

Journal of the Senate

Number 4—Regular Session **Tuesday, March 24, 2009**

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CALL TO ORDER

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

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

PRAYER

The following prayer was offered by the Rev. Dr. James M. Fogle-Miller, Colonel, State Chaplain, Florida Army National Guard, Tallahassee:

Gracious God, hear our prayer this Florida National Guard Appreciation Day.

We give thanks for those who stand between the people of Florida and the threat of terrorism; for those who stand with Florida's citizens in times of storms, fires, and difficulties; for the men and women of the Florida National Guard who always stand ready to serve. To our appreciation of them, Lord, add your blessing.

The men and women of the Florida Senate also serve the people of Florida in times of plenty; during nature's storms; even in lean times, when economic famine strikes. Make them wise like Joseph, who prepared in the time of plenty for the time of famine. Guide what they collect and what they store for later use. Keep their ears tuned to the cries of the people. Lead them when they must open the storehouse in the lean times. These Senators, and all who work here, guard Florida, too. Bless them, their work, and the people of Florida, whom their wise leadership guards.

This we pray, Lord, in your name, remembering that as you stood with Joseph in Egypt, you stand with us today, our guard in every time. Amen.

SPECIAL PRESENTATION

President Atwater: Senators, as you know, all of this week we will be honoring and expressing our gratitude to our National Guard. In a few moments, Senator Baker will be providing a resolution for us to adopt expressing our profound gratitude for the Florida National Guard. Before we get to that resolution, I would like to tell you a story of a young Floridian who is with us today. In fact, he is seated beside Senator Baker at this moment: Staff Sergeant Luke Murphy. Staff Sergeant Murphy, would you and Senator Baker, please stand?

Staff Sergeant Luke Murphy, 3rd Brigade, 101st Airborne Division, United States Army Recon Squad Leader. Staff Sergeant Luke Murphy was born in Miami, raised in Martin County, and is the son of two entrepreneurs. His father was a U.S. Marine and his mother ran her own business. He has three brothers. His family has served in the Armed Forces of this country dating back to the Civil War.

As a 10-year-old, Luke Murphy watched as Desert Storm unfolded on our television sets and in the newspapers every day. At that point, he said, "My obligation and my duty is to serve my country." A few years later at the age of 17, in 1999, before he left high school, he joined our Florida National Guard. He graduated from South Fork High School, an area served by President Pruitt. He later transferred to the Army and served in active duty until 2007. He served our country in two tours of duty in Iraq: Tour one in 2003, as part of that liberating force that invaded the city; tour two, 2005-2006, a story which you are about to hear.

Staff Sergeant Murphy was on patrol in Sadr City, Baghdad, Iraq on 25 April, 2006. It was 1:00 a.m. in the morning. He was in his truck coming home from patrol. He was sitting in the front, right seat of that truck. The truck in front of him activated a bomb, an I.E.D. (improvised explosive device) so that as soon as Luke's truck passed over that same piece of ground, it detonated. The truck exploded into flames. As he was able to disengage himself from the vehicle, it was burning all around him. The ammunition and the grenades in the truck were exploding. Within about ten minutes, as he would say, "The platoons came back to rescue me and my fellow men." They were transported and stabilized and then moved on to Baghdad for emergency surgery. Luke was awake and alert through this entire episode. Sergeant Murphy was offered morphine for his pain, but declined because he didn't know the extent of the wounds to his fellow comrades. Knowing that the morphine was in limited supply, he wanted to be sure it was available for them.

After being stabilized, he was moved from Baghdad to Germany where he remained one week. From Germany, he was flown directly to Walter Reed Hospital where he remained for 11 months. He spent four months in a bed at Walter Reed, completely immobile. He lost 75 pounds, going from 195 pounds to 120 pounds. After this time, he endured six to eight hours of daily therapy. He learned to walk again.

After release from Walter Reed Hospital, he returned to Martin County and attended Indian River Community College for two semesters. He transferred here, to Tallahassee Community College. As he said to me, he wishes that more Americans understood what was going on around the world and that more Americans understood what they are out there fighting for; and how precious our freedoms are. He said to me

his goal is to become an elected official. He said, he would like to do something that would make a difference. Sergeant Murphy, right now you are surrounded by people that would say, "You have already made a difference."

Members, I would like to share with you a video that explains a little bit about the path that Sergeant Murphy has been on and where it all began with the Florida National Guard.

[Video]

The President appointed Senators Baker, Bennett, Dean, Hill, King and Richter to a committee to escort Staff Sergeant Murphy to the rostrum.

HONOR GUARD

At the direction of the President, the Honor Guard of the Florida National Guard from St. Augustine marched to the front of the chamber bearing flags of the United States of America and the State of Florida.

The Honor Guard included the following members: Staff Sergeant Chaddrick Faison, NCO in charge; Sergeant Thomas Barr; Sergeant Nathan Schaffield; Staff Sergeant Kevin Pierce; Senior Master Sergeant Mike Hall; Master Sergeant Coran Williams; and Staff Sergeant John Citrullo.

REMARKS

Staff Sergeant Murphy: Thank you, Mr. President. Senators, as a native of this wonderful state, it is my privilege to be honored by its highest leadership. I want to thank each and every one of you for your sacrifice, selfless service and most importantly, your leadership to this state and country.

As the President said, I someday wish to be sitting amongst you, working for our citizens. Thank you very much. Please join me in the Pledge of Allegiance.

PLEDGE

Staff Sergeant Luke Murphy lead the Senate in the pledge of allegiance to the flag of the United States of America.

The Honor Guard withdrew from the chamber, and the committee previously appointed escorted Staff Sergeant Murphy from the rostrum.

DOCTOR OF THE DAY

The President recognized Dr. Robert Pickard, Colonel, Retired, of South Miami, sponsored by Senator Diaz de la Portilla, as doctor of the day. Dr. Pickard specializes in Otolaryngology.

ADOPTION OF RESOLUTIONS

On motion by Senator Baker—

By Senator Baker—

SR 2732—A resolution honoring the Florida National Guard and recognizing March 24, 2009, as "Florida National Guard Day."

WHEREAS, the Florida National Guard is the military arm of the Governor and the people of the great State of Florida, and

WHEREAS, the residents of Florida can always be assured that, when called to protect their lives and property, the Florida National Guard will respond, prepared to accomplish any task or mission, and

WHEREAS, the Florida Air National Guard deployed on September 11, 2001, for Operation Noble Eagle, protecting the skies over the great State of Florida, and continue to deploy in support of Operation Iraqi Freedom and Operation Enduring Freedom, and

WHEREAS, elements of the Florida Army National Guard also deployed after September 11, 2001, in response to the attack on our nation and continue to deploy in support of Operation Iraqi Freedom and Operation Enduring Freedom, and

WHEREAS, the Florida National Guard is richly deserving of recognition for securing the safety and well-being of the residents of the State of Florida and all Americans, as its soldiers and airmen stand ever ready to meet any future crisis, NOW, THEREFORE,

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

That the Senate celebrates the true and faithful service of the soldiers and airmen of the Florida National Guard and the sacrifices of their families, and recognizes March 24, 2009, as "Florida National Guard Day."

Be It Further Resolved that a copy of this resolution, with the Seal of the Senate affixed, be presented to Major General Douglas Burnett, Adjutant General of Florida, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Baker, **SR 2732** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Baker introduced Major General Douglas Burnett, Adjutant General of Florida; Sergeant Major Robert M. Hosford, State Command Sergeant Major; Dr. Robert Pickard, Colonel, Retired, serving as Doctor of the Day; and General Peter Chiarelli, Vice Chief of Staff, U.S. Army, who were present in the chamber. Senator Baker also recognized members of the Florida National Guard and their families who were present in the gallery.

REMARKS

President Atwater: Senator Baker, we are truly honored by your colleagues here in the National Guard. General, thank you for everything. We are truly honored by all that you are doing to serve us, the people of Florida, and this country. Our hearts go out to you and your families. Our gratitude is with you always.

Senator Baker, we would like for you to preside over the Florida Senate today, National Guard Day. You have served our country so well as a member of the National Guard.

SENATOR BAKER PRESIDING

On motion by Senator Justice—

By Senator Lawson—

SR 1374—A resolution commending the invaluable contribution of Florida's Community Action Agencies to the well-being of low-income residents of this state and recognizing March 24, 2009, as "Community Action Day" in Florida.

WHEREAS, Community Action Agencies were created to fight the war on poverty when the Economic Opportunity Act of 1964 was signed into law, and

WHEREAS, Community Action Agencies are the backbone of America's poverty-fighting network, having a 45-year history of promoting family economic security and self-sufficiency for low-income families, children, and individuals, and

WHEREAS, there are more than 1,000 Community Action Agencies nationally, with 31 Community Action Agencies supporting 65 of the 67 counties in Florida, and

WHEREAS, the 2007 American Community Survey released by the United States Census Bureau reported that more than 38 million Americans are living below the federal poverty level and that Florida has 2,158,832 people living below the poverty level, ranking 25th nationally in this regard, and

WHEREAS, Florida has a 7.3 percent unemployment rate, which is higher than the national average, and the fourth-highest foreclosure rate in the nation, with nearly 1 in 10 Floridians receiving food stamps, and

WHEREAS, to combat these alarming statistics, Florida's Community Action Agencies provided services to 278,430 individuals and 128,151 families in 2007, and

WHEREAS, in 2007, Community Action Agencies assisted 384 low-income individuals in completing postsecondary education requirements, 6,712 low-income individuals in obtaining preemployment skills, 2,625 unemployed persons in securing employment, and 1,319 underemployed individuals in increasing their employment income, and

WHEREAS, Community Action Agencies, will continue to provide low-income residents with opportunities to improve their lives and their living conditions through innovative and cost-efficient programs, thus ensuring that all individuals are able to live in dignity, and

WHEREAS, it is predicted that as a result of the staggering economic downturn of 2008, unemployment and poverty could reach double digits both statewide and nationally in 2009, and

WHEREAS, because the war on poverty will become an even more formidable problem in our communities, it is fitting to recognize and commend the Community Action Agencies that are at the forefront of this struggle, NOW, THEREFORE,

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

That in recognition of the hard work, commitment, and dedication of Florida's Community Action Agencies and their invaluable contributions to the well-being of the low-income residents throughout the state, March 24, 2009, is recognized as "Community Action Day" in Florida.

—was introduced out of order and read by title. On motion by Senator Justice, **SR 1374** was read the second time in full and adopted.

On motion by Senator Bullard—

By Senators Bullard and Joyner—

SR 1440—A resolution acknowledging the invaluable contributions Delta Sigma Theta Sorority, Inc., has made to the people of Florida, and recognizing March 29-31, 2009, as "The 15th Annual Delta Days at the Florida Capitol."

WHEREAS, Delta Sigma Theta Sorority, Inc., is a public service organization founded on January 13, 1913, by 22 outstanding women at Howard University in Washington, D.C., and

WHEREAS, nearly 6 weeks after its founding, the first public act of the sorority was its participation in the Women's Suffrage Movement, demanding rights for women, particularly the right to vote, and

WHEREAS, Delta Sigma Theta Sorority, Inc., is a sisterhood of college-educated women committed to implementing the sorority's mission through its Five-Point Program Thrust: economic development, educational development, physical and mental health, political awareness and involvement, and international awareness and involvement, and

WHEREAS, Delta Sigma Theta Sorority, Inc., recently celebrated 96 years of exemplary service and support to local communities, leading dialogue on public policy issues, supporting quality education, producing new projects to stimulate current and future economic growth, and improving the holistic well-being of minority populations internationally, and

WHEREAS, with more than 200,000 college-educated women and more than 950 chapters worldwide — 52 of those chapters located in Florida and the Bahamas, alone, members of Delta Sigma Theta Sorority are clearly focused and visible as corporate and civic leaders, productive public officials, acclaimed academicians, and activists in their own right, and

WHEREAS, for the past 15 years, the sorority's Florida chapters have conducted "Delta Days at the Florida Capitol" to provide information to state legislators and government executives that is vital to developing public policy; host a reception for state legislators and government executives; and monitor the progress of pending legislation related to significant public policy issues, and

WHEREAS, on March 29-31, 2009, under the leadership of Christine M. Nixon, the 22nd Southern Regional Director, the members of the 52 chapters of the sorority that now serve Florida and the Bahamas will converge on Tallahassee to conduct "The 15th Annual Delta Days at the Florida Capitol," celebrating the theme "Advocacy in Action: Strengthening Our Legacy," and providing special recognition at the Third Annual Honorable Carrie P. Meek Servant Leadership Luncheon to the state's Delta Dears, who have blazed trails in social advocacy and public service, and

WHEREAS, Senators Larcenia J. Bullard and Arthenia L. Joyner, and Representatives Audrey Gibson and Gwyndolen Clarke-Reed are esteemed members of Delta Sigma Theta Sorority, Inc., NOW, THEREFORE,

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

That the Florida Senate commends Delta Sigma Theta Sorority, Inc., for its contributions to the people of Florida, and recognizes March 29-31, 2009, as "The 15th Annual Delta Days at the Florida Capitol."

—was introduced out of order and read by title. On motion by Senator Bullard, **SR 1440** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Bullard introduced the following guests who were present in the gallery: Dee Carper; Tanika Bango, Senator Siplin's legislative assistant; and Jennifer Alexandre, Senator Bullard's legislative assistant.

On motion by Senator Villalobos, by unanimous consent—

By Senator Villalobos—

SCR 2730—A concurrent resolution providing that the Senate and the House of Representatives convene in Joint Session for the purpose of receiving a message from retired Supreme Court Justice Sandra Day O'Connor.

WHEREAS, The Honorable Sandra Day O'Connor, retired Justice of the Supreme Court of the United States, has expressed a desire to address the Legislature in Joint Session, NOW, THEREFORE,

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

That the Senate and the House of Representatives convene in Joint Session in the chamber of the House of Representatives at 11:00 a.m., April 7, 2009, for the purpose of receiving the message of The Honorable Sandra Day O'Connor, retired Justice of the Supreme Court of the United States.

—was introduced out of order and read by title.

On motions by Senator Villalobos, by two-thirds vote **SCR 2730** was read the second time in full, adopted and immediately certified to the House.

At the request of Senator Wilson—

By Senators Wilson, Joyner, Rich, Lawson, Smith, Hill, Gelber, Ring, Bullard, Deutch, Justice, Aronberg, and Sobel—

SR 102—A resolution recognizing March 12, 2009, as "Chronic Kidney Disease Awareness Day."

WHEREAS, healthy kidneys are essential for regulating water and other chemicals in human blood; removing fluids, waste, toxins, and drugs introduced into the body; releasing hormones that regulate blood pressure; making red blood cells; and promoting strong bones, and

WHEREAS, more than 1.8 million Floridians, approximately one in nine adults, suffer from chronic kidney disease, and

WHEREAS, of the 19,000 Floridians afflicted with end-stage renal disease, approximately 40 percent are African American and 16 percent are Hispanic, and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases, and

WHEREAS, the National Kidney Foundation of Florida has a health-screening program to identify people early who are at risk of having kidney disease, and

WHEREAS, the mission of the National Kidney Foundation of Florida is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation, and

WHEREAS, early detection, including regular reporting of the glomerular filtration rate, currently the best indication of kidney disease staging, can help prevent the progression of kidney disease to kidney failure, which requires continual dialysis or a kidney transplant in order to maintain life, and

WHEREAS, the cost of treating patients who have kidney disease is disproportionately higher than the cost of treating any other chronic disease, and

WHEREAS, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and, as necessary, transportation services to the dialysis facility, and, as a consequence, any changes in Medicare and Medicaid eligibility will significantly put those patients at risk, NOW, THEREFORE,

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

That March 12, 2009, is recognized as "Chronic Kidney Disease Awareness Day" in Florida in the hope that all possible support will be extended to chronic kidney disease patients in Florida, including expanding the scope of study at the Agency for Health Care Administration to include a study of early screening, diagnosis, and treatment of chronic kidney disease.

—**SR 102** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senators Wilson and Joyner—

SR 180—A resolution commending The Links, Incorporated, for its work in Florida.

WHEREAS, The Links, Incorporated, is a highly respected international organization consisting of more than 10,000 professional, accomplished, and dedicated women of African ancestry in 274 chapters, located in 42 states and three countries, and having a mission and purpose of friendship and community service, and

WHEREAS, members of The Links are role models, mentors, activists, and volunteers who work toward purposeful public service involving educational, cultural, and civic commitments through four functional facets — International Trends and Services, National Trends and Services, the Arts, and Services to Youth, and

WHEREAS, the National Trends and Services facet of The Links, Incorporated, also encompasses service related to three Linkages, including Education, Health and Wellness, and legislative work, which highlights and addresses concerns of the organization in these areas and also affects African Americans and society, and

WHEREAS, major issues and needs that concern the Southern Area of The Links, Incorporated, include eliminating health disparities in conformity with the federal Healthy People 2010 program, which establishes national health objectives designed to identify the most significant preventable threats to the health of African Americans, and targeting six focus areas that disproportionately affect the health of African Americans — infant mortality, cancer, cardiovascular disease, diabetes, HIV/AIDS, and immunizations, and

WHEREAS, Links from around the State of Florida have assembled today to demonstrate their support for the elimination of health disparities, to thank members of the Florida Legislature for their wisdom and prudent action in addressing health and wellness in terms of societal need, and to encourage Legislators to monitor, implement, and seek progress through this important legislation, and

WHEREAS, Senator Frederica Wilson, Senator Arthenia Joyner, and former Senator Mandy Dawson are members of The Links, Incorporated, NOW, THEREFORE,

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

That this body does pause in its deliberations to pay its respects to the dedicated efforts and example of the Southern Area of The Links, Incorporated, led by Margaret Thompson Johnson, in their successful campaign for the advancement and accomplishment of equitable health care policy and services for all Floridians, and to recognize the exemplary value of their work toward increasing quality and years of healthy life for the residents of this state.

—**SR 180** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 182—A resolution encouraging the education of parents and children regarding the dangers of sexual solicitation and the abuse of youth.

WHEREAS, nationwide, one in three girls and one in six boys experience some form of sexual abuse before age 18, and

WHEREAS, sexual assaults comprise 67 percent of the crimes against juvenile victims, and

WHEREAS, by the end of 1998, more than 40 percent of all American homes had computers and 25 percent had Internet access, and children and teenagers constitute one of the fastest-growing groups of Internet users, with an estimated 77 million children having online access in 2005, and

WHEREAS, educating parents and children concerning the risks that are associated with the Internet is of paramount importance to the safety of children, and

WHEREAS, the Center for Missing and Exploited Children reports that only one-third of the households having Internet access are proactively protecting their children by using filtering or blocking software, and

WHEREAS, 75 percent of children are willing to share personal information online about themselves and their family in exchange for goods and services, and

WHEREAS, the website of the Department of Law Enforcement reports that only about 25 percent of the youth who have encountered a sexual approach or solicitation while using the Internet told a parent, and

WHEREAS, the Crimes Against Children Research Center reports that one in five teenagers in the United States who regularly logs onto the Internet receives an unwanted sexual solicitation via the Internet, and

WHEREAS, research indicates that 69 percent of parents and 76 percent of youth do not know where or how to report incidents of sexual solicitation on the Internet, NOW, THEREFORE,

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

That the Florida Senate encourages parents and children to learn about the incidence of sexual abuse and the risks associated with online communication and urges parents to learn how to protect their children while they are online and how and where to report cases of sexual solicitation and exploitation which occur over the Internet.

—**SR 182** was introduced, read and adopted by publication.

At the request of Senator Lawson—

By Senator Lawson—

SR 1170—A resolution recognizing Tuesday, March 10, 2009, as "Florida and Caribbean Chapter of the Special Libraries Association Day" in Florida.

WHEREAS, the Florida and Caribbean Chapter of the Special Libraries Association is a regional, not-for-profit organization that has represented the interests of knowledge and information management professionals and their strategic partners for 40 years, and

WHEREAS, the Florida and Caribbean Chapter of the Special Libraries Association has as its mission the call to act regionally to bring together knowledge and information management professionals and their strategic partners in ways that promote mutual innovation, learning, advocacy, and networking, and to support its members in developing and applying best practices in managing knowledge, content, and resources, along with consulting and training, and

WHEREAS, in 1969, the Florida and Caribbean Chapter of the Special Libraries Association was established to serve the geographic region defined as 67 counties in Florida and 28 countries in the Caribbean, assisting members who are employed by corporations, private businesses, government agencies, newspapers, museums, colleges, hospitals, associations, and information management consulting firms, and

WHEREAS, the Florida and Caribbean Chapter of the Special Libraries Association strives to provide world-class services to advance the leadership role of chapter members by putting knowledge to work to shape the destiny of today's information and knowledge-based society, offering creative opportunities to develop and improve professional skills, and building a synergistic network of Chapter members who actively and regularly reach out to one another, NOW, THEREFORE,

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

That the Senate commends the Florida and Caribbean Chapter of the Special Libraries Association on its outstanding contributions to the service and support of knowledge and information management professionals in Florida and the Caribbean and, on the occasion of the organization reaching its 40th year of service, recognizes Tuesday, March 10, 2009, as "Florida and Caribbean Chapter of the Special Libraries Association Day" in Florida.

—**SR 1170** was introduced, read and adopted by publication.

At the request of Senator Bennett—

By Senator Bennett—

SR 1264—A resolution recognizing the contribution of the Florida Nurses Association on its 100th anniversary.

WHEREAS, the Florida Nurses Association is a highly respected professional organization that serves and supports all registered nurses through professional development, advocacy, and the promotion of excellence at every level of professional nursing practice, and

WHEREAS, on March 1, 1909, in Jacksonville, a group of nurses came together in order to promote unity among nurses, to keep abreast of progress, and to unite for greater control of nursing and, together, founded the Florida Nurses Association, and

WHEREAS, the Florida Nurses Association was instrumental in developing and encouraging the Legislature to pass Florida's first Nurse Practice Act in 1913, which protects the public by regulating the practice of professional nursing, and

WHEREAS, the Florida Nurses Association is a strong voice for the nurses of Florida and is fueled by the strength and commitment of the professional nurses who compose its membership, and

WHEREAS, Florida Nurses Association members carry on the work of the association at the local level through community service, political involvement, health care advocacy and education, and mentoring, and

WHEREAS, the members of the Florida Nurses Association are registered nurses from all levels of professional nursing practice, with a variety of education, training, experience, and specialty areas, and the members are patient advocates striving to advance the profession of nursing to ensure the delivery of the highest quality of nursing care, and

WHEREAS, the Florida Nurses Association has represented registered nurses before the Florida Legislature as well as the Executive Branch in order to advance the nursing profession and to advocate for the patients they serve, and

WHEREAS, the Florida Nurses Association will celebrate its 100th anniversary at its biennial convention at the Tradewinds Beach Resort in St. Petersburg, Florida, on September 22-26, 2009, NOW, THEREFORE,

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

That the Florida Senate recognizes the 100th anniversary of the establishment of the Florida Nurses Association and commends the association for its contribution to the advancement of the profession of nursing and to the health and well-being of Florida's residents.

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

—**SR 1264** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senators Bullard and Wilson—

SR 2112—A resolution recognizing August 9 through 15, 2009, as "Florida Health Center Week."

WHEREAS, federally qualified health centers are nonprofit, community-owned and operated health providers serving uninsured and medically underserved people in the State of Florida, and

WHEREAS, federally qualified health centers expand access to affordable, high quality, and cost-effective health care to all people and contain health care costs by fostering prevention and integrating the delivery of primary care with aggressive outreach, patient education, translation, and other enabling services, and

WHEREAS, federally qualified health centers have made great strides in improving Florida's health care system by maintaining high standards of accountability, demonstrating cost-effectiveness and efficiency in the delivery of care, empowering communities to address unmet health needs, reducing health disparities among different segments of the population, and reducing preventable deaths, costly disabilities, and communicable diseases, and

WHEREAS, federally qualified health centers are staffed by doctors, nurses, pharmacists, and other allied health professionals who have chosen to serve in communities in need, helping to expand the reach of primary care and preventive health services, and

WHEREAS, there is a continuing need to support federally qualified health centers throughout Florida as part of the state's enduring commitment to the provision of quality primary health care, and

WHEREAS, federally qualified health centers promote access to quality health care services for all Floridians, regardless of socio-economic status or race, to achieve the highest standard of health care for all, NOW, THEREFORE,

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

That the Florida Senate recognizes August 9 through 15, 2009, as "Florida Health Center Week" in the State of Florida and expresses its appreciation for the valued contributions of federally qualified health

centers in expanding access to health care and improving the health and future well-being of the people of this state.

—**SR 2112** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2114—A resolution recognizing the first Tuesday in December as "Florida Cancer Survivor Beauty and Support Day."

WHEREAS, a cancer survivor is anyone who has a history of cancer from the moment of diagnosis through the remainder of life, and

WHEREAS, there are more than 9.8 million cancer survivors in the United States, and more than 25,000 1-year to 5-year cancer survivors in the State of Florida, and

WHEREAS, more than 1.4 million new cancer cases will be diagnosed in the United States this year, and

WHEREAS, while many public health initiatives address early detection, prevention, and control of cancer, public health efforts to address cancer survivorship are relatively new, and

WHEREAS, cancer survivors face numerous physical, psychological, social, spiritual, and financial issues at diagnosis, during treatment, and for the remaining years of their lives, and

WHEREAS, it is desirable that pain, disability, and psychosocial distress be minimized for those living with, through, and beyond cancer, and

WHEREAS, this state has an active and productive cancer survivor population whose members demonstrate that a cancer diagnosis is no longer an automatic death sentence, and

WHEREAS, spas and salons can provide survivors a wonderful gift of support by offering free services to cancer survivors on the first Tuesday in December as part of a coordinated cancer survivor event originated by Barbara Paget of Highland Park, Illinois, and supported by Gilda's Club and the Conference of Women Legislators who believe that the real beauty of the day is the support that it gives, NOW, THEREFORE,

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

That the Senate recognizes the first Tuesday in December as "Florida Cancer Survivor Beauty and Support Day" and urges all spas and salons to honor cancer survivors by offering free services on this day to women, men, and children who have courageously fought their battle with cancer.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate as a tangible token of recognition of all cancer survivors and appreciation for salons and spas that participate in this day by offering free services to those survivors.

—**SR 2114** was introduced, read and adopted by publication.

At the request of Senator Wise—

By Senator Wise—

SR 2716—A resolution recognizing the devastating and far-reaching effects of Alzheimer's disease, honoring the caregivers and health care providers of those who have the disease, and encouraging participation in National Memory Screening Day.

WHEREAS, Alzheimer's disease is a slow, progressive disorder of the brain that results in loss of memory and other cognitive function and, eventually, death, and

WHEREAS, Alzheimer's disease is the sixth leading cause of death in the United States and currently affects an estimated 2.4 million to 4.5 million Americans, and

WHEREAS, in Florida, alone, it is estimated that more than 500,000 people have Alzheimer's disease, and

WHEREAS, the stigma associated with the disease results in a delay of diagnosis, in some cases up to 6 years, and

WHEREAS, Alzheimer's disease takes an enormous toll on family members, with an estimated one in four acting as caregivers for each individual with the disease, and

WHEREAS, caregivers for individuals with Alzheimer's disease suffer more stress, depression, and health problems than caregivers of people with other illnesses, and

WHEREAS, recent advancements in scientific research have demonstrated the benefits of early medical treatment for individuals with Alzheimer's disease, as well as the benefits of early access to counseling and other support services for their caregivers, and

WHEREAS, with early diagnosis, individuals can avoid or correct contributing medical problems, commence available therapy, organize current and future care, and enhance self-determination, and caregivers can identify and embrace community support services, and

WHEREAS, in direct response to research breakthroughs, National Memory Screening Day was established by the Alzheimer's Foundation of America (AFA) as a collaborative effort with local organizations and health care professionals across the county to promote awareness, early detection, and early diagnosis of memory impairment so that individuals can obtain proper medical treatment, social services, and other resources related to their condition, and

WHEREAS, National Memory Screening Day is held by the AFA each third Tuesday in November in recognition of National Alzheimer's Disease Awareness Month and, on this day, health care professionals administer free, confidential, face-to-face memory screenings at thousands of sites throughout the United States, and

WHEREAS, memory screening is not used to diagnose any illness, but is used as an indicator to determine whether a person might benefit from further examination by a qualified health care provider, and

WHEREAS, memory screenings are a safe and cost-effective intervention to direct at-risk individuals to appropriate clinical resources, thus reducing the costs of long-term care or hospitalization resulting from undiagnosed complications, and

WHEREAS, screenings also greatly benefit those with normal scores by checking their memory, allaying fears, and promoting chronic disease prevention and successful aging, NOW, THEREFORE,

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

That the Senate recognizes the seriousness of Alzheimer's disease and the toll it takes on individuals with the disease and their caregivers;

Acknowledges that more outreach and education is needed to eliminate the stigma associated with the disease and assist individuals and their caregivers in identifying available screenings, treatments, and support;

Encourages all Americans with memory concerns or who want to check their memory to have annual memory screenings at National Memory Screening Day sites or by other qualified professionals;

Congratulates state and local organizations representing individuals with memory problems, caregivers, and health care professionals for their commitment to improve the quality of life of individuals and families confronting dementia by providing optimal care and services; and

Supports the goals and ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a state health policy on dementia screening and care.

—**SR 2716** was introduced, read and adopted by publication.

BILLS ON THIRD READING

SB 318—A bill to be entitled An act relating to the removal of discriminatory language in the criminal usury laws; amending s. 687.071, F.S.; removing the term "shylocking" from certain provisions of state law relating to loan sharking; deleting the terms "shylock" and "shylocking" from the definitions of "loan shark" and "loan sharking," respectively; amending s. 772.102, F.S.; conforming a reference to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Sobel, **SB 318** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL GUEST

Senator Wilson introduced the following guest who was present in the gallery: former State Representative Cindy Lerner.

SB 316—A bill to be entitled An act relating to high school diplomas; amending s. 1003.43, F.S.; authorizing the Commissioner of Education to award a high school diploma to honorably discharged Vietnam War veterans; providing an effective date.

—was read the third time by title.

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

Amendment 1 (690768) (with title amendment)—Between lines 9 and 10 insert:

Section 1. *This act may be cited as the "Corporal Larry E. Smedley Vietnam Veterans High School Diploma Act."*

And the title is amended as follows:

Delete line 2 and insert: An act relating to high school diplomas; providing a short title; amending s.

SPECIAL GUESTS

Senator Constantine introduced the following guests who were present in the gallery: Corporal Joe Kittinger and the Honorable Judge Tony Johnson.

On motion by Senator Constantine, **SB 316** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Bennett—

CS for CS for SB 360—A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the state land planning agency to issue a notice to a school board or local government to show cause for not imposing sanctions; requiring that the state land planning agency submit its findings to the Administration Commission within the Executive Office of the Governor if the agency finds insufficient cause to impose sanctions; authorizing the Administration Commission to impose certain sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; limiting the adoption of certain amendments to the text of a plan to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research within the Legislature; amending s. 186.509, F.S.; revising provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Senators Bennett and Constantine offered the following amendment which was moved by Senator Bennett and adopted:

Amendment 1 (141460)—Delete lines 88-91 and insert: *addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a Rural Area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also*

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (885062)—Delete lines 410-411 and insert:

6. A local government *that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.*

Pursuant to Rule 4.19, **CS for CS for SB 360** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Crist—

SB 1084—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.366(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1084** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1086—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the state courts system without modification; repealing s. 25.3842(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1086** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1090—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Corrections without modification; repealing s. 945.21503(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1090** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1092—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Florida Parole Commission without modification; repealing s. 947.045(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1092** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1106—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the state courts system without modification; repealing s. 25.3844(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1106** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1108—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Corrections without modification; repealing s. 20.3151(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1108** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1110—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.367(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1110** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1292—A bill to be entitled An act relating to trust funds; recreating the Welfare Transition Trust Fund within the Department of Military Affairs without modification; repealing s. 250.175(5)(d), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1292** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Baker, by two-thirds vote **SB 1074** was withdrawn from the committees of reference and further consideration.

On motion by Senator Bennett, by two-thirds vote **SB 894**, **SB 1354**, and **SB 1356** were withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **SB 272** was withdrawn from the Committee on Criminal Justice.

MOTIONS

On motion by Senator Alexander, the amendment deadlines and policies included in the memorandum distributed by the Policy and Steering Committee on Ways and Means for committees' and Senate consideration of proposed appropriations bills, implementing bills, and conforming bills were adopted.

MOMENT OF SILENCE

The President recognized Senator Crist who led the Senate in a moment of silence in memory of Tamilyn "Tami" McQueen, long time employee of the Florida Legislature, who passed away.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Energy, Environment, and Land Use submits the following bill to be placed on the Special Order Calendar for Tuesday, March 24, 2009: CS for CS for SB 360.

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

The Policy and Steering Committee on Ways and Means submits the following bills to be placed on the Special Order Calendar for Tuesday, March 24, 2009: SB 1084, SB 1086, SB 1090, SB 1092, SB 1106, SB 1108, SB 1110, SB 1292.

Respectfully submitted,
JD Alexander, Chair

The Policy and Steering Committee on Ways and Means recommends the following pass: SJR 566

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

The Committee on Rules recommends the following pass: SCR 2726

The bill was placed on the Calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 1958

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

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 1128

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1424

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 164

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

The Committee on Judiciary recommends a committee substitute for the following: SB 2108

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

The Committee on Higher Education recommends a committee substitute for the following: SB 1304

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1276

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 766

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

The Committee on Higher Education Appropriations recommends a committee substitute for the following: CS for SB 606

The Policy and Steering Committee on Ways and Means recommends a committee substitute for the following: CS for SB 360

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary; and Commerce; and Senator Ring—

CS for CS for SB 164—A bill to be entitled An act relating to offenses against computer users; amending s. 815.03, F.S.; defining terms for purposes of the Florida Computer Crimes Act; creating s. 815.051, F.S.; prohibiting a person who is not an owner or operator of a computer from causing computer software to be copied on a computer knowingly, with conscious avoidance of actual knowledge, or willfully and without authorization taking specified actions with respect to a computer; creating s. 815.053, F.S.; prohibiting a person who is not an owner or operator of a computer from inducing an owner or operator to install a computer software component onto the owner's or operator's computer by deceptively misrepresenting that installing computer software is necessary for security or privacy reasons or by using deceptive means to cause the execution of a computer software component with the intent of causing the computer to use the component in a harmful manner; creating s. 815.055, F.S.; providing exceptions; amending s. 815.06, F.S.; providing that a violation of the act is a felony of the third degree; providing criminal penalties; providing enhanced criminal penalties under certain circumstances; authorizing the Department of Legal Affairs or a state attorney to file a civil action for injunctive relief against any person or group to restrain prohibited activities; authorizing a court to award court costs and attorney's fees to the prevailing party; permitting a court to impose a civil penalty not to exceed a stated amount for each offense against computer users; providing an effective date.

By the Committees on Higher Education Appropriations; and Higher Education; and Senators Wise, Fasano, and Gardiner—

CS for CS for SB 606—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; revising provisions relating to the transfer of benefits received from the Florida Prepaid College Program to private and out-of-state colleges and universities and to career centers; repealing s. 744.1083(10), F.S., relating to the authorization of certain colleges or universities to register as a professional guardian; providing an effective date.

By the Committees on Judiciary; and Health Regulation; and Senator Oelrich—

CS for CS for SB 766—A bill to be entitled An act relating to anatomical gifts; amending s. 765.511, F.S.; providing additional definitions; amending s. 765.512, F.S.; conforming terms; amending s. 765.513, F.S.; revising the list of donees that may accept anatomical gifts and the purposes for which such gifts may be used; amending ss. 765.514,

765.515, 765.5155, and 765.51551, F.S.; conforming terms; amending s. 765.516, F.S.; revising provisions relating to a donor's amendment or revocation of an anatomical gift; amending s. 765.517, F.S.; revising provisions relating to a donee's use of an anatomical gift at the time of the donor's death; providing liability protection for the person making a gift and for the donor's estate; amending s. 765.521, F.S.; conforming terms; amending s. 765.522, F.S.; providing that the laws of this state govern the interpretation of a valid document of gift, and that a document of gift is presumed to be valid; amending ss. 765.53, 765.541, 765.542, 765.543, 765.544, and 765.545, F.S.; conforming terms; creating s. 765.547, F.S.; requiring medical examiners and procurement organizations to cooperate and maximize opportunities for organ donations; authorizing the Florida Medical Examiners Commission to adopt rules; amending ss. 408.802 and 408.820, F.S.; conforming terms; providing an effective date.

By the Committee on Education Pre-K - 12; and Senators Rich, Dean, and Wilson—

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

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for SB 1276—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; providing an effective date.

By the Committee on Higher Education; and Senator Joyner—

CS for SB 1304—A bill to be entitled An act relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S.; establishing the institute within the University of South Florida; providing a mission for the institute; creating a board of directors to oversee the management and operation of the institute; providing for the appointment and terms of service of the members of the board of directors; providing for the election of a chair of the board of directors; providing for the duties of the board of directors; authorizing the board of directors to create an advisory council to the institute; providing that the institute shall be administered by a chief executive officer; providing for the duties of the chief executive officer; requiring the chief executive officer to actively seek grant moneys to fund research at the institute; requiring the chief executive officer to submit an annual report of the institute's expenditures and research; specifying the sources of funding for the institute; requiring that any appropriation to the institute be expended for certain purposes; specifying certain information that is exempt from public-records requirement; providing for the transfer of all assets and records of the institute to the university; providing an effective date.

By the Committee on Judiciary; and Senators Gaetz and Aronberg—

CS for SB 1424—A bill to be entitled An act relating to summary judgment; encouraging the Supreme Court to adopt rules authorizing a party to appeal an order denying a motion for summary judgment; providing an effective date.

By the Committee on Judiciary; and Senator Gelber—

CS for SB 1958—A bill to be entitled An act relating to trust administration; amending s. 736.0103, F.S.; redefining the term "beneficiary" to include a person having certain beneficial interests; providing for construction; amending s. 736.0105, F.S.; providing an additional limitation on terms of a trust prevailing over provisions of the Florida Trust Code; amending s. 736.0302, F.S.; revising representation authority for holders of a power of appointment; providing a definition; amending s. 736.0306, F.S.; authorizing trust instruments to authorize certain persons to designate one or more persons to represent and bind a beneficiary and receive certain information; amending s. 736.0703, F.S.; authorizing a trustee to delegate investment functions to a cotrustee; providing an exception to circumstances under which an excluded trustee is otherwise not liable for the consequences of certain action; amending s. 736.0807, F.S.; expanding the list of powers and duties that may be delegated by a trustee; exempting a trustee who complies with certain provisions of state law from liability for the actions of an agent to whom a function was delegated; amending s. 736.1106, F.S.; clarifying the definition of the term "distribution date" to specify the time at which the right to possession or enjoyment arises; providing an effective date.

By the Committee on Judiciary; and Senator Pruitt—

CS for SB 2108—A bill to be entitled An act relating to state court funding; providing legislative findings and intent; providing duties of the Florida Clerks of Court Operations Corporation; requiring the clerks of

court to submit a consolidated legislative budget request by a specified date; providing for transition procedures; requiring the Office of Program Policy Analysis and Government Accountability to monitor implementation of the transition to the legislative appropriation of funds; amending s. 25.241, F.S.; requiring the Clerk of the Supreme Court to deposit the additional fee collected from each attorney appearing pro hac vice into the State Courts Revenue Trust Fund instead of the General Revenue Fund; requiring the clerk to remit a filing fee to the Department of Revenue for deposit into the State Courts Revenue Trust Fund instead of the General Revenue Fund; deleting the requirement of the Chief Financial Officer to deposit certain filing fees into the General Revenue Fund and into the state court's Operating Trust Fund; amending s. 28.101, F.S.; requiring the clerk of court to collect and receive a certain monetary amount from a petitioner for dissolution of marriage to be deposited into the State Courts Revenue Trust Fund instead of the General Revenue Fund; amending s. 28.241, F.S.; requiring a clerk of court to remit a certain monetary amount from a party that institutes a civil action or proceeding or that seeks relief by a cross-claim or counterclaim to the Department of Revenue for deposit into the State Courts Revenue Trust Fund instead of the General Revenue Fund or the state courts' Mediation and Arbitration; revising certain fees; amending s. 28.35, F.S.; revising the duties of the Florida Clerks of Court Operations Corporation; providing that the corporation is the budget entity into which the budget of each clerk of court is appropriated annually; deleting the provision that subjects the corporation to the procurement provisions of ch. 287, F.S.; revising the duties of the corporation; deleting the provision that requires the corporation to certify certain budgetary responsibilities to the Legislature, the Chief Financial Officer, and the Department of Revenue; deleting the provision that requires the Chief Financial Officer to review the certifications and submit a report of its findings to the Legislature and the Department of Revenue; deleting the list of court-related functions that each clerk may and may not fund from filing fees, service charges, court costs, and fines; deleting provisions regarding the funding of the corporation; requiring the Auditor General to conduct an audit of the operations of the corporation, including the use of funds and compliance with state law; repealing s. 28.36, F.S., relating to the budget procedure for the court-related functions of the clerks of court; requiring the Division of Statutory Revision to conform adjustments to ch. 216, F.S., to provide the clerks of court with an annual appropriation by the Legislature through the corporation; amending s. 34.041, F.S.; requiring a clerk of court to remit to the Department of Revenue for deposit into the State Courts Revenue Trust Fund instead of the General Revenue Fund or the state courts' Mediation and Arbitration a certain monetary amount from a party who institutes a civil action or proceeding in county court, seeks relief by a cross-claim, counterclaim, or third-party complaint, or files a notice of cross-appeal or notice of joinder; amending s. 35.22, F.S.; requiring clerks of district courts to remit certain filing fees to the State Courts Revenue Trust Fund instead of the General Revenue Fund; amending s. 216.011, F.S.; redefining the term "state agency" or "agency" as it relates to the fiscal affairs of the state; amending s. 318.14, F.S.; requiring a portion of a civil penalty for a traffic infraction be deposited in the General Revenue Fund instead of the State Courts Revenue Trust Fund; amending s. 318.18, F.S.; requiring that the revenue from the administrative fee for noncriminal moving and nonmoving traffic violations be deposited into the State Courts Revenue Trust Fund instead of the fine and forfeiture fund; amending s. 318.21, F.S.; requiring that fines assessed for unlawful speeding be deposited into the General Revenue Fund instead of the State Courts Revenue Trust Fund; amending s. 775.083, F.S.; requiring that fines assessed for certain criminal offenses be deposited in the General Revenue Fund instead of the State Courts Revenue Trust Fund; providing effective dates.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Judiciary; and Criminal Justice; and Senator Ring—

CS for CS for SB 160—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "minor," and "sports coach"; specifying what is included as a "sanctioning authority of an independent youth athletic team"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring the sanctioning authority to notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; providing that a background screening in compliance with the federal Fair Credit Reporting Act satisfies screening provisions; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; requiring a sanctioning authority to maintain the affidavit in its files and to provide a copy of the affidavit to anyone upon request; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

—was placed on the Calendar.

By the Committee on Children, Families, and Elder Affairs; and Senator Crist—

CS for SB 348—A bill to be entitled An act relating to the Medicaid Buy-in Program for Persons with Disabilities; requiring the Secretary of Health Care Administration, the Secretary of Children and Family Services, the Executive Director of the Agency for Persons with Disabilities, and the Director of the Division of Vocational Rehabilitation to convene a work group to plan for a Medicaid Buy-in Program for Persons with Disabilities; requiring a report to the Legislature; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senator King—

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

—was referred to the Committee on Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By the Committees on Judiciary; and Health Regulation; and Senator Oelrich—

CS for CS for SB 766—A bill to be entitled An act relating to anatomical gifts; amending s. 765.511, F.S.; providing additional definitions; amending s. 765.512, F.S.; conforming terms; amending s. 765.513, F.S.; revising the list of donees that may accept anatomical gifts and the purposes for which such gifts may be used; amending ss. 765.514, 765.515, 765.5155, and 765.51551, F.S.; conforming terms; amending s. 765.516, F.S.; revising provisions relating to a donor's amendment or revocation of an anatomical gift; amending s. 765.517, F.S.; revising provisions relating to a donee's use of an anatomical gift at the time of the donor's death; providing liability protection for the person making a gift and for the donor's estate; amending s. 765.521, F.S.; conforming terms; amending s. 765.522, F.S.; providing that the laws of this state govern the interpretation of a valid document of gift, and that a document of gift is presumed to be valid; amending ss. 765.53, 765.541, 765.542, 765.543, 765.544, and 765.545, F.S.; conforming terms; creating s. 765.547, F.S.; requiring medical examiners and procurement organizations to cooperate and maximize opportunities for organ donations; authorizing the Florida Medical Examiners Commission to adopt rules; amending ss. 408.802 and 408.820, F.S.; conforming terms; providing an effective date.

—was placed on the Calendar.

By the Committee on Finance and Tax; and Senator Baker—

CS for SB 800—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property appraisers' authority to inspect property for assessment purposes; requiring the Department of Revenue to establish minimum standards for the use of image technology consistent with standards developed by professionally recognized sources for mass appraisal of real property; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Criminal Justice; and Senator Joyner—

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

—was referred to the Committee on Criminal and Civil Justice Appropriations.

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

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

—was referred to the Committee on Education Pre-K - 12 Appropriations.

By the Committees on Commerce; and Commerce—

CS for SB 2034—A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending ss. 166.231, 212.05, 212.08, 212.098, and 220.15, F.S.; revising industry code designations; amending 212.097, F.S.; revising industry code designations; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting

a report requirement; amending s. 288.106, F.S.; revising certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; providing an additional criterion for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Finance and Tax; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Judiciary; and Senator Pruitt—

CS for SB 2108—A bill to be entitled An act relating to state court funding; providing legislative findings and intent; providing duties of the Florida Clerks of Court Operations Corporation; requiring the clerks of court to submit a consolidated legislative budget request by a specified date; providing for transition procedures; requiring the Office of Program Policy Analysis and Government Accountability to monitor implementation of the transition to the legislative appropriation of funds; amending s. 25.241, F.S.; requiring the Clerk of the Supreme Court to deposit the additional fee collected from each attorney appearing pro hac vice into the State Courts Revenue Trust Fund instead of the General Revenue Fund; requiring the clerk to remit a filing fee to the Department of Revenue for deposit into the State Courts Revenue Trust Fund instead of the General Revenue Fund; deleting the requirement of the Chief Financial Officer to deposit certain filing fees into the General Revenue Fund and into the state court's Operating Trust Fund; amending s. 28.101, F.S.; requiring the clerk of court to collect and receive a certain monetary amount from a petitioner for dissolution of marriage to be deposited into the State Courts Revenue Trust Fund instead of the General Revenue Fund; amending s. 28.241, F.S.; requiring a clerk of court to remit a certain monetary amount from a party that institutes a civil action or proceeding or that seeks relief by a cross-claim or counterclaim to the Department of Revenue for deposit into the State Courts Revenue Trust Fund instead of the General Revenue Fund or the state courts' Mediation and Arbitration; revising certain fees; amending s. 28.35, F.S.; revising the duties of the Florida Clerks of Court Operations Corporation; providing that the corporation is the budget entity into which the budget of each clerk of court is appropriated annually; deleting the provision that subjects the corporation to the procurement provisions of ch. 287, F.S.; revising the duties of the corporation; deleting the provision that requires the corporation to certify certain budgetary responsibilities to the Legislature, the Chief Financial Officer, and the Department of Revenue; deleting the provision that requires the Chief Financial Officer to review the certifications and submit a report of its findings to the Legislature and the Department of Revenue; deleting the list of court-related functions that each clerk may and may not fund from filing fees, service charges, court costs, and fines; deleting provisions regarding the funding of the corporation; requiring the Auditor General to conduct an audit of the operations of the corporation, including the use of funds and compliance with state law; repealing s. 28.36, F.S., relating to the budget procedure for the court-related functions of the clerks of court; requiring the Division of Statutory Revision to conform adjustments to ch. 216, F.S., to provide the clerks of court with an annual appropriation by the Legislature through the corporation; amending s. 34.041, F.S.; requiring a clerk of court to remit to the Department of Revenue for deposit into the State Courts Revenue Trust Fund instead of the General Revenue Fund or the state courts' Mediation and Arbitration a certain monetary amount from a party who institutes a civil action or proceeding in county court, seeks relief by a cross-claim, counterclaim, or third-party complaint, or files a notice of cross-appeal or notice of joinder; amending s. 35.22, F.S.; requiring clerks of district courts to remit certain filing fees to the State Courts Revenue Trust Fund instead of the General Revenue Fund; amending s. 216.011, F.S.; redefining the term "state agency" or "agency" as it relates to the fiscal affairs of the state; amending s. 318.14, F.S.; requiring a portion of a civil penalty for a traffic infraction be deposited in the General Revenue Fund instead of the State Courts Revenue Trust Fund; amending s. 318.18, F.S.; requiring that the revenue from the administrative fee for noncriminal moving and nonmoving traffic violations be deposited into the State Courts Revenue Trust Fund instead of the fine and forfeiture fund; amending s. 318.21, F.S.; requiring that fines assessed for unlawful speeding be deposited into the General Revenue Fund instead of the State Courts Revenue Trust Fund; amending s. 775.083, F.S.; requiring that fines assessed for certain criminal offenses be deposited in the General Revenue Fund instead of the State Courts Revenue Trust Fund; providing effective dates.

—was referred to the Committee on Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 5 and 19 were corrected and approved.

CO-INTRODUCERS

Senators Altman—SB 316, SB 2626; Aronberg—SB 310; Baker—SB 1974, SB 2072; Bennett—SB 962; Bullard—SCR 1008; Constantine—CS for SB 198; Gaetz—SB 918, CS for SB 1380, SB 2254; Gardiner—SJR 1908; Joyner—SR 1440, CS for SB 1468; Justice—SCR 1008; Lawson—SB 960, SB 962, CS for SB 2282; Peaden—SB 2322; Pruitt—SB 2626; Richter—SB 216; Ring—CS for SB 714; Sobel—CS for SB 274, SB 918, SB 1124, CS for SB 1404, CS for SB 1502, SB 1964; Wise—SB 2458, SB 2654

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:26 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 2 or upon call of the President.

SENATE PAGES

March 23-27, 2009

Anne Meredith Baldy, Tampa; Rebecca Barnes, Wewahitchka; Lauren Benham, Tallahassee; Joshua Bent, Tampa; Jarod Brazel, Tampa; Katelynn "Parker" Coleman, Crawfordville; Reilley Dabbs, Tampa; Jerry C. Edwards, Jacksonville; Jocelyn Hart, Lakeland; Lakota F. Humble, Carrabelle; Raymond Huston, Tallahassee; Michael Kalmowicz, Plantation; Tashi T. Martin, Tallahassee; Paula Munoz, Sarasota; Charlotte Rea, Ponte Vedra Beach; O'Brian R. Safford, Quincy; Victoria Underwood, Tallahassee; Daniel Washington, Miami; Zachary R. Williams, Ashford, AL; Lindsey Zionts, Weston

Journal of the Senate

Number 5—Regular Session **Wednesday, April 1, 2009**

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REPORTS OF COMMITTEES

The Committee on Community Affairs recommends the following pass: SB 2244 with 1 amendment

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

The Committee on Health Regulation recommends the following pass: SB 1448

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 2094; SB 2128

The Committee on Education Pre-K - 12 recommends the following pass: CS for SB 2462 with 1 amendment

The Committee on Transportation recommends the following pass: SB 642 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 2572

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 2592

The Committee on Transportation recommends the following pass: SB 2000 with 2 amendments

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

The Committee on Agriculture recommends the following pass: SB 1328

The Committee on Commerce recommends the following pass: SB 1362

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 852; SB 2016 with 1 amendment; SB 2416

The Committee on Transportation recommends the following pass: SB 1864 with 1 amendment

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

The Committee on Judiciary recommends the following pass: CS for SB 388; SB 1584; SB 1862

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 1848 with 1 amendment

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 864

The Committee on Transportation recommends the following pass: SB 1398

The Special Master on Claim Bills recommends the following not pass: SB 524

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

The Committee on Community Affairs recommends the following pass: CS for SB 114 with 1 amendment

The Special Master on Claim Bills recommends the following pass: SB 522 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Agriculture recommends the following pass: SB 2244 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 2530 with 1 amendment

The Committee on Transportation recommends the following pass: SB 342 with 2 amendments; SB 650

The bills contained in the foregoing reports were referred to the Committee on Environmental Preservation and Conservation under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1894 with 1 amendment; SB 1940

The Committee on Commerce recommends the following pass: SB 300

The Committee on Community Affairs recommends the following pass: CS for SB 424 with 1 amendment; SB 744 with 1 amendment; CS for SB 1308; SJR 1550 with 2 amendments; SB 1590 with 1 amendment; SB 2058; CS for SB 2282 with 2 amendments

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 1436 with 1 amendment

The Committee on Higher Education recommends the following pass: SB 1426

The Committee on Judiciary recommends the following pass: SB 1006; SB 1500

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

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 2080; SB 2334

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 2666 with 1 amendment

The Committee on Higher Education recommends the following pass: CS for SB 1640

The Committee on Transportation recommends the following pass: SB 860

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

The Committee on Agriculture recommends the following pass: SB 2656

The Committee on Commerce recommends the following pass: SB 2032

The Committee on Community Affairs recommends the following pass: SB 1216 with 1 amendment; SB 1368 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 1126

The Committee on Higher Education recommends the following pass: SB 600; SB 1614

The Committee on Judiciary recommends the following pass: SB 1370

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

The Committee on Criminal Justice recommends the following pass: SB 2298

The Committee on Higher Education recommends the following pass: SB 1120

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

The Committee on Community Affairs recommends the following pass: SB 644

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 2216

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 442 with 2 amendments

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

The Committee on Criminal Justice recommends the following pass: SB 554

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

The Committee on Banking and Insurance recommends the following pass: SB 2072; SB 2158 with 1 amendment

The Committee on Commerce recommends the following pass: SB 2330

The Committee on Community Affairs recommends the following pass: SB 216; CS for SB 1570 with 1 amendment; SB 1974 with 1 amendment

The Committee on Health Regulation recommends the following pass: SB 546 with 1 amendment

The Committee on Transportation recommends the following pass: SB 68; SB 2246

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

The Committee on Community Affairs recommends the following pass: SB 2202 with 1 amendment

The bill was referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 764

The bill was referred to the Policy and Steering Committee on Commerce and Industry under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 718; CS for SB 1308

The Committee on Health Regulation recommends the following pass: CS for SB 170

The Committee on Higher Education Appropriations recommends the following pass: CS for SB 1576

The Committee on Judiciary recommends the following pass: SB 1222

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

The Committee on Ethics and Elections recommends the following pass: SM 854

The Committee on Judiciary recommends the following pass: CS for SB 264

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

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 2162 with 1 amendment; SB 2168 with 1 amendment

The bills were referred to the Committee on Transportation under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 324

The Committee on Finance and Tax recommends the following pass: CS for SB 110; CS for SB 582; SB 1394; SB 2058

The Committee on Judiciary recommends the following pass: SJR 1908 with 1 amendment

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

The Committee on Commerce recommends the following pass: CS for SB 408

The Committee on Community Affairs recommends the following pass: SB 30 with 1 amendment; SB 1030

The Committee on Finance and Tax recommends the following pass: SB 1432

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 574

The bills were placed on the Calendar.

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 254

The Committee on Transportation recommends a committee substitute for the following: SB 1560

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

The Committee on Higher Education recommends a committee substitute for the following: SB 2256

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2218

The Committee on Health Regulation recommends committee substitutes for the following: SB 1562; SB 2296

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends a committee substitute for the following: SB 2626

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 784

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 1994

The Committee on Health Regulation recommends a committee substitute for the following: SB 1144

The Committee on Higher Education recommends a committee substitute for the following: SB 158

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 2322

The Committee on Transportation recommends a committee substitute for the following: SB 2630

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2572

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 144

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

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 508

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1180

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2536

The Committee on Transportation recommends a committee substitute for the following: SB 1998

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

The Committee on Education Pre-K - 12 recommends committee substitutes for the following: SB 1914; SB 2066; SB 2538

The bills with committee substitute attached were referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends committee substitutes for the following: SB 1154; SB 1156; SB 2326

The Committee on Community Affairs recommends a committee substitute for the following: SB 2026

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1182

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 2466

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 666

The Committee on Commerce recommends committee substitutes for the following: SB 618; SB 2700

The Committee on Community Affairs recommends committee substitutes for the following: SB 1042; CS for SB 1502

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 1310

The Committee on Higher Education recommends committee substitutes for the following: SB 1364; SB 1996

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1288; SB 2430

The Committee on Regulated Industries recommends a committee substitute for the following: SB 836

The Committee on Transportation recommends a committee substitute for the following: SB 2248

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

The Committee on Environmental Preservation and Conservation recommends committee substitutes for the following: SB 1004; SB 2150

The Committee on Finance and Tax recommends committee substitutes for the following: SB 978; SB 1534; SB 1580

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 2574

The Committee on Judiciary recommends a committee substitute for the following: SB 1078

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 2404

The Committee on Commerce recommends a committee substitute for the following: SB 1644

The Committee on Education Pre-K - 12 recommends committee substitutes for the following: SB 2374; SB 2426

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 1656; SB 1658; SB 1660; SB 1662; SB 1664; SB 1666

The Committee on Health Regulation recommends a committee substitute for the following: SB 1986

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 462

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 2324

The Policy and Steering Committee on Ways and Means recommends a committee substitute for the following: SB 1796

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

The Committee on Health Regulation recommends committee substitutes for the following: CS for SB 456; SB 858; SB 1592

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 2612

The Committee on Finance and Tax recommends a committee substitute for the following: SB 1840

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

The Committee on Communications, Energy, and Public Utilities recommends a committee substitute for the following: SB 1138

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

The Committee on Higher Education recommends a committee substitute for the following: SB 156

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2226

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 126; CS for SB 1128; SB 1272; SB 2240

The Committee on Community Affairs recommends a committee substitute for the following: SB 1602

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1540

The Committee on Health Regulation recommends a committee substitute for the following: SB 2286

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 1000

The Committee on Regulated Industries recommends a committee substitute for the following: SB 788

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

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1372

The bill with committee substitute attached was referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2100

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

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 748; SB 750

The Policy and Steering Committee on Ways and Means recommends a committee substitute for the following: CS for SB 564

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

The Committee on Community Affairs recommends committee substitutes for the following: SB 1306; SB 2148

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

The Committee on Ethics and Elections recommends the following not pass: SB 1506

The bill was laid on the table.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Environmental Preservation and Conservation recommends that the Senate confirm the following appointments made by the Governing Board:

Office and Appointment	*For Term Ending*
Executive Director of Southwest Florida Water Management District	
Appointee: Moore, David L.	Pleasure of Board

The Committee on Environmental Preservation and Conservation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment	*For Term Ending*
Governing Board of the Southwest Florida Water Management District	
Appointees: Senft, H. Paul, Jr.	03/01/2011
Tharp, Douglas B.	03/01/2011
Fish and Wildlife Conservation Commission	
Appointee: Yablonski, Brian S.	01/05/2014
Environmental Regulation Commission	
Appointee: Parks, Paul C.	07/01/2011

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Children, Families, and Elder Affairs; and Senators Dockery, Bennett, Lynn, and Bullard—

CS for SB 126—A bill to be entitled An act relating to the confidential records of children; creating s. 39.00145, F.S.; requiring that the case file of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case file and records in the file; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Bullard—

CS for SB 144—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; expanding the beach safety program administered by the Department of Environmental Protection to apply to all beaches; amending s. 784.07, F.S.; defining an "ocean lifeguard"; providing enhanced penalties for an assault or battery on an ocean lifeguard while he or she is engaged in the lawful performance of his or her duties; amending ss. 435.04, 901.15, 943.051, and 985.11, F.S.; conforming provisions; amending s. 921.0022, F.S., and reenacting paragraph (3)(d), relating to the offense severity ranking chart, to incorporate the amendments made to s. 784.07, F.S., in a reference thereto; providing an effective date.

By the Committee on Higher Education; and Senator Ring—

CS for SB 156—A bill to be entitled An act relating to nonpublic postsecondary educational institutions; amending s. 1005.02, F.S.; defining the term "academic degree"; amending s. 1005.31, F.S.; requiring that a licensed independent postsecondary educational institution notify the Commission for Independent Education of changes in its accreditation status; providing penalties for failure to provide the notice; revising criteria concerning the standards by which the commission evaluates institutions for licensure; requiring that institutions become accredited within a specified period after licensure; requiring a licensed institution that is not accredited to include certain information on the institution's website; restricting the recognition of academic degrees conferred by that institution; requiring that the institution notify the Department of Education and the Office of the Attorney General of its progress in obtaining accreditation; requiring that institutions maintain records and provide the commission with information concerning nationally recognized standards used to grant credit for a student's prior work or life experience; requiring compliance with laws concerning the reporting of crime statistics; requiring that such reports be made available to the public; requiring that the commission maintain a list on its website concerning the accreditation of institutions licensed by the commission; requiring the Department of Education and the Office of the Attorney General to maintain a link to the commission's list on their respective websites; amending s. 1005.38, F.S.; requiring that the commission revoke the license or authorization of an institution that does not meet requirements concerning accreditation; providing an effective date.

By the Committee on Higher Education; and Senators Ring and Gaetz—

CS for SB 158—A bill to be entitled An act relating to student financial assistance; creating s. 1009.893, F.S.; creating the Sure Futures Scholarship Program; providing purposes and goals for the program; providing for the Board of Governors of the State University System to administer the program; providing definitions; establishing the Sure Futures Advisory Board; providing membership and duties of the advisory board; providing eligibility criteria for participation in the program by students and sponsors; providing procedures for application to the program and selection of participants; requiring that sponsors and students participating in the program enter into a contract and specifying certain terms; providing benefits and requirements for students selected to participate in the program; authorizing sponsors to establish terms of sponsorship and specify universities at which a student may enroll to receive sponsorship; providing requirements if a sponsor terminates a scholar; requiring that a participating student who graduates with an advanced degree remain employed by his or her sponsor in this state for a specified period; requiring that a sponsor make specified monetary contributions for the program; providing for implementation of the program based on fees received; providing for state matching of contributions; requiring the Board of Governors to establish a central database; providing requirements relating to scholarship loans; providing for repayment of a prorated portion of a scholarship loan if certain obligations are not met; requiring that eligible private colleges and universities make available certain information regarding the program; encouraging certain entities to promote participation in the program; authorizing state universities or private colleges and universities to provide grants or waivers; providing an effective date.

By the Committee on Education Pre-K - 12; and Senators Siplin and Sobel—

CS for SB 254—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; providing legislative intent; requiring the department to work with the Depart-

ment of Agriculture and Consumer Services to recommend policies and rules to the State Board of Education relating to school food services which encourage schools and school districts in this state to buy fresh and local food; requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; requiring the program to maintain compliance with the rules and regulations of the National School Lunch Program; providing an effective date.

By the Committees on Health Regulation; and Children, Families, and Elder Affairs; and Senator Gaetz—

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

By the Committees on Judiciary; and Health Regulation; and Senator Fasano—

CS for CS for SB 462—A bill to be entitled An act relating to prescription drugs; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic system to validate the prescribing and dispensing of certain controlled substances; requiring specified prescribing and dispensing information to be reported to the electronic system; requiring the department, in conjunction with specified organizations, to adopt by rule a reasonable-person standard appropriate for the prescription drug validation program; providing reporting requirements; providing a reporting period; providing exemptions from participation in the system; authorizing the department to establish when to suspend and when to resume reporting requirements during declared emergencies; requiring all nonexempt, dispensing pharmacists and practitioners to submit information in a specified format; providing that the cost to the dispenser in submitting the required information may not be material or extraordinary; specifying costs that are not material or extraordinary; providing access to information reported to the system under certain circumstances; providing for the use of data for specified purposes; requiring data transmission to comply with state and federal privacy and security laws; authorizing an agency or person to maintain the data for a specified period if the data is pertinent to ongoing health care or an active law enforcement investigation or prosecution; requiring the annual reporting of certain performance measures to the Governor and Legislature; providing performance measure criteria; providing criminal penalties for violations; requiring that all costs incurred by the department for the program be reimbursed through federal grants or available private funding sources; providing requirements for seeking funding and procuring goods or services; authorizing the Office of Drug Control, in coordination with the department, to establish a direct-support organization; providing a definition; providing for a board of directors appointed by the director of the office; requiring the director to provide guidance to the board regarding acceptance of moneys from appropriate sources; requiring the direct-support organization to operate under written contract with the office; providing contract requirements; requiring department approval of activities of the direct-support organization; providing requirements for the use of certain facilities and services; providing for audits; prohibiting the direct-support organization from exercising certain powers; establishing that a prescriber or dispenser is not liable for good faith use of the department-provided controlled substance prescription information of a patient; requiring a study of the feasibility of enhancing the prescription drug validation program for specified purposes to the extent that funding is provided for such purpose; requiring certain persons to present specified identification in order to obtain controlled substances; providing for recordkeeping for certain transactions; requiring the Agency for Health Care Administration to continue implementation of electronic prescribing and an electronic prescribing clearinghouse; requiring the department to adopt rules; establishing a Program Implementation and Oversight Task Force; providing for membership; providing for reimbursement of certain member expenses; providing for meetings; providing the purpose of the task force; requiring reports to the Governor and Legislature; providing for the creation, membership, and duties of subcommittees; providing for a final report and the termination of the task force; amending ss. 458.309 and 459.005, F.S.; requiring certain physicians who engage in pain management to register their facilities with the department; requiring the department to inspect each facility; providing for exceptions; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt rules setting forth standards of practice for certain physicians who engage in pain management; providing criteria for the rules; providing an effective date.

By the Committee on Criminal Justice; and Senator Hill—

CS for SB 508—A bill to be entitled An act relating to law enforcement explorers; amending s. 784.07, F.S.; defining the term "law enforcement explorer"; providing for reclassification of certain offenses against law enforcement explorers; reenacting s. 921.0022(3)(d), (f), and (g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to s. 784.07, F.S., in references thereto; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Transportation and Economic Development Appropriations; and Senators Haridopolos, Gaetz, Oelrich, and Dean—

CS for CS for SB 564—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing effective dates, one of which is contingent.

By the Committee on Commerce; and Senator Altman—

CS for SB 618—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "fractional aircraft ownership program"; amending s. 212.08, F.S.; providing tax exemptions on the sale or use of aircraft primarily used in a fractional aircraft ownership program and for the parts and labor used in the maintenance, repair, and overhaul of such aircraft; creating s. 212.0597, F.S.; providing a maximum tax on the sale or use of fractional aircraft ownership interests; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senators Rich and Bennett—

CS for SB 666—A bill to be entitled An act relating to senior services; providing definitions; authorizing a county to create an independent special district by ordinance to provide funding for services for seniors; requiring approval by a majority vote of electors to annually levy ad valorem taxes; requiring the district to comply with statutory requirements related to the levying and fixing millage and filing financial or compliance reports; providing for the dissolution of the district; creating a governing council for the district; specifying criteria for membership to the council; providing terms of office; requiring the council members to serve without compensation; specifying the powers and functions of the council; requiring the council to appoint a chair and vice chair and elect other officers, identify and assess the needs of seniors, provide training and orientation to new members of the council, make and adopt bylaws and rules for the council's operation and governance, and provide an annual report to the county governing body; requiring the council to maintain minutes of each meeting; authorizing two or more councils to enter into cooperative agreements; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the district; requiring that all tax moneys collected be paid directly to the council by the county tax collector and be deposited in qualified public depositories; requiring certain members to file a surety bond; specifying expenditures of funds; requiring the council to prepare and file quarterly financial reports with the county governing body; prohibiting the council

from requiring certain matching funds; providing legislative intent with respect to the use of funds collected by the council; providing a directive to the Division of Statutory Revision; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs—

CS for SB 748—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 125.901, F.S., relating to an exemption from public-records requirements for personal identifying information of a child, or the parent or guardian of the child, which is held by a council on children's services, juvenile welfare board, or other similar entity, or held by a service provider or researcher under contract with such entity; making editorial changes; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs—

CS for SB 750—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 409.25661, F.S., relating to an exemption from public-records requirements for certain records obtained by the Department of Revenue under an insurance claim data exchange system; saving the exemption from repeal under the Open Government Sunset Review Act; extending the repeal date; providing an effective date.

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

CS for SB 784—A bill to be entitled An act relating to job opportunities for youth; providing legislative intent to support statewide vocational training and placement provided to at-risk youth through the Jobs for Florida's Graduates program; requiring that a proposal for funding a statewide summer program for youth employment be submitted to the Florida Endowment Foundation for Florida's Graduates; providing criteria concerning the proposal; requiring a report to the Legislature; providing for the Florida Endowment Foundation for Florida's Graduates to be the fiscal agent for the Jobs for Florida's Graduates program; amending s. 561.121, F.S.; revising the percentage of monthly collections of the excise taxes on alcoholic beverages to be deposited into the Alcoholic Beverage and Tobacco Trust Fund; requiring a certain percentage of net collections to be deposited into the Grants and Donations Trust Fund within the Florida Endowment Foundation for Florida's Graduates to operate the statewide summer program for youth employment; amending s. 563.05, F.S.; clarifying a unit of measurement; providing an effective date.

By the Committee on Regulated Industries; and Senators Jones and King—

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

By the Committee on Regulated Industries; and Senators Jones and King—

CS for SB 836—A bill to be entitled An act relating to gaming; providing legislative findings and intent; authorizing electronic gaming machines in certain pari-mutuel facilities; defining terms; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation and the Department of Law Enforcement; authorizing the Division of Pari-mutuel Wagering to adopt rules regulating electronic gaming activities; authorizing the Division of Pari-mutuel Wagering and the Department of Law Enforcement to conduct investigations relating to electronic gaming; authorizing the Division of Pari-mutuel Wagering to issue licenses for electronic gaming; specifying qualifications of licensees; requiring licensees to provide advance notice of certain ownership changes to the Division of Pari-mutuel Wagering; specifying requirements for a licensee's facilities-based computer system; requiring electronic gaming machines to maintain a payout percentage of at least 85 percent; requiring licensees to maintain records; requiring licensees to make and file certain reports with the Division of Pari-mutuel Wagering; requiring an applicant for an electronic gaming license to have certain agreements for live races or games; providing for arbitration of such agreements; authorizing the Division of Pari-mutuel Wagering to issue temporary occupational licenses; providing for the renewal of electronic gaming machine licenses; specifying a nonrefundable licensing fee for electronic gaming licenses; specifying the rate of tax on electronic gaming machine revenues; providing for penalties for failure to pay the taxes; requiring electronic gaming machine licensees and certain persons having access to gaming areas to submit fingerprints in connection with certain occupational licenses; specifying grounds for the Division of Pari-mutuel Wagering to take action against applicants for and licensees having certain occupational licenses; authorizing the Division of Pari-mutuel Wagering to impose fines for violations of laws relating to electronic gaming; prohibiting regulators, certain businesses, licensees, and employees from having certain relationships with each other; subjecting a person who makes certain false statements to fines; subjecting a person to fines for possessing electronic games without a license; imposing criminal penalties for attempting to manipulate electronic gaming machines or theft relating to electronic gaming; authorizing warrantless arrests by law enforcement officers under certain circumstances; providing immunity to law enforcement officers who make such arrests; imposing criminal penalties for resisting arrest or detention; prohibiting electronic gaming machines from entering this state; authorizing the Division of Pari-mutuel Wagering to exclude certain individuals from the facility of an electronic gaming machine licensee; prohibiting persons who are younger than 18 years of age from playing an electronic gaming machine; specifying a limit on the number of electronic gaming machines in a facility; requiring an electronic gaming machine licensee to provide office space to the Division of Pari-mutuel Wagering and to the Department of Law Enforcement free of charge; limiting the hours that an electronic gaming machine facility may operate; authorizing the Division of Pari-mutuel Wagering to revoke or suspend licenses or impose fines for willful violations of laws or rules regulating electronic gaming; requiring electronic gaming machine licensees to train employees about gambling addictions; imposing a regulatory fee for a gambling addiction program; entitling electronic gaming machine licensees to a caterer's license; restricting the provision of alcoholic beverages, automated teller machines, and check cashing activities in gaming machine areas; au-

thorizing the Division of Pari-mutuel Wagering to adopt rules; preempting to the state the authority to regulate electronic gaming facilities; excepting bingo games operated by charitable or nonprofit organizations from the provisions of the act; amending s. 215.22, F.S.; exempting taxes imposed on electronic gaming and electronic gaming machine revenue from specified service charges; authorizing the Division of Pari-mutuel Wagering to spend certain trust funds; requiring repayment of such funds; amending s. 550.002, F.S.; revising a definitions; amending s. 550.01215, F.S.; deleting an exception relating to licensing of thoroughbred racing; amending s. 550.0951, F.S.; specifying the tax on historical racing, the take-out of a pari-mutuel pool, an a payment to a purse account; providing for payments to certain horse racing associations; specifying the fee for a permitholder to conduct historical racing; revising the date on which tax payments are due; amending s. 550.09511, F.S.; revising the schedule for the payment of jai alai taxes; amending s. 550.09514, F.S.; revising the schedule for the payment of greyhound dog racing taxes; amending s. 550.105, F.S.; providing for a 3-year occupational license for certain pari-mutuel employees; specifying maximum license fees; providing procedures for criminal history record checks; amending s. 550.135, F.S.; providing for the reservation of electronic gaming machine fees in a trust fund; amending s. 550.2415, F.S.; providing that cruelty to any animal is a violation of ch. 550, F.S.; authorizing the Division of Pari-mutuel Wagering to inspect areas are located; amending s. 550.26165, F.S.; providing legislative intent to attract thoroughbred training and breeding to this state; authorizing the Florida Thoroughbred Breeders' Association to pay certain awards as part of its pay plan; amending s. 550.2625, F.S.; limiting the application of requirements for minimum purses and awards to this state; amending s. 550.334, F.S.; deleting a provision for issuing a permit to conduct quarter horse race meetings; deleting a provision for issuing a license to conduct quarter horse racing; deleting provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to the use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; deleting provisions relating to racing days and dates for thoroughbred permitholders that conducted races between certain dates; revising provisions relating to thoroughbred racing dates and minimum number of races; creating s. 550.810, F.S.; specifying requirements for historical racing systems; limiting the number of historical terminals in certain pari-mutuel facilities; authorizing the Division of Pari-mutuel wagering to adopt rules regulating historical racing; providing for the disposition of pari-mutuel tickets that are not redeemed within a certain period of time; amending s. 551.102, F.S.; clarifying the definition of the term "progressive system"; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine facility must be at least 85 percent; specifying the licensing fee for slot machine gaming; specifying the rate of tax on slot machine revenues; revising the due date for slot machine taxes; amending s. 551.113, F.S.; prohibiting a person who is younger than 18 years of age from playing a slot machine; amending s. 551.121, F.S.; authorizing a progressive system to be used in conjunction with slot machines between licensed facilities; amending s. 772.102, F.S.; revising the definition of "criminal activity"; conforming cross-references; amending s. 849.161, F.S.; providing that ch. 849, F.S., does not apply to certain mechanical historical racing systems; amending s. 849.086, F.S.; requiring an applicant for a cardroom licensed to have run a full schedule of live races; specifying maximum license fees for occupational licenses for cardroom employees and cardroom businesses; limiting the hours of cardroom operations; revising the maximum bet and entry fee for tournaments; expanding the authorization for cardroom activities contingent upon a compact with the Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing the possession of certain gambling devices; amending s. 895.02, F.S.; revising the definitions of "racketeering activity" and "unlawful debt"; conforming cross-references; providing an appropriation and the creation of full-time equivalent positions; providing contingent effective dates.

By the Committee on Health Regulation; and Senator Garcia—

CS for SB 858—A bill to be entitled An act relating to driver licenses; amending s. 322.08, F.S.; requiring the driver license application form to include language permitting the applicant to make a voluntary contribution to Stop Heart Disease; providing an effective date.

By the Committee on Finance and Tax; and Senator Pruitt—

CS for SB 978—A bill to be entitled An act relating to oil and gas production taxes; amending s. 211.02, F.S.; providing a tiered tax rate structure for the oil production tax on tertiary oil; revising definitions; providing an effective date.

By the Committee on Military Affairs and Domestic Security; and Senators Fasano, Aronberg, Deutch, and Ring—

CS for SB 1000—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances; providing for the designation of an Interlocal Agreement Facilitator; requiring a referendum; providing for distribution of surtax proceeds; authorizing an administrative fee; providing for interlocal agreements; providing agreement requirements; requiring a reduction in the budget for ad valorem tax levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax; requiring any surplus surtax revenues to be used to further reduce ad valorem taxes; prohibiting entities not entering into an interlocal agreement from receiving a portion of surtax proceeds; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 1004—A bill to be entitled An act relating to coral reefs; amending s. 380.0558, F.S.; revising definitions; providing that moneys in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection received from damages recovered for injury to coral reefs are expended to pay for alternative projects selected by the department as staff to the Board of Trustees of the Internal Improvement Trust Fund; creating s. 380.29, F.S.; providing a short title; providing definitions; providing legislative intent; requiring responsible parties to notify the department if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04, F.S., relating to the duty of Board of Trustees of the Internal Improvement Trust Fund to protect state lands; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 1042—A bill to be entitled An act relating to affordable housing; amending s. 159.807, F.S.; providing limitations on the Florida Housing Finance Corporation's access to the state allocation pool; deleting a provision exempting the corporation from the applicability of certain uses of the state allocation pool; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 196.196, F.S.; providing additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to an exemption from ad valorem taxation; providing a definition; subjecting organizations owning certain property to ad valorem taxation under certain circumstances; providing for tax liens; providing for penalties and interest; providing an exception; providing notice requirements; amending s. 196.1978, F.S.; providing that property owned by certain nonprofit entities or Florida-based limited partnerships and used or held for the purpose of providing

affordable housing to certain income-qualified persons is exempt from ad valorem taxation; revising legislative intent; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 420.503, F.S.; defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions; amending s. 420.9072, F.S.; conforming a cross-reference; authorizing counties and eligible municipalities to use funds from the State Housing Initiatives Partnership Program to provide relocation grants for persons who are evicted from rental properties that are in foreclosure; providing eligibility requirements for receiving a grant; providing that authorization for the relocation grants expires July 1, 2010; amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution which may be used for manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; providing for retroactive application; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by the local housing assistance trust fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; revising notice requirements for public hearings of the advisory committee; requiring the committee's final report, evaluation, and recommendations to be submitted to the corporation; deleting cross-references to conform to changes made by the act; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; providing an effective date.

By the Committee on Judiciary; and Senator Baker—

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

By the Committee on Transportation; and Senator Altman—

CS for SB 1088—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the term "seasonal delivery personnel"; authorizing the use of golf carts, modified carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; providing an effective date.

By the Committees on Children, Families, and Elder Affairs; and Education Pre-K - 12; and Senators Rich, Dean, and Wilson—

CS for CS for SB 1128—A bill to be entitled An act relating to education for children in shelter care or foster care and exceptional students; amending s. 39.0016, F.S.; defining the term "surrogate parent"; providing legislative intent; providing conditions for the district superintendent or court to appoint a surrogate parent for purposes of educational decisionmaking for a child who has or is suspected of having a disability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child's medical records and educational records if a child is placed in a shelter; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring review of the student's individual educational plan; providing for determining responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education to adopt rules; requiring a cooperative agreement between the Department of Education and agencies, to be executed on or before October 1, 2009; providing an exception; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator Gaetz—

CS for SB 1138—A bill to be entitled An act relating to self-insurance funds; creating s. 624.4626, F.S.; authorizing any two or more electric cooperatives to operate a self-insurance fund for certain purposes; providing for membership in the fund; requiring that the fund fulfill certain criteria; providing for the applicability of certain assessments and certain provisions of state law to such a fund; amending s. 624.472, F.S.; requiring that an application for insurance and a policy contain certain statements printed in boldface type; amending s. 631.904, F.S.; exempting certain self-insurance funds from specified provisions of state law; providing an effective date.

By the Committee on Health Regulation; and Senator Peaden—

CS for SB 1144—A bill to be entitled An act relating to manufacturers and purchasers of prescription drugs; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; amending s. 499.003, F.S.; defining new terms and redefining terms related to the Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; authorizing a prescription drug manufacturer's distributor permit and revising the requirements related to certain other permits; conforming a cross-reference; amending s. 499.012, F.S.; restricting issuance of a permit for a prescription drug manufacturer's distributor at certain addresses; amending s. 499.0121, F.S.; eliminating cross-references to defined terms and clarifying a recordkeeping requirement related to pedigree papers; amending s. 499.01211, F.S.; eliminating cross-references for certain defined terms; amending s. 499.01212, F.S.; revising require-

ments for a pedigree paper; amending s. 499.03, F.S.; eliminating cross-references for certain defined terms; amending s. 499.041, F.S.; establishing a fee for the prescription drug manufacturer's distributor permit; authorizing the Department of Health to retain a specified monetary amount as a fee if an application submitted under the Florida Drug and Cosmetic Act is withdrawn or becomes void; amending ss. 499.05 and 794.075, F.S.; conforming cross-references; authorizing certain statements to be used on certain pedigree papers until a specified date; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 1154—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to reduce greenhouse gas emissions through the direct, end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 525.09, F.S.; imposing certain fees, to be used for carbon-reduction, on alternative fuel containing alcohol and imposing an additional charge on gasoline, diesel, kerosene used for certain purposes, and #1 fuel oil for sale or use in the state; providing requirements for remitting the fee; amending s. 525.10, F.S.; providing for the deposit of carbon-reduction fees into the Florida Renewable Energy Trust Fund and the General Revenue Fund; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 1156—A bill to be entitled An act relating to trust funds; creating the Florida Renewable Energy Trust Fund within the Florida Energy and Climate Commission; requiring that the commission administer the fund; providing that moneys deposited into the fund be from federal grants for renewable energy, general revenue appropriations, moneys deposited from the carbon-reduction fee, and other sources designated by law; providing a purpose for the fund; requiring that any balance remain in the trust fund at the end of each fiscal year; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Wise—

CS for SB 1180—A bill to be entitled An act relating to forensic mental health policy; providing for the creation of a workgroup to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system; providing for administrative oversight and assistance; providing for membership, organization, and meetings; specifying that members serve without compensation, but are reimbursed for expenses; providing for certain workgroup expenses; specifying components of the review; authorizing use of outside research organizations; providing for interim and final reports; providing for future termination of the workgroup and expiration of the provisions creating it; providing an effective date.

By the Committee on Community Affairs; and Senators Fasano, Gaetz, and Dockery—

CS for SB 1182—A bill to be entitled An act relating to the state retirement system; amending s. 121.021, F.S.; defining the term "retiree"; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; amending s. 121.053, F.S.; revising membership criteria for renewed elected officials; amending s. 121.055, F.S.; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; extending the period of time that instructional personnel employed by a developmental research school may participate in the Deferred Retirement Option Program (DROP); authorizing developmental research school and charter schools to reemploy certain retired members under specified conditions; providing applicability; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; amending s. 121.122, F.S.; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; amending s. 121.4501, F.S.; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.591, F.S.; conforming provisions; repealing ss. 121.093 and 121.094, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind, the provisions of which are reenacted in s. 121.091, F.S., and relating to instructional personnel reemployment after retirement from a charter school, the provisions of which are reenacted in s. 121.091, F.S., respectively; providing a declaration of important state interest; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

CS for SB 1272—A bill to be entitled An act relating to persons with disabilities; providing that an employer of certain individuals who have a disability is not liable for their acts or omissions; providing that a supported employment provider providing services to an individual with disabilities is not liable for the employees' acts or omissions under certain circumstances; providing an effective date.

By the Committees on Judiciary; and Commerce; and Senators Aronberg, Bennett, Fasano, and Detert—

CS for CS for SB 1288—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the

articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; excluding certain corporations from eligibility for such exception; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit cor-

poration becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 1306—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; revising definitions; providing a definition for the terms "dense urban land area," "backlog" or "backlogged transportation facility," and "background trips"; amending s. 163.3177, F.S.; conforming a cross-reference; providing that a local government's comprehensive plan or plan amendments for land uses within a transportation concurrency exception area meets the level-of-service standards for transportation; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; clarifying the calculation of the proportionate-share contribution for local and regionally significant traffic impacts which is paid by a development of regional impact for the purpose of satisfying certain concurrency requirements; creating s. 163.31802, F.S.; prohibiting local governments from establishing standards for security devices that require businesses to enhance certain functions or services provided by local government; providing an exception; amending s. 163.3182, F.S.; revising provisions relating to transportation concurrency backlog authorities; requiring that a local government adopt one or more transportation concurrency backlog areas as part its capital improvements element update; requiring that a local government biannually submit new areas to the state land planning agency until certain conditions are met; providing an exception; providing for certain landowners or developers to request a transportation concurrency backlog area for a development area; prohibiting a local government from requiring payments for transportation concurrency which exceed the costs of mitigating traffic impacts; amending s. 380.06, F.S.; revising provisions relating to preapplication procedures for development approval; requiring that the level-of-service standards required in the transportation methodology be the same as the standards used to evaluate concurrency and proportionate share; amending s. 403.973, F.S.; providing legislative intent; providing certain criteria for regional centers for clean technology projects to receive expedited permitting; providing regulatory incentives for projects that meet such criteria; authorizing the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to certify and decertify such projects; authorizing the office to create regional permit action teams; providing for a transportation mobility fee; providing legislative findings and intent; requiring that the state land planning agency and the Department of Transportation coordinate their independent mobility fees studies to develop a methodology for a mobility fee system; providing guidelines for developing the methodology; requiring that the state land planning agency and the department submit joint interim reports to the Legislature by specified dates; requiring that the Department of Transportation establish a transportation methodology; requiring that such methodology be completed and in use by a specified date; providing an effective date.

By the Committee on Education Pre-K - 12; and Senators Gardiner, Fasano, Oelrich, Altman, Bennett, Haridopolos, Wise, King, Storms, Dean, Siplin, Baker, and Lawson—

CS for SB 1310—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.186, F.S.; providing that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax; amending s. 220.187, F.S.; defining the term "direct certification list"; expanding the Corporate Income Tax Credit Scholarship Program to include insurance premium tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; providing that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax; imposing an additional requirement on the school districts; specifying school district tax credit scholarship notification requirements and limitations; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; conforming provisions to changes made by the act; providing for severability; providing an effective date.

By the Committee on Higher Education; and Senator Pruitt—

CS for SB 1364—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 1009.53, F.S.; revising provisions relating to the refund by an educational institution to the Department of Education of funds received for courses dropped by students after the end of the drop and add period; amending s. 1009.532, F.S.; increasing the credit hour requirements for a student to remain eligible for a scholarship; permitting a one-time restoration of scholarship eligibility; providing an effective date.

By the Committees on Criminal Justice; and Banking and Insurance; and Senators Bennett, Fasano, Lynn, and Deutch—

CS for CS for SB 1372—A bill to be entitled An act relating to insurance; providing a short title; amending s. 624.310, F.S.; expanding the definition of "affiliated party" to include certain third-party marketers; amending s. 626.025, F.S.; including family members of insurance agents in a prohibition related to the transaction of life insurance; amending s. 626.621, F.S.; expanding grounds for discretionary refusal, suspension, or revocation of certain licenses; amending s. 626.641, F.S.; prohibiting the Department of Financial Services from issuing certain licenses in certain circumstances; amending s. 626.798, F.S.; prohibiting a family member of a life insurance agent from being a beneficiary of certain policies; amending s. 626.9521, F.S.; providing that the failure to ascertain a customer's age at the time of an insurance application does not constitute a defense to certain violations of state law; authorizing the use of video depositions in certain circumstances; amending s. 626.99, F.S.; extending the unconditional refund period for fixed annuity contracts and variable or market value annuity contracts for customers 65 years of age or older; requiring that the unconditional refund amount for a variable or market value annuity contract be equal to the cash surrender value provided in the contract, plus any fees or charges deducted from the premiums or imposed under the contract; providing for applicability of certain provisions; requiring that an insurer provide a prospective purchaser of an annuity policy with a buyer's guide to annuities; requiring that such buyer's guide contain certain information; requiring that an insurer attach a cover page to an annuity policy informing the purchaser of the unconditional refund period; requiring that the cover page provide other specified information; amending s. 627.4554, F.S.; defining the term "accredited investor"; authorizing the Department of Financial Services to order an insurance agent to pay monetary restitution to a senior consumer under certain circumstances; limiting the amount of such restitution; prohibiting an annuity contract issued to a senior consumer from containing a surrender or deferred sales charge for withdrawal of funds from an annuity in excess of a specified maximum amount; providing for the periodic reduction of such charge; creating s. 817.2351, F.S.; providing that it is unlawful for a natural person to perform certain acts in connection with the rendering of any advice or the offer, sale, or purchase of any financial services product to a person who is 65 years of age or older; providing that performance of such a prohibited act constitutes a felony of the third degree; providing for applicability; providing that criminal prosecution for certain offenses is subject to specified time limitations as prescribed by state law; providing an effective date.

By the Committees on Community Affairs; and Commerce; and Senators Fasano, Haridopolos, Richter, Bennett, and Sobel—

CS for CS for SB 1502—A bill to be entitled An act relating to Fast Track Economic Stimulus for Small Businesses; establishing the New

Markets Development Program; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose information relating to certain tax credits to the Office of Tourism, Trade, and Economic Development; authorizing penalties for unlawful disclosure of the information; amending s. 220.02, F.S.; revising the order in which credits against the corporate income tax or franchise tax must be applied; amending s. 220.013, F.S.; revising the definition of the term "adjusted federal income" to include the amount of certain tax credits; creating s. 288.991, F.S.; providing a short title; creating s. 288.9912, F.S.; encouraging capital investment in certain communities to create and retain jobs through the use of tax credits; creating s. 288.9913, F.S.; providing definitions; creating s. 288.9914, F.S.; requiring the Office of Tourism, Trade, and Economic Development to identify industries in which certain investments may be made; providing for a waiver of the limitation; requiring a qualified community development entity to submit an application for approval of an investment as a qualified investment; requiring the Office of Tourism, Trade, and Economic Development to review and approve or deny the applications; providing for partial approval of applications under certain circumstances; requiring a qualified community development entity to issue a qualified investment within a certain time period; requiring a qualified community development entity to report the issuance of a qualified investment within a certain time period; creating s. 288.9915, F.S.; prohibiting certain interest payments on certain qualified investments for a certain time period; requiring qualified community development entities to maintain certain records; limiting the amount of low-income community investments that may be received by a qualified active low-income community business; creating s. 288.9916, F.S.; creating the new markets tax credit; specifying the amount of the credit; specifying certain tax years in which the tax credit may be used; requiring certain insurance companies to apply the tax credit against certain taxes; limiting transferability of the tax credit; creating s. 288.9917, F.S.; requiring a qualified community development entity to submit certain reports to the Office of Tourism, Trade, and Economic Development after a credit allowance date; requiring the Office of Tourism, Trade, and Economic Development to certify the tax credit amount that may be taken by a taxpayer; creating s. 288.9918, F.S.; requiring a qualified community development entity to submit annual reports to the Office of Tourism, Trade, and Economic Development; creating s. 288.9919, F.S.; subjecting qualified community development entities to audits under the State Single Audit Act; authorizing the Office of Tourism, Trade, and Economic Development to conduct examinations to verify compliance with the New Markets Development Program Act; creating s. 288.9920, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to recapture tax credits under certain circumstances; requiring the Office of Tourism, Trade, and Economic Development to issue a proposed notice of recapture; providing an opportunity to cure a deficiency prior to recapture; authorizing penalties for submitting fraudulent information to the Office of Tourism, Trade, and Economic Development; creating s. 288.9921, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; creating s. 288.9922, F.S.; providing for the expiration of the New Markets Development Program Act on a certain date; providing an effective date.

By the Committee on Finance and Tax; and Senators Storms and Fasano—

CS for SB 1534—A bill to be entitled An act relating to money services businesses; amending s. 560.123, F.S.; requiring that a money services business keep records of certain transactions; amending s. 560.141, F.S.; requiring an applicant for a license as a money services business to submit an application that includes a nonrefundable fee for each branch office and for each location of an authorized vendor; amending s. 560.143, F.S.; revising terminology relating to license fees for authorized vendors; amending s. 560.2085, F.S.; conforming terminology; providing an effective date.

By the Committees on Criminal Justice; and Education Pre-K - 12; and Senator Wise—

CS for CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending s. 1002.20, F.S.; conforming cross-references; requiring that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals; requiring that such review be conducted at a district school board meeting held pursuant to state law; requiring that the district school board take public testimony at such meeting; providing for the expiration of a district school board's policy authorizing corporal punishment under certain circumstances; amending s. 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; prohibiting zero-tolerance policies from requiring the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring each district school board to adopt a cooperative agreement with the Department of Juvenile Justice which establishes certain guidelines; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; providing an effective date.

By the Committee on Transportation; and Senator Baker—

CS for SB 1560—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; revising the annual use fee for the Choose Life license plate; revising provisions for distribution of such use fees; creating the Florida Horse Park license plate and the Let's Go Surfing license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

By the Committee on Health Regulation; and Senator Bennett—

CS for SB 1562—A bill to be entitled An act relating to the inspection of domestic violence centers and nursing homes; amending ss. 381.006, 381.0072, and 381.0098, F.S.; providing that nursing homes that are inspected by the Agency for Health Care Administration are exempt from inspection by the Department of Health; providing that certain domestic violence centers that are certified and monitored by the Department of Children and Family Services are exempt from inspection by the Department of Health under certain circumstances; repealing s. 400.0060(1), F.S., relating to the definition of the term "administrative assessment"; amending s. 400.0061, F.S.; conforming provisions to changes made by the act relating to onsite administrative assessments; clarifying the authorization of an ombudsman to enter a long-term care facility; amending s. 400.0065, F.S.; clarifying that any person may make a complaint against a long-term care facility, including an employee of that facility; amending ss. 400.0067, 400.0069, and 400.0071, F.S.; conforming provisions to changes made by the act relating to onsite administrative assessments; clarifying that any person may make a complaint against a long-term care facility, including an employee of that facility; repealing s. 400.0074, F.S., relating to onsite administrative assessments of nursing homes, assisted living facilities, and adult family-care homes conducted by the local ombudsman council; amending s. 400.0075, F.S.; conforming provisions to changes made by the act relating to onsite administrative assessments; amending s. 400.19, F.S.; requiring the agency to conduct an inspection to determine compliance by the licensee with federal requirements; amending s. 400.191, F.S.; deleting provisions relating to a requirement that the agency make available to the public, distribute, and post reports and records concerning licensed nursing homes operating in the state; revising requirements for a nursing home facility licensee; amending s. 400.195, F.S.; revising provisions relating to agency reporting requirements; amending s. 400.23, F.S.; revising requirements for notification of deficiencies; revising the criteria for determining each class of deficiency; amending s. 465.017, F.S.; providing that nursing homes that are inspected by the agency are exempt from inspection by the Department of Health and imposition of a fee; amending s. 633.081, F.S.; providing that nursing homes that are inspected by the agency are exempt from inspection by the State Fire Marshal under certain circumstances; providing an effective date.

By the Committee on Finance and Tax; and Senators Ring and Bennett—

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

By the Committee on Health Regulation; and Senator Lynn—

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

By the Committee on Community Affairs; and Senator Baker—

CS for SB 1602—A bill to be entitled An act relating to community development districts; amending s. 190.012, F.S.; revising the rulemaking authority of boards of directors of community development districts regarding enforcement of deed restrictions; amending s. 190.046, F.S.; revising procedures and requirements for amending the boundaries of a community development district; revising procedures and requirements for merging community development districts; providing limitations; providing that certain actions constitute consent of landowners within a district to amendment of the boundaries of the district; requiring written consent from such landowners as a prerequisite to the amendment of the boundaries of a district; authorizing filing fees for petitions for merger; preserving rights of certain creditors and certain liens upon property; providing for the continuance of existing claims and pending actions or proceedings by or against a district that is a party to a merger; authorizing the substituting of a surviving district for a dissolved district in such action, claim, or proceeding; providing that approval of the merger agreement and the petition by the board of supervisors of the district constitutes consent of the landowners within the district to a merger; providing an effective date.

By the Committee on Commerce; and Senator Ring—

CS for SB 1644—A bill to be entitled An act relating to economic development; creating the "Micro-Targeted Technology Commercialization Act"; providing that the purpose of the act is to promote the commercialization of certain technologies by startup and early stage companies in this state; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain confidential information with the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; adding the tax credits available under s. 220.194, F.S., to the list of credits which may be taken against state corporate income tax; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to prohibit a seller from deducting from his or her taxable income any net operating loss transferred pursuant to the act; amending s. 220.16, F.S.; providing for allocation of specified nonbusiness income to the state; creating s. 220.194, F.S.; creating the Micro-Targeted Technology Commercialization Credit Transfer Program; providing intent, goals, and objectives; providing definitions; requiring that the Institute for the Commercialization of Public Research identify examples of micro-targeted technology and compile a list of the technology for the Office of Tourism, Trade, and Economic Development; requiring the office to certify eligible companies for the transfer of corporate income tax net operating loss amounts as certified credits; providing qualifications and an application process and requirements; requiring an application fee; providing for an application deadline; requiring the office to grant or deny an application within a specified time after receiving a completed application; providing for calculating the certified credit amount; providing a maximum amount that may be transferred; providing a penalty; requiring each certified company to file an annual report with the office; requiring the office and the Department of Revenue to adopt rules; creating s. 288.95, F.S.; creating the Micro-Targeted Technology Commercialization Assistance Grant Program; providing intent, goals, and objectives of the grant program; directing the Office of Tourism, Trade, and Economic Development to manage the grant program; directing the Florida Institute for the Commercialization of Public Research to review grant applications and submit recommendations to the Office of Tourism, Trade, and Economic Development; specifying eligibility requirements for grants; specifying the grant amount; detailing the permissible uses of the grant funds; requiring the Office of Tourism, Trade, and Economic Development to prepare an annual report; providing rulemaking authority; directing the Office of Program Policy Analysis and Government Accountability to review the program and prepare a report; providing an appropriation; providing for an allocation of the funds; providing for future repeal of the credit transfer program and the grant program; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 1656—A bill to be entitled An act relating to health and human services; amending s. 287.057, F.S.; delaying the expiration of provisions authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis; amending s. 394.908, F.S.; delaying the expiration of provisions requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; requiring the Department of Children and Family Services to ensure that information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

Medicaid managed care plan's costs to the state be adjusted for health status; amending s. 409.91211, F.S.; revising the timeline for phasing in financial risk for provider service networks; conforming cross-references; amending s. 430.04, F.S.; requiring the Department of Elderly Affairs to administer all Medicaid waivers and programs relating to elders; amending s. 641.386, F.S.; conforming a cross-reference; directing the Agency for Health Care Administration to establish pilot projects in Miami-Dade County relating to home health services; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 1666—A bill to be entitled An act relating to health and human service contracts; creating s. 287.0576, F.S.; requiring the Departments of Children and Family Services, Health, Elderly Affairs, and Juvenile Justice and the Agencies for Persons with Disabilities and Health Care Administration to adopt certain policies relating to the monitoring of provider contracts, access to provider data, and the imposition of new provider requirements; amending s. 409.1671, F.S.; requiring the Department of Children and Family Services to ensure that contracts entered into with community-based agencies are funded by a grant of general revenue and federal funding sources; requiring community-based agencies to document federal earnings; authorizing the department to contract for the oversight of the community-based agencies; specifying permissible expenditures; requiring the department to enter into certain contracts with community-based agencies; providing an effective date.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

By the Committee on Finance and Tax; and Senators Deutch and Rich—

CS for SB 1840—A bill to be entitled An act relating to protecting Florida's health through a surcharge on tobacco products; providing a short title; amending s. 210.01, F.S.; redefining the terms "unstamped package," "unstamped cigarettes," and "stamp"; conforming provisions to changes made by the act; creating s. 210.011, F.S.; levying a surcharge on cigarettes equivalent to $1 per standard pack; establishing surcharge amounts for cigarettes of a nonstandard sizes and in varying quantities; providing legislative intent that the surcharge be uniform throughout the state; providing for the surcharge to be administered in the same manner as the cigarette tax imposed under s. 210.02, F.S.; requiring that revenue from the surcharge to be deposited into the Health Care Trust Fund; amending s. 210.04, F.S., to conform; amending s. 210.18, F.S.; providing enhanced penalties for the sale or possession of any quantity of counterfeit cigarettes; creating a reward program for information concerning violations under part I of ch. 210, F.S.; amending s. 210.25, F.S.; clarifying provisions with respect to definitions; creating s. 210.211, F.S.; providing definitions; levying a surcharge on tobacco products other than cigarettes; providing for the surcharge to be administered in the same manner as the tax imposed under part II of ch. 210, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund; providing that the surcharge on cigarettes and other tobacco products applies to existing inventory on the effective date of the act; requiring each manufacturer, distributor, wholesaler, and vendor to take an inventory of the cigarettes and other tobacco products in its possession on the effective date of the act; requiring that the amount of such inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; providing for penalties and interest for delinquent payments; providing an effective date.

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

CS for SB 1914—A bill to be entitled An act relating to school districts; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the commissioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

By the Committee on Health Regulation; and Senators Gaetz and Peaden—

CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that bills the Medicaid program for medically unnecessary services; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; amending s. 408.05, F.S.; requiring the Florida Center for Health Information and Policy Analysis to take certain actions to improve the prevention and detection of health care fraud through the use of technology; creating s. 408.8065;, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; imposing criminal penalties on a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 408.810, F.S.; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring the Agency for Health Care Administration to use specified documents from a provider's records to calculate an overpayment by the Medicaid program; prohibiting a provider from using certain documents or data as evidence when challenging a claim of overpayment by the Agency for Health Care Administration; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; amending s. 465.023, F.S.; requiring the Department of Health or the Board of Pharmacy to deny an application for a pharmacy permit or take disciplinary action against a permitee for certain misconduct by the applicant, licensee, or person affiliated with the applicant or licensee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 1994—A bill to be entitled An act relating to motor vehicle emission standards; amending s. 316.2937, F.S.; ratifying a rule of the Department of Environmental Protection which adopts the California motor vehicle emission standards; providing conditions for future changes to the rule; requiring the Department of Environmental Protection and the Department of Highway Safety and Motor Vehicles to develop a proposal to implement the rule and report to the Legislature; providing an effective date.

By the Committee on Higher Education; and Senator Constantine—

CS for SB 1996—A bill to be entitled An act relating to state universities; amending s. 1001.74, F.S.; redefining the term "continuing contract" relating to construction costs to increase certain cost thresholds; amending s. 1009.24, F.S.; authorizing university boards of trustees to establish a renewable energy fee under certain circumstances; providing that the fee not exceed a certain amount; limiting the use of such fee; establishing a renewable energy fee committee; providing for membership; providing terms; providing for a referendum on continuing or dissolving the fee; authorizing the university to reestablish the fee; amending ss. 1009.01 and 1009.98, F.S.; conforming cross-references; amending s. 1013.64, F.S.; increasing the threshold amount used to replace minor facility projects; amending s. 1013.78, F.S.; conforming provisions to changes made by the act; amending s. 1013.79, F.S.; revising provisions relating to the University Facility Enhancement Challenge Grant Program; authorizing a university to expend funds from private sources to develop a prospectus for a facility or site preparation or initial planning and construction; providing an effective date.

By the Committee on Transportation; and Senator Constantine—

CS for SB 1998—A bill to be entitled An act relating to street racing; creating the "Luis Rivera Ortega Street Racing Act"; amending s. 316.191, F.S.; clarifying a definition; revising provisions prohibiting certain speed competitions and exhibitions; prohibiting driving in any race, drag race, or exhibition of speed or acceleration; prohibiting specified activities involving such races, drag races, and exhibitions; providing criminal and noncriminal penalties; providing for revocation of the driver license upon conviction; providing penalties for a second, third, or subsequent offense; requiring that the driving record of a person charged be provided to the court; providing criteria for arrest; revising provisions for impounding a motor vehicle used in a violation; providing for severability; providing an effective date.

By the Committee on Community Affairs; and Senator Altman—

CS for SB 2026—A bill to be entitled An act relating to regulatory reform; providing for an extension and renewal of certain permits, development orders, or other land use approvals; providing for retroactive application of the extension and renewal; amending s. 120.569, F.S.; providing for an electronic notice of hearing rights; amending s. 120.60, F.S., relating to additional information for license applications; providing for an agency to process a permit application under certain circumstances; amending s. 125.022, F.S.; providing that counties may not require certain permits or approvals as a condition of approving a development permit; creating s. 161.032, F.S.; providing for review of applications; providing requirements for timely submittal of additional information requested; providing circumstances in which an application may be denied; amending s. 166.033, F.S.; providing that municipalities may not require certain permits or approvals as a condition of approving a development permit; amending s. 253.034, F.S.; providing for the deposition of dredged material on state-owned submerged lands in certain circumstances and for certain purposes; amending s. 373.026, F.S.; providing for the expansion of Internet-based self-certification for exemptions and general permits; amending s. 373.441, F.S.; restricting the authority of the Department of Environmental Protection and the appropriate water management district to regulate certain activities delegated to a county, municipality, or local pollution control program; providing exceptions; amending s. 373.4141, F.S.; providing requirements for requests for additional information; amending s. 373.079, F.S.; requiring the water management district governing boards to delegate certain permitting responsibilities to the district executive directors; amending s. 373.083, F.S.; requiring the delegation of certain authority by the governing board to the executive director of the water management district; providing an exception to requirements of ch. 120, F.S.; providing a prohibition; amending s. 373.118, F.S.; providing for the delegation of general permit authority by a water management district governing board to the district executive director; providing an exception to the requirements of ch. 120, F.S.; amending s. 373.236, F.S.; providing for 50-year consumptive use permits in certain circumstances; providing requirements for issuance of a permit; amending s. 373.406, F.S.; providing a permit exemption for certain public use facilities on county-owned natural areas; creating s. 373.4061, F.S.; providing requirements for noticed general permits for counties; providing requirements, restrictions, and limitations; amending s. 403.061, F.S.; amending the powers and duties of the Department of Environmental Protection; providing that department rules may include criteria for approval of certain dock facilities; authorizing the department to maintain certain lists of projects or activities that meet specified mitigation or public-interest requirements; providing an exception; providing restrictions; requiring the department of implement a project management plan to implement e-permitting; providing project requirements; requiring the department to submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 15, 2010; authorizing the department to expand the use of Internet-based self-certification services for appropriate exemptions and general permits; providing restrictions on local governments relating to method or form of documentation; amending s. 403.813, F.S., relating to permits issued at district centers; providing exceptions; amending s. 403.814, F.S.; directing the Department of Environmental Protection to expand the use of Internet-based self-certification services for exemptions and general permits; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives; amending s. 403.973, F.S., relating to expedited permitting and comprehensive plan amendments; specifying that certain biofuel projects are eligible for expedited permitting; transferring certain responsibilities from the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Secretary of Environmental Protection; revising the time by which certain final orders must be issued; providing additional requirements for recommended orders; amending s. 258.42, F.S.; authorizing the placement of roofs on certain slips and private residential single-family docks; providing that such roofs may not be included in the calculation to determine the square footage of the terminal platform; creating s. 379.1051, F.S.; clarifying the authority of local governments and state agencies to impose regulations on the taking of wild animal life and fresh water aquatic life; providing for retroactive application of specified provisions; providing an effective date.

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

CS for SB 2066—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2100—A bill to be entitled An act relating to building codes; amending s. 339.02, F.S., providing requirements relating to elevator safety; amending s. 399.15, F.S., providing an alternative method to provide regional emergency elevator access; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; amending s. 468.8311, F.S., effective July 1, 2010, to revise definitions for home inspection services; amending s. 468.8312, F.S., effective July 1, 2010, providing for fee increases for home inspection licenses; amending s. 468.8319, F.S.; effective July 1, 2010, revising a prohibition on providers of home inspection services; amending s. 468.832, F.S.; effective July 1, 2010, authorizing the Department of Business and Professional Regulation to impose penalties on licensees found guilty of violations; amending s. 468.8324, effective July 1, 2010, providing additional home inspection licensure requirements; amending s. 215.5586, F.S.; effective July 1, 2010, adding home inspectors licensed under s. 468.83, F.S., to the list of wind certification entities that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; amending s. 627.351, F.S.; deleting a requirement for opening protections for designated property; repealing s. 718.113(6), F.S.; relating to requirements for 5-year inspections of certain condominium improvements; amending s. 553.37, F.S.; revising criteria for inspection of manufactured buildings; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing rulemaking authority to the Department of Community Affairs; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.73, F.S.; authorizing the commission to adopt amendments relating to equivalency of standards; authorizing the adoption of amendments necessary to accommodate state agency rules to meet federal requirements for design criteria relating to public educational facilities and state-licensed facilities; providing an exception to the Florida Building Code; restricting the code from imposing requirements on certain air conditioning systems; amending s. 553.74, F.S.; authorizing members of the commission's advisory and technical committees to appear before the commission on professional matters; providing that the member may not take action on certain matters; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; authorizing the commission to charge a fee for nonbinding interpretations; amending s. 553.79, F.S.; requiring state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity; providing exceptions; amending s. 553.841, F.S.; deleting provisions requiring that the department maintain, update, develop, or cause to be developed a core curriculum; amending s. 553.842, F.S.; authorizing commission rules to provide for the payment of product evaluation fees

directly to the provider; providing that the provider must remit the department's portion of the fees; providing requirements for approval of applications for state approval of a product; providing that certain approved products will be immediately added to the list of state-approved products; providing for review and ratification of an approved product by the commission; revising the list of approved evaluation entities; deleting obsolete provisions; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; repealing ss. 468.627(6), 481.215(5), and 481.313(5), F.S., relating to building code inspectors, renewal of the license for architects, interior designers, and landscape architects, respectively; amending ss. 468.609, 471.0195, 489.115, 489.1455, and 489.517, F.S., conforming provisions relating to the deletion of core curriculum courses; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; directing the Florida Building Commission to update the Florida Building Code to include revisions made to s. 399.02, F.S.; providing effective dates.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2148—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; providing an exception; amending s. 163.3177, F.S.; revising standards for the future land use plan in a local comprehensive plan; revising standards for the housing element of a local comprehensive plan; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting exemptions from the limitation on the frequency of plan amendments; extending the deadline for local governments to adopt a public school facilities element and interlocal agreement; providing legislative findings concerning the need to preserve agricultural land and protect rural agricultural communities from adverse changes in the agricultural economy; defining the term "rural agricultural industrial center"; authorizing a landowner within a rural agricultural industrial center to apply for an amendment to the comprehensive plan to expand an existing center; providing requirements for such application; providing a rebuttable presumption that such an amendment is consistent with state rule; providing certain exceptions to the approval of such amendment; amending s. 163.3180, F.S.; providing that certain projects or high-performance transit systems be considered as committed facilities; requiring that the costs associated with accommodating a transit facility be credited against the developer's proportionate-share contribution; revising the calculation of school capacity to include relocatables used by a school district; providing a minimum state availability standard for school concurrency; providing that a developer is not required to reduce or eliminate backlog or address class size reduction; providing that charter schools be considered as a mitigation option under certain circumstances; requiring school districts to include relocatables in their calculation of school capacity under certain circumstances; providing for an Urban Placemaking Initiative Pilot Project Program; providing that certain local governments be designated as urban placemaking initiative pilot projects; providing requirements, criteria, procedures, and limitations for such local governments; amending s. 163.3184, F.S.; requiring that a potential applicant for a future land use map amendment meet certain notice and meeting requirements before filing such application; exempting small-scale amendments from certain requirements; revising certain deadlines for comments on the intergovernmental review and state planning agency review of plan amendments; providing that an amendment is deemed abandoned under certain circumstances; authorizing the state land planning agency to grant extensions for comments; requiring that a comprehensive plan or amendment be available to the public a specified number of days before a scheduled hearing; prohibiting certain types of changes to a plan amendment during a specified period before the hearing; requiring that the local government certify certain information to the state land planning agency; conforming a cross-reference; amending s. 163.3187, F.S.; limiting the adoption of certain plan amendments to twice per calendar year; authorizing local governments to adopt certain plan amendments at any time during a calendar year without regard for restrictions on frequency; deleting certain types of amendments from the list of amendments eligible for adoption at any time during a calendar year; deleting exemptions from frequency limitations; providing circumstances under which small-scale amendments become effective; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 163.3217, F.S.; deleting an exemption from the frequency requirements for the adoption of amendments to a local comprehensive plan; amending s. 163.340, F.S.; expanding the definition of the term "blighted area" to include land previously used as a military facility; amending s. 171.203, F.S.; deleting an exemption for the adoption of a municipal service area as an amendment to a local comprehensive plan; amending s. 380.06, F.S.; providing that the level-of-service standards for the development-of-regional-impact review is the same as the level-of-service standards for evaluating concurrency; conforming a cross-reference; amending s. 403.973, F.S.; providing legislative intent; providing certain criteria for regional centers for clean technology projects to receive expedited permitting; providing regulatory incentives for projects that meet such criteria; authorizing the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to certify and decertify such projects; authorizing the office to create regional permit action teams; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Bennett—

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

By the Committee on Criminal Justice; and Senator Wise—

CS for SB 2218—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; requiring the Department of Juvenile Justice to establish the Juvenile Justice Policy Research Institute within the department for specified purposes; providing purposes of the institute; amending s. 27.51, F.S.; providing that public defenders are available to juveniles at all stages of delinquency court proceedings; amending s. 394.492, F.S.; providing that a child referred for a delinquent act when he or she was under age 11 may be considered at risk of emotional disturbance and therefore subject to referral for mental health services; amending ss. 984.03 and 985.03, F.S.; correcting terminology in the definition of "child in need of services"; amending s. 409.9025, F.S.; providing for Medicaid eligibility for juveniles committed to certain residential juvenile programs; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs for first-time misdemeanor offenders who are 9 years of age or younger; creating s. 985.165, F.S.; providing legislative findings; requiring state funding of community-based substance abuse intervention, evaluation, and treatment services programs in each judicial circuit; providing for diversion of certain first-time drug offenders into such programs; amending s. 985.245, F.S.; modifying the size and composition of the risk assessment committee; requiring that the risk assessment instrument be independently validated; amending s. 985.441, F.S.; providing that a court may commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; creating s. 985.461, F.S.; requiring that all youth exiting juvenile justice commitment programs have made available to them the services of an identified community-based, interagency transition planning team; creating s. 985.495, F.S.; requiring the Department of Juvenile Justice to provide access to community-based, gender-specific aftercare services to all girls transitioning from department programs; requiring that the department place such girls under female probation or conditional release case managers; providing for creation of a female caseload supervision team in certain circumstances; amending s. 985.622, F.S.; requiring that certain juvenile justice programs offer vocational training; requiring the Department of Juvenile Justice to work with the Agency for Workforce Innovation and Workforce Florida, Inc., to ensure that all job skills training is in areas directly tied to careers listed on Florida's targeted occupation list; deleting obsolete provisions; amending s. 985.644, F.S.; requiring the Department of Juvenile Justice to conduct

demonstration projects that emphasize the benefits of outcome-based contracting with certain performance standard requirements; authorizing use of interim and long-term outcome performance measures; requiring projects to be completed by a specified date; amending s. 435.04, F.S.; authorizing the Department of Juvenile Justice to hire persons for employment in youth facilities who were formerly in the juvenile justice system and exited successfully in certain circumstances; amending s. 985.644, F.S.; authorizing the Department of Juvenile Justice to conditionally hire juvenile justice employees upon successful completion of a preliminary background screening, but prior to full background screening, under specified conditions; amending s. 985.664, F.S.; providing that juvenile justice circuit boards and juvenile justice county councils may receive local discretionary grant prevention funds for specified purposes; amending s. 1011.62, F.S., relating to allocations from the Florida Education Finance Program to school districts for the operation of schools; providing for the establishment of a cost factor for students in juvenile justice education programs; requiring the Department of Juvenile Justice, in conjunction with representatives of specified entities, to conduct a review of the detention risk assessment instrument; requiring the agreement of all such representatives for revisions to the detention risk assessment instrument; providing for creation of a Disproportionate Minority Contact Task Force; providing for membership, goals, and duties; requiring a report; providing for dissolution of the task force; providing for pilot projects for reduction of disproportionate minority contact; providing for goals of the pilot projects; requiring reports; providing for termination of the pilot projects; providing legislative findings; requiring the Department of Juvenile Justice to identify service areas that promote the concept of community-based programs; requiring a report; requiring the Governor to establish a task force to review and make recommendations to modify current statutes or practices associated with restoration of competency; providing for membership; requiring a report; providing for termination of the task force; requiring the Governor to establish a task force to perform a role delineation study and review and make recommendations concerning specified issues; requiring a report; providing for termination of the task force; requiring the Department of Corrections, the Department of Juvenile Justice, and the Department of Children and Family Services to work with a university in the State University System to calculate the return on investment and cost savings of crime reduction through effective prevention and intervention programming; requiring a report; providing an effective date.

By the Committees on Banking and Insurance; and Banking and Insurance; and Senator Fasano—

CS for SB 2226—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; authorizing the Office of Financial Regulation to participate in the Nationwide Mortgage Licensing System and Registry; creating s. 494.00121, F.S.; providing for the issuance of subpoenas; amending s. 494.0014, F.S.; revising provisions relating to the refund of fees; deleting an obsolete provision; amending s. 494.00165, F.S.; prohibiting unfair and deceptive advertising relating to mortgage brokering and lending; repealing s. 494.0017, F.S., relating to claims paid from the Regulatory Trust Fund; creating s. 494.00172, F.S.; providing for a $20 fee to be assessed against loan originators and a $100 fee to be assessed against mortgage brokers and lenders at the time of license application or renewal; providing that such fees shall be deposited into the Mortgage Guaranty Trust Fund and used to pay claims against licensees; providing for a cap on the amount collected and deposited; providing requirements for seeking recovery from the trust fund; providing limitations on the amount paid; providing for the assignment of certain rights to the office; providing that payment for a claim is prima facie grounds for the revocation of a license; amending s. 494.0018, F.S.; conforming cross-references; amending ss. 494.0019 and 494.002, F.S.; conforming terms; amending s. 494.0023, F.S.; deleting the statutory disclosure form and revising the disclosure that must be provided to a borrower in writing; providing that there is a conflicting interest if a licensee or the licensee's relatives have a 1 percent or more interest in the person providing additional products or services; authorizing the commission to adopt rules; amending s. 494.0025, F.S.; prohibiting the alteration, withholding, concealment, or destruction of records relevant to regulated activities; creating s. 494.255, F.S.; providing for license violations and administrative penalties; authorizing a fine of $1,000 for each day of unlicensed activity up to $25,000; amending s. 494.0028, F.S.; conforming terms; repealing ss. 494.0029 and 494.00295, F.S., relating to mortgage business schools and continuing education requirements; creating s. 494.00296, F.S.; providing for loan modification services; prohibiting certain related acts; providing for a loan modification agreement and for the inclusion of a borrower's right of cancellation statement; providing remedies; providing a directive to the Division of Statutory Revision; amending s. 494.003, F.S.; revising provisions relating to who is exempt from loan originator or mortgage broker licensing and regulation; repealing s. 494.0031, F.S., relating to licensure as a mortgage brokerage business; creating s. 494.00312, F.S.; providing for the licensure of loan originators; providing license application requirements; providing grounds for license denial; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00313, F.S.; providing for the renewal of a loan originator license; repealing s. 494.0032, F.S., relating to renewal of a mortgage brokerage business license or branch office license; creating s. 494.00321, F.S.; providing for the licensure of mortgage brokers; providing license application requirements; providing grounds for license denial; requiring the denial of a license under certain circumstances; requiring licenses to be renewed by a certain date; creating s. 494.00322, F.S.; providing for the annual renewal of a mortgage broker license; providing license renewal requirements; repealing s. 494.0033, F.S., relating to a mortgage broker license; amending s. 494.00331, F.S.; requiring a loan originator to be an employee or independent contractor for a mortgage broker or mortgage lender; repealing s. 494.0034, F.S., relating to renewal of mortgage broker license; amending s. 494.0035, F.S.; providing for the management of a mortgage broker by a principal loan originator and a branch office by a loan originator; providing minimum requirements; amending s. 494.0036, F.S.; revising provisions relating to the licensure of a mortgage broker's branch office; amending s. 494.0038, F.S.; revising provisions relating to loan origination and mortgage broker fees; amending s. 494.0039, F.S.; conforming terms; amending s. 494.004, F.S.; revising provisions relating to licensees; providing for registry requirements; deleting obsolete provisions; repealing s. 494.0041, F.S., relating to license violations and administrative penalties; providing additional grounds for assessing fines and penalties; amending s. 494.0042, F.S.; providing for loan originator fees; conforming terms; amending ss. 494.00421 and 494.0043, F.S.; conforming terms; amending s. 494.006, F.S.; revising provisions relating to who is exempt from licensure and regulation as a mortgage lender; repealing s. 494.0061, F.S., relating to mortgage lender license requirements; creating s. 494.00611, F.S.; providing for the licensure of mortgage lenders; providing license application requirements; providing grounds for license denial; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00612, F.S.; providing for the renewal of a mortgage lender license; repealing s. 494.0062, F.S., relating to correspondent mortgage lender license requirements; amending s. 494.0063, F.S.; requiring a mortgage lender to obtain an annual financial audit report and submit a copy to the office within certain time periods; repealing s. 494.0064, F.S., relating to renewal of mortgage lender license; repealing s. 494.0065, F.S., relating to certain licenses and registrations that were converted into mortgage lender licenses; amending s. 494.0066, F.S.; revising provisions relating to a mortgage lender branch office license; creating s. 494.00665, F.S.; providing for a principal loan originator and branch manager for a mortgage lender; providing requirements and limitations; amending s. 494.0067, F.S.; revising requirements of mortgage lenders; providing for registry requirements; deleting obsolete provisions; providing for servicing agreements; amending ss. 494.0068, 494.0069, 494.007, and 494.0071, F.S.; conforming terms; repealing s. 494.0072, F.S., relating to license violations and administrative penalties; amending ss. 494.00721, 494.0073, 494.0075, 494.0077, and 501.1377 F.S.; deleting provisions relating to foreclosure rescue consultants and foreclosure related rescue service agreements; providing for the termination of mortgage business school licenses; providing for the expiration of mortgage brokerage business licenses, mortgage broker licenses, and correspondent mortgage lender licenses; providing requirements for applying for a loan originator, mortgage broker and mortgage lender license by a certain date; providing effective dates.

By the Committee on Children, Families, and Elder Affairs; and Senators Rich, Storms, and Detert—

CS for SB 2240—A bill to be entitled An act relating to the Interstate Compact for the Placement of Children; creating s. 409.408, F.S.; authorizing the Governor to execute a new interstate compact on the placement of children; specifying the provisions of the compact; creating s. 409.409, F.S.; providing for the present Interstate Compact on the Placement of Children to remain in effect until the Governor enters into the new compact; creating s. 409.410, F.S.; providing rulemaking authority to the Department of Children and Family Services; providing an effective date.

By the Committee on Transportation; and Senator Hill—

CS for SB 2248—A bill to be entitled An act relating to the taxation of public-private transportation facilities; amending s. 334.30, F.S.; exempting certain public-private transportation facilities from certain specified taxes and special assessments; excluding certain taxes from such exemption; providing an effective date.

By the Committee on Higher Education; and Senator Oelrich—

CS for SB 2256—A bill to be entitled An act relating to state university student health insurance; creating s. 1006.72, F.S.; providing a short title and legislative intent; providing requirements for state universities that have health centers; authorizing a state university to require student proof of health insurance coverage if certain conditions are met or to require the purchase of university-sponsored or other insurance in certain circumstances; providing that a student is responsible for resolving outstanding balances owed to a university health center; providing requirements for acceptable alternative insurance; providing requirements for proof of coverage; providing requirements for university-sponsored insurance providers; requiring annual reporting by state universities; requiring that the Board of Governors of the State University System review and report to the Legislature on student access to health care services; providing an effective date.

By the Committee on Health Regulation; and Senator Gardiner—

CS for SB 2286—A bill to be entitled An act relating to the Agency for Health Care Administration; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.506, F.S.; providing an exception for the agency to deny, suspend, or revoke the license of a nurse registry; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172 and 651.118, F.S.; conforming provisions and a cross-reference; providing an effective date.

By the Committee on Health Regulation; and Senator Constantine—

CS for SB 2296—A bill to be entitled An act relating to the influenza vaccine; amending ss. 402.305, 402.313, and 402.3131, F.S.; requiring child care facilities, family day care homes, and large family child care homes to provide parents with certain information regarding the causes, symptoms, and transmission of the influenza virus; providing an effective date.

By the Committee on Military Affairs and Domestic Security; and Senators Gaetz and Peaden—

CS for SB 2322—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Florida Council on Military Base and Mission Support; providing the council's mission; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for members to be reimbursed for expenses; requiring Enterprise Florida, Inc., to provide administrative support; providing for council workgroups and the tasks of the workgroups; providing an annual report to the Legislature and Governor; providing an effective date.

By the Committee on Military Affairs and Domestic Security; and Senator Gaetz—

CS for SB 2324—A bill to be entitled An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public-records requirements for specified records relating to military bases which are held by the Florida Council on Military Base and Mission Support; creating an exemption from public-meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public-records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator Ring—

CS for SB 2326—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Go Green Florida license plate; establishing an annual fee for the plate; providing for the distribution of use fees received from the annual sale of such plates; providing an effective date.

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

CS for SB 2374—A bill to be entitled An act relating to public records; creating s. 1002.221, F.S.; providing an exemption from public-records requirements for K-12 education records held by an agency, public school, center, institution, or other entity that is part of the state's education system; providing exceptions to the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 1006.52, F.S.; expanding the exemption from public-records requirements for records of students in public postsecondary educational institutions to include education records and applicant records; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

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

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

CS for SB 2426—A bill to be entitled An act relating to student records; amending s. 1002.21, F.S.; deleting provisions relating to the rights parents have regarding their children's postsecondary student records to conform to changes made by the act; amending s. 1002.22, F.S.; deleting certain provisions governing the release of K-12 student records and reports to specified parties; deleting definitions; defining the terms "agency" and "institution"; requiring that the State Board of Education comply with federal law with respect to the release of education records; requiring that the State Board of Education adopt rules; creating s. 1002.225, F.S.; defining the term "education records" for purposes of records of students in public postsecondary educational institutions; requiring that a public postsecondary educational institution comply with federal law; authorizing such institution to charge a fee for furnishing copies of education records; prohibiting an institution from charging a fee that exceeds the actual cost incurred by the institution for producing such copies; prohibiting the institution from including the costs of searching for or retrieving the records in the fee; providing an aggrieved student with the right to bring an action in court; providing for the award of attorney's fees and court costs; amending s. 1009.94, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Judiciary; and Senator Lawson—

CS for SB 2430—A bill to be entitled An act relating to the excise tax on documents; amending s. 210.02, F.S.; revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; providing requirements; providing for an application; providing an effective date.

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

CS for SB 2466—A bill to be entitled An act relating to school districts; amending s. 1012.22, F.S.; requiring that each district school board adopt the district school superintendent's recommendations relating to compensation and salary schedules unless 66 percent of the district school board members vote to reject such recommendations; amending s. 1012.27, F.S.; revising provisions relating to the district school superintendent's duty to prepare and recommend salary schedules for adoption by the district school board; prohibiting the school superintendent from recommending an increase in salary schedules of administrative personnel or managers if the salary schedules of instructional personnel and educational support employees have not been increased; requiring that the school superintendent review the salary schedules of all administrative personnel and managers to ensure that no person is paid in excess of twice the district's average salary of classroom teachers for the prior academic year; requiring that the school superintendent recommend corrective action to address any pay disparity; providing for severability; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 2536—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; requiring the Fish and Wildlife Conservation Commission rather than the Department of Revenue to distribute a specified sum from the Invasive Plant Control Trust Fund to eradicate melaleuca; amending s. 253.002, F.S.; setting forth duties of the commission as they relate to state lands; amending s. 253.04, F.S.; providing for preservation of sea grasses; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising certain age limitations on the operation of a vessel powered by a 10-horsepower motor or greater; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; removing an exemption from permit requirements for certain markers placed by county, municipal, or other government entities; amending s. 327.41, F.S., relating to placement of markers by a county or municipality; revising terminology; providing for a county or municipality that has adopted a boating-restricted area by ordinance under specified provisions to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules for the approval; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; providing for enforcement by citation mailed to the owner of the vessel; specifying responsi-

bility for citations issued to livery vessels; providing for construction; amending s. 327.60, F.S.; revising provisions limiting regulation by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state; prohibiting certain county or municipality ordinances or regulations; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by counties and municipalities; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; providing that a vessel in violation may be seized and subject to forfeiture; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; amending ss. 369.20, 369.22, and 369.25, F.S.; providing that the commission has the authority to enforce statutes relating to aquatic weeds and plants; amending s. 379.304, F.S.; providing that anyone violating the provisions governing the sale or exhibition of wildlife is subject to specified penalties relating to captive wildlife; amending s. 379.338, F.S.; authorizing an investigating law enforcement agency to dispose of illegally taken wildlife, freshwater fish, or saltwater fish in certain specified ways; requiring that live wildlife, freshwater fish, and saltwater fish be properly documented as evidence and returned to the habitat unharmed; requiring that nonnative species be disposed of in accordance with rules of the Fish and Wildlife Conservation Commission; providing for the disposition of furs and hides; requiring that the proceeds of sales be deposited in the State Game Trust Fund or the Marine Resources Conservation Trust Fund; requiring the Fish and Wildlife Conservation Commission to give to a state, municipal, or county law enforcement agency that enforces or assists the commission in enforcing the law all or a portion of the value of any property forfeited during an enforcement action; creating s. 379.3381, F.S.; providing that photographs of wildlife or freshwater or saltwater fish may be offered into evidence to the same extent as if the wildlife, freshwater fish, or saltwater fish were directly introduced as evidence; requiring that the photograph be accompanied by a writing containing specified information relating to the illegal seizure of the wildlife or freshwater or saltwater fish; requiring that the wildlife or freshwater or saltwater fish be disposed of as provided by law; amending s. 379.353, F.S.; providing that a resident of this state is exempt from paying certain recreational licenses if the person is eligible for Medicaid services and has been issued an identification card by the Agency for Health Care Administration; amending s. 379.3671, F.S.; providing that if a certificate issued to a person to use a spiny lobster trap is not renewed within a specified period, the certificate will be considered abandoned and revert to the commission; amending s. 379.3751, F.S.; revising the alligator trapping agent's license and the alligator farming agent's license to allow the trapper and the farmer to possess, process, and sell the hides and meat of the alligator; removing the limitation that an alligator trapping agent's license could be issued only in conjunction with an alligator trapping license; amending s. 379.3761, F.S.; providing penalties for the wrongful exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising penalties for a person who unlawfully possesses wildlife; amending s. 379.401, F.S.; making it a level 2 violation for a person to feed or entice an alligator or crocodile and a level 4 violation for a person to illegally kill, injure, or capture an alligator or crocodile; amending s. 379.4015, F.S.; making it a level 2 violation for a person to illegally exhibit of sell wildlife; requiring the commission to establish a pilot program for regulating the anchoring or mooring of non-live-aboard vessels outside public mooring fields; specifying the goals of the pilot program; providing requirements; requiring a report to the Governor and Legislature; creating s. 379.501, F.S.; providing penalties for unlawfully disturbing aquatic weeds and plants; providing that a person is liable to the state for any damage caused to the aquatic weeds or plants and for civil penalties; providing that if a person willfully harm aquatic weeds and plants he or she commits a felony of the third degree; providing criminal penalties; creating s. 379.502, F.S.; authorizing the commission to seek judicial or administrative remedies for unlawfully disturbing aquatic weeds and plants; providing for procedures; authorizing a respondent to request mediation; providing for an award of attorney's fees; providing requirements for calculating administrative penalties; providing for the administrative law judge to consider evidence of mitigation; requiring that penalties be deposited into the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that the judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing that anyone who unlawfully disturbs aquatic weeds or plants is subject to civil penalties; authorizing a court to impose a civil penalty for each offense in an amount not to exceed $10,000 per offense; providing for joint and several liability; providing for determining the value of fish killed for purposes of assessing damages; amending s. 403.088, F.S.; requiring the commission to approve a program intended to control aquatic weeds or algae; providing for a type II transfer of the Bureau of Invasive Plant Management in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for the transfer of the Invasive Plant Control Trust Fund to the Fish and Wildlife Conservation Commission; reenacting s. 379.209(2), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32 F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; providing an appropriation; repealing s. 327.22, F.S.; repealing s. 379.366(7), F.S.; to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

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

CS for SB 2538—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring that the department evaluate and approve student assessment instruments for use by providers; requiring that each state-approved supplemental educational services provider report certain information to the Department of Education regarding services to public school students in the district by a specified date each year; requiring that the department evaluate each provider based on such information and assign a service designation; providing an exception for such designation; requiring that the department adopt rules specifying the threshold requirements for such designation; requiring that the department report the service designations to the providers, the school districts, parents, and the public by a specified date each year; authorizing school districts to use certain funds to meet the requirements in the act; requiring that the State Board of Education adopt rules; requiring that the board's rules include certain procedures; requiring that the department review and evaluate the school districts' diagnostic and assessment instruments to measure student learning gains; requiring that a supplemental educational services provider report data on individual student learning gains to the department; providing for exceptions; providing an effective date.

By the Committee on Agriculture; and Senators Dean and Baker—

CS for SB 2572—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative findings; defining the term "rural agricultural industrial center"; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing requirements for such application; requiring that the local government amend its comprehensive plan within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing that such presumption may be rebutted by a preponderance of the evidence; providing an exception for optional sector plans and rural land stewardship areas; amending ss. 163.3184 and 380.06, F.S.; conforming cross-references; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Haridopolos—

CS for SB 2574—A bill to be entitled An act relating to information technology; amending s. 11.90, F.S.; deleting an obsolete provision relating to duties of the Legislative Budget Commission; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; requiring the agency to complete certain duties relating to a proposed enterprise information technology services plan by a specified date; creating the Office of Information Security within the agency; designating the Chief Information Security Officer as head of the office and who reports to the executive director of the agency; amending s. 110.205, F.S.; revising certain positions relating to the obsolete State Technology Office that are exempted from career service; amending s. 282.003, F.S.; renaming the Information Technology Resources Management Act as the "Enterprise Information Technology Services Management Act"; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to proposed enterprise information technology services submitted by the agency; deleting the requirement that the agency develop a migration plan; amending s. 282.201, F.S.; revising the duties of the agency; specifying the requirements for obtaining an exception to the limitations on agencies relating to computer services; amending s. 282.203, F.S.; providing an additional duty for a state primary data center; revising the date for appointing a board of trustees of a primary data center; revising the method for determining representation on the board of trustees; revising the role on the board of the executive director of the Agency for Enterprise Information Technology; allowing board membership resulting from consolidations to be adjusted in the appropriations act; providing an additional duty of the board; amending s. 282.204, F.S.; deleting obsolete provisions; providing that the Northwood Shared Resource Center is an agency established with the Department of Children and Family Services; authorizing the secretary of the department to appoint a temporary chair of the center's board of trustees; requiring the agency and the department to identify and transfer department resources by budget amendment; amending s. 282.205, F.S.; deleting obsolete provisions relating to the Southwood Shared Resource Center; amending s. 282.318, F.S.; renaming the Security of Data and Information Technology Infrastructure Act as the "Enterprise Security of Data and Information Technology Act"; providing that information technology security is an enterprise information technology service; substituting the Office of Information Security for the agency and revising the associated duties related to information technology security; requiring the agency to submit a plan for information technology security to the Legislature and Governor by a certain date; amending s. 282.33, F.S.; specifying that the Agency for Enterprise Information Technology shall make recommendations relating to the efficiency of state primary data centers; creating s. 282.34, F.S.; establishing a state electronic mail system as an enterprise information technology service; directing the Southwood Shared Resource Center to manage and operate the system; directing the agency to conduct an analysis of such service by a certain date and establish a workgroup to develop an implementation plan; prohibiting a state agency from terminating such service unless authorized by the Legislature; requesting the Division of Statutory Revision to create part IV of ch. 282, F.S.; creating s. 282.701, F.S.; providing a short title; transferring and renumbering s. 282.102, F.S., relating to the powers of the Department of Management Services with respect to a state communication system; transferring, renumbering, and amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S., relating to the SUNCOM system; substituting the department for the State Technology Office; transferring and renumbering s. 282.109, F.S., relating to the emergency control of the state communications system; transferring, renumbering, and amending ss. 282.1095 and 282.111, F.S., relating to the communications system for law enforcement agencies; substituting the department for the State Technology Office; transferring, renumbering, and amending ss. 282.21, F.S., relating to remote electronic access; substituting the department for the State Technology Office; repealing s. 282.22, F.S., relating to materials and products acquired or developed by the State Technology Office; amending s. 287.042, F.S.; revising the duties of the department to include the development of procedures that ensure certain records requirements; deleting the requirement that the department consult with the office on agreements for the joint purchase of information technology; deleting a requirement for the department and office to access certain contracts; amending s. 1004.52, F.S.; deleting the requirement that the Institute on Urban Policy and Commerce consult with the office and the Chief Information Officer on requirements for computers purchased for the community computer access grant program; repealing and transferring certain administrative rules relating to the State Technology Office; amending s. 17, chapter 2008-116, Laws of Florida; providing that a state primary data center is the custodian of resources and equipment located in the data center for the purposes of ch. 272, F.S.; amending ss. 318.18, 393.002, and 1001.26, F.S.; conforming cross-references; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Wise—

CS for SB 2612—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a license application; amending s. 397.405, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary, regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing

medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797, 397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senators Haridopolos, Ring, Lynn, Oelrich, Smith, Bennett, Gaetz, Altman, and Pruitt—

CS for SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the "Consumer Choice and Protection Act"; amending s. 364.013, F.S.; providing for local interconnection rights regardless of technology; amending s. 364.02, F.S.; redefining the terms "basic local telecommunications service," "nonbasic service," and "telecommunications company"; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company's schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; deleting provisions relating to rate increases for nonbasic services; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; amending s. 364.10, F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; requiring each local exchange telecommunications company to advise each residential customer of the least-cost service available to that customer when the residential customer initially requests basic local telecommunications service; amending s. 364.603, F.S.; providing procedures for resolving complaints regarding preferred carrier freezes on local exchange service; amending ss. 364.059 and 364.105, F.S.; conforming cross-references; providing an effective date.

By the Committee on Transportation; and Senator Haridopolos—

CS for SB 2630—A bill to be entitled An act relating to motor vehicle dealerships; amending s. 320.64, F.S.; revising provisions prohibiting certain acts by a motor vehicle manufacturer, factory branch, distributor, or importer licensed under specified provisions; revising conditions and procedures for certain audits; removing a presumption that a dealer had no actual knowledge that a customer intended to export or resell a motor vehicle; clarifying a dealer's eligibility requirements for licensee-offered program bonuses, incentives, and other benefits; requiring certain payments if a termination, cancellation, or nonrenewal of a dealer's franchise is the result of bankruptcy or reorganization; amending s. 320.642, F.S.; revising provisions for establishing an additional motor vehicle dealership in or relocating an existing dealer to a location within a community or territory where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; revising notice requirements; revising provisions for denial of an application for a motor vehicle dealer license in any community or territory; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles when evaluating the application; revising provisions under which a dealer has standing to protest a proposed additional or relocated motor vehicle dealer; revising provisions for a proposed addition or relocation concerning a dealership that performs only service; amending s. 320.643, F.S.; revising provisions for a transfer, assignment, or sale of franchise agreements; prohibiting rejection of proposed transfer of interest in a motor vehicle dealer entity to a trust or other entity, or a beneficiary thereof, which is established for estate-planning purposes; prohibiting placing certain conditions on such transfer; revising provisions for a hearing by the department or a court relating to a proposed transfer; amending s. 320.696, F.S.; eliminating one of the methods for determining warranty labor and parts reimbursement and more particularly describing exceptions to such calculations; providing for severability; providing an effective date.

By the Committee on Commerce; and Senator Gelber—

CS for SB 2700—A bill to be entitled An act relating to mail-in secondhand precious metals dealers; creating part III of ch. 538, F.S.; providing a short title; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Environmental Preservation and Conservation; and Senator Bullard—

CS for SB 144—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; expanding the beach safety program administered by the Department of Environmental Protection to apply to all beaches; amending s. 784.07, F.S.; defining an "ocean lifeguard"; providing enhanced penalties for an assault or battery on an ocean lifeguard while he or she is engaged in the lawful performance of his or her duties; amending ss. 435.04, 901.15, 943.051, and 985.11, F.S.; conforming provisions; amending s. 921.0022, F.S., and reenacting paragraph (3)(d), relating to the offense severity ranking chart, to incorporate the amendments made to s. 784.07, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Education Pre-K - 12; and Senators Siplin and Sobel—

CS for SB 254—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; providing legislative intent; requiring the department to work with the Depart-

ment of Agriculture and Consumer Services to recommend policies and rules to the State Board of Education relating to school food services which encourage schools and school districts in this state to buy fresh and local food; requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; requiring the program to maintain compliance with the rules and regulations of the National School Lunch Program; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations.

By Senator Smith—

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

—was referred to the Committee on Education Pre-K - 12.

By Senator Smith—

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

—was referred to the Committee on Criminal Justice.

By the Committee on Regulated Industries; and Senators Jones and King—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Regulated Industries; and Senators Jones and King—

CS for SB 836—A bill to be entitled An act relating to gaming; providing legislative findings and intent; authorizing electronic gaming machines in certain pari-mutuel facilities; defining terms; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation and the Department of Law Enforcement; authorizing the Division of Pari-mutuel Wagering to adopt rules regulating electronic gaming activities; authorizing the Division of Pari-mutuel Wagering and the Department of Law Enforcement to conduct investigations relating to electronic gaming; authorizing the Division of Pari-mutuel Wagering to issue licenses for electronic gaming; specifying qualifications of licensees; requiring licensees to provide advance notice of certain ownership changes to the Division of Pari-mutuel Wagering; specifying requirements for a licensee's facilities-based computer system; requiring electronic gaming machines to maintain a payout percentage of at least 85 percent; requiring licensees to maintain records; requiring licensees to make and file certain reports with the Division of Pari-mutuel Wagering; requiring an applicant for an electronic gaming license to have certain agreements for live races or games; providing for arbitration of such agreements; authorizing the Division of Pari-mutuel Wagering to issue temporary occupational licenses; providing for the renewal of electronic gaming machine licenses; specifying a nonrefundable licensing fee for electronic gaming licenses; specifying the rate of tax on electronic gaming machine revenues; providing for penalties for failure to pay the taxes; requiring electronic gaming machine licensees and certain persons having access to gaming areas to submit fingerprints in connection with certain occupational licenses; specifying grounds for the Division of Pari-mutuel Wagering to take action against applicants for and licensees having certain occupational licenses; authorizing the Division of Pari-mutuel Wagering to impose fines for violations of laws relating to electronic gaming; prohibiting regulators, certain businesses, licensees, and employees from having certain relationships with each other; subjecting a person who makes certain false statements to fines; subjecting a person to fines for possessing electronic games without a license; imposing criminal penalties for attempting to manipulate electronic gaming machines or theft relating to electronic gaming; authorizing warrantless arrests by law enforcement officers under certain circumstances; providing immunity to law enforcement officers who make such arrests; imposing criminal penalties for resisting arrest or detention; prohibiting electronic gaming machines from entering this state; authorizing the Division of Pari-mutuel Wagering to exclude certain individuals from the facility of an electronic gaming machine licensee; prohibiting persons who are younger than 18 years of age from playing an electronic gaming machine; specifying a limit on the number of electronic gaming machines in a facility; requiring an electronic gaming machine licensee to provide office space to the Division of Pari-mutuel Wagering and to the Department of Law Enforcement free of charge; limiting the hours that an electronic gaming machine facility may operate; authorizing the Division of Pari-mutuel Wagering to revoke or suspend licenses or impose fines for willful violations of laws or rules regulating electronic gaming; requiring electronic gaming machine licensees to train employees about gambling addictions; imposing a regulatory fee for a gambling addiction program; entitling electronic gaming machine licensees to a caterer's license; restricting the provision of alcoholic beverages, automated teller machines, and check cashing activities in gaming machine areas; authorizing the Division of Pari-mutuel Wagering to adopt rules; preempting to the state the authority to regulate electronic gaming facilities; excepting bingo games operated by charitable or nonprofit organizations from the provisions of the act; amending s. 215.22, F.S.; exempting taxes imposed on electronic gaming and electronic gaming machine revenue from specified service charges; authorizing the Division of Pari-mutuel Wagering to spend certain trust funds; requiring repayment of such funds; amending s. 550.002, F.S.; revising a definitions; amending s. 550.01215, F.S.; deleting an exception relating to licensing of thoroughbred racing; amending s. 550.0951, F.S.; specifying the tax on historical racing, the take-out of a pari-mutuel pool, an a payment to a purse account; providing for payments to certain horse

racing associations; specifying the fee for a permitholder to conduct historical racing; revising the date on which tax payments are due; amending s. 550.09511, F.S.; revising the schedule for the payment of jai alai taxes; amending s. 550.09514, F.S.; revising the schedule for the payment of greyhound dog racing taxes; amending s. 550.105, F.S.; providing for a 3-year occupational license for certain pari-mutuel employees; specifying maximum license fees; providing procedures for criminal history record checks; amending s. 550.135, F.S.; providing for the reservation of electronic gaming machine fees in a trust fund; amending s. 550.2415, F.S.; providing that cruelty to any animal is a violation of ch. 550, F.S.; authorizing the Division of Pari-mutuel Wagering to inspect areas are located; amending s. 550.26165, F.S.; providing legislative intent to attract thoroughbred training and breeding to this state; authorizing the Florida Thoroughbred Breeders' Association to pay certain awards as part of its pay plan; amending s. 550.2625, F.S.; limiting the application of requirements for minimum purses and awards to this state; amending s. 550.334, F.S.; deleting a provision for issuing a permit to conduct quarter horse race meetings; deleting a provision for issuing a license to conduct quarter horse racing; deleting provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to the use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; deleting provisions relating to racing days and dates for thoroughbred permitholders that conducted races between certain dates; revising provisions relating to thoroughbred racing dates and minimum number of races; creating s. 550.810, F.S.; specifying requirements for historical racing systems; limiting the number of historical terminals in certain pari-mutuel facilities; authorizing the Division of Pari-mutuel wagering to adopt rules regulating historical racing; providing for the disposition of pari-mutuel tickets that are not redeemed within a certain period of time; amending s. 551.102, F.S.; clarifying the definition of the term "progressive system"; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine facility must be at least 85 percent; specifying the licensing fee for slot machine gaming; specifying the rate of tax on slot machine revenues; revising the due date for slot machine taxes; amending s. 551.113, F.S.; prohibiting a person who is younger than 18 years of age from playing a slot machine; amending s. 551.121, F.S.; authorizing a progressive system to be used in conjunction with slot machines between licensed facilities; amending s. 772.102, F.S.; revising the definition of "criminal activity"; conforming cross-references; amending s. 849.161, F.S.; providing that ch. 849, F.S., does not apply to certain mechanical historical racing systems; amending s. 849.086, F.S.; requiring an applicant for a cardroom licensed to have run a full schedule of live races; specifying maximum license fees for occupational licenses for cardroom employees and cardroom businesses; limiting the hours of cardroom operations; revising the maximum bet and entry fee for tournaments; expanding the authorization for cardroom activities contingent upon a compact with the Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing the possession of certain gambling devices; amending s. 895.02, F.S.; revising the definitions of "racketeering activity" and "unlawful debt"; conforming cross-references; providing an appropriation and the creation of full-time equivalent positions; providing contingent effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 1004—A bill to be entitled An act relating to coral reefs; amending s. 380.0558, F.S.; revising definitions; providing that moneys in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection received from damages recovered for injury to coral reefs are expended to pay for alternative projects selected by the department as staff to the Board of Trustees of the Internal Improvement Trust Fund; creating s. 380.29, F.S.; providing a short title; providing definitions; providing legislative intent; requiring responsible parties to notify the department if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04, F.S., relating to the duty of Board of Trustees of the Internal Improvement Trust Fund to protect state lands; providing an effective date.

—was referred to the Committees on Judiciary; and General Government Appropriations.

By the Committee on Higher Education; and Senator Pruitt—

CS for SB 1364—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 1009.53, F.S.; revising provisions relating to the refund by an educational institution to the Department of Education of funds received for courses dropped by students after the end of the drop and add period; amending s. 1009.532, F.S.; increasing the credit hour requirements for a student to remain eligible for a scholarship; permitting a one-time restoration of scholarship eligibility; providing an effective date.

—was referred to the Committee on Higher Education Appropriations.

By the Committees on Criminal Justice; and Education Pre-K - 12; and Senator Wise—

CS for CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending s. 1002.20, F.S.; conforming cross-references; requiring that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals; requiring that such review be conducted at a district school board meeting held pursuant to state law; requiring that the district school board take public testimony at such meeting; providing for the expiration of a district school board's policy authorizing corporal punishment under certain circumstances; amending s. 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; prohibiting zero-tolerance policies from requiring the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring each district school board to adopt a cooperative agreement with the Department of Juvenile Justice which establishes certain guidelines; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Judiciary; and Education Pre-K - 12 Appropriations.

By Senators Aronberg and Baker—

SJR 1550—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution to expand the availability of the property tax discount for disabled veterans to veterans who were not Florida residents when they entered the military.

—was referred to the Committees on Ethics and Elections; Finance and Tax; and the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By the Committee on Transportation; and Senator Baker—

CS for SB 1560—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; revising the annual use fee for the Choose Life license plate; revising provisions for

distribution of such use fees; creating the Florida Horse Park license plate and the Let's Go Surfing license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committee on Agriculture; and the Policy and Steering Committee on Ways and Means.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

—was referred to the Committee on Governmental Oversight and Accountability.

By Senator Bennett—

SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; specifying nonapplication of certain provisions of law to surplus lines insurers; providing for retroactive application; providing for severability; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

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

CS for SB 1914—A bill to be entitled An act relating to school districts; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the commissioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

—was referred to the Committee on Education Pre-K - 12 Appropriations.

By the Committee on Health Regulation; and Senators Gaetz and Peaden—

CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that bills the Medicaid program for medically unnecessary services; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; amending s. 408.05, F.S.; requiring the Florida Center for Health Information and Policy Analysis to take certain actions to improve the prevention and detection of health care fraud through the use of technology; creating s. 408.8065;, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; imposing criminal penalties on a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 408.810, F.S.; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring the Agency for Health Care Administration to use specified documents from a provider's records to calculate an overpayment by the Medicaid program; prohibiting a provider from using certain documents or data as evidence when challenging a claim of overpayment by the Agency for Health Care Administration; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s.

456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; amending s. 465.023, F.S.; requiring the Department of Health or the Board of Pharmacy to deny an application for a pharmacy permit or take disciplinary action against a permitee for certain misconduct by the applicant, licensee, or person affiliated with the applicant or licensee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Health and Human Services Appropriations.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2100—A bill to be entitled An act relating to building codes; amending s. 339.02, F.S., providing requirements relating to elevator safety; amending s. 399.15, F.S., providing an alternative method to provide regional emergency elevator access; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; amending s. 468.8311, F.S., effective July 1, 2010, to revise definitions for home inspection services; amending s. 468.8312, F.S., effective July 1, 2010, providing for fee increases for home inspection licenses; amending s. 468.8319, F.S.; effective July 1, 2010, revising a prohibition on providers of home inspection services; amending s. 468.832, F.S.; effective July 1, 2010, authorizing the Department of Business and Professional Regulation to impose penalties on licensees found guilty of violations; amending s. 468.8324, effective July 1, 2010, providing additional home inspection licensure requirements; amending s. 215.5586, F.S.; effective July 1, 2010, adding home inspectors licensed under s. 468.83, F.S., to the list of wind certification entities that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; amending s. 627.351, F.S.; deleting a requirement for opening protections for designated property; repealing s. 718.113(6), F.S.; relating to requirements for 5-year inspections of certain condominium improvements; amending s. 553.37, F.S.; revising criteria for inspection of manufactured buildings; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing rulemaking authority to the Department of Community Affairs; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.73, F.S.; authorizing the commission to adopt amendments relating to equivalency of standards; authorizing the adoption of amendments necessary to accommodate state agency rules to meet federal requirements for design criteria relating to public educational facilities and state-licensed facilities; providing an exception to the Florida Building Code; restricting the code from imposing requirements on certain air conditioning systems; amending s. 553.74, F.S.; authorizing members of the commission's advisory and technical committees to appear before the commission on professional matters; providing that the member may not take action on certain matters; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; authorizing the commission to charge a fee for nonbinding interpretations; amending s. 553.79, F.S.; requiring state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity; providing exceptions; amending s. 553.841, F.S.; deleting provisions requiring that the department maintain, update, develop, or cause to be developed a core curriculum; amending s. 553.842, F.S.; authorizing commission rules to provide for the payment of product evaluation fees directly to the provider; providing that the provider must remit the department's portion of the fees; providing requirements for approval of applications for state approval of a product; providing that certain approved products will be immediately added to the list of state-approved products; providing for review and ratification of an approved product by the commission; revising the list of approved evaluation entities; deleting obsolete provisions; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; repealing ss. 468.627(6), 481.215(5), and 481.313(5), F.S., relating to building code inspectors, renewal of the license for architects, interior designers, and landscape architects, respectively; amending ss. 468.609, 471.0195, 489.115, 489.1455, and 489.517, F.S., conforming provisions relating to the deletion of core curriculum courses; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; directing the Florida Building Commission to update the Florida Building Code to include revisions made to s. 399.02, F.S.; providing effective dates.

—was referred to the Committees on Regulated Industries; Banking and Insurance; General Government Appropriations; and Rules.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2148—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; providing an exception; amending s. 163.3177, F.S.; revising standards for the future land use plan in a local comprehensive plan; revising standards for the housing element of a local comprehensive plan; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting exemptions from the limitation on the frequency of plan amendments; extending the deadline for local governments to adopt a public school facilities element and interlocal agreement; providing legislative findings concerning the need to preserve agricultural land and protect rural agricultural communities from adverse changes in the agricultural economy; defining the term "rural agricultural industrial center"; authorizing a landowner within a rural agricultural industrial center to apply for an amendment to the comprehensive plan to expand an existing center; providing requirements for such application; providing a rebuttable presumption that such an amendment is consistent with state rule; providing certain exceptions to the approval of such amendment; amending s. 163.3180, F.S.; providing that certain projects or high-performance transit systems be considered as committed facilities; requiring that the costs associated with accommodating a transit facility be credited against the developer's proportionate-share contribution; revising the calculation of school capacity to include relocatables used by a school district; providing a minimum state availability standard for school concurrency; providing that a developer is not required to reduce or eliminate backlog or address class size reduction; providing that charter schools be considered as a mitigation option under certain circumstances; requiring school districts to include relocatables in their calculation of school capacity under certain circumstances; providing for an Urban Placemaking Initiative Pilot Project Program; providing that certain local governments be designated as urban placemaking initiative pilot projects; providing requirements, criteria, procedures, and limitations for such local governments; amending s. 163.3184, F.S.; requiring that a potential applicant for a future land use map amendment meet certain notice and meeting requirements before filing such application; exempting small-scale amendments from certain requirements; revising certain deadlines for comments on the intergovernmental review and state planning agency review of plan amendments; providing that an amendment is deemed

abandoned under certain circumstances; authorizing the state land planning agency to grant extensions for comments; requiring that a comprehensive plan or amendment be available to the public a specified number of days before a scheduled hearing; prohibiting certain types of changes to a plan amendment during a specified period before the hearing; requiring that the local government certify certain information to the state land planning agency; conforming a cross-reference; amending s. 163.3187, F.S.; limiting the adoption of certain plan amendments to twice per calendar year; authorizing local governments to adopt certain plan amendments at any time during a calendar year without regard for restrictions on frequency; deleting certain types of amendments from the list of amendments eligible for adoption at any time during a calendar year; deleting exemptions from frequency limitations; providing circumstances under which small-scale amendments become effective; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 163.3217, F.S.; deleting an exemption from the frequency requirements for the adoption of amendments to a local comprehensive plan; amending s. 163.340, F.S.; expanding the definition of the term "blighted area" to include land previously used as a military facility; amending s. 171.203, F.S.; deleting an exemption for the adoption of a municipal service area as an amendment to a local comprehensive plan; amending s. 380.06, F.S.; providing that the level-of-service standards for the development-of-regional-impact review is the same as the level-of-service standards for evaluating concurrency; conforming a cross-reference; amending s. 403.973, F.S.; providing legislative intent; providing certain criteria for regional centers for clean technology projects to receive expedited permitting; providing regulatory incentives for projects that meet such criteria; authorizing the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to certify and decertify such projects; authorizing the office to create regional permit action teams; providing an effective date.

—was referred to the Committees on Transportation; and Communications, Energy, and Public Utilities; and the Policy and Steering Committee on Ways and Means.

By the Committee on Governmental Oversight and Accountability; and Senator Joyner—

CS for SB 2188—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising the definition of the term "agency" for purposes of ch. 120, F.S.; amending s. 120.525, F.S.; requiring each agency to give notice of public meetings, hearings, and workshops on the agency's website; requiring each agency to publish agendas on the agency's website; amending s. 120.54, F.S.; revising the definition of the term "small business" with regard to special matters to be considered by an agency in rule adoption; requiring an agency to ensure that persons responsible for preparing a proposed rule be available at a public hearing regarding the proposed rule; requiring that certain materials submitted to the agency on or before the date of the final public hearing be considered by the agency and made a part of the record of the rulemaking proceeding; requiring that a change to a proposed rule be in response to written materials submitted to the agency within a specified time after the date of publication of the notice of intended agency action or submitted to the agency on or before the date of the final public hearing; requiring that a proposed rule become effective on a date specified in the notice of the agency's intended action; requiring that the statement of an agency's organization and operations be published on the agency's website; providing that a rule that adopts federal standards becomes effective upon the date designated by the agency in the notice of intent to adopt the rule; amending s. 120.80, F.S.; deleting a provision that prohibits the Department of Environmental Protection from adopting the lowest regulatory cost alternative under certain circumstances; providing an effective date.

—was placed on the Calendar.

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

CS for SB 2374—A bill to be entitled An act relating to public records; creating s. 1002.221, F.S.; providing an exemption from public-records requirements for K-12 education records held by an agency, public school, center, institution, or other entity that is part of the state's education system; providing exceptions to the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 1006.52, F.S.; expanding the exemption from public-records requirements for records of students in public postsecondary educational institutions to include education records and applicant records; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

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

CS for SB 2426—A bill to be entitled An act relating to student records; amending s. 1002.21, F.S.; deleting provisions relating to the rights parents have regarding their children's postsecondary student records to conform to changes made by the act; amending s. 1002.22, F.S.; deleting certain provisions governing the release of K-12 student records and reports to specified parties; deleting definitions; defining the terms "agency" and "institution"; requiring that the State Board of Education comply with federal law with respect to the release of education records; requiring that the State Board of Education adopt rules; creating s. 1002.225, F.S.; defining the term "education records" for purposes of records of students in public postsecondary educational institutions; requiring that a public postsecondary educational institution comply with federal law; authorizing such institution to charge a fee for furnishing copies of education records; prohibiting an institution from charging a fee that exceeds the actual cost incurred by the institution for producing such copies; prohibiting the institution from including the costs of searching for or retrieving the records in the fee; providing an aggrieved student with the right to bring an action in court; providing for the award of attorney's fees and court costs; amending s. 1009.94, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations.

By the Committee on Judiciary; and Senator Lawson—

CS for SB 2430—A bill to be entitled An act relating to the excise tax on documents; amending s. 210.02, F.S.; revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; providing requirements; providing for an application; providing an effective date.

—was referred to the Committee on Finance and Tax; and the Policy and Steering Committee on Ways and Means.

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

CS for SB 2466—A bill to be entitled An act relating to school districts; amending s. 1012.22, F.S.; requiring that each district school board adopt the district school superintendent's recommendations relating to compensation and salary schedules unless 66 percent of the district school board members vote to reject such recommendations; amending s. 1012.27, F.S.; revising provisions relating to the district school superintendent's duty to prepare and recommend salary schedules for adoption by the district school board; prohibiting the school superintendent from recommending an increase in salary schedules of administrative personnel or managers if the salary schedules of instructional personnel and educational support employees have not been increased; requiring that the school superintendent review the salary schedules of all administrative personnel and managers to ensure that no person is paid in excess of twice the district's average salary of classroom teachers for the prior academic year; requiring that the school superintendent recommend corrective action to address any pay disparity; providing for severability; providing an effective date.

—was referred to the Committee on Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 2536—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; requiring the Fish and Wildlife Conservation Commission rather than the Department of Revenue to distribute a specified sum from the Invasive Plant Control Trust Fund to eradicate melaleuca; amending s. 253.002, F.S.; setting forth duties of the commission as they relate to state lands; amending s. 253.04, F.S.; providing for preservation of sea grasses; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising certain age limitations on the operation of a vessel powered by a 10-horsepower motor or greater; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; removing an exemption from permit requirements for certain markers placed by county, municipal, or other government entities; amending s. 327.41, F.S., relating to placement of markers by a county or municipality; revising terminology; providing for a county or municipality that has adopted a boating-restricted area by ordinance under specified provisions to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules for the approval; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; providing for enforcement by citation mailed to the owner of the vessel; specifying responsibility for citations issued to livery vessels; providing for construction; amending s. 327.60, F.S.; revising provisions limiting regulation by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state; prohibiting certain county or municipality ordinances or regulations; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by counties and municipalities; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; providing that a vessel in violation may be seized and subject to forfeiture; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; amending ss. 369.20, 369.22, and 369.25, F.S.; providing that the commission has the authority to enforce statutes relating to aquatic weeds and plants; amending s. 379.304, F.S.; providing that anyone violating the provisions governing the sale or exhibition of wildlife is subject to specified penalties relating to captive wildlife; amending s. 379.338, F.S.; authorizing an investigating law enforcement agency to dispose of illegally taken wildlife, freshwater fish, or saltwater fish in certain specified ways; requiring that live wildlife, freshwater fish, and saltwater fish be properly documented as evidence and returned to the habitat unharmed; requiring that nonnative species be disposed of in accordance with rules of the Fish and Wildlife Conservation Commission; providing for the disposition of furs and hides; requiring that the proceeds of sales be deposited in the State Game Trust Fund or the Marine Resources Conservation Trust Fund; requiring the Fish and Wildlife Conservation Commission to give to a state, municipal, or county law enforcement agency that enforces or assists the commission in enforcing the law all or a portion of the value of any property forfeited during an enforcement action; creating s. 379.3381, F.S.; providing that photographs of wildlife or freshwater or saltwater fish may be offered into evidence to the same extent as if the wildlife, freshwater fish, or saltwater fish were directly introduced as evidence; requiring that the photograph be accompanied by a writing containing specified information relating to the illegal seizure of the wildlife or freshwater or saltwater fish; requiring that the wildlife or freshwater or saltwater fish be disposed of as provided by law; amending s. 379.353, F.S.; providing that a resident of this state is exempt from paying certain recreational licenses if the person is eligible for Medicaid services and has been issued an identification card by the Agency for Health Care Administration; amending s. 379.3671, F.S.; providing that if a certificate issued to a person to use a spiny lobster trap is not renewed within a specified period, the certificate will be considered abandoned and revert to the commission; amending s. 379.3751, F.S.; revising the alligator trapping agent's license and the alligator farming agent's license to allow the trapper and the farmer to possess, process, and sell the hides and meat of the alligator; removing the limitation that an alligator trapping agent's license could be issued only in conjunction with an alligator trapping license; amending s. 379.3761, F.S.; providing penalties for the wrongful exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising penalties for a person who unlawfully possesses wildlife; amending s. 379.401, F.S.; making it a level 2 violation for a person to feed or entice an alligator or crocodile and a level 4 violation for a person to illegally kill, injure, or capture an alligator or crocodile; amending s. 379.4015, F.S.; making it a level 2 violation for a person to illegally exhibit of sell wildlife; requiring the commission to establish a pilot program for regulating the anchoring or mooring of non-live-aboard vessels outside public mooring fields; specifying the goals of the pilot program; providing requirements; requiring a report to the Governor and Legislature; creating s. 379.501, F.S.; providing penalties for unlawfully disturbing aquatic weeds and plants; providing that a person is liable to the state for any damage caused to the aquatic weeds or plants and for civil penalties; providing that if a person willfully harm aquatic weeds and plants he or she commits a felony of the third degree; providing criminal penalties; creating s. 379.502, F.S.; authorizing the commission to seek judicial or administrative remedies for unlawfully disturbing aquatic weeds and plants; providing for procedures; authorizing a respondent to request mediation; providing for an award of attorney's fees; providing requirements for calculating administrative penalties; providing for the administrative law judge to consider evidence of mitigation; requiring that penalties be deposited into the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that the judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing that anyone who unlawfully disturbs aquatic weeds or plants is subject to civil penalties; authorizing a court to impose a civil penalty for each offense in an amount not to exceed $10,000 per offense; providing for joint and several liability; providing for determining the value of fish killed for purposes of assessing damages; amending s. 403.088, F.S.; requiring the commission to approve a program intended to control aquatic weeds or algae; providing for a type II transfer of the Bureau of Invasive Plant Management in the De-

partment of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for the transfer of the Invasive Plant Control Trust Fund to the Fish and Wildlife Conservation Commission; reenacting s. 379.209(2), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32 F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; providing an appropriation; repealing s. 327.22, F.S.; repealing s. 379.366(7), F.S.; to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—was referred to the Committees on Judiciary; and General Government Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 7077; has passed by the required constitutional three-fifths vote of the membership HB 7059, HB 7061, HB 7063, HB 7065, HB 7067, HB 7069, HB 7071, HB 7073, HB 7075 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Health Care Appropriations Committee and Representative(s) Ambler—

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

—was referred to the Committee on Health and Human Services Appropriations.

By Natural Resources Appropriations Committee and Representative(s) Poppell—

HB 7059—A bill to be entitled An act relating to trust funds; recreating the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection without modification; repealing s. 403.891(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Transportation & Economic Development Appropriations Committee and Representative(s) Glorioso—

HB 7061—A bill to be entitled An act relating to trust funds; recreating the Welfare Transition Trust Fund within the Department of Military Affairs without modification; repealing s. 250.175(5)(d), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Adams—

HB 7063—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Corrections without modification; repealing s. 20.3151(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Adams—

HB 7065—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.367(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Adams—

HB 7067—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Florida Parole Commission without modification; repealing s. 947.045(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Adams—

HB 7069—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the state courts system without modification; repealing s. 25.3842(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Adams—

HB 7071—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Corrections without modification; repealing s. 945.21503(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Adams—

HB 7073—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.366(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Adams—

HB 7075—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the state courts system without modification; repealing s. 25.3844(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SCR 2730.

Robert L. "Bob" Ward, Clerk

The bill contained in the foregoing message was ordered enrolled.

ENROLLING REPORTS

SCR 2730 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on March 27, 2009.

R. Philip Twogood, Secretary

CO-INTRODUCERS

Senators Aronberg—SB 500; Baker—SM 854, SB 1606, CS for SB 2572; Bennett—SB 942; Detert—CS for SB 2240; Deutch—CS for SB 1000, CS for CS for SB 1372; Dockery—SB 546; Fasano—SB 1122, CS for SB 2226; Justice—SB 2012; King—CS for SB 788, CS for SB 836; Lynn—CS for SB 408, CS for SB 2626; Oelrich—SB 1122; Peaden—CS for SB 1986; Rich—CS for SB 1576, SB 2270; Ring—CS for SB 1000; Sobel—CS for SB 254, CS for CS for SB 766, SB 942, SB 1122, SB 2012; Storms—CS for CS for SB 606, SB 744, SB 960, SB 962, SB 1848, CS for SB 2240, SM 2378; Wilson—CS for SB 170; Wise—SB 442, SB 1010

Senator Bennett withdrew as introducer of SB 942.

SENATE PAGES

March 30 - April 3, 2009

Amanda Atwater, North Palm Beach; Kayla Bell, North Palm Beach; Carolina Juliet Boulware, Gainesville; Sherian Brown, Jacksonville; Lizzy Carnley, Milton; Matthew Carnley, Milton; Sarah Casteel, Tallahassee; Frank Cunningham, West Palm Beach; Tyler Darlington, Umatilla; David Deeter, Orlando; Joseph "Joe" Detert, Venice; Ross Elliott, Jacksonville; Amanda Frank, Weston; Laura Goldberg, Ormond Beach; Chelsae Gregoria, Bradenton; Ashleigh Gregoria, Bradenton; Cydnee Johnson, Jacksonville; Tarrie Johnson Mack, West Palm Beach; David "Alex" Roberts, Ponce de Leon; Mackeyia Swaby, Belle Glade; Christopher "Chris" Welke, Eustis; Joshua Zucker, Wellington

Journal of the Senate

Number 6—Regular Session **Thursday, April 2, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:00 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Rabbi Schneur Oirechman, Director of Chabad Lubavitch of the Panhandle, Tallahassee:

Almighty God, Light of the Universe:

Grant us inspiration from the new season of spring: Let the great efforts of our Senate bear fruit as it tills the soil of our economy; let the hard work of our Senators take root that the State of Florida flourish and grow.

Almighty God: Let us learn from the late Lubavitcher Rebbe, Rabbi Menachem M. Schneersohn, whose birthday our community marks this coming Sunday. Let us live by the motto, "A little light dispels much darkness."

Almighty God: As our community marks the Blessing of the Sun, celebrating the sun's return to its place at Creation every 28 years, let our Senators be shining examples of light, goodness and hope. In this season of longer days, grant us brighter days; let us bring light to a dark world. Let us pray that the darkness of evil gives way to the light of goodness and kindness.

Almighty God: As Passover, the Festival of Freedom, will be celebrated around the world in a few days, let us internalize the message of Passover today. Let our public servants recognize their role in promoting freedom here and abroad, and let the Passover spirit inspire us all to pass over our obstacles and reach ever-greater heights.

Almighty God: Enlighten this chamber and its worthy Senators who serve their state and country as bearers of your light, and may we realize your glorious and peaceful kingdom on Earth, one act of light at a time, Amen.

PLEDGE

Senate Pages Laura Goldberg of Ormond Beach; Ashleigh Gregoria of Bradenton; Joe Detert, grandson of Senator Detert, of Venice; and Amanda Atwater, daughter of President Atwater, of North Palm Beach led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Fedor of Madeira Beach, sponsored by Senator Jones, as doctor of the day. Dr. Fedor specializes in Family Practice.

ADOPTION OF RESOLUTIONS

On motion by Senator Hill—

By Senator Hill—

SR 2132—A resolution honoring the outstanding academic, athletic, and humanitarian accomplishments of Myron L. Rolle.

WHEREAS, Myron L. Rolle was recruited by Florida State University from the Hun School in Princeton, New Jersey, as the nation's Number One football recruit, and

WHEREAS, Myron Rolle is recognized by football coaches and fans nationwide as a once-in-a-lifetime student athlete, having distinguished himself both on and off the field, and

WHEREAS, Myron Rolle earned an undergraduate degree in pre-med in just 2 and 1/2 years and is currently studying for a master's degree in public administration at Florida State University, and

WHEREAS, Myron Rolle, as an undergraduate student at Florida State University, conceived and won financial support for a program that educates 5th grade students at Pemayety Emahaky Charter School for Seminole Indians, in Okeechobee, on physical fitness and health, and

WHEREAS, Myron Rolle was, on November 22, 2008, awarded a prestigious Rhodes Scholarship, which will afford him the opportunity to study medical anthropology at Oxford University, thus furthering the pursuit of his dream of one day opening a medical clinic that will serve the poor in the Bahamas, and

WHEREAS, Myron Rolle, in the first 22 years of his life, has consistently held himself to the highest standards, including that expressed in the Oxford University motto, *Dominus illuminatio mea*, "The Lord is My Light," and exemplifies the qualities of mind and qualities of a person that, together, Oxford University recognizes as offering the promise of effective service to the world in the decades ahead, NOW, THEREFORE,

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

That the Florida Senate commends Myron Rolle for the honor and pride he has brought to Florida State University and to our great state through his pursuit of excellence on the football field, in the classroom, in the community, and as a citizen of the world.

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

—was introduced out of order and read by title. On motion by Senator Hill, **SR 2132** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Hill introduced Rhodes Scholar and former FSU football player, Myron L. Rolle, his mother, Beverly, and brother, Mckinley, who were present in the chamber. Also present in the chamber were FSU President, T.K. Wetherell, and Secretary of the Department of Children and Families, George Sheldon. The President invited Mr. Rolle to the rostrum for brief remarks.

MOMENTS OF SILENCE

The President recognized Senator Storms who led the Senate in a moment of silence for G. S. Cunningham Jr., a descendant of one of the original 12 families that settled and founded the Bealsville Community. Mr. Cunningham recently served on the Board of Directors and as Treasurer of Bealsville, Inc.

The President recognized Senator Lawson who led the Senate in a moment of silence for Joan Glickman, a former Senate employee who passed away March 25.

On motion by Senator Joyner—

By Senator Joyner—

SR 2714—A resolution recognizing March 31, 2009, as "African Methodist Episcopal Church Day" at the Capitol.

WHEREAS, the African Methodist Episcopal Church grew out of the Free African Society, established by Richard Allen, Absalom Jones, and others in 1787 in Philadelphia, Pennsylvania, and

WHEREAS, facing discrimination at the hands of white American Methodists at the St. George Methodist Episcopal Church, members of the Free African Society transformed their mutual aid society into two church congregations, one of which was Bethel African Methodist Episcopal Church, and

WHEREAS, while the African Methodist Episcopal Church is doctrinally Methodist, its clergy, scholars, and lay persons have written many important works that demonstrate the distinctive theology and praxis that have defined this Wesleyan body, and

WHEREAS, in 1794, Bethel African Methodist Episcopal Church was dedicated with Richard Allen as pastor, and

WHEREAS, to establish Bethel African Methodist Episcopal Church's independence from interfering white Methodists, Richard Allen successfully sued in the Pennsylvania courts in 1807 and 1815 for the right of his congregation to exist as an independent institution, and

WHEREAS, the geographical spread of the African Methodist Episcopal Church prior to the Civil War was mainly restricted to the Northeast and Midwest, and

WHEREAS, the most significant era of denominational development occurred during the Civil War and Reconstruction, when Union army officials allowed African Methodist Episcopal Church clergy to move into the states of the collapsing Confederacy to welcome newly freed slaves into their denomination, and

WHEREAS, by 1880, African Methodist Episcopal Church membership reached 400,000 members, and

WHEREAS, the African Methodist Episcopal Church in Florida began on June 22, 1865, with the appointment of Rev. William G. Steward as the founding pastor, and

WHEREAS, Bishop Henry M. Turner transported African Methodism across the Atlantic Ocean into Liberia and Sierra Leone in 1891 and into South Africa in 1896, and

WHEREAS, by the 1990s, the African Methodist Episcopal Church included more than 2.5 million members, 8,000 ministers, and 7,000 congregations, with 21 bishops and 9 general officers comprising the leadership of the denomination in more than 30 nations in North and South America, Africa, and Europe, and

WHEREAS, the African Methodist Episcopal Church boasts more than 105,000 members in the Florida, East, Central, West Coast, South, and Bahamas conferences, who are currently led by Bishop McKinley Young, the denomination's 109th elected and consecrated bishop, NOW, THEREFORE,

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

That the Senate recognizes March 31, 2009, as "African Methodist Episcopal Church Day" at the Capitol.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 2714** was read the second time in full and adopted.

At the request of Senator Diaz de la Portilla—

By Senator Diaz de la Portilla—

SR 2764—A resolution recognizing April 1 and 2, 2009, as "Miami-Dade County Days" in Florida.

WHEREAS, Greater Miami-Dade County is home to thousands of businesses that employ millions of people and is the site of foreign consulates, international trade offices, and multinational Chambers of Commerce, and

WHEREAS, Miami-Dade County is a center of world finance, with hundreds of financial institutions and foreign agencies within its boundaries, and

WHEREAS, the music and film industries have made Miami-Dade County one of the largest audio and video production centers in the nation, and

WHEREAS, agriculture continues to provide hundreds of millions of dollars of economic activity annually in a diversified industry, with Miami-Dade County one of the largest producers in the United States of tropical fruits, ornamental plants, and fish, and

WHEREAS, manufacturing is also a key industry in Miami-Dade County, with thousands of companies employing many thousands of individuals, and

WHEREAS, Miami-Dade County is experiencing a cultural boom in world-class entertainment and cultural activities, which is evidenced by the thousands of nonprofit cultural organizations offering dance, theater, music, visual arts, festivals, and special events, and

WHEREAS, Miami-Dade County is a microcosm of the world, where hundreds of countries are represented and diverse languages are spoken daily, and

WHEREAS, 20 years ago the late Rep. John F. Cosgrove, as chair of the then-Dade County Legislative Delegation, worked with the private sector to create what is now Miami-Dade County Days in Tallahassee, NOW, THEREFORE,

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

That April 1 and 2, 2009, are recognized as "Miami-Dade County Days" in Florida.

—**SR 2764** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 296—A resolution expressing gratitude and affection to all mothers.

WHEREAS, Anne Jarvis, a young Appalachian homemaker, organized women throughout the Civil War to work for better sanitation conditions, and in 1868 continued her efforts by designating "Mothers' Work Days" for improving sanitation, and

WHEREAS, Social Activist Julia Ward Howe, Boston poet, pacifist, suffragist, and author of the lyrics to the "Battle Hymn of the Republic," influenced by Anne Jarvis's sanitation initiative, conceived the idea during the Civil War of calling all women to unite against the war, organized a day encouraging mothers to rally for peace, and wrote a Mother's Day proclamation in 1870 calling for peace and disarmament, and

WHEREAS, Julia Ward Howe failed to get formal recognition of a Mother's Day for Peace, and after Anne Jarvis's passing on May 9, 1905, her daughter Anna Jarvis took up the efforts to establish a day recognizing mothers, and

WHEREAS, as a result of Anna Jarvis's crusade, the first Mother's Day was celebrated in Grafton, West Virginia, on May 10, 1908, to commemorate the anniversary of her mother's passing, and

WHEREAS, the Mother's Day custom eventually spread to 45 other states, and President Woodrow Wilson declared the first national Mother's Day on May 14, 1914, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and no sincere human being can deny the importance of a mother in the life of a child, and

WHEREAS, mothers exemplify enduring courage and conviction, are characterized by unconditional love for their children, and serve as the anchors that bond families, and

WHEREAS, a mother is a gift bestowed on man, never more dear than when bringing forth life in the form of a child, and

WHEREAS, it is proper that the members and staff of the Florida Senate recognize the great debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the Senate do hereby express to their own mothers and to all mothers, on behalf of the people of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of the love and respect that the members hold for all mothers.

—**SR 296** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 298—A resolution expressing affection for and gratitude to all fathers.

WHEREAS, in 1909 Sonora Smart Dodd of Spokane, Washington, first had the idea of a "father's day" while listening to a Mother's Day sermon, and

WHEREAS, Sonora Dodd realized the strength, courage, and selflessness her father had shown in raising his children as a single parent, and thus chose to hold the first Father's Day celebration in Spokane, Washington, on the 19th of June, 1910, and

WHEREAS, in early times, wearing flowers was a traditional way of celebrating Father's Day, and

WHEREAS, in 1924, President Calvin Coolidge recognized Father's Day as a national event to "establish more intimate relations between fathers and their children and to impress upon fathers the full measure of their obligations," and

WHEREAS, in 1926, a National Father's Day Committee was formed in New York City, resulting in a Joint Resolution of Congress in 1956 recognizing Father's Day, and President Richard Nixon signed the law that finally made Father's Day a permanent holiday in 1972, and

WHEREAS, Sunday, June 14, 2009, has been designated as Father's Day in the United States, and

WHEREAS, the American tradition of a productive society and a secure home has depended in great part on the hard work and sacrifice of fathers who tirelessly seek for their children a better life and greater opportunity than they themselves have known, and

WHEREAS, fulfilling the demanding roles of fatherhood, as provider, teacher, role model, comforter, and protector, is an act of true heroism in today's world, and

WHEREAS, each new generation looks to its fathers for courage, strength, and understanding, and

WHEREAS, the enduring affection between fathers and their families is recognized and appreciated as one of the most positive elements upon which our future as a nation depends, and

WHEREAS, it is fitting and appropriate that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the Senate do hereby express to their own fathers and to all fathers, on behalf of the people of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of the love and respect that the members hold for all fathers.

—**SR 298** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 2106—A resolution recognizing March 12, 2009, as "Apprenticeship Day 2009" in Florida.

WHEREAS, the apprenticeship method of on-the-job training and related classroom instruction is found worldwide and has consistently been proven to be an effective, efficient, and economical way to pass on trade and craft skills and knowledge needed by the builders of a nation's economy, and

WHEREAS, since being incorporated into state law 62 years ago, Florida's apprenticeship program has taught tens of thousands of students critical, industry-identified skills and knowledge necessary for apprentices to take their place as sought-after, skilled craftpersons, creating a diversification that helps keep the state's economy growing by being built upon enduring strengths, and

WHEREAS, it has been repeatedly demonstrated that apprenticeship completers consistently earn higher salaries than students earning college degrees through the baccalaureate level, that apprentices are likely to remain in the high-skill, high-wage fields in which they received their training, and that they have extremely low rates of public assistance, and

WHEREAS, Florida's current registered apprenticeship program has 248 active apprenticeship programs throughout the state training 14,599 apprentices, Florida consistently ranks in the top 10 percent nationally in the number of apprentices served; and Florida's registered apprenticeship system welcomes all apprentices 16 years of age or older without regard to gender or ethnicity, and

WHEREAS, Florida's registered apprenticeship system guarantees the availability of a quality workforce trained to the exacting standards of the state's trades, while at the same time improving the training standards of business and industry, and it is on these strengths of a diversified workforce that Florida's economy will flourish and maintain its competitive edge nationally and internationally, and

WHEREAS, it is commonly known that the effectiveness and uniqueness of Florida's registered apprenticeship program is in part due to the unique cooperation and strong partnerships forged among the business and industry sectors, the educational community, apprenticeship program sponsors, and dedicated students who are highly motivated to learn, and

WHEREAS, registered apprenticeship programs are an essential part of our education system and such programs are a critical component in the development and delivery of high-caliber, skilled craftspeople needed to continue the growth that has been Florida's hallmark, NOW, THEREFORE,

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

That March 12, 2009, is recognized as "Apprenticeship Day 2009" in Florida.

—**SR 2106** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2526—A resolution recognizing March 31 and April 1, 2009, as "Massage Therapy Legislative Awareness Days."

WHEREAS, members of the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association throughout the state are actively involved in public awareness and health programs to improve the health and quality of life of Florida residents, and

WHEREAS, the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association have been holding Massage Therapy Legislative Awareness Days at the Florida Capitol since 1988 for the purpose of educating the Legislature and the public concerning the many health benefits of massage therapy, and

WHEREAS, the practice of massage therapy is regulated by the Board of Massage Therapy within the Department of Health under chapter 480, Florida Statutes, and

WHEREAS, massage therapists have been licensed and regulated in Florida since 1943, and currently more than 29,000 massage therapists are licensed by the state, and

WHEREAS, massage therapy is a low-cost, high-quality means of enhancing and restoring health, and

WHEREAS, increased awareness of the benefits of massage therapy will lead to improved health and vitality of the residents of this state, and

WHEREAS, the Legislature recognizes massage therapy for wellness and preventive health measures, NOW, THEREFORE,

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

That the Florida Senate recognizes March 31 and April 1, 2009, as "Massage Therapy Legislative Awareness Days."

—**SR 2526** was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2744—A resolution honoring and congratulating the Jacksonville University Dolphins football team on winning their first Pioneer Football League championship and participating in the program's first postseason bowl game.

WHEREAS, Jacksonville University started its intercollegiate football program in 1998 and in its first 10 years of competition the non-scholarship team enjoyed only one winning season, and

WHEREAS, under the institutional leadership of University President Dr. Kerry Romesburg and Athletics Director Alan Verlander, former University of Florida quarterback Kerwin Bell took over the reins as head coach of the Dolphins program in 2007 and suffered through a 3-8 season before leading the Dolphins to their most successful season ever in 2008, finishing with a regular season record of 9-3 overall and 7-1 in the Pioneer Football League, and

WHEREAS, on the final day of the 2008 regular season, Jacksonville University hosted the University of Dayton, the conference's defending champion, and with an amazing second half rally defeated the Flyers by a score of 19-14 before the largest crowd in the school history to win the Pioneer Football League championship, and

WHEREAS, the Dolphins were led by some outstanding individual performances in 2008, with four players earning First Team All-Conference honors, including Pioneer Football League Freshman Offensive Player of the Year Josh McGregor, four players earning places on the Second Team, seven players earning All-Conference honorable mention, and Coach Kerwin Bell being named Pioneer Football League Coach of the Year, and

WHEREAS, the 2008 conference championship earned the Dolphins their first postseason bowl game, a matchup with the State University of New York at Albany, the champion of the Northeast Conference, in the Gridiron Classic in Albany, New York, on December 6, 2008, and

WHEREAS, the team's outstanding season brought tremendous excitement and pride to the Jacksonville University campus and the entire city of Jacksonville and further exemplified the dramatic improvement in all of the university's athletic programs, from rowing and soccer to track and field and volleyball, NOW, THEREFORE,

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

That the Florida Senate honors and congratulates the Jacksonville University Dolphins football team for winning their first-ever Pioneer Football League championship and participating in the program's first postseason bowl game, the Gridiron Classic, and extends its best wishes to the Dolphins football team and to the entire Jacksonville University community for continued athletic and academic success.

—**SR 2744** was introduced, read and adopted by publication.

BILLS ON THIRD READING

CS for CS for SB 360—A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the state land planning agency to issue a notice to a school board or local government to show cause for not imposing sanctions; requiring that the state land planning agency submit its findings to the Administration Commission within the Executive Office of the Governor if the agency finds insufficient cause to impose sanctions; authorizing the Administration Commission to impose certain sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception

areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; limiting the adoption of certain amendments to the text of a plan to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research within the Legislature; amending s. 186.509, F.S.; revising provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; providing that the act fulfills an important state interest; providing an effective date.

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

On motion by Senator Bennett, **CS for CS for SB 360** as amended was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—8

Bullard	Gelber	Storms
Dockery	Joyner	Villalobos
Garcia	Rich	

On motion by Senator Crist, by two-thirds vote **HB 7073** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

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

HB 7073—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.366(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1084** and read the second time by title.

SENATOR WILSON PRESIDING

On motion by Senator Crist, by two-thirds vote **HB 7073** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 7069** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

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

HB 7069—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the state courts system without modification; repealing s. 25.3842(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1086** and read the second time by title.

On motion by Senator Crist, by two-thirds vote **HB 7069** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Gelber

On motion by Senator Crist, by two-thirds vote **HB 7071** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

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

HB 7071—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Department of Corrections without modification; repealing s. 945.21503(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1090** and read the second time by title.

On motion by Senator Crist, by two-thirds vote **HB 7071** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Constantine, Joyner

On motion by Senator Crist, by two-thirds vote **HB 7067** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

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

HB 7067—A bill to be entitled An act relating to trust funds; recreating the Federal Grants Trust Fund within the Florida Parole Commission without modification; repealing s. 947.045(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1092** and read the second time by title.

On motion by Senator Crist, by two-thirds vote **HB 7067** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 7075** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

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

HB 7075—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the state courts system without modification; repealing s. 25.3844(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1106** and read the second time by title.

On motion by Senator Crist, by two-thirds vote **HB 7075** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 7063** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

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

HB 7063—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Corrections without modification; repealing s. 20.3151(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1108** and read the second time by title.

On motion by Senator Crist, by two-thirds vote **HB 7063** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Storms
Villalobos
Wilson
Wise

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 7065** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

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

HB 7065—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Law Enforcement without modification; repealing s. 943.367(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1110** and read the second time by title.

On motion by Senator Crist, by two-thirds vote **HB 7065** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Bennett

On motion by Senator Fasano, by two-thirds vote **HB 7061** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

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

HB 7061—A bill to be entitled An act relating to trust funds; recreating the Welfare Transition Trust Fund within the Department of Military Affairs without modification; repealing s. 250.175(5)(d), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1292** and read the second time by title.

On motion by Senator Fasano, by two-thirds vote **HB 7061** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR

On motion by Senator Justice—

CS for SB 198—A bill to be entitled An act relating to firefighters; providing for the creation of an official state Firefighter Memorial Flag; providing for the use of the flag; providing for the Division of State Fire Marshal of the Department of Financial Services to provide for the creation and distribution of the flag; providing for the adoption of rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 198** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for SB 1062—A bill to be entitled An act relating to unemployment compensation; providing a short title; amending s. 443.036, F.S.; redefining the term "employee leasing company" to reflect reporting requirements imposed by the act; amending s. 443.1216, F.S.; requiring an employee leasing company to submit a report regarding its establishments to the Labor Market Statistics Center within the Agency for Workforce Innovation; providing reporting requirements; requiring the agency to adopt rules; providing definitions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1062** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

SB 1432—A bill to be entitled An act relating to insurance premiums; amending s. 627.902, F.S.; providing that certain provisions of state law do not apply to discounts when the premium for the entire policy term is paid at the inception of the term, as long as such discounts meet specified criteria; prohibiting such discounts from being considered related to or components of premium financing; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1432** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

SB 252—A bill to be entitled An act relating to local government; creating s. 112.3136, F.S.; specifying standards of conduct for officers and employees of entities serving as the chief administrative officer of a political subdivision; amending s. 112.317, F.S.; providing for penalties to be imposed against persons other than lobbyists or public officers and employers for violations of the Code of Ethics for Public Officers and Employees; amending s. 112.324, F.S.; providing for the Commission on Ethics to report to the Governor violations involving persons other than lobbyists or public officers and employees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 252** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for CS for SB 160—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "minor," and "sports coach"; specifying what is included as a "sanctioning authority of an independent youth athletic team"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring the sanctioning authority to notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; providing that a background screening in compliance with the federal Fair Credit Reporting Act satisfies screening provisions; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; requiring a sanctioning authority to maintain the affidavit in its files and to provide a copy of the affidavit to anyone upon request; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 160** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 408—A bill to be entitled An act relating to clinical laboratories; amending s. 440.102, F.S.; deleting the requirement that initial drug tests conducted pursuant to a drug-free workplace program be conducted by a licensed or certified laboratory; amending s. 483.181, F.S.; requiring clinical laboratories to accept human specimens submitted by advanced registered nurse practitioners; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 408** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 552—A bill to be entitled An act relating to the use of prescribed pancreatic enzyme supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances; requiring the State Board of Education to adopt rules; providing for indemnification; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 552** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

CS for SB 574—A bill to be entitled An act relating to the purchase of prescription drugs; amending s. 499.003, F.S.; defining the term "qualifying practitioner" as it relates to the Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; deleting provisions requiring a health care clinic establishment permit for the purchase of certain prescription drugs; conforming a cross-reference; amending s. 499.01211, F.S.; conforming a cross-reference; amending s. 499.03, F.S.; authorizing certain establishments to possess prescription drugs; creating s. 499.031, F.S.; establishing criteria for certain business entities to purchase and possess prescription drugs; requiring a qualifying practitioner at the establishment; requiring the registration of certain qualifying practitioners; assigning duties and responsibilities to a qualifying practitioner and business entity; providing for expiration of the registration of a qualifying practitioner and for renewal of the registration; requiring the Department of Health to establish an online registration system and post certain information related to qualifying practitioners on its website; providing additional grounds for discipline of a qualifying practitioner; providing recordkeeping requirements; amending s. 499.041, F.S.; deleting provisions requiring a fee for a health care clinic establishment permit to conform to changes made by the act; requiring a fee to register as a qualifying practitioner; authorizing a nonrefundable application fee for withdrawn applications or applications that become void; amending s. 499.05, F.S.; conforming cross-references; amending s. 400.9935, F.S.; assigning responsibilities to a medical director who acts as the qualifying practitioner of a licensed health care clinic; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Gaetz moved the following amendments which were adopted:

Amendment 1 (450846)—Delete lines 278 and 279 and insert:

entity by a:

(a) Health care practitioner as defined in s. 456.001, as a part of the renewal of the practitioner's professional license; or

(b) Veterinarian through an online registration system.

Amendment 2 (389782)—Delete line 300 and insert:

care clinic license number,

in order to comply with the requirement under s. 499.0121(6)(a)2. that records include the state license, permit, or registration number of the person authorized to purchase prescription drugs.

Amendment 3 (269606) (with title amendment)—Delete lines 405-414 and insert:

Section 7. Subsection (1) of section 499.05, Florida Statutes, is amended to read:

499.05 Rules.—

(1) The department shall adopt rules to implement and enforce this part with respect to:

(a) The definition of terms used in this part, and used in the rules adopted under this part, when the use of the term is not its usual and ordinary meaning.

(b) Labeling requirements for drugs, devices, and cosmetics.

(c) The establishment of fees authorized in this part.

(d) The identification of permits that require an initial application and onsite inspection or other prerequisites for permitting which demonstrate that the establishment and person are in compliance with the requirements of this part.

(e) The application processes and forms for product registration.

(f) Procedures for requesting and issuing certificates of free sale.

(g) Inspections and investigations conducted under s. 499.051, and the identification of information claimed to be a trade secret and exempt from the public records law as provided in s. 499.051(7).

(h) The establishment of a range of penalties, as provided in s. 499.066; requirements for notifying persons of the potential impact of a violation of this part; and a process for the uncontested settlement of alleged violations.

(i) Additional conditions that qualify as an emergency medical reason under *s. 499.003(54)(b)2* ~~s. 499.003(53)(b)2~~.

(j) Procedures and forms relating to the pedigree paper requirement of s. 499.01212.

(k) The protection of the public health, safety, and welfare regarding good manufacturing practices that manufacturers and repackagers must follow to ensure the safety of the products.

(l) Information required from each retail establishment pursuant to s. 499.012(3), including requirements for prescriptions or orders.

(m) The recordkeeping, storage, and handling with respect to each of the distributions of prescription drugs specified in *s. 499.003(54)(a)-(d)* ~~s. 499.003(53)(a) (d)~~.

(n) Alternatives to compliance with s. 499.01212 for a prescription drug in the inventory of a permitted prescription drug wholesale distributor as of June 30, 2006, and the return of a prescription drug purchased prior to July 1, 2006. The department may specify time limits for such alternatives.

(o) Record retention requirements and procedures for registering and renewing the registration of a qualifying practitioner related to a business entity purchasing and possessing prescription drugs under s. 499.031.

And the title is amended as follows:

Delete lines 32 and 33 and insert:

become void; amending s. 499.05, F.S.; requiring the department to adopt rules regarding record retention requirements and procedures for registering and renewing the registration of certain practitioners; conforming cross-references; amending s. 400.9935, F.S.;

Pursuant to Rule 4.19, **CS for SB 574** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 606—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; revising provisions relating to the transfer of benefits received from the Florida Prepaid College Program to private and out-of-state colleges and universities and to career centers; repealing s. 744.1083(10), F.S., relating to the authorization of certain colleges or universities to register as a professional guardian; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (275934) (with title amendment)—Delete lines 62 and 63 and insert:

Section 2. Subsection (10) of section 744.1083, Florida Statutes, is amended to read:

744.1083 Professional guardian registration.—

(10) A state college or university or an independent college or university *that is located and chartered in Florida, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and that confers degrees as defined in s. 1005.02(7)* ~~described in s. 1009.98(3)(a)~~, may, but is not required to, register as a professional guardian under this section. If a state college or university or independent college or university elects to register as a professional guardian under this subsection, the requirements of subsections (3) and (4) do not apply and the registration must include only the name, address, and employer identification number of the registrant.

And the title is amended as follows:

Delete lines 7 and 8 and insert:

to career centers; amending s. 744.1083, F.S.; revising provisions relating to the authorization of certain colleges or

Pursuant to Rule 4.19, **CS for CS for SB 606** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich—

CS for SB 620—A bill to be entitled An act relating to health facilities; amending s. 154.205, F.S.; redefining the term "health facility" for the purpose of allowing additional types of health facilities to receive assistance from a health facilities authority; providing an effective date.

—was read the second time by title.

Senator Oelrich moved the following amendment which was adopted:

Amendment 1 (418182)—Delete lines 23-28 and insert:

(e) Services for the mentally ill under chapter 394;

(f) Assisted living services in accordance with chapter 429; or

(g) Hospice services in accordance with chapter 400.

The term also includes any private corporation organized not for profit which offers independent living facilities and services as part of a retirement community that provides nursing home care services or assisted living services on the same campus ~~hospital or nursing home care services in accordance with chapter 395 or chapter 400 or life care services in accordance with chapter 651, and also includes facilities licensed under chapters 393 and 394~~.

Pursuant to Rule 4.19, **CS for SB 620** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

CS for SB 702—A bill to be entitled An act relating to access to health care; amending s. 624.91, F.S.; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; amending s. 636.035, F.S.; specifying certain provider arrangement contract prohibitions or restrictions; prohibiting prepaid limited health service organizations from specifying certain contract continuation or renewal conditions; providing for voiding of certain contracts; specifying absence of liability for certain criminal penalties; amending s. 641.315, F.S.; providing for application to health maintenance organizations of the prohibition against specifying certain contract continuation or renewal conditions; amending s. 766.1116, F.S.; revising time requirements for a health care practitioner's waiver of license renewal fees and continuing education requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 702** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 766—A bill to be entitled An act relating to anatomical gifts; amending s. 765.511, F.S.; providing additional definitions; amending s. 765.512, F.S.; conforming terms; amending s. 765.513, F.S.; revising the list of donees that may accept anatomical gifts and the purposes for which such gifts may be used; amending ss. 765.514, 765.515, 765.5155, and 765.51551, F.S.; conforming terms; amending s. 765.516, F.S.; revising provisions relating to a donor's amendment or revocation of an anatomical gift; amending s. 765.517, F.S.; revising provisions relating to a donee's use of an anatomical gift at the time of the donor's death; providing liability protection for the person making a gift and for the donor's estate; amending s. 765.521, F.S.; conforming

terms; amending s. 765.522, F.S.; providing that the laws of this state govern the interpretation of a valid document of gift, and that a document of gift is presumed to be valid; amending ss. 765.53, 765.541, 765.542, 765.543, 765.544, and 765.545, F.S.; conforming terms; creating s. 765.547, F.S.; requiring medical examiners and procurement organizations to cooperate and maximize opportunities for organ donations; authorizing the Florida Medical Examiners Commission to adopt rules; amending ss. 408.802 and 408.820, F.S.; conforming terms; providing an effective date.

—was read the second time by title.

On motion by Senator Oelrich, further consideration of **CS for CS for SB 766** was deferred.

On motion by Senator Joyner—

CS for SB 1018—A bill to be entitled An act relating to guardians ad litem; amending s. 61.402, F.S.; authorizing a person certified by a not-for-profit legal aid organization to serve as a guardian ad litem in a dissolution of marriage proceeding that does not involve child abuse, abandonment, or neglect; requiring that such person undergo a security background investigation and undergo training in a program developed by The Florida Bar; providing a penalty for failing to disclose a material fact in an application to act as a guardian ad litem; providing an effective date.

—was read the second time by title.

Senator Joyner moved the following amendment which was adopted:

Amendment 1 (631300) (with title amendment)—Delete lines 27-38 and insert:

(2)(a) Prior to certifying a guardian ad litem *pursuant to paragraph (1)(b)* ~~to be appointed under this chapter~~, the *not-for-profit legal aid organization* ~~Guardian Ad Litem Program~~ must*:*

1. Conduct a security background investigation as *described* ~~provided~~ in s. 39.821 *for which the not-for-profit legal aid organization has the sole discretion in determining whether to certify a person based on his or her security background investigation; and*~~.~~

2. Provide training using the uniform objective statewide training program for guardians ad litem developed by The Florida Bar.

(b) The security background investigation and the training program requirements as provided in this subsection must be paid for by the not-for-profit legal aid organization or the person seeking certification as a guardian ad litem through the not-for-profit legal aid organization.

And the title is amended as follows:

Delete line 10 and insert:

Bar; providing that the not-for-profit legal aid organization has the sole discretion in determining whether to certify a person based on his or her security background investigation; specifying responsibility for the payment of costs of the security background investigation and training requirements; providing a penalty for failing to disclose a

Pursuant to Rule 4.19, **CS for SB 1018** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 766—A bill to be entitled An act relating to anatomical gifts; amending s. 765.511, F.S.; providing additional definitions; amending s. 765.512, F.S.; conforming terms; amending s. 765.513, F.S.; revising the list of donees that may accept anatomical gifts and the purposes for which such gifts may be used; amending ss. 765.514, 765.515, 765.5155, and 765.51551, F.S.; conforming terms; amending s. 765.516, F.S.; revising provisions relating to a donor's amendment or revocation of an anatomical gift; amending s. 765.517, F.S.; revising provisions relating to a donee's use of an anatomical gift at the time of the donor's death; providing liability protection for the person making a gift and for the donor's estate; amending s. 765.521, F.S.; conforming terms; amending s. 765.522, F.S.; providing that the laws of this state govern the interpretation of a valid document of gift, and that a document of gift is presumed to be valid; amending ss. 765.53, 765.541, 765.542, 765.543, 765.544, and 765.545, F.S.; conforming terms; creating s. 765.547, F.S.; requiring medical examiners and procurement organizations to cooperate and maximize opportunities for organ donations; authorizing the Florida Medical Examiners Commission to adopt rules; amending ss. 408.802 and 408.820, F.S.; conforming terms; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for CS for SB 766** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 1248—A bill to be entitled An act relating to public K-12 instructional materials; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1248** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1312—A bill to be entitled An act relating to sexual battery; creating s. 794.052, F.S.; requiring each law enforcement officer who investigates an alleged sexual battery incident to assist the victim in obtaining medical treatment if medical treatment is necessary, a forensic examination, and crisis-intervention services from a certified rape crisis center; requiring the law enforcement officer to advise the victim that he or she may contact a certified rape crisis center for services; requiring the law enforcement officer to immediately notify the victim of the legal rights and remedies available to a victim of sexual battery; directing that the notice of rights and remedies be written on a standard notice form developed and distributed by the Florida Council Against Sexual Violence and the Department of Law Enforcement; requiring the notice to include certain information; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1312** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Garcia, by two-thirds vote **SB 914** and **SB 2194** were withdrawn from committees of reference and further consideration.

On motions by Senator Alexander, by two-thirds vote **CS for SB 2108** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; and **CS for SB 2574** was withdrawn from the Committee on General Government Appropriations.

MOTIONS

On motion by Senator Alexander, Rule 7.1 was waived, and the amendment deadlines and policies included in the memorandum distributed by the Policy and Steering Committee on Ways and Means for committees' and Senate consideration of proposed appropriations bills and implementing bills were adopted.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Policy and Steering Committee on Ways and Means was granted permission to meet April 7th from 1:30 p.m. until 8:00 p.m.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Commerce and Industry submits the following bills to be placed on the Special Order Calendar for Thursday, April 2, 2009: CS for SB 198, CS for CS for SB 1062, SB 1432.

Respectfully submitted,
Don Gaetz, Chair

The Policy and Steering Committee on Governmental Operations submits the following bill to be placed on the Special Order Calendar for Thursday, April 2, 2009: SB 252.

Respectfully submitted,
Mike Haridopolos, Chair

The Policy and Steering Committee on Social Responsibility submits the following bills to be placed on the Special Order Calendar for Thursday, April 2, 2009: CS for CS for SB 160, CS for SB 408, CS for CS for SB 552, CS for SB 574, CS for CS for SB 606, CS for SB 620, CS for SB 702, CS for CS for SB 766, CS for SB 1018, SB 1248, CS for SB 1312.

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Health Regulation recommends the following pass: SB 242 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1406 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 1844 with 2 amendments

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 2060

The Committee on Health Regulation recommends the following pass: SB 2082 with 2 amendments

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

The Committee on Health Regulation recommends the following pass: SB 984 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1114 with 1 amendment

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 2218 with 2 amendments

The bill was referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Commerce recommends the following pass: SB 392; SB 2270

The Committee on Judiciary recommends the following pass: CS for SB 1024; SB 1140; SB 2250

The Committee on Transportation recommends the following pass: CS for SB 2312

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

The Committee on Commerce recommends the following pass: SB 1480

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 2656

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

The Committee on Banking and Insurance recommends the following pass: SB 2652

The Committee on Criminal Justice recommends the following pass: SB 2276 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 2158 with 1 amendment; CS for SB 2240; SB 2246

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 2296

The Committee on Commerce recommends the following pass: CS for SB 1144

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

The Committee on Higher Education recommends the following pass: CS for SB 926

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

The Committee on Banking and Insurance recommends the following pass: CS for SB 660 with 1 amendment

The Committee on Commerce recommends the following pass: SB 872; SB 2074

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1126

The Committee on Health Regulation recommends the following pass: SB 1866

The Committee on Regulated Industries recommends the following pass: SB 2064

The Committee on Transportation recommends the following pass: SB 906 with 1 amendment

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

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 712

The bill was referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1574

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

The Committee on Commerce recommends the following pass: SB 856

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

The Committee on Commerce recommends the following pass: CS for SB 2572

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on General Government Appropriations recommends the following pass: CS for SB 742

The bill was placed on the Calendar.

The Committee on Health Regulation recommends a committee substitute for the following: SB 2422

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

The Committee on Finance and Tax recommends a committee substitute for the following: SB 2546

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1054

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 488

The Committee on Health Regulation recommends a committee substitute for the following: SB 2040

The Committee on Regulated Industries recommends a committee substitute for the following: SB 674 and SB 1422

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

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 2094; SB 2128

The bills with committee substitute attached were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 910

The Committee on Health Regulation recommends a committee substitute for the following: SB 2658

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 2684

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

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

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 1310

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 2306

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

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 732

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

The Committee on Criminal and Civil Justice Appropriations recommends committee substitutes for the following: SB 1716; SB 1718; SB 1720; SB 1722; SB 1724; SB 1726; SB 1728

The Committee on Education Pre-K - 12 Appropriations recommends a committee substitute for the following: SB 1676

The Committee on Environmental Preservation and Conservation recommends committee substitutes for the following: SB 1898; SB 2636

The Committee on General Government Appropriations recommends committee substitutes for the following: SB 1738; SB 1740; SB 1742; SB 1744; SB 1748; SB 1750; SB 1754; SB 1758

The Committee on Higher Education Appropriations recommends a committee substitute for the following: SB 1696

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 1776; SB 1778; SB 1780; SB 1782; SB 1786

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

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: CS for CS for SB 462; CS for SB 770; SB 1278

The Committee on Health Regulation recommends committee substitutes for the following: SB 578; SB 1926

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 340; SB 596; SB 1322; CS for SB 1986; SB 2680

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: CS for SB 162

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

The Committee on Finance and Tax recommends a committee substitute for the following: SJR 1302

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 1104

The Committee on Health Regulation recommends a committee substitute for the following: CS for SB 1022

The Committee on Higher Education Appropriations recommends a committee substitute for the following: CS for SB 762

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

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: CS for SB 440

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

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 1552

The Committee on General Government Appropriations recommends a committee substitute for the following: CS for SB 1012

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Governmental Oversight and Accountability; and Health Regulation; and Senator Ring—

CS for CS for SB 162—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient's health records in order to facilitate the exchange of data between certain health care facility personnel, practitioners, and providers and attending physicians; creating s. 408.051, F.S.; creating the "Florida Electronic Health Records Exchange Act"; providing definitions; authorizing the release of certain health records under emergency medical conditions without the consent of the patient or the patient representative; providing for immunity from civil liability; providing duties of the Agency for Health Care Administration with regard to the availability of specified information on the agency's Internet website; requiring the agency to develop and implement a universal patient authorization form in paper and electronic formats for the release of certain health records; providing procedures for use of the form; providing penalties; providing for certain compensation and attorney's fees and costs; creating s. 408.0512, F.S.; requiring the Agency for Health Care Administration to operate an electronic health record technology loan fund, subject to a specific appropriation; requiring the agency to adopt rules related to standard terms and conditions for the loan program; amending s. 409.916, F.S.; requiring that the agency deposit into the Grants and Donations Trust Fund private donations provided for the purpose of funding a certified electronic health record technology loan fund; amending s. 483.181, F.S.; expanding access to laboratory reports in order to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

By the Committee on Criminal Justice; and Senator Ring—

CS for SB 340—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Health Regulation; and Senator Fasano—

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

By the Committees on Governmental Oversight and Accountability; Judiciary; and Health Regulation; and Senator Fasano—

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

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

By the Committee on Environmental Preservation and Conservation; and Senator Justice—

CS for SB 488—A bill to be entitled An act relating to public access to beaches; creating part V of ch. 161, F.S.; providing definitions; providing a declaration of public policy and effect; prohibiting persons from restricting access; prohibiting obstruction of beach access except as otherwise authorized by law; prohibiting the use of signs declaring that a public beach is private property; providing that a violation of such prohibition is a first-degree misdemeanor; providing a penalty; prohibiting a governmental entity from placing an obstruction upon or limiting public access to a public beach except under certain conditions; providing for the use of prima facie evidence in suits to exclude the public from accessing and using a sandy beach; providing an effective date.

By the Committee on Health Regulation; and Senators Gaetz, Peaden, and Rich—

CS for SB 578—A bill to be entitled An act relating to state pharmacy services; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

By the Committee on Criminal Justice; and Senators Rich and Altman—

CS for SB 596—A bill to be entitled An act relating to residential tenancies; creating s. 83.683, F.S.; providing definitions; prohibiting landlords from discriminating against or retaliating against victims of domestic violence, dating violence, repeat violence, or sexual violence; authorizing certain victims to terminate a rental agreement before the end of the rental period; limiting damages for early termination; requiring a landlord to change a lock or authorize the tenant to change a lock under certain circumstances; requiring the tenant to bear the cost of changing a lock; requiring that the tenant provide a key to a changed lock to the landlord; prohibiting a landlord from providing access to a dwelling unit to a tenant who has been excluded from the dwelling unit by court order; providing a landlord with immunity for certain actions; prohibiting waiver of certain statutory rights; providing for application; providing an effective date.

By the Committee on Regulated Industries; and Senators Constantine and Baker—

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

By the Committee on Governmental Oversight and Accountability; and Senator Smith—

CS for SB 732—A bill to be entitled An act relating to surplus public funds; amending ss. 17.57 and 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; providing an effective date.

By the Committees on Higher Education Appropriations; and Higher Education; and Senators Pruitt and King—

CS for CS for SB 762—A bill to be entitled An act relating to state university tuition and fees; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.24, F.S.; revising provisions relating to the use of the student financial aid fee; deleting obsolete provisions; revising provisions relating to the establishment of a tuition differential; providing requirements for the assessment and expenditure of a tuition differential; providing requirements for a university board of trustees to submit a proposal to the Board of Governors to implement a tuition differential; requiring the Board of Governors' review and approval of a proposal; requiring the Board of Governors to report specified information annually to the Legislature and the Governor; providing for application; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senator Fasano—

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

By the Committee on Governmental Oversight and Accountability; and Senator Wilson—

CS for SB 910—A bill to be entitled An act relating to criminal justice; providing legislative intent; requiring state agencies and regulatory boards to prepare reports that identify and evaluate restrictions on licensing and employment; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based on a person's lack of civil rights; providing an exception; amending s. 768.096, F.S.; requiring an employer to review the

results of a criminal background investigation; requiring an employer not to place an employee who has a criminal record in a position where conduct similar to the employee's past criminal conduct would be facilitated; requiring an employer to determine that the criminal background investigation does not demonstrate that the employee is unsuitable for the particular work to be performed or the context of the employment in general; amending s. 943.0585, F.S.; clarifying under what circumstances a person may legally deny the existence of an expunged criminal history record; authorizing the disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; requiring clerks of the court to post information relating to procedures to seal or expunge criminal history records on the clerk's website; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny the existence of a sealed criminal history record; authorizing a court to seal a criminal history record of a person who had a prior criminal history record sealed or expunged; providing an effective date.

By the Committees on General Government Appropriations; and Environmental Preservation and Conservation; and Senator Constantine—

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

By the Committees on Health Regulation; and Banking and Insurance; and Senators Altman, Fasano, Detert, Rich, Hill, and Siplin—

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

By the Committee on Children, Families, and Elder Affairs; and Senator Crist—

CS for SB 1054—A bill to be entitled An act relating to homelessness; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; providing methodology; providing components of the program; providing that local continuums of care that adopt the program be given funding priority; creating s. 420.628, F.S.; providing legislative findings and intent relating to young adults leaving foster care; amending s. 1003.01, F.S.; revising a definition; amending ss. 1003.21 and 1003.22, F.S.; conforming terminology; providing an effective date.

By the Committee on General Government Appropriations; and Senator Storms—

CS for SB 1104—A bill to be entitled An act relating to art in public buildings; repealing s. 255.043, F.S., relating to a requirement that a specified portion of appropriations for new construction of state buildings be used for art; providing for the future reenactment of s. 255.043, F.S., and the reversion of the statutory text to that in effect before the repeal; prohibiting expenditures for public art during the interim without prior legislative approval; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Altman—

CS for SB 1278—A bill to be entitled An act relating to prepaid services for parents of children with developmental disabilities; creating the Prepaid Services for Parents of Children with Developmental Disabilities Study Group to evaluate the creation of a prepaid service plan for children with disabilities; providing for membership; providing for administrative support; providing for the duties of the study group; providing for per diem and travel expenses for members; requiring the study group to present a final report to the Legislature; providing an effective date.

By the Committee on Finance and Tax; and Senators Gardiner, Deutch, and Baker—

CS for SJR 1302—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution to provide an additional property tax exemption for members of the military who receive a homestead exemption and who were deployed outside the United States during the preceding year.

By the Committees on Finance and Tax; and Education Pre-K - 12; and Senators Gardiner, Fasano, Oelrich, Altman, Bennett, Haridopolos, Wise, King, Storms, Dean, Siplin, Baker, and Lawson—

CS for CS for SB 1310—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.186, F.S.; providing that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax; amending s. 220.187, F.S.; defining the term "direct certification list"; expanding the Corporate Income Tax Credit Scholarship Program to include insurance premium tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; providing that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax; imposing an additional requirement on the school districts; specifying school district tax credit scholarship notification requirements and limitations; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; conforming provisions to changes made by the act; authorizing certain insurers that made past contributions to the Tax Credit Scholarship Program to claim the credits against future corporate income tax liability; requiring the insurer to apply to the Department of Revenue for the tax credits; providing for severability; providing an effective date.

By the Committee on Criminal Justice; and Senator Deutch—

CS for SB 1322—A bill to be entitled An act relating to the use of deadly force; amending s. 776.06, F.S.; defining the term "less-lethal munition" to include a dart-firing stun gun that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person; providing an effective date.

By the Committees on Banking and Insurance; and Judiciary; and Senator Bennett—

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

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

CS for SB 1676—A bill to be entitled An act relating to education funding; amending s. 1001.20, F.S.; requiring that the Office of Technology and Information Services within the Office of the Commissioner of Education assist school districts in securing Internet access and telecommunications services that are eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund; creating s. 1001.271, F.S.; requiring that the Commissioner of Education purchase the nondiscounted portion of Internet access services for the Florida Information Resource Network; requiring that each user of the network identify the source of funds in its requisition; amending s. 1001.28, F.S.; revising the Department of Education's duties regarding distance learning; amending s. 1001.395, F.S.; requiring that the salary of district school board members be the same amount as the annual calculation or the salary of members of the Legislature, whichever is less, for a specified period; amending s. 1001.42, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school board employee before his or her employment contract expires; amending s. 1001.451, F.S.; deleting certain dates relating to the amount of funding distributed to each school district and eligible member of a regional consortium service organization; amending s. 1001.47, F.S.; authorizing elected district school superintendents to reduce their salary rates on a voluntary basis; requiring that each elected district school superintendent's salary be reduced by 5 percent for the 2009-2010 fiscal year; amending s. 1001.50, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school superintendent before his or her employment contract terminates; limiting the amount of remuneration that a district school superintendent receives annually from state funds; providing a definition for the term "remuneration"; limiting the use of the superintendent's compensation in calculating benefits under ch. 121, F.S.; encouraging district school boards and superintendents to review the superintendent's annual remuneration for the 2009-2010 fiscal year and mutually agree to at least a 5 percent reduction; amending s. 1002.33, F.S.; requiring that a charter school comply with the class-size requirements; amending s. 1002.37, F.S.; redefining the definition of the term "full-time equivalent student" as it relates to funding for the Florida Virtual School and virtual instruction; amending s. 1002.45, F.S.; conforming provisions to changes made by the act; amending s. 1002.71, F.S.; revising provisions relating to the funding of prekindergarten programs; amending s. 1003.03, F.S.; extending dates relating to the calculation of the number of students for purposes of complying with the maximum-class-size requirement; providing duties for the Department of Education if the department determines that the number of students assigned to any individual class exceeds the class size maximum; providing for the reduction of the class-size-reduction operating categorical allocation under certain circumstances; requiring that the department prepare a simulated calculation; amending s. 1006.06, F.S.; revising provisions relating to school breakfast programs to include state allocations; amending s. 1006.28, F.S.; clarifying the definition of the term "adequate instructional materials"; amending s. 1006.36, F.S.; extending the term of adoption for instructional materials; amending s. 1006.40, F.S.; conforming provisions to changes made by the act; amending s. 1008.29, F.S.; requiring that the State Board of Education adopt rules establishing fees for the administration of the college-level communications and mathematics skills examination to public postsecondary students; amending s. 1008.41, F.S.; authorizing rather than requiring the Commissioner of Education to employ the Florida Information Resource Network to perform certain functions relating to workforce education; creating s. 1010.06, F.S.; prohibiting the Division of Public Schools within the Department of Education from using state funds appropriated by the Legislature to pay indirect cost to a university, community college, school district, or other entity; amending s. 1010.11, F.S.; authorizing each district school board, community college board of trustees, and university board of trustees to electronically transfer funds for payment; amending s. 1011.09, F.S.; prohibiting a district school board from using funds for out-of-state travel, cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service through any means, unless specifically approved by the district school board; amending s. 1011.18, F.S.; authorizing a district school superintendent to transfer funds from a district school depository to pay expenses, expenditures, or other disbursements if proper documentation is provided; amending s. 1011.60, F.S.; revising the minimum requirements for the Florida Education Finance Program relating to the term of operation; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student"; amending s. 1011.62, F.S.; requiring that a student who is enrolled in study hall not be included in the calculation of full-time equivalent student membership for funding purposes; decreasing the amount of certain bonuses for teachers; decreasing the value of full-time equivalent student membership calculated on the basis of international baccalaureate examination scores; decreasing the value of full-time equivalent student membership calculated on the basis of college board advanced placement scores; decreasing the value of full-time equivalent student membership calculated on the basis of certification of successful completion of industry-certified career and professional academy programs; deleting certain provisions that provide a calculation for additional full-time equivalent membership for students enrolled in the Florida Virtual School; revising certain provisions relating to the amount that each school district is required to provide annually toward the cost of the Florida Education Finance Program; extending a date relating to categorical funds for instructional materials; deleting provisions relating to the total allocation of state funds to each district for current operation for the FEFP; creating s. 1011.675, F.S.; creating a discretionary bonus allocation for school districts to recognize and reward the outstanding performance of students, teachers, and school-based administrators; providing that the funds be allocated to each school district as provided in the General Appropriations Act; authorizing school districts to use the funds for certain programs or any other purpose it deems appropriate; repealing s. 1011.68(7), F.S., relating to funds for student transportation; removing a provision that authorizes a district school board to transfer funds to its Florida Education Finance Program; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operating categorical funds; amending s. 1011.71, F.S.; revising certain provisions relating to the district school tax; waiving the three-fourths limit for certain lease-purchase agreements for a specified period; authorizing district school boards to levy an additional discretionary millage for certain operations; authorizing the Commissioner of Education to waive the equal-dollar reduction in Florida Education Finance Program funds if he or she finds that a school district acted in good faith; amending s. 1012.33, F.S.; revising provisions relating to contracts for instructional staff; advising a district school board not to enter into a new professional service contract if the only available funds are from nonrecurring Federal Stabilization Funds; amending s. 1012.71, F.S.; authorizing the Department of Education to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system; providing requirements for such pilot program; providing that participation in the pilot program is voluntary; authorizing the department to limit the number of participants to adequately test the viability of the pilot program; amending s. 1013.64, F.S.; requiring that the school districts of Wakulla County and Liberty County contribute specific millage amounts to the cost of current special facilities projects for specified fiscal years; repealing s. 9 of chapter 2008-142, Laws of Florida; abrogating the expiration of certain amendments relating to categorical funding for the operation of schools; providing for implementation of specified appropriations; providing for the incorporation by reference of certain calculations used by the Legislature for the 2009-2010 fiscal year; providing an effective date.

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

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

amending s. 1001.74, F.S.; prohibiting a university board of trustees from entering into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1007.33, F.S.; suspending the authorization for a community college or the State Board of Education to develop new community college baccalaureate degree programs during the 2009-2010 fiscal year; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.21, F.S.; revising definitions; defining the terms "initial enrollment" and "nonresident for tuition purposes"; revising provisions relating to the qualifications as a resident for tuition purposes; requiring certain documentation to demonstrate state residency; creating s. 1009.286, F.S.; requiring an additional payment for credit hours exceeding the requirements for completing a baccalaureate degree program; providing exceptions; requiring notice upon a student's initial enrollment in a state university or community college; amending s. 1009.53, F.S.; requiring that an institution refund within a specified period after the end of a semester funds from the Florida Bright Futures Scholarship for courses dropped by students after the end of the drop and add period; providing exceptions; amending s. 1009.532, F.S.; revising the requirements for student eligibility to renew a scholarship under the Florida Bright Futures Scholarship Program; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars Award; amending s. 1009.536, F.S.; deleting a provision that allows a Florida Gold Seal Scholar to apply for a Florida Medallion Scholars award; amending ss. 1009.57, 1009.58, 1009.59, 1009.60, and 1009.605, F.S.; revising provisions relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Student Loan Forgiveness Program, the minority teacher education scholars program, and the Florida Fund for Minority Teachers, Inc.; requiring that the amount of scholarships awarded under such programs be prorated based on available appropriations and not exceed specified amounts; amending s. 1009.701, F.S.; requiring that an applicant under the First Generation Matching Grant Program meet the same eligibility requirements required under the Florida Public Student Assistance Grant Program; repealing s. 1009.765, F.S., relating to Ethics in Business scholarships for community colleges and independent postsecondary educational institutions; amending s. 1009.98, F.S.; revising provisions relating to the prepaid community college and university plans; authorizing the Florida Prepaid College Board to offer an advance payment contract covering certain fees for such plans; providing definitions regarding payments on behalf of qualified beneficiaries of an advance payment contract; providing the amounts of fees to be paid by the board; providing an exemption for certain qualified beneficiaries from paying any tuition differential fee; requiring that the board pay state universities the actual amount assessed for registration fees and tuition differential fees for certain advanced payment contracts; requiring that the board pay state universities the actual amount assessed for local fees and dormitory fees; requiring that the board pay community colleges and career centers the actual amount assessed for registration fees and local fees; amending s. 1011.83, F.S.; revising provisions relating to financial support of community colleges; providing for state funding of baccalaureate degree programs in the General Appropriations Act; requiring that the Board of Governors review a community college's baccalaureate degree programs for possible transfer under the Board of Governors' oversight if the community college offers more than a specified number of baccalaureate degrees; amending ss. 1011.32, 1011.85, and 1011.94, F.S.; requiring that donors be notified of a delay in the availability of state matching funds for the Community College Facility Enhancement Challenge Grant Program, the Dr. Philip Benjamin Matching Grant Program for Community Colleges, and the University Major Gifts Program; amending s. 1012.83, F.S.; conforming provisions relating to contracts with community college administrative and instructional staff to changes made by the act; amending s. 1013.79, F.S.; providing that a university is not precluded from expending funds from private sources to develop a prospectus; requiring that donors be notified of a delay in the availability of state matching funds for the University Facility Enhancement Challenge Grant Program; providing an effective date.

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

CS for SB 1716—A bill to be entitled An act relating to criminal justice and corrections appropriations; providing that the act implements and administers the General Appropriations Act; authorizing the Department of Corrections to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; providing for the expiration of the authority to seek a budget amendment; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the department or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; providing an expiration date for the limits on compensation; authorizing the Department of Legal Affairs to transfer certain funds from certain cases to the Operating Trust Fund to pay salaries and benefits; providing an expiration date for the transfer of funds; nullifying provisions of the act if the appropriations or proviso language to which they relate are vetoed; providing for other acts passed during the 2009 Regular Session which contain provisions that are substantively the same as the provisions of this act to take precedence under certain circumstances; providing that the act is severable; providing for retroactive application; providing effective dates.

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

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

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

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

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

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

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

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

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

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

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

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

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 1738—A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing certain moneys to be appropriated to offset reductions in ad valorem tax revenue experienced by fiscally constrained counties occurring as a direct result of the implementation of revisions of Art. VII of the State Constitution approved in the special election held on January 29, 2008; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; amending s. 253.01, F.S.; delaying the expiration of provisions relating to grants and aids from the Internal Improvement Trust Fund for the drinking water facility construction state revolving loan program and the clean water state revolving loan program; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; repealing s. 27 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s.

255.518(1)(b), F.S., and abrogating the revision of the text of that paragraph to that in existence on June 30, 2008, with specified exceptions; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; providing an expiration date; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 403.1651, F.S.; providing that funds from the Ecosystem Management and Restoration Trust Fund be used for the purpose of funding activities to preserve and repair the state's beaches; providing for reversion of statutory text of certain provisions; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

By the Committee on General Government Appropriations; and Senator Baker—

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

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 1742—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; transferring the Invasive Plant Control Trust Fund in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; transferring to the Fish and Wildlife Conservation Commission all powers, duties, records, personnel, property, funds, rules, issues, and contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection; ratifying actions taken pursuant to chapter 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; amending s. 379.353, F.S.; providing that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any resident saltwater fishing from land who has been determined eligible for the food stamps, temporary cash assistance, or the Medicaid programs; providing for proof of eligibility for the qualifying programs; removing the exemption from the need to possess a license for a resident fishing for a saltwater species in fresh water from land; reenacting s. 379.3581(7), F.S., relating to hunter safety courses, to incorporate the amendments made to s. 379.353, F.S., in a reference thereto; providing effective dates.

By the Committee on General Government Appropriations; and Senator Baker—

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

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 1748—A bill to be entitled An act relating to the Department of Revenue; amending s. 195.022, F.S.; requiring county property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards to bear the expense of reproducing forms prescribed by the Department of Revenue to administer and collect ad valorem taxes; amending s. 213.34, F.S.; defining terms; imposing an administrative collection processing fee on a taxpayer who fails to pay the amount of tax or penalty due within a certain period after a noncompliant filing event; specifying the amount of the administrative collection processing fee; specifying circumstances under which the Department of Revenue may waive or reduce the fee; providing for the distribution of administrative collection processing fees; amending s. 213.75, F.S.; revising the priority order against which payments by a taxpayer apply to amounts owed to the Department of Revenue; providing for application of the administrative collection processing fees to certain noncompliant filing events; amending s. 213.755, F.S.; requiring any taxpayer who does not electronically file a certain tax return to pay a specified fee; requiring the fee to be deposited into the Operations Trust Fund of the Department of Revenue; providing that the fee is subject to a service charge; amending s. 220.21, F.S.; conforming a cross-reference; providing for application of specified provisions of the act; providing effective dates.

By the Committee on General Government Appropriations; and Senator Baker—

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

By the Committee on General Government Appropriations; and Senator Baker—

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

By the Committee on General Government Appropriations; and Senator Baker—

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

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 1776—A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds from the sale of property located in Palm Beach County by the Department of Highway Safety and Motor Vehicles into the Highway Safety Operating Trust Fund; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of funds from the State Transportation Trust Fund; amending s. 339.135, F.S.; delaying the expiration of provisions relating to the transfer of funds from the Department of Transportation to the Office of Tourism, Trade, and

Economic Development for the purpose of funding the transportation-related needs of certain projects; revising the amount of such transfer; deleting obsolete provisions; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund operational and maintenance assistance at publicly owned public-use airports; providing for the expiration of such authority and the reversion of statutory text; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 1778—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; terminating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; transferring the current balances in and revenues of the trust fund to the Highway Safety Operating Trust Fund within the department; requiring that the department pay any outstanding debts and obligations of the fund; requiring that the Chief Financial Officer close out and remove the trust fund from the state accounting systems; amending ss. 17.61 and 215.20, F.S.; deleting references to the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; increasing the fee for a copy of a crash report provided by a certified traffic records center; amending s. 316.605, F.S.; deleting a reference to registration decal to conform to changes made by the act; amending s. 318.15, F.S.; increasing the service charge relating to the suspension of a driver's license; amending s. 319.23, F.S.; increasing the fee relating to an application for a certificate of title; amending s. 319.32, F.S.; requiring an additional fee for each subsequent inspection of a vehicle that receives a physical examination; providing that the proceeds from such fees be deposited into the General Revenue Fund and the Highway Safety Operating Trust Fund; amending ss. 319.323 and 319.324, F.S.; increasing the fee relating to expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession; conforming provisions to changes made by the act; amending s. 319.33, F.S.; deleting references to decals for the identification of a motor vehicle; ss. 319.34 and 320.02, F.S.; conforming provisions to changes made by the act; amending s. 320.023, F.S.; requiring that any voluntary contribution on a motor vehicle registration application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; s. 320.025, F.S.; conforming provisions to changes made by the act; amending s. 320.03, F.S.; increasing a fee on license registrations to cover the costs of the Florida Real Time Vehicle Information System; amending s. 320.031, F.S.; conforming provisions to changes made by the act; amending s. 320.04, F.S.; revising provisions relating to service charges for the issuance of registration certificates for a vehicle, vessel, or mobile home to conform to changes made by the act; amending s. 320.05, F.S.; revising provisions relating to fees for providing lists of motor vehicle or vessel records; amending s. 320.055, F.S.; deleting provisions relating to driver's license registration periods and renewal periods; amending ss. 320.06 and 320.0607, F.S.; extending the period for which registration license plates are issued and replaced; increasing fees for the replacement of such plates; amending ss. 320.061, 320.07, and 320.071, F.S.; conforming provisions to changes made by the act; amending s. 320.08, F.S.; increasing the annual license taxes imposed for the operation of motor vehicles, mopeds, motorized bicycles, and mobile homes; providing that a certain portion of each tax be deposited into the General Revenue Fund; revising provisions to changes made by the act; amending s. 320.08035, F.S.; conforming a cross-reference; amending s. 320.08046, F.S.; increasing the surcharge levied on each license tax; increasing the percentage of the proceeds of such surcharge for deposit into the General Revenue Fund; amending s. 320.0805, F.S.; increasing the processing fee for personalized prestige license plates; amending s. 320.08056, F.S.; increasing the processing fee for specialty license plates; amending s. 320.0807, F.S.; conforming a cross-reference; amending s. 320.081, F.S.; revising provisions relating to the distribution of annual license taxes imposed on mobile homes, park trailers, travel trailers, and fifth-wheel trailers exceeding 35 feet in body length; requiring that such distribution be made by payment by warrant drawn by the Chief Financial Officer upon the treasury on a monthly basis from the License Tax Collection Trust Fund; amending s. 320.084, F.S.; revising provisions relating to license plates for certain disabled veterans to conform to changes made by the act; conforming a cross-reference; amending s. 320.086, F.S.; conforming provisions to changes made by the act; amending s. 320.0894, F.S.; deleting provisions relating to Gold Star license plates to conform to changes made by the act; amending ss. 320.10, 320.26, and 320.261, F.S.; conforming provisions to changes made by the act; amending s. 320.822, F.S.; deleting the definition of the term "seal" or "label"; repealing s. 320.824, F.S.; deleting provisions authorizing the department to adopt rules relating to the uniform mobile home standards; deleting provisions authorizing the department or its agent to enter a place or establishment where mobile homes are manufactured, sold, or offered for sale; amending s. 320.8245, F.S.; conforming provisions to changes made by the act; amending s. 320.8249, F.S.; conforming a cross-reference; repealing s. 320.8255, F.S.; relating to mobile home inspections; amending ss. 320.827 and 320.834, F.S.; deleting provisions to conform to changes made by the act; amending s. 321.23, F.S.; increasing the cost of receiving a copy of a crash report from the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; revising provisions relating to a fee for obtaining a duplicate identification card; amending s. 322.081, F.S.; requiring that any voluntary contribution on a driver's license application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 322.12, F.S.; increasing the examination fees for subsequent knowledge and skills tests for a driver's license if an applicant failed the initial tests; amending s. 322.20, F.S.; increasing the fee for obtaining records from the Division of Drivers Licenses; amending s. 322.201, F.S.; revising provisions relating to the certification of certain records as evidence; amending s. 322.21, F.S.; increasing licensing fees; creating s. 322.2715, F.S.; requiring that an installer of a ignition interlock device collect and remit an installation fee to the department to be deposited into the Highway Safety Operating Trust Fund for the operation of the Ignition Interlock Device Program; amending ss. 322.29 and 322.293, F.S.; conforming provisions to changes made by the act; providing effective dates.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 1780—A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the Department of State to use electronic transmission to notify and communicate in the performance of its duties; authorizing the department to collect e-mail addresses and require filers and registrants to furnish such e-mail addresses for presenting documents and filing; amending s. 120.55, F.S.; deleting a provision that requires the Department of State to provide the Florida Administrative Weekly to the Legislative Library each year; repealing ss. 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, F.S., relating to the Cultural Institutions Program and Trust Fund, general support program for cultural institutions, audit information and admission fees for state theater contract organizations, science museums and grants, youth and children's museum and grants, regional cultural facilities, and historical museum grants; amending s. 265.281, F.S.; renaming the "Florida Fine Arts Act of 1980" as the "Florida Arts and Culture Act"; amending s. 265.282, F.S.; revising legislative intent to include the promotion of activities involving arts and culture; providing support for museums and nonprofit organizations; amending s. 265.283, F.S.; revising and providing definitions; amending s. 265.284, F.S.; revising the duties and responsibilities of the Division of Cultural Affairs within the department to administer funds, sponsor events encouraging arts and cultural programs, and enter into certain contracts; requiring that the division adopt rules; amending s. 265.285, F.S.; renaming the "Florida Arts Council" as the "Florida Council on Arts and Culture"; requiring that the council meet at the request of the division; deleting provisions authorizing the Secretary of State to appoint review panels; revising the duties of the council; amending s. 265.286, F.S.; authorizing the Secretary of State to appoint review panels representing arts and cultural disciplines and programs to assist the council in the grant review process; providing membership; providing terms; providing duties and responsibilities; requiring that the council review grant application lists; requiring that the secretary review the council's recommendations and submit approved lists to the Legislature by a specified date; establishing procedures for the awarding and funding of grants; authorizing the division to provide funding for certain programs and areas; requiring that the division adopt rules establishing eligibility criteria, grant programs, and the panel review process; requiring that the division award grants under certain circumstances; establishing eligibility requirements for grantees; limiting grant awards

to one recipient per grant cycle; providing exceptions; providing a formula for the distribution of matching and nonmatching funds; providing for certain in-kind funds; deleting provisions relating to the division's authority to expend appropriated funds for grants; deleting provisions establishing criteria for such grants; amending ss. 607.1420 and 607.1421, F.S.; revising provisions relating to the administrative dissolution of a corporation by the department to conform to changes made by the act; amending ss. 607.1530 and 607.1531, F.S.; revising provisions relating to revocation of a certificate of authority to conform to changes made by the act; amending ss. 608.448 and 608.4481, F.S.; revising provisions relating to administrative dissolution of a limited liability company to conform to changes made by the act; amending ss. 608.512 and 608.513, F.S.; revising provisions relating to the revocation of a certificate of authority of a foreign limited liability company to conform to changes made by the act; amending ss. 617.1420, 617.1421, 617.1530, 617.1531, 620.1809, 620.1906, and 620.9003, F.S.; conforming provisions to changes made by the act; amending s. 679.527, F.S.; deleting provisions relating to the department's authority to determine and select certain respondents and to negotiate and enter into certain contracts; providing that a contract to perform administrative and operational functions for the Florida Secured Transaction Registry terminates on a specified date; requiring that the Department of State perform the administrative and operational functions of the filing officer or filing office for the registry after such termination; amending s. 865.09, F.S.; revising provisions relating to notice of the expiration of a fictitious name registration; requiring that the department serve such notice by electronic transmission if the owner or registrant of the fictitious name has provided an electronic mail address to the department; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

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

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

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

By the Committees on Environmental Preservation and Conservation; and Environmental Preservation and Conservation—

CS for SB 1898—A bill to be entitled An act relating to the water management districts; reenacting ss. 373.069, 373.0693, 373.0695, 373.073, and 373.083, F.S., relating to the creation of the water management districts, pursuant to the provisions of the Florida Government Accountability Act; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex-officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.323, F.S.; providing for an applicant who meets certain conditions to be certified as a licensed water well contractor; amending s. 373.536, F.S.; authorizing certain chairs of committees of the Senate and the House of Representatives to submit comments and objections to proposed district budgets; amending s. 373.079, F.S.; revising meeting requirements for members of the governing boards, committees, and advisory boards of the water management districts, as provided in s. 120.54, F.S.; creating the Reclaimed Water Coordination Task Force; providing legislative findings; providing purposes; requiring that the task force review certain rules, programs, and policies when preparing its recommendations; providing for membership of the task force; requiring that members be appointed on or before a specified date; providing for administrative support for the task force; providing duties of the task force; requiring that the Department of Environmental Protection and each water management district encourage the use of pilot projects for certain purposes; requiring that the task force submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before a specified date; requiring that the report contain certain information; requiring that the department and each water management district cooperate with the task force; requesting that all other agencies cooperate with the task force; providing for dissolution of the task force; creating s. 373.0725, F.S.; providing for the Florida Public Service Commission Nominating Council to nominate candidates for appointment to the water management boards; providing requirements; amending s. 373.073, F.S.; providing conforming changes; amending s. 373.079, F.S.; providing for the delegation of environmental resource permit issuance to the executive directors; amending s. 373.083, F.S.; providing conforming changes; amending s. 373.118, F.S.; providing conforming changes; amending s. 373.584, F.S.; providing for a cap on revenues pledged for debt service; providing for legislative approval to exceed the cap; amending s. 373.59, F.S.; allowing for the use of funds to pay for nominating council activities; clarifying conditions under which payment in lieu of taxes shall be paid; repealing ss. 373.465, and 373.466, F.S., relating to the Lake Panasoffkee Restoration Council and the restoration program; providing an effective date.

By the Committee on Health Regulation; and Senator Lawson—

CS for SB 1926—A bill to be entitled An act relating to inactive licenses and certificates of need for health care providers; amending s. 408.040, F.S.; extending the period that a certificate of need is valid; amending s. 408.808, F.S.; allowing a health care provider to extend the inactive period beyond 12 months and renew the inactive designation under certain circumstances; requiring commencement of construction or proof of certain enforceable capital expenditures if the request is for a second renewal; providing an effective date.

By the Committee on Education Pre-K - 12; and Senators Diaz de la Portilla and Storms—

CS for SB 1978—A bill to be entitled An act relating to education; creating s. 1010.2155, F.S.; requiring that school districts spend a specified percentage of operating funds on classroom instruction; requiring each school district to annually calculate this percentage based on a uniform calculation developed by the Department of Education; requiring school districts to report classroom expenditures according to a format developed by the department; requiring that the department provide technical assistance to districts that fail to meet the required expenditures and to any district upon request; requiring that the school board provide assistance to principals of schools that fail to meet the required expenditures; authorizing the State Board of Education to adopt rules; providing an effective date.

By the Committees on Criminal Justice; and Health Regulation; and Senators Gaetz and Peaden—

CS for CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that bills the Medicaid program for medically unnecessary services; amending s. 400.506, F.S.; exempt-

ing certain items from a prohibition against providing remuneration to certain persons by a nurse registry; amending s. 408.05, F.S.; requiring the Florida Center for Health Information and Policy Analysis to take certain actions to improve the prevention and detection of health care fraud through the use of technology; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; imposing criminal penalties on a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 408.810, F.S.; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring the Agency for Health Care Administration to use specified documents from a provider's records to calculate an overpayment by the Medicaid program; prohibiting a provider from using certain documents or data as evidence when challenging a claim of overpayment by the Agency for Health Care Administration; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; amending s. 465.023, F.S.; requiring the Department of Health or the Board of Pharmacy to deny an application for a pharmacy permit or take disciplinary action against a permitee for certain misconduct by the applicant, licensee, or person affiliated with the applicant or licensee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Health Regulation; and Senator Detert—

CS for SB 2040—A bill to be entitled An act relating to 911 emergency dispatcher certification; amending s. 401.465, F.S.; defining the terms "certified dispatch training center" and "certified dispatch training program"; authorizing a public safety agency to employ a 911 emergency dispatcher trainee for a limited period under certain conditions; requiring any person serving as a 911 emergency dispatcher to be certified by the Department of Health; revising application requirements for certification; providing an expiration date for initial certification of certain 911 emergency dispatchers; providing certification standards for certified dispatch training centers and certified dispatch training programs; requiring the department to charge fees for the review and approval of training programs; providing general application procedures for online licensure applications; amending s. 401.411, F.S.; revising the grounds in which the department may deny, suspend, or revoke the certification of a 911 emergency dispatcher; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Crist—

CS for SB 2094—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 435.04, F.S., relating to level 2 screening standards; correcting a cross-reference; amending s. 984.03, F.S.; expanding the meaning of the term "child in need of services" to include a child 9 years of age or younger at the time of referral to the Department of Juvenile Justice; amending s. 985.02, F.S.; providing additional legislative findings and intent; amending s. 985.03, F.S.; redefining the term "child in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the department; defining the term "ordinary medical care in department facilities and programs"; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities, and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs for first-time misdemeanor offenders who are 9 years of age or younger; amending s. 985.441, F.S.; providing that a court may commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.601, F.S.; requiring that the department adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities; amending s. 985.644, F.S.; eliminating the exemption from background screening previously granted to a volunteer who assists on an intermittent basis for less than 40 hours per month in programs serving children if the volunteer was under direct and constant supervision by persons who meet the screening requirements; eliminating the Juvenile

Justice Standards and Training Commission; providing that the department rather than the commission is responsible for juvenile justice staff development and training; detailing the minimum qualifications for juvenile justice staff of the department and contract providers who deliver direct-care services to children; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Crist—

CS for SB 2128—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for delinquency within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 984.03, F.S.; redefining the term "child in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral for delinquency; amending s. 985.02, F.S.; providing additional legislative findings and intent; directing the Department of Juvenile Justice to focus on the principles of restorative justice; requiring the Department of Juvenile Justice to examine and revise its strategies, policies, and practices whenever a specific group of youth is overrepresented based upon their gender, ethnicity, or socioeconomic status in the juvenile justice system to ensure that all youth are treated equally; defining the term "overrepresentation"; amending s. 985.03, F.S.; redefining the term "child in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral for delinquency; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities, and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs for first-time misdemeanor offenders who are 9 years of age or younger; amending s. 985.245, F.S.; modifying the size and composition of the risk assessment committee; requiring that the risk assessment instrument be independently validated; amending s. 985.664, F.S.; authorizing each juvenile justice circuit board to increase the number of board members from three to five; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

CS for SB 2306—A bill to be entitled An act relating to the Marriage Education Trust Fund; creating s. 741.0101, F.S.; creating the Marriage Education Trust Fund within the Executive Office of the Governor; providing for administration of the trust fund and use of moneys therein; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Health Regulation; and Senator Storms—

CS for SB 2422—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring that funds repaid to the Agency for Health Care Administration by managed care plans that spend less than a certain percentage of the capitation rate for behavioral health services be deposited into the Medical Care Trust Fund; providing that such repayments be allocated to community behavioral health providers and used for Medicaid behavioral and case management services; providing an effective date.

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

CS for SB 2482—A bill to be entitled An act relating to school improvement and accountability; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1002.33, F.S.; revising provisions relating to charter schools to conform to changes made by the act; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; repealing s. 1003.413(5), F.S., relating to a requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; revising provisions relating to the general requirements for middle grades promotion; providing an exception; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing exceptions; amending s. 1003.429, F.S.; revising provisions relating to accelerated high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program beginning with students who enter grade 9 in the 2009-2010 school year; amending s. 1003.433, F.S.; providing that a student who enters middle school at the eighth grade from out of state or from a foreign country is not required to spend additional time in school to meet the requirements for middle grades promotion under certain circumstances; requiring that such student receive immediate and intensive instruction in English language acquisition under specified circumstances; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate school districts as academically high-performing school districts if certain criteria are met; requiring that such designation occur at the next meeting of the State Board of Education on or after a specified date each year; providing that the designation is effective beginning the following school year; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.22, F.S.; providing that concordant scores that are earned before taking the grade 10 Florida Comprehensive Assessment Test may not be used to qualify for a standard high school diploma; requiring that a student who has not earned passing scores on the grade 10 FCAT participate in each retake of the assessment until he or she earns a passing score or achieves a passing score on a standardized assessment which is concordant with FCAT passing scores; deleting certain provisions relating to concordant scores for the FCAT; amending s. 1008.25, F.S.; requiring that each district school board annually post certain information on its Internet website; revising the date that each district school board is required to report certain information to the State Board of Education; amending s. 1008.33, F.S.; requiring that the state system of educational accountability comply with the federal Elementary and Secondary Act after the State Board of Education evaluates and determines that it is consistent with certain principles; providing that school districts and public schools are accountable to the State Board of Education; providing responsibilities for the State Board of Education regarding the system of school improvement and accountability; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to intervention and support strategies; authorizing the State Board of Education to prescribe reporting requirements to review and monitor the progress of schools; requiring that the Department of Education create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest performing schools; requiring that a district improve the performance of the lowest performing schools so that the schools advance to another category; providing that school districts be allowed no more than 3 years to move such schools to another category; requiring that school districts levy an additional millage rate if improvements are insufficient after 3 years; requiring that the State Board of Education adopt rules; amending s. 1008.34, F.S.; revising provisions relating to the designation of school grades; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1008.36, F.S.; revising the date that school staff and the school advisory council are required to reach an agreement regarding the distribution of financial awards under the Florida School Recognition Program; amending s. 1012.2315, F.S.; revising legislative findings and intent; revising provisions relating to the assignment of teachers to conform to changes made by the act; creating s. 1011.626, F.S.; providing legislative findings and intent; requiring that a school district levy an additional millage rate if it fails to improve the lowest performing schools in its district; requiring that the Commissioner of Education calculate the amount of the additional millage rate; requiring that the Commissioner of Education withhold funds from school districts in an amount equal to the additional millage rate; providing for the use of revenues generated from the additional millage; requiring public notice of proposed property taxes; specifying the contents of such notice; amending s. 200.065, F.S.; specifying the form of the notice, which must include an explanation of the additional millage rate required by the act; providing an effective date.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2546—A bill to be entitled An act relating to corporate income tax; creating the "Florida Fair Business Competition Act"; amending s. 196.012, F.S.; conforming cross-references; amending ss. 213.053 and 213.054, F.S.; conforming provisions to the repeal of pro-

visions allowing certain deductions by certain financial institutions; amending s. 220.02, F.S.; revising legislative intent with respect to the classifications of organizations for purposes of the corporate income tax; amending s. 220.03, F.S.; redefining the terms "corporation" and "nonbusiness income"; providing requirements for the classification of corporations that are partners in partnerships; defining the term "tiered partnership arrangement"; amending s. 220.13, F.S.; defining the term "adjusted federal income" with respect to certain expenses related to a business asset; defining the term "taxable income" for purposes of certain corporate entities; providing certain restrictions with respect to the deductibility of intangible expenses, interest expenses, and management fees; providing requirements for filing tax returns; providing for making certain calculations and providing for certain deductions; amending s. 220.131, F.S.; providing a limitation on the net operating loss that may be claimed by a member of an affiliated group; providing for the expiration of eligibility for a specified election with respect to certain tax filings; requiring that certain gross receipts be excluded from sales between affiliated corporations for purposes of determining taxable income; amending s. 220.15, F.S.; revising requirements governing the apportionment of adjusted federal income; clarifying circumstances under which a sale of services occurs in the state; amending s. 220.1501, F.S.; conforming cross-references; creating s. 220.1505, F.S.; providing requirements for the apportionment of income of a financial institution whose business activity is taxable within and without the state; providing definitions; providing apportionment factors with respect to receipts, property, and payroll; amending s. 220.151, F.S.; providing for the apportionment of the tax base for taxpayers furnishing certain transportation services; defining the term "revenue miles in this state"; amending s. 220.152, F.S.; conforming provisions to changes made by the act; repealing s. 213.054, F.S., relating to certain tax exemptions or deductions; repealing ss. 220.62(3) and (5), and 220.63(5), F.S., relating to the franchise tax imposed on banks and savings associations; amending s. 220.64, F.S.; conforming provisions to changes made by the act; amending s. 220.51, F.S.; authorizing the Department of Revenue to adopt rules; providing legislative intent with respect to corporations filing corporate income tax returns; clarifying legislative intent with respect to the retroactive application of certain amendments made by chapter 2002-218, Laws of Florida; providing for application; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Dean—

CS for SB 2636—A bill to be entitled An act relating to state conservation lands; providing legislative findings; directing the Office of Program Policy Analysis and Government Accountability to conduct a study of state land management activities and submit the study to the Legislature; directing the Department of Environmental Protection to issue a request for proposals or invitation to negotiate for a public-private land management demonstration pilot project for conservation lands; specifying requirements for the project; requiring the Legislative Budget Commission to approve a plan for the proposal; requiring the selected contractor to prepare a land management plan, submit the plan to the Acquisition and Restoration Council for review and approval, and provide a copy to the Legislative Budget Commission; providing for a limit on the final cost of the pilot project; requiring a third-party certified auditor to prepare and submit a report on the project to the Governor, the Legislature, the Acquisition and Restoration Council, and the Legislative Budget Commission; requiring the Acquisition and Restoration Council to review, evaluate, and comment on the report; providing an effective date.

By the Committee on Health Regulation; and Senator Baker—

CS for SB 2658—A bill to be entitled An act relating to the licensure of home health agencies, home medical equipment providers, and health care clinics; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; creating s. 408.8065, F.S.; providing requirements for licensure of home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; requiring demonstration of financial viability; providing limitations on licensing of home health agencies in certain counties; providing an exception for existing applicants accredited by an organization recognized by the Agency for Health Care Administration; providing penalties; providing an effective date.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 2680—A bill to be entitled An act relating to homeless persons; amending s. 775.085, F.S.; reclassifying offenses evidencing prejudice based on the homeless status of the victim; providing an effective date.

By the Committees on Military Affairs and Domestic Security; and Military Affairs and Domestic Security—

CS for SB 2684—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; requiring the department to provide assessment briefings to seaport authority governing boards and local regional domestic security task force co-chairs at least once per year; requiring certain board members to attend assessment briefings; adding the department to those entities responsible for allocating funds for security projects; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing a contingency with respect to assessment briefings conducted by the department; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

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

CS for SB 784—A bill to be entitled An act relating to job opportunities for youth; providing legislative intent to support statewide vocational training and placement provided to at-risk youth through the Jobs for Florida's Graduates program; requiring that a proposal for funding a statewide summer program for youth employment be submitted to the Florida Endowment Foundation for Florida's Graduates; providing criteria concerning the proposal; requiring a report to the Legislature; providing for the Florida Endowment Foundation for Florida's Graduates to be the fiscal agent for the Jobs for Florida's Graduates program;

amending s. 561.121, F.S.; revising the percentage of monthly collections of the excise taxes on alcoholic beverages to be deposited into the Alcoholic Beverage and Tobacco Trust Fund; requiring a certain percentage of net collections to be deposited into the Grants and Donations Trust Fund within the Florida Endowment Foundation for Florida's Graduates to operate the statewide summer program for youth employment; amending s. 563.05, F.S.; clarifying a unit of measurement; providing an effective date.

—was referred to the Committee on Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 1154—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to reduce greenhouse gas emissions through the direct, end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 525.09, F.S.; imposing certain fees, to be used for carbon-reduction, on alternative fuel containing alcohol and imposing an additional charge on gasoline, diesel, kerosene used for certain purposes, and #1 fuel oil for sale or use in the state; providing requirements for remitting the fee; amending s. 525.10, F.S.; providing for the deposit of carbon-reduction fees into the Florida Renewable Energy Trust Fund and the General Revenue Fund; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 24 and April 1 were corrected and approved.

CO-INTRODUCERS

Senators Baker—SB 130, SB 1972; Bullard—CS for SB 2466, SR 2764; Peaden—SB 578; Rich—SB 578; Storms—CS for SB 1978; Wilson—SB 2018

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:03 a.m., until Tuesday, April 7 at 11:00 a.m., for a joint session in the House chamber, and upon call of the President, for the purpose of holding committee meetings and conducting other Senate business.

Journal of the Senate

Number 7—Regular Session **Tuesday, April 7, 2009**

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JOINT SESSION

Pursuant to **SCR 2730**, the Senate proceeded to the chamber of the House of Representatives. The Joint Session was called to order by the Speaker of the House of Representatives, Larry Cretul.

PRAYER

Senator Mike Fasano, Senate President Pro Tempore, delivered the prayer.

SPECIAL GUESTS

The Speaker recognized the following special guests who were present in the chamber: Governor Charlie Crist, former Governor Reubin Askew, Chief Financial Officer Alex Sink, Senate President Jeff Atwater, Senate President Pro Tempore Mike Fasano, and the members of the Senate.

PLEDGE

In honor of Justice Sandra Day O'Connor and the women attorneys of the Florida Legislature, Speaker Cretul invited all of the women members to come forward and lead the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The Speaker introduced Dr. John L. Williams as doctor of the day. Dr. Williams was sponsored by Representative Alan Williams.

INTRODUCTION OF THE HONORABLE SANDRA DAY O'CONNOR, Retired Supreme Court Justice of the United States of America

Speaker Cretul recognized Representative Sachs who presented Justice O'Connor to the joint session.

ADDRESS BY JUSTICE O'CONNOR

Mr. Speaker and Governor Crist and Representative Sachs and Senators and Representatives of the Florida Legislature, good morning. It's such an honor for an unemployed cowgirl to be invited to this spot and to be able to meet with you today. I'm really thrilled. It's great to be in Tallahassee.

Between my time as a judge in Arizona and then on the Supreme Court—I've served on courts in this country for well over 30 years. I'm used to receiving cold receptions from legislators. This is such an unusual occasion to be welcomed so warmly in a legislature. It's a nice change of pace and it also brings me back to my roots, because as you have heard, before I was a judge, I was an Arizona State Senator and served for a time as the Majority Leader of the State Senate. That was an exhilarating and a very educational experience for me.

I know that old adage that "laws are like sausages, it's better not to see how they're made." But I guess that makes me an oddity. I don't mind watching sausage being made. I quite liked helping to make and shape the laws in Arizona even though both those processes sometimes involve a lot of unusual ingredients. Now, I'm willing to bet that most citizens would be interested in the law-making process, as well, if they had an opportunity for some kind of hands-on learning. That's what I want to talk to you about briefly today—the need for civics education in our schools and the enormous importance of taking a hands-on, interactive approach to teaching civics.

Self-government, which we have enjoyed in this country, cannot survive unless people—our citizens—are willing to get engaged and understand the commitments necessary to make democracy work. It was for that very reason that public schools were created in this country in the first place—to produce citizens who have the knowledge and the skills and the values to sustain our form of government, our democracy. Today, civics, government, and indeed history are being pushed out of the classroom and the results are as dismal as they are surprising. Almost half of our states today no longer make civics, government, and American history requirements for high school students. Now, surveys show that approximately 75 percent of our nation's population cannot distinguish the role of a judge from that of a legislator. They believe judges are politicians in robes. Forty percent believe the Constitution permits the President to ignore a Supreme Court ruling if they believe doing so will protect the country from harm. Only about a third of the people in this country can even name the three branches of government, much less say what they do. Now, compare that to the two-thirds of Americans who can at least name one of the judges on American Idol. Or the nearly three quarters of our citizens who can at least name two of the Three Stooges. Now, I think these numbers are disheartening and cynicism tends to fill these gaps in our knowledge. Statistics show that there is a very strong correlation between ignorance and distrust of our government. We must take action to reverse the trend of removing civics from our schools before this cynicism begins to suffocate our democracy.

Now, let me tell you why I'm particularly happy to be here today; because this Florida Legislature has shown a commitment to doing something about this problem. In 2006, Florida's Middle School Reform Act brought civics to students at the middle school level. I think that was a good move, because that's before the kids get too full of themselves in high school, and it's at a time when they're eager to learn—they're really great, that's a perfect age to start. This act of this legislature set you apart from a great majority of states across the nation and I am certain that Florida, in the future, is going to reap benefits from taking that action. Those students are going to grow up to be good citizens wherever they live. Civics education is about teaching students how to think and how they can be involved in their own communities to make them better. It's about teaching students that one person can ignite political fires on the ground, and those fires almost always begin with a very small spark. Now, I know it sounds cliché, but it's absolutely true. It takes a renewed commitment for each generation to continue the great experiment that we Americans undertook in 1779 in self-government. You are doing your part to be sure that the next generation is prepared to take on these challenges.

I read about some students here in Tallahassee who took their civics lessons to heart a few years ago. Florida Supreme Court Justice Fred

Lewis and Florida Law-Related Education Association Director Annette Boyd Pitts took the time to teach some young students about a Supreme Court case—it was *Tinker v. Des Moines*. That's the case that, you may remember, affirmed the right of a group of students to protest the Vietnam War, at that time, by wearing black armbands in school. These young Tallahassee students, a few months after learning about the *Tinker* case, had their own silent protest in the school's cafeteria to demonstrate against the poor quality of the food. But that kind of engagement and proactive spirit is exactly what civics education is all about. It was good; it produced some results. And I congratulate your efforts here in Florida.

For my part, since stepping down from the Court, I've been working to address civics education in various ways, including through the internet. I have a team of people at Georgetown University in Washington and Arizona State University in Tempe, Arizona that are developing a free, interactive, online website and program with a civics curriculum called, "Our Courts." I was in the judicial branch and I saw the lack of understanding in that area. And you can visit it at www.ourcourts.org. We have games to put on that website that will enable the students to play the role, to understand a legal issue, a basic issue, and to play the role of a lawyer—for or against—and maybe the role of a judge, in deciding the issues. Some of the games are still in the development stages, but a number will be online, in full, starting this summer, which is about a month away. You can already see on the website some good demonstrations of what the games will look like.

The "Our Courts Project" has a couple of components. First, is a series of interactive activities, to be used primarily in classrooms. They're very teacher friendly, and they can be used as civics curriculum that exceeds state and national standards, or it can supplement some existing curriculum. The second part, when it's complete by the end of this summer, is designed to interest the students in their free time—their spare time. We know from studies that children these days spend about 40 hours a week using media, whether it's computers or television or video games or music. And that's more time than they spend in school. It's more time then they spend with their parents. If we capture a bit of that, as we teach young people about civics and civics engagement, it's going to be a big step in the right direction.

One of the games we're designing is a fast-paced interactive world that allows students to choose cases to research and argue as if they were the lawyers. In this fictional world, the rule of law is just being developed. So, with the outcome of each case, the world is going to change in various ways. This allows students to see how the law and their choices about it can have big impacts on the world about them. I think that through games and online discussion and social networking, the "Our Courts" website allows students to express themselves about relevant issues and to share ideas about civics projects that could make a difference. They'll learn how to tackle problems that we have from the perspectives of different players in our government—things that each of you do every day.

Now, I think this kind of interactive media approach is a powerful tool that can leverage the way things are done. The new experts who hold the key to all that potential are the young people of our nation. They are experts—I'm an old grandmother and my grandchildren are so much better at computer use than I am. It's a night-and-day difference—but it's a very exciting project and we have a long way to go to rejuvenate our nation's commitment to building good citizens. But it does start with you, our nation's legislators, and I'm confident that you're going to continue to give this subject the attention it deserves and to continue to set some good precedents for the rest of the nation.

I hope that other states, all across the nation, will follow your lead. I appreciate very much you taking the time to let me visit with you today. You don't have much time to do all you have to do—you have a big budget gap to fill. We do in Arizona as well. I don't know how you're going to do it. We're struggling in my home state, and I'm sure you are, too. Thank you so much for being here today and for setting a good example, starting with middle school education. I'm very grateful. Thank you.

DISSOLUTION OF JOINT SESSION

Following the Justice's address, Speaker Cretul requested that Representative Sachs escort Justice O'Connor from the rostrum and from the House chamber, followed by Governor Crist, former Governor Askew and Chief Financial Officer Sink.

On motion by Representative Galvano, the joint session was dissolved at 11:34 a.m.

REPORTS OF COMMITTEES

The Committee on Transportation recommends the following pass: SB 1634 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1082 with 1 amendment

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

The Committee on Community Affairs recommends the following pass: SB 852 with 1 amendment

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 726

The Committee on Transportation recommends the following pass: SB 2266

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

The Committee on Criminal Justice recommends the following pass: CS for CS for SB 164

The Committee on Judiciary recommends the following pass: CS for CS for SB 448

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 2018 with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: SB 2122

The bill was referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1582

The bill was referred to the Committee on Ethics and Elections under the original reference.

The Committee on Commerce recommends the following pass: CS for SB 158

The Committee on Community Affairs recommends the following pass: SB 628 with 1 amendment; SB 1362

The Committee on Transportation recommends the following pass: SB 1048 with 1 amendment; SB 1992

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

The Committee on Criminal Justice recommends the following pass: CS for SB 482

The Committee on Judiciary recommends the following pass: SB 68; SB 1286

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

The Committee on Agriculture recommends the following pass: CS for SB 254

The Committee on Commerce recommends the following pass: CS for CS for SB 206

The Committee on Criminal Justice recommends the following pass: CS for SB 1180

The Committee on Education Pre-K - 12 recommends the following pass: SB 398

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 642 with 2 amendments

The Committee on Health Regulation recommends the following pass: CS for SB 892

The Committee on Judiciary recommends the following pass: CS for SB 1986

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

The Committee on Higher Education recommends the following pass: SB 2216

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

The Committee on Agriculture recommends the following pass: SB 288

The Committee on Community Affairs recommends the following pass: SB 1864

The Committee on Criminal Justice recommends the following pass: SB 510; CS for SB 910

The Committee on Education Pre-K - 12 recommends the following pass: CS for CS for SB 1540

The Committee on Health Regulation recommends the following pass: SB 2298

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

The Committee on Higher Education recommends the following pass: CS for SB 948

The bill was placed on the Calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 1646 and SB 1038

The Committee on Regulated Industries recommends a committee substitute for the following: SB 880

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

The Committee on Health Regulation recommends a committee substitute for the following: SB 308

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

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

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1606

The Committee on Commerce recommends a committee substitute for the following: SB 1970

The Committee on Regulated Industries recommends committee substitutes for the following: SB 560; SB 998; SB 1332

The Committee on Transportation recommends a committee substitute for the following: SB 2210

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

The Committee on Commerce recommends a committee substitute for the following: CS for SB 478

The Committee on Health Regulation recommends a committee substitute for the following: SB 614

The Committee on Judiciary recommends a committee substitute for the following: SB 2408

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

The Committee on Commerce recommends a committee substitute for the following: SB 2570

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 362

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

The Committee on Commerce recommends committee substitutes for the following: SB 942; SB 2156

The Committee on Community Affairs recommends committee substitutes for the following: SB 2190; SB 2314

The Committee on Ethics and Elections recommends a committee substitute for the following: SJR 1550

The Committee on Judiciary recommends committee substitutes for the following: SB 580; SB 1894

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 868

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2252

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 148; CS for SB 2104

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 728

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

The Committee on Commerce recommends a committee substitute for the following: SB 2062

The Committee on Community Affairs recommends a committee substitute for the following: SB 616

The Committee on Health Regulation recommends a committee substitute for the following: SB 2620

The Committee on Transportation recommends a committee substitute for the following: SB 422

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

The Committee on Health Regulation recommends committee substitutes for the following: SB 1604; SB 1868

The Committee on Higher Education recommends a committee substitute for the following: SB 2284

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

The Committee on Commerce recommends a committee substitute for the following: SB 888

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

The Committee on Criminal Justice recommends committee substitutes for the following: SJR 908; SB 968; CS for SB 1998

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

The Committee on Agriculture recommends a committee substitute for the following: CS for SB 1560

The Committee on Finance and Tax recommends a committee substitute for the following: SB 2160

The Committee on Judiciary recommends a committee substitute for the following: CS for CS for SB 1128

The Committee on Transportation recommends a committee substitute for the following: CS for SB 798

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

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1404

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 1958

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 2700

The Committee on Health Regulation recommends committee substitutes for the following: SB 46; SM 152; SB 414

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

The Committee on Health Regulation recommends the following not pass: SB 1938

The bill was laid on the table.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Children, Families, and Elder Affairs recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment	*For Term Ending*
Director, Agency for Persons with Disabilities	
Appointee: DeBeaugrine, James "Jim"	Pleasure of Governor
Secretary of Children and Family Services	
Appointee: Sheldon, George H.	Pleasure of Governor

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

Office and Appointment	*For Term Ending*
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.	
Appointees: Kravitz, Richard	09/30/2012
Lukis, Vicki L.	09/30/2010
Matza, Rochelle S.	09/30/2011
Medina, John A.	09/30/2012
Mehta, Radhika "Radha" V.	09/30/2012

The Committee on Criminal Justice recommends that the Senate confirm the following appointments made by the Governor and Cabinet:

Office and Appointment	*For Term Ending*
Parole Commission	
Appointee: Dunphy, Frederick B.	06/30/2014

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

Office and Appointment	*For Term Ending*
Board of Trustees, University of Central Florida	
Appointee: Grindstaff, Michael J.	01/06/2013
Board of Trustees, New College of Florida	
Appointees: Ruiz, Mary	01/06/2010
Saputo, John W.	01/06/2013
Board of Trustees, Florida International University	
Appointee: Alvarez, Cesar L.	01/06/2013

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

Office and Appointment	*For Term Ending*
Florida Transportation Commission	
Appointees: Conrecode, Thomas E.	09/30/2011
Walton, Garrett W.	09/30/2011

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

INTRODUCTION AND REFERENCE OF BILLS

ADDITIONAL REFERENCES

By Senator Pruitt—

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

—was also referred to the Committee on Criminal Justice.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Regulation; and Senator Ring—

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

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Aronberg—

CS for CS for SB 148—A bill to be entitled An act relating to mangrove protection; amending s. 403.121, F.S.; expanding the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9325, F.S.; revising the definition of "riparian mangrove fringe"; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited natural islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; providing an effective date.

By the Committee on Health Regulation; and Senator Aronberg—

CS for SM 152—A memorial to the Congress of the United States, urging Congress to support federally funded and state-funded home and community-based services for individuals with disabilities of any age, especially elders.

By the Committee on Health Regulation; and Senator Ring—

CS for SB 308—A bill to be entitled An act relating to autism; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances; defining the term "appropriate specialist"; amending ss. 627.6686 and 641.31098, F.S.; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder; defining the term "direct patient access"; requiring the insurer's policy or the health maintenance organization's contract to provide a minimum number of visits per year for the screening, evaluation of, or diagnosis for autism spectrum disorder; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 362—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; redefining the term "existing urban service area" as "urban service area"; defining the term "dense urban land area"; requiring the Office of Economic and Demographic Research to annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas; providing for the use of certain data and certain boundaries for such determination; requiring the Office of Economic and Demographic Research to submit to the state land planning agency the list of jurisdictions that meet certain criteria by a specified date; requiring the state land planning agency to publish such list; amending s. 163.3177, F.S.; authorizing the state land planning agency to allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed certain percent under certain circumstances; amending s. 163.3180, F.S.; revising concurrency requirements; revising legislative findings; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; requiring that a local government that has certain transportation concurrency exception area adopt land use and transportation strategies within a specified timeframe; requiring the state land planning agency to submit certain finding to the Administration Commission; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature by a specified date; requiring that the report contain certain information relating to transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job creation projects; revising provisions relating to school concurrency requirements; requiring that charter schools be considered as a mitigation option under certain circumstances; creating s. 163.31802, F.S.; prohibiting the establishment of local security standards requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; providing an exception; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research; providing legislative findings and determinations relating to replacing the transportation concurrency system with a mobility fee system; requiring that the state land planning agency and the Department of Transportation develop a methodology for a mobility fee system; requiring that the state land planning agency and the department submit joint reports to the Legislature by a specified date; extending certain permits, orders, or applications that are due to expire on or before September 1, 2011; providing for application of the extension to certain related activities; providing exceptions; providing a declaration of important state interest; providing an effective date.

By the Committee on Health Regulation; and Senator Crist—

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

By the Committee on Transportation; and Senator Gardiner—

CS for SB 422—A bill to be entitled An act relating to transportation; amending s. 163.3180, F.S., relating to transportation concurrency; exempting hangars for the assembly or manufacture of aircraft from such requirements; amending s. 316.2015, F.S.; providing restraint requirements relating to certain truck operators who carry minor children in the bed of such truck upon a highway maintained by the state, a county, or a municipality at a speed exceeding 35 miles per hour; providing exceptions; providing a penalty; amending s. 316.29545, F.S.; excluding vehicles owned or leased by private investigative services from certain restrictions when used in specified activities; amending s. 316.515, F.S.; clarifying that manufactured buildings are not divisible loads for the purposes of issuing special permits for overlength trailers; revising the maximum length of such overlength trailers; amending s. 316.535, F.S.; increasing the weight limits for certain highways; amending s. 316.545, F.S.; increasing the maximum weight limits on certain vehicles to compensate for weight increases that result from the installation of idle-reduction technologies; creating s. 336.445, F.S.; authorizing counties to enter into agreements with private entities for the building, operation, ownership, or financing of toll facilities; requiring a public declaration; requiring a public hearing; requiring that the county make certain determinations prior to awarding a project; providing requirements for an agreement; amending s. 337.0261, F.S.; providing findings recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s. 348.51 F.S.; revising the definition of the term "bonds"; amending s. 348.54, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to make and issue notes, refunding bonds, and other evidences of indebtedness or obligations for specified purposes relating to the expressway system; prohibiting the authority from pledging the credit or taxing power of the state; providing that the authority's obligations are not obligations of the state, a political subdivision, or agency; providing that the state, a political subdivision, or agency is not liable for the payment of principal or interest on the authority's obligations; amending s. 348.545, F.S.; authorizing costs of authority improvements to be financed by bonds issued on behalf of the authority pursuant to the State Bond Act or bonds issued by the authority pursuant to ch. 348, F.S.; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority pursuant to ch. 348, F.S.; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act, or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds issued according to part IV of ch. 348, F.S., and the State Constitution; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of certain bonds for the refunding of any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act; amending s. 348.70, F.S.; providing that part IV of ch. 348, F.S., relating to the Tampa-Hillsborough County Express Authority, does not repeal, rescind, or modify certain laws; amending s. 705.18, F.S.; removing references to public-use airports or its directors; removing required disposition of moneys from sale of property abandoned at a public-use airport; creating s. 705.182, F.S., relating to the disposal of personal property found on public-use airports; providing a timeframe for property to be claimed; providing options for disposing of personal property; providing procedures for selling abandoned personal property; providing for the notice of sale; permitting an airport tenant to establishing its own lost and found procedures; providing that the purchaser holds title to the property; creating s. 705.183, F.S., relating to derelict or abandoned aircraft on the premises of public-use airports; creating procedures for the disposal of derelict or abandoned aircraft on the premises of public-use airports; requiring a record of when an aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; requiring a determination of an aircraft owner and persons having legal interest in the aircraft; requiring notification of the aircraft owner and all persons having an equitable or legal interest in the aircraft; providing items to be included in the notice; providing an exception; providing for notice if the owner of the aircraft is unknown or cannot be found; providing the form of notice; providing for placement of the notice; providing procedures for failure to remove an aircraft and pay fees; requiring any sale of aircraft to be at a public auction; providing notice requirements for the public auction; providing procedures for disposing of an aircraft; providing for liability of charges and costs related to aircraft are less than what is obtained from a sale; providing for a lien by the airport and for all fees and charges related to the aircraft; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring that the purchaser or recipient notify the Federal Aviation Administration of the change in ownership; providing for deduction of the costs if the aircraft sold at public sale; requiring that the balance be deposited in an interest-bearing account; providing a timeframe for the owner to claim the funds; providing that the balance may be retained by the airport; authorizing an airport to issue documents relating to the aircraft disposal; creating s. 705.184, F.S., relating to derelict or abandoned motor vehicles on the premises of public-use airports; creating procedures for the disposal of derelict or abandoned motor vehicles on public-use airports; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; permitting a vehicle to be removed from the airport premises; requiring a determination of the owner of the motor vehicle and the insurance company insuring the motor vehicle; requiring notification of the owner, insurer, and lienholder; providing items to be included in the notice; providing for an exception; providing for the notice form; providing for placing of the notice; providing a minimum time for the notice; providing procedures for failure to remove the motor vehicle and pay fees; requiring any sale of a motor vehicle to be at a public auction; providing notice requirement for a public auction; providing procedures for disposing of the motor vehicle; providing for liability if charges and costs related to motor vehicle are less than what is obtained from sale; providing for a lien by the airport for all fees and charges related to the motor vehicle; providing for notice of the lien; requiring the filing of a claim of lien, providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of rights of persons holding legal or equitable interest in the motor vehicle; providing an effective date.

By the Committees on Commerce; and Community Affairs; and Senator Baker—

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

By the Committee on Regulated Industries; and Senator Bennett—

CS for SB 560—A bill to be entitled An act relating to construction bonds; amending s. 218.72, F.S.; clarifying the definition of "construction services"; amending s. 218.735, F.S.; requiring that contractors and subcontractors verify payments to local government agencies; amending s. 255.05, F.S.; requiring that a surety record in the public records a payment bond for a public works construction project; requiring that the bond number be stated on the first page of a bond; prohibiting the issuing authority for a building permit or a private provider providing inspection services from inspecting the property being improved until the occurrence of certain events; providing that a payment and perfor-

mance bond is not required for certain contracts; authorizing certain entities to exempt certain contracts from the requirement for a payment and performance bond; requiring that the clerk of court serve a notice of contest of lien; amending s. 255.072, F.S.; clarifying the definition of "construction services"; amending s. 255.073, F.S.; requiring that contractors and subcontractors verify payments to local government agencies; amending s. 713.015, F.S.; requiring that a contractor provide an owner with a general statement of an owner's rights and responsibilities under Florida's Construction Lien Law; requiring that a signed copy of the statement be filed with the building permit application; specifying the form and content of the statement; deleting the requirement that notice be included in the direct contract between the contractor and the owner; amending s. 713.06, F.S.; revising the form of a notice for liens of persons not in privity; amending s. 713.09, F.S.; including units in provisions relating to a single claim of lien; deleting certain requirements relating to direct contracts; amending s. 713.13, F.S.; providing for the expiration of a notice of commencement; revising the form of a notice of commencement; requiring the posting of a payment bond on a job site; amending s. 713.135, F.S.; revising the warning to the owner printed on certain permit cards; deleting a requirement relating to the filing a notice of commencement before certain inspections; revising the warning to the owner provided on a building permit form; deleting provisions requiring the authority issuing a building permit to provide certain statements and information; creating s. 713.137, F.S.; prohibiting the authority issuing a building permit or a private provider providing inspection services from inspecting an improvement until certain documents have been filed and the information in the notice of commencement meets certain standards; providing exceptions; amending s. 713.16, F.S.; revising requirements for demands for a copy of a construction contract and a statement of account; authorizing a lienor who submits or mails a claim of lien to the clerk for recording to make certain demands to an owner for certain written statements; providing requirements for such written demands; amending s. 713.18, F.S.; providing additional methods by which certain items may be served by mail; specifying information required on certain written instruments under certain circumstances; amending s. 713.22, F.S.; requiring that the clerk of court serve a notice of contest of lien; amending s. 713.23, F.S.; requiring that the clerk of court serve a notice of contest of nonpayment; conforming cross-references; amending s. 713.24, F.S.; requiring that the clerk of court serve a copy of the certificate showing the transfer of a lien and a copy of the security if the lien is transferred to a security; authorizing a clerk to collect certain service charges under certain circumstances; amending s. 713.29, F.S.; clarifying the determination of a prevailing party for the purpose of recovering attorney's fees; providing effective dates.

By the Committee on Judiciary; and Senators Haridopolos, Gaetz, Altman, Lynn, and Baker—

CS for SB 580—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; requiring that the government prove certain elements by a preponderance of the evidence in an action involving the challenge of an impact fee; prohibiting a court from using a deferential standard; providing an effective date.

By the Committee on Health Regulation; and Senator Aronberg—

CS for SB 614—A bill to be entitled An act relating to monitoring the dispensing of controlled substances; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to issue a competitive procurement for the adoption of a comprehensive electronic system to monitor the dispensing of certain controlled substances and to collect biometric identifiers of recipients; requiring health care practitioners and pharmacies who dispense certain controlled substances to have an active and operational biometric scanning device connected to a database and to submit specified information to the database before dispensing such substances; requiring the database to assign a unique identifier to each prescription and to provide specified information concerning any conflicting or overlapping prescriptions to the prescribing practitioner; providing exceptions to reporting requirements; requiring that data be submitted in an approved electronic format; providing for data retention; requiring that data transmissions comply with privacy and security laws; providing for rulemaking concerning data to be reported and for reporting formats; providing criminal penalties for violations; specifying an effective date for criminal penalties; providing an effective date.

By the Committee on Community Affairs; and Senator Haridopolos—

CS for SB 616—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amounts for projects required to be competitively awarded; including specified items within the scope of the term "cost"; specifying additional circumstances under which a contractor may be considered ineligible to bid; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms "repair" and "maintenance"; requiring that a local government publish a notice containing certain information for certain repair or maintenance projects and make certain information available for public inspection for a specified period after publication of the notice; requiring that a local government consider certain information when considering whether it is in the public's best interest for the local government to perform a project using its own services, employees, and equipment; authorizing such a local government to consider certain additional information; providing for applicability of certain exceptions to the requirement that certain public projects be competitively awarded; requiring that a local government use certain persons to supervise certain projects; exempting certain government entities from certain requirements of state law when performing repairs or maintenance on certain facilities; authorizing the adjustment of threshold amounts for projects required to be competitively awarded according to a specified standard; providing an effective date.

By the Committees on Finance and Tax; and Judiciary; and Senator Bennett—

CS for CS for SB 728—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt criteria by rule indicating that a purported short sale is not an arm's length transaction; providing an effective date.

By the Committees on Transportation; and Agriculture; and Senator Baker—

CS for CS for SB 798—A bill to be entitled An act relating to off-highway vehicles; amending s. 261.03, F.S.; redefining the terms "ATV" and "off-highway vehicle" and defining the term "ROV" for purposes of provisions relating to off-highway vehicle safety; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" for purposes of the Florida Uniform Traffic Control Law; amending s. 317.0003, F.S.; redefining the terms "ATV" and "off-highway vehicle" and defining the term "ROV" for purposes of provisions relating to the titling of such vehicles; providing an effective date.

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

CS for SB 888—A bill to be entitled An act relating to the space industry; providing a short title; providing legislative findings; amending s. 331.3051, F.S.; expanding the duties of Space Florida to include supporting the development and operation of the Space Transportation Research and Development Institute; creating s. 331.365, F.S.; establishing the Space Transportation Research and Development Institute within the Office of Tourism, Trade, and Economic Development; providing that the institute is a multiuniversity initiative; providing purposes and duties of the institute; providing for the establishment and administration of the institute; providing that the act does not require appropriation of funds or assignment of personnel resources by the Office of Tourism, Trade, and Economic Development; providing an effective date.

By the Committee on Criminal Justice; and Senator Wilson—

CS for SJR 908—A joint resolution proposing an amendment to Section 8 of Article IV of the State Constitution, to authorize the Legislature to provide by law for clemency in certain circumstances.

By the Committee on Commerce; and Senators Sobel and Bennett—

CS for SB 942—A bill to be entitled An act relating to the tax on sales, use, and other transactions; exempting certain energy-efficient products from the tax during the month of October; defining the term "energy-efficient product"; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

By the Committee on Criminal Justice; and Senator Garcia—

CS for SB 968—A bill to be entitled An act relating to traffic offenses; amending s. 316.027, F.S.; requiring minimum penalties for a person who commits a traffic infraction resulting in death or severe bodily injury; amending s. 318.14, F.S.; requiring community service hours for certain noncriminal traffic infractions under certain conditions; amending s. 318.19, F.S.; providing for certain rights for a victim, or the next of kin if the victim is deceased, of a crash that causes death or serious bodily injury; providing an effective date.

By the Committee on Regulated Industries; and Senator Ring—

CS for SB 998—A bill to be entitled An act relating to condominiums and homeowners' associations; amending s. 718.112, F.S.; providing that certain condominiums need not retrofit the inside of units with fire alarm systems or smoke-detection systems; amending s. 718.116, F.S.; requiring that a first mortgagee or its successor or assignee pay to the association the lesser of the unit's unpaid common expenses and regular periodic assessments which accrued or came due during the immediately preceding 6 months or 1 percent of the original mortgage debt under certain circumstances; repealing s. 553.509(2), F.S., relating to the requirement that certain multifamily dwellings have a least one elevator capable of operating on an alternate power source for emergency purposes; amending s. 720.3085, F.S.; requiring that a first mortgagee or its successor or assignee pay to the association the lesser of the unit's unpaid common expenses and regular periodic assessments which accrued or came due during the immediately preceding 12 months or 1 percent of the original mortgage debt under certain circumstances; providing an effective date.

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

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

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Education Pre-K - 12; and Senators Rich, Dean, and Wilson—

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

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 1332—A bill to be entitled An act relating to elevator safety; amending s. 399.01, F.S.; revising definitions relating to elevator safety; creating s. 399.015, F.S.; providing for applicability and exceptions; amending s. 399.02, F.S.; requiring that the Department of Business and Professional Regulation perform certain functions relating to conveyance inspections and the certification and licensing of elevator professionals and companies; authorizing the department to employ certified elevator inspectors to monitor and oversee licenseholders and certificate of operation holders; authorizing the Division of Hotels and Restaurants of the department to grant requests for variances for undue hardship; providing conditions for granting such variances; requiring that the Elevator Safety Technical Advisory Council review applications for such variances and recommend agency action; requiring that the division expedite emergency requests for variances; requiring that the division adopt rules establishing a variance application process and associated fees; permitting elevator owners 3 years following a revision to retrofit an elevator to comply with noncritical revisions of the Elevator Safety Code; amending s. 399.03, F.S.; revising provisions relating to permits for conveyances; replacing the term "registered" with "certified"; requiring that a permit be revoked if a worksite or work being performed is not directly supervised by a certified elevator professional; creating s. 399.032, F.S.; providing requirements for the installation and alteration of conveyances; requiring that the department assign a license number to each conveyance; providing requirements for the display of such license number; creating s. 399.033, F.S.; providing requirements for the temporary operation of a conveyance during installation or alteration for a specified period after inspection; requiring that the temporary use of a conveyance not exceed 180 days; requiring that the department post a notice in a conveyance that is being temporarily used; requiring that the notice contain certain statements; requiring that the division adopt rules; amending s. 399.035, F.S.; revising provisions relating to the requirements for elevator accessibility for the physically handicapped; providing requirements for buildings issued a construction permit after a specified date; amending s. 399.049, F.S.; revising provisions relating to disciplinary action taken by the department for certain violations by a certified elevator inspector, elevator technician, elevator company, or certificate of operation holder; providing for additional violations; amending s. 399.061, F.S.; revising provisions relating to inspections and service maintenance contracts; requiring that the division perform industry inspections to regulate the quality of annual inspections; authorizing the division to employ state elevator inspectors on a probationary status if certain qualifications are met; requiring that the probationary period not exceed 1 year; amending s. 399.07, F.S.; decreasing the period that a certificate of operation is valid; authorizing the department to revoke a certificate of operation if the department determines that the inspection report contains omissions or errors; amending s. 399.10, F.S.; providing penalties; amending s. 399.105, F.S.; increasing the period in which an owner of a conveyance must comply with an order to correct; amending s. 399.1061, F.S.; providing for members of the Elevator Safety Technical Advisory Council to appoint a vice chair from among its membership; requiring that the council meet at least once annually and upon the division's request or a majority vote of the council members; requiring that the council develop and submit

proposed revisions of ch. 399, F.S., to the director of the Division of Hotels and Restaurants; requiring that the council annually review the Safety Code for Elevators and Escalators and submit recommendations for revisions to the Florida Building Code to the Florida Building Commission; amending s. 399.11, F.S.; revising provisions relating to penalties; amending s. 399.125, F.S.; revising provisions relating to the reporting requirements for certain conveyance accidents; requiring that a state elevator inspector conduct a safety inspection within a specified period after receiving an accident report; requiring that the division submit an annual report that analyzes accidents to the Governor and the Legislature by a specified date; amending s. 399.13, F.S.; revising provisions relating to the authority of municipalities or counties to issue construction, installation, and alteration permits and certificates of operation and to inspect conveyances; authorizing municipalities and counties to issue temporary operating permits; amending s. 399.15, F.S.; requiring that the department maintain a regional emergency elevator access registry; creating s. 399.16, F.S.; providing requirements for the issuance of certificates of competency, certified elevator professional licensure, and elevator company certification; providing requirements for the renewal of such certificates and fees; requiring that the department adopt rules; requiring that the fees collected from certifications, licenses, and renewals be deposited into the Hotel and Restaurant Trust Fund; creating s. 399.17, F.S.; providing penalties for unlicensed activity; authorizing the department to issue a stop-work order for unlicensed work upon a finding of probable cause; authorizing a state elevator inspector to issue a citation for unlicensed activity; requiring that the citation contain certain information; authorizing the division to issue citations and establish procedures and penalties; providing for administrative hearings; creating s. 399.18, F.S.; providing duties and requirements for certified elevator professionals; creating s. 399.19, F.S.; providing duties and requirements for owners of conveyances; creating s. 399.20, F.S.; requiring that certain municipal and county officers assist the division or its agents in enforcing ch. 399, F.S.; amending s. 553.509, F.S.; deleting provisions related to vertical accessibility to conform to changes made by the act; providing an effective date.

By the Committees on Criminal Justice; and Transportation; and Senators Altman, Gelber, Ring, Rich, Deutch, and Sobel—

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

By the Committee on Ethics and Elections; and Senators Aronberg and Baker—

CS for SJR 1550—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution to expand the availability of the property tax discount for disabled veterans to veterans who were not Florida residents when they entered the military and to provide an additional homestead exemption to certain persons.

By the Committees on Agriculture; and Transportation; and Senator Baker—

CS for CS for SB 1560—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; revising the annual use fee for the Choose Life license plate; revising provisions for distribution of such use fees; providing that up to 10 percent of the annual use fees collected from the United We Stand license plate may be used for certain specified administrative and promotion activities; creating the Florida Horse Park license plate and the Let's Go Surfing license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

By the Committee on Health Regulation; and Senator Aronberg—

CS for SB 1604—A bill to be entitled An act relating to nursing services; creating s. 395.01922, F.S.; providing definitions; requiring that hospitals establish nurse staffing collaborative councils; providing for membership and responsibilities; requiring the council to produce annual hospital nurse staffing plans; requiring the chief nurse executive to communicate with the council to ensure appropriate implementation of the nurse staffing plan; requiring that the council conduct a semiannual review of the nurse staffing plan; requiring the nurse staffing plan to be reviewed with the nurse personnel and made available to the public upon request; providing an effective date.

By the Committee on Judiciary; and Senators Constantine and Joyner—

CS for SB's 1646 and 1038—A bill to be entitled An act relating to foreclosures; amending s. 45.031, F.S.; requiring the clerk of court to furnish certain notices to tenants in a foreclosure case; establishing fees; proving an exception; amending s. 83.49, F.S.; requiring a landlord to pay over the deposit after a foreclosure sale; amending s. 83.50, F.S.; requiring a landlord to provide notice to a tenant of a pending foreclosure case; amending s. 83.56, F.S.; providing grounds for termination of a lease upon the setting of a foreclosure sale; providing for damages; creating a pilot program for voluntary mediation between a mortgagor and a mortgagee prior to a foreclosure suit being filed; providing for administration by the Department of Financial Services; providing for a contract with a not-for-profit organization to help administer the program; prescribing duties of mortgagees, mortgagors, and mediators participating in the program; providing for the mortgagee to pay the mediator's costs in advance; providing for the allocation of costs between the mortgagee and mortgagor; authorizing the court to exempt participants from mediation following the filing of a foreclosure action; providing for the effect of the mediation on a subsequent foreclosure action; providing that participants are not entitled to successive mediation under this program; providing for future review of the program; providing for expiration of the program; providing an effective date.

By the Committee on Health Regulation; and Senator Peaden—

CS for SB 1868—A bill to be entitled An act relating to prescribed drugs; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; providing an effective date.

By the Committee on Judiciary; and Senators Bennett and Baker—

CS for SB 1894—A bill to be entitled An act relating to insurance; amending s. 626.913, F.S.; providing for the nonapplication of certain provisions of state law to surplus lines insurance authorized under the Surplus Lines Law; providing an exception; amending s. 626.924, F.S.; requiring that surplus lines policies issued on or after a specified date have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for severability; providing for the retroactive applicability of certain provisions; providing an effective date.

By the Committees on Banking and Insurance; and Judiciary; and Senator Gelber—

CS for CS for SB 1958—A bill to be entitled An act relating to trust administration; amending s. 736.0103, F.S.; redefining the term "beneficiary" to include a person having certain beneficial interests; providing for construction; amending s. 736.0105, F.S.; providing an additional limitation on terms of a trust prevailing over provisions of the Florida Trust Code; amending s. 736.0302, F.S.; revising representation authority for holders of a power of appointment; providing a definition; amending s. 736.0306, F.S.; authorizing trust instruments to authorize certain persons to designate one or more persons to represent and bind a beneficiary and receive certain information; amending s. 736.0703, F.S.; authorizing a trustee to delegate investment functions to a cotrustee; providing an exception to circumstances under which an excluded trustee is otherwise not liable for the consequences of certain action; amending s. 736.0807, F.S.; expanding the list of powers and duties that may be delegated by a trustee; exempting a trustee who complies with certain provisions of state law from liability for the actions of an agent to whom a function was delegated; amending s. 736.1106, F.S.; clarifying the definition of the term "distribution date" to specify the time at which the right to possession or enjoyment arises; providing an effective date.

By the Committee on Commerce; and Senator Lynn—

CS for SB 1970—A bill to be entitled An act relating to the tax on transient rentals; amending s. 212.03, F.S.; requiring that persons who engage in certain business activities related to transient rentals collect the tax; providing definitions; authorizing the Department of Revenue to adopt rules to exclude certain charges from the definition of the terms "total rent," "total consideration" or "consideration"; requiring certain persons to report and remit the tax on certain transient rentals; providing requirements, procedures, and limitations; requiring the Department of Revenue to provide for an amnesty for certain unpaid taxes, penalties, and interest; providing criteria for qualifying for the amnesty; providing exclusions from application of the amnesty; authorizing the department to adopt emergency rules to implement the amnesty; providing for the effective period of such rules; providing an effective date.

By the Committees on Criminal Justice; and Transportation; and Senator Constantine—

CS for CS for SB 1998—A bill to be entitled An act relating to street racing; creating the "Luis Rivera Ortega Street Racing Act"; amending s. 316.191, F.S.; clarifying a definition; revising provisions prohibiting certain speed competitions and exhibitions; prohibiting driving in any race, drag race, or exhibition of speed or acceleration; prohibiting specified activities involving such races, drag races, and exhibitions; providing criminal and noncriminal penalties; providing for revocation of the driver license upon conviction; providing penalties for a second, third, or subsequent offense; requiring that the driving record of a person charged be provided to the court; providing criteria for arrest; revising provisions for impounding a motor vehicle used in a violation; providing for severability; providing an effective date.

By the Committee on Commerce; and Senator Bennett—

CS for SB 2062—A bill to be entitled An act relating to the drug testing of potential and existing beneficiaries for unemployment compensation; creating s. 443.093, F.S.; creating the Drug Deterrence Pilot Program within the Agency for Workforce Innovation; providing legislative intent; providing the scope of eligibility for benefits; defining terms; providing for the screening of individuals to determine which individuals must be tested; providing for notice; providing terms of disqualification of benefits; requiring the agency to supply information on drug treatment programs; providing for authentication and the admissibility of drug tests in unemployment compensation hearings; creating a rebuttable presumption; providing testing procedures; providing for the preservation of test samples; providing for the retesting of test samples; providing for an appeals process; authorizing the agency to adopt rules; directing the agency to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for expiration of the program; providing an effective date.

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Constantine—

CS for CS for SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire state land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring an affirmative vote of six members of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; providing that the certain proceeds from the Florida Forever Trust Fund shall be spent on certain capital projects within a year after acquisition rather than only at the time of acquisition; requiring an affirmative vote of six members of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 403.0876, F.S.; providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; providing an effective date.

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

CS for SB 2156—A bill to be entitled An act relating to tax credits; amending s. 220.02, F.S.; revising the priority of tax credits that may be taken against the corporate income tax or the franchise tax; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to include the amount of certain tax credits; providing for application; creating s. 220.1811, F.S.; authorizing aerospace sector jobs tax credits and tuition reimbursement tax credits; defining terms; authorizing a tax credit to aerospace businesses based on the salary or tuition reimbursed to certain employees; specifying the maximum annual amount of tax credits for an aerospace business; limiting the annual amount of tax credits available; providing for the Department of Revenue to approve applications for tax credits; prohibiting increases in the amount of unused tax credits carried over in amended tax returns; providing fines and criminal penalties for certain unlawful claims of tax credits; authorizing the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; providing for applicability; providing an effective date.

By the Committee on Finance and Tax; and Senator Haridopolos—

CS for SB 2160—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer;

amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S.; relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; transferring certain duties to the Statewide Guardian Ad Litem Office; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain decisions of value adjustment boards; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., relating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S, relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 406.02(4)(a), F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services

eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s. 429.08(2), F.S., relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; repealing s. 570.0725(5), F.S., relating to a report by the Department of Agriculture and Consumer Services concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative recommendations of the Florida Consumers' Council; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.023, F.S.; adding a cross reference; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Community Affairs; and Senator Altman—

CS for SB 2190—A bill to be entitled An act relating to tax collections, sales, and liens; amending ss. 197.102, 197.122, 197.123, 197.162, 197.172, 197.182, 197.222, 197.2301, 197.322, 197.332, 197.343, 197.344, 197.3635, 197.373, 197.402, 197.403, 197.413, 197.414, 197.4155, 197.416, 197.417, 197.432, 197.4325, 197.442, 197.443, 197.462, 197.472, 197.473, 197.482, 197.492, 197.552, and 197.582, F.S.; revising, updating, and consolidating provisions of ch. 197, F.S., relating to definitions, tax collectors, lien of taxes, returns and assessments, unpaid or omitted taxes, discounts, interest rates, Department of Revenue responsibilities, tax bills, judicial sales, prepayment of taxes, assessment rolls, duties of tax collectors, tax notices, delinquent taxes, lienholders, special assess-

ments, non-ad valorem assessments, tax payments, distribution of taxes, advertisements of property with delinquent taxes, attachment, delinquent personal property taxes, sales of property, tax certificates, tax deeds, and tax sales; amending s. 197.502, F.S.; revising provisions relating to applications for tax deeds; providing notice requirements; providing payment requirements; authorizing the tax collector to charge a fee to cover the costs to the tax collector for electronic tax deed programs or services; authorizing the tax collector to charge the county a fee for tax deed applications; deleting opening bid requirements for the sale of tax deeds on homestead property when the applicant is holder of a tax sale certificate; amending s. 197.542, F.S.; deleting bid requirements relating to the purchase of homestead property at public auction; amending s. 197.522, F.S., providing notice requirements for the sale of homestead property due to nonpayment of taxes; creating s. 197.146, F.S.; authorizing tax collectors to issue certificates of correction to tax rolls and outstanding delinquent taxes for uncollectable personal property accounts; requiring the tax collector to notify the property appraiser; providing construction; creating ss. 197.2421 and 197.2423, F.S., renumbering and amending ss. 197.253, 197.303, and 197.3071, F.S., and amending ss. 197.243, 197.252, 197.254, 197.262, 197.263, 197.272, 197.282, 197.292, 197.301, and 197.312, F.S.; revising, updating, and consolidating provisions of ch. 197, F.S., relating to deferral of tax payments for real property, homestead property, recreational and commercial working waterfront property, and affordable rental property; creating s. 197.4725, F.S.; providing authorization and requirements for purchase of county-held tax certificates; specifying required amounts to be paid; providing for fees; providing for electronic services; amending s. 192.0105, F.S.; providing conditions under which a taxpayer is deemed to have waived a right to know; clarifying a taxpayer's right to redeem real property and tax certificates; clarifying that a property owner may not be contacted by the holder of a tax sale certificate for 2 years from the date the certificate is issued; providing that s. 197.122, F.S., applies in certain circumstances; providing for the obligation of the property owner to obtain certain information; correcting cross-references; amending ss. 194.011, 194.013, and 196.011, F.S.; correcting cross-references; creating s. 197.603, F.S.; providing legislative intent; repealing s. 197.202, F.S., relating to destruction of 20-year-old tax receipts; repealing s. 197.242, F.S., relating to a short title; repealing ss. 197.304, 197.3041, 197.3042, 197.3043, 197.3044, 197.3045, 197.3046, 197.3047, 197.307, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079, F.S., relating to deferrals of tax payments; providing an effective date.

By the Committee on Transportation; and Senator Wilson—

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

By the Committee on Banking and Insurance; and Senator Baker—

CS for SB 2252—A bill to be entitled An act relating to professional liability claims; amending s. 627.912, F.S.; revising requirements for reporting professional liability claims and actions; providing definitions; specifying events for which certain reports are required; requiring certain absence of claims submission reports to be filed under certain circumstances; providing requirements for treatment of reopened claims; providing an effective date.

By the Committee on Higher Education; and Senator Haridopolos—

CS for SB 2284—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; providing definitions; amending s. 464.019, F.S.; providing an approval process for practical and professional nursing programs; requiring a program application and fee; specifying a timeframe within which the Board of Nursing must approve the application or issue a notice of intent to deny; specifying the standards each program application must document; providing that an approved program application constitutes an approved nursing program; providing that programs approved by the board or on specified probationary status on a specified date retain approval status; providing conditions in which a nursing program may remain on probationary status; requiring programs to annually submit an affidavit certifying specified compliance and a report to the board; authorizing an applicant to respond to a notice of intent to deny an application; requiring the board to issue a notice indicating its approval or disapproval of the program application; providing administrative review for applications that are denied; requiring the board to publish specified information about nursing programs on its website; providing criteria for a program's placement on probation; requiring programs placed on probation to disclose this status to students and applicants; authorizing the board to terminate a program under specified circumstances; requiring a nursing program that closes to notify the board of specified record storage; providing that the board does not have any rulemaking authority; requiring the Florida Center for Nursing and Office of Program Policy Analysis and Government Accountability to evaluate and report on the administration of the act; specifying required report contents; providing an effective date.

By the Committee on Community Affairs; and Senator Wise—

CS for SB 2314—A bill to be entitled An act relating to affordable housing; amending s. 420.0003, F.S.; providing additional policy guidelines under the state housing strategy for the development of programs for housing production or rehabilitation; including the needs of persons with special needs in the strategy's periodic review and report; amending s. 420.0004, F.S.; defining the terms "disabling condition" and "person with special needs"; conforming cross-references; amending s. 420.507, F.S.; requiring certain rates of interest to be made available to sponsors of housing projects for persons with special needs; conforming a cross-reference; amending s. 420.5087, F.S.; limiting a portion of the reservation of funds within each notice of fund availability to sponsors of housing projects for the persons with special needs tenant group; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; requiring a specified review committee to include projects that reserve units for persons with special needs in its evaluation and competitive ranking of applications for the State Apartment Incentive Loan Program; conforming a cross-reference; amending ss. 163.31771, 196.1978, 212.08, 215.5586, and 420.503, F.S.; conforming cross-references; providing an effective date.

By the Committee on Judiciary; and Senator Joyner—

CS for SB 2408—A bill to be entitled An act relating to compensation for wrongful incarceration; amending s. 961.02, F.S.; defining the term "actual innocence" for purposes of the Victims of Wrongful Incarceration Compensation Act; redefining the term "wrongfully incarcerated person" in order to conform; amending s. 961.03, F.S.; requiring that a petition for compensation include clear and convincing evidence of actual innocence; requiring the petitioner to submit fingerprints for criminal history records checks; providing that failure to submit fingerprints within the prescribed timeframe does not warrant denial of compensation under the act; providing procedures for taking and submitting fingerprints; requiring that the results of the criminal history records checks be submitted to the clerk of the court; providing for use of the results by the court; specifying who will pay for the criminal history records checks; amending s. 961.05, F.S.; eliminating the requirement that a wrongfully incarcerated person provide certain court records and documentation from the Department of Corrections along with an application for compensation; requiring the Department of Legal Affairs to request certain records from the clerk of the court and the Department of Corrections; amending s. 961.06, F.S.; precluding submission of an application for compensation if the wrongfully incarcerated person has received a prior favorable judgment from a civil action arising out of the wrongful incarceration; providing an effective date.

By the Committee on Commerce; and Senator Wise—

CS for SB 2570—A bill to be entitled An act relating to early learning; amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program; amending s. 39.202, F.S.; replacing an obsolete reference to a repealed program with an updated reference to the school readiness program; authorizing county agencies responsible for licensure or approval of child care providers to be granted access to certain confidential reports and records in cases of child abuse or neglect; amending s. 39.5085, F.S.; deleting an obsolete reference to a repealed program; amending s. 383.14, F.S.; replacing obsolete references to the former State Coordinating Council for School Readiness Programs with updated references to the Agency for Workforce Innovation; transferring,

renumbering, and amending s. 402.25, F.S.; updating an obsolete reference to a repealed program; deleting obsolete references relating to the repealed prekindergarten early intervention program and Florida First Start Program; amending s. 402.26, F.S.; revising legislative intent; updating an obsolete reference to a repealed program; amending s. 402.281, F.S.; updating an obsolete reference to a former council; requiring the Department of Children and Family Services to consult with the Agency for Workforce Innovation regarding the approval of accrediting associations for the Gold Seal Quality Care program; transferring, renumbering, and amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-Line from the department to the agency; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising procedures for child care market rate reimbursement and child care grants; transferring authority to establish the procedures from the department to the agency; directing the agency to adopt a prevailing market rate schedule for child care services; revising definitions; prohibiting the schedule from interfering with parental choice; authorizing the agency to enter into contracts and adopt rules; amending s. 402.313, F.S.; deleting obsolete provisions authorizing the department to license family day care homes participating in a repealed program; amending s. 402.315, F.S.; revising provisions relating to fees collected for child care facilities; amending s. 402.45, F.S.; updating an obsolete reference relating to a former council; directing the Department of Health to consult with the agency regarding certain training provided for contractors of the community resource mother or father program; amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a child care facility and receive certain payments for the same child; deleting an obsolete reference to a repealed program; amending s. 411.01, F.S.; revising provisions relating to the School Readiness Act; revising legislative intent; revising the duties and responsibilities of the Agency for Workforce Innovation; extending the date by which early learning coalitions must be organized; revising requirements for parental choice; directing the agency to establish a formula for allocating school readiness funds to each county; providing for legislative notice and review of the formula; amending s. 411.0101, F.S.; revising requirements for services provided by the statewide child care resource and referral network; updating obsolete references to repealed programs; amending s. 411.0102, F.S.; revising provisions relating to the Child Care Executive Partnership Act; updating obsolete references to repealed programs; deleting provisions relating to the duties of each early coalition board; amending s. 411.0105, F.S.; revising lead agency responsibilities for administration of certain federal provisions; requiring the Department of Education to contract with the agency; amending s. 411.203, F.S.; deleting an obsolete reference to a repealed program; conforming provisions; amending s. 411.221, F.S.; updating an obsolete reference to a former council; amending ss. 445.024, 445.030, 490.014, and 491.014, F.S.; deleting obsolete references to repealed programs; conforming provisions to the repeal of the subsidized child care case management program; amending ss. 1002.53, 1002.67, and 1002.71, F.S.; conforming provisions to changes made by the act; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; repealing ss. 402.3135 and 402.3145, F.S., relating to the subsidized child care program case management program and the subsidized child care transportation program; transferring and renumbering s. 402.3016, F.S., relating to Early Head Start collaboration grants; providing an effective date.

By the Committee on Health Regulation; and Senator Altman—

CS for SB 2620—A bill to be entitled An act relating to medical quality assurance; amending s. 395.0193, F.S.; requiring certain disciplinary actions to be reported to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.0197, F.S.; requiring the agency to forward copies of adverse incident reports to the department; amending s. 395.3025, F.S.; authorizing disclosure of certain patient records to the agency and the department; requiring the administrator or records custodian of a facility to certify which records have been provided to the department; requiring the facility to charge a fee for copies of the records provided to the department; amending s. 400.145, F.S.; requiring the administrator or records custodian of a facility to certify which records have been provided to the department; amending s. 400.147, F.S.; authorizing the agency, department, or appropriate regulatory board to receive notification of adverse incidents for purposes of certain disciplinary proceedings; requiring the department to review certain adverse incident reports; requiring the agency to forward adverse incident reports to the department; amending s. 456.001, F.S.; providing a definition; amending s. 456.011, F.S.; providing additional requirements for the constitution of a quorum for meetings of certain committees and boards operating under ch. 456, F.S.; amending s. 456.013, F.S.; requiring an application fee for licensure examinations; providing for extension of a temporary license; revising licensure requirements; authorizing the board or department to adopt rules requiring the display of a professional license; amending s. 456.025, F.S.; authorizing the imposition of certain licensure fees; authorizing the imposition of reinspection fees; amending s. 456.036, F.S.; prohibiting the department from renewing the license of licensees owing outstanding fees, costs, or fines; providing for notice; providing for renewal of a license when requirements are met; amending s. 456.037, F.S.; authorizing the board or department to require by rule the display of a business establishment license; amending s. 456.063, F.S.; authorizing the board or department to adopt rules relating to the reporting of sexual misconduct by licensed health care practitioners; amending s. 456.072, F.S.; providing that failure to report disciplinary actions taken against a licensee's license to practice is an additional ground under which the practitioner is subject to discipline by the department or the board having jurisdiction over the practitioner; providing penalties; amending ss. 381.00593, 381.0303, 456.074, 456.41, 468.703, 627.6474, 641.315, 766.1016, 766.1116, 768.13, and 768.28, F.S.; conforming cross-references; providing an effective date.

By the Committees on Finance and Tax; and Commerce; and Senator Gelber—

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

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By Senators Ring and Fasano—

SB 242—A bill to be entitled An act relating to autism; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances; defining the term "appropriate specialist"; defining the term "neuropsychologist"; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Military Affairs and Domestic Security; and the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senator Ring—

CS for SB 308—A bill to be entitled An act relating to autism; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances; defining the term "appropriate specialist"; amending ss. 627.6686 and 641.31098, F.S.; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder; defining the term "direct patient access"; requiring the insurer's policy or the health maintenance organization's contract to provide a minimum number of visits per year for the screening, evaluation of, or diagnosis for autism spectrum disorder; providing an effective date.

—was referred to the Committees on Banking and Insurance; Children, Families, and Elder Affairs; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Criminal Justice; and Senator Ring—

CS for SB 340—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; providing an effective date.

—was referred to the Committee on Judiciary; and the Policy and Steering Committee on Ways and Means.

By the Committee on Transportation; and Senator Gardiner—

CS for SB 422—A bill to be entitled An act relating to transportation; amending s. 163.3180, F.S., relating to transportation concurrency; exempting hangars for the assembly or manufacture of aircraft from such requirements; amending s. 316.2015, F.S.; providing restraint requirements relating to certain truck operators who carry minor children in the bed of such truck upon a highway maintained by the state, a county, or a municipality at a speed exceeding 35 miles per hour; providing exceptions; providing a penalty; amending s. 316.29545, F.S.; excluding vehicles owned or leased by private investigative services from certain restrictions when used in specified activities; amending s. 316.515, F.S.; clarifying that manufactured buildings are not divisible loads for the purposes of issuing special permits for overlength trailers; revising the maximum length of such overlength trailers; amending s. 316.535, F.S.; increasing the weight limits for certain highways; amending s. 316.545, F.S.; increasing the maximum weight limits on certain vehicles to compensate for weight increases that result from the installation of idle-reduction technologies; creating s. 336.445, F.S.; authorizing counties to enter into agreements with private entities for the building, operation, ownership, or financing of toll facilities; requiring a public declaration; requiring a public hearing; requiring that the county make certain determinations prior to awarding a project; providing requirements for an agreement; amending s. 337.0261, F.S.; providing findings recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s. 348.51 F.S.; revising the definition of the term "bonds"; amending s. 348.54, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to make and issue notes, refunding bonds, and other evidences of indebtedness or obligations for specified purposes relating to the expressway system; prohibiting the authority from pledging the credit or taxing power of the state; providing that the authority's obligations are not obligations of the state, a political subdivision, or agency; providing that the state, a political subdivision, or agency is not liable for the payment of principal or interest on the authority's obligations; amending s. 348.545, F.S.; authorizing costs of authority improvements to be financed by bonds issued on behalf of the authority pursuant to the State Bond Act or bonds issued by the authority pursuant to ch. 348, F.S.; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority pursuant to ch. 348, F.S.; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act, or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds issued according to part IV of ch. 348, F.S., and the State Constitution; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of certain bonds for the refunding of any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act; amending s. 348.70, F.S.; providing that part IV of ch. 348, F.S., relating to the Tampa-Hillsborough County Express Authority, does not repeal, rescind, or modify certain laws; amending s. 705.18, F.S.; removing references to public-use airports or its directors; removing required disposition of moneys from sale of property abandoned at a public-use airport; creating s. 705.182, F.S., relating to the disposal of personal property found on public-use airports; providing a timeframe for property to be claimed; providing options for disposing of personal property; providing procedures for selling abandoned personal property; providing for the notice of sale; permitting an airport tenant to establishing its own lost and found procedures; providing that the purchaser holds title to the property; creating s. 705.183, F.S., relating to derelict or abandoned aircraft on the premises of public-use airports; creating procedures for the disposal of derelict or abandoned aircraft on the premises of public-use airports; requiring a record of when an aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; requiring a determination of an aircraft owner and persons having legal interest in the aircraft; requiring notification of the aircraft owner and all persons having an equitable or legal interest in the aircraft; providing items to be included in the notice; providing an exception; providing for notice if the owner of the aircraft is unknown or cannot be found; providing the form of notice; providing for placement of the notice; providing procedures for failure to remove an aircraft and pay fees; requiring any sale of aircraft to be at a public auction; providing notice requirements for the public auction; providing procedures for disposing of an aircraft; providing for liability of charges and costs related to aircraft are less than what is obtained from a sale; providing for a lien by the airport and for all fees and charges related to the aircraft; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring that the purchaser or recipient notify the Federal Aviation Administration of the change in ownership; providing for deduction of the costs if the aircraft sold at public sale; requiring that the balance be deposited in an interest-bearing account; providing a timeframe for the owner to claim the funds; providing that the balance may be retained by the airport; authorizing an airport to issue documents relating to the aircraft disposal; creating s. 705.184, F.S., relating to derelict or abandoned motor vehicles on the premises of public-use airports; creating procedures for the disposal of derelict or abandoned motor vehicles on public-use airports; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; permitting a vehicle to be removed from the airport premises; requiring a determination of the owner of the motor vehicle and the insurance company insuring the motor vehicle; requiring notification of the owner, insurer, and lienholder; providing items to be included in the notice; providing for an exception; providing for the notice form; providing for placing of the notice; providing a minimum time for the notice; providing procedures for failure to remove the motor vehicle and pay fees; requiring any sale of a motor vehicle to be at a public auction; providing notice requirement for a public auction; providing procedures for disposing of the motor vehicle; providing for liability if charges and costs related to motor vehicle are less than what is obtained from sale; providing for a lien by the airport for all fees and charges related to the motor vehicle; providing for notice of the lien; requiring the filing of a claim of lien, providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of rights of persons holding legal or equitable interest in the motor vehicle; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Committee on Regulated Industries; and Senators Constantine and Baker—

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

—was referred to the Committees on Community Affairs; and Judiciary.

By the Committees on Finance and Tax; and Judiciary; and Senator Bennett—

CS for CS for SB 728—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt criteria by rule indicating that a purported short sale is not an arm's length transaction; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Regulated Industries; and Senators Fasano and Ring—

CS for SB 880—A bill to be entitled An act relating to community associations; amending s. 718.110, F.S.; providing for the application of certain amendments to a declaration of condominium to certain unit owners; amending s. 718.111, F.S.; providing penalties for any person who knowingly or intentionally defaces or destroys certain records of an association with the intent to harm the association or any of its members; providing that an association is not responsible for the use or misuse of certain information obtained pursuant to state law requiring the maintenance of certain records of an association; providing an exception; providing that, notwithstanding the other requirements, certain records are not accessible to unit owners; requiring that any rules adopted for the purpose of setting forth accounting principles or addressing financial reporting requirements include certain provisions and standards; amending s. 718.112, F.S.; providing that the board of administration of an association has no obligation to take action with regard to certain items on its agenda; prohibiting coowners from simultaneously serving as members of the board of certain associations; providing an exception; requiring that each newly appointed director provide certain certifications in writing; authorizing the filing of an educational certificate as an alternative to such certification; providing a penalty for failure to timely file a certification or educational certificate; requiring that the association retain such certification or educational certificate for a specified period; deleting a provision requiring an association to mail a certification containing certain provisions to unit owners before an election of board members; providing that a director or officer delinquent in the payment of fee, fine, regular assesment, or special assessments by more than a specified number of days is deemed to have abandoned the office; requiring that a director charged by information or indictment of certain offenses involving an association's funds or property be removed from office; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.116, F.S.; limiting the amount of certain costs to the unit owner; providing an exception; authorizing an association to demand future regular assessments related to the condominium unit under specified conditions; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements if the declaration or bylaws so provide; excluding certain common elements from such authorization; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain notice requirements; providing circumstances under which such notice requirements do not apply; providing procedures and notice requirements for levying a fine or imposing a suspension; authorizing an association to suspend voting rights due to nonpayment of assessments, fines, or other charges delinquent by a specified number of days under certain circumstances; amending s. 719.108, F.S.; authorizing an association to recover charges incurred in connection with collecting a delinquent assessment up to a specified maximum amount; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium parcel for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; authorizing an association to demand future regular assessments related to a share under specified conditions; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; providing that certain provisions regarding the suspension-of-use rights of an association do not apply to certain common areas; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.3085, F.S.; authorizing an association to demand future regular assessments related to a parcel under specified conditions; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; amending s. 721.05, F.S.; limiting the definition of "facility" to certain permanent amenities; repealing s. 553.509(2), F.S., relating to public elevators and emergency operation plans in certain condominiums and multifamily dwellings; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 1042—A bill to be entitled An act relating to affordable housing; amending s. 159.807, F.S.; providing limitations on the Florida Housing Finance Corporation's access to the state allocation pool; deleting a provision exempting the corporation from the applicability of certain uses of the state allocation pool; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 196.196, F.S.; providing additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to an exemption from ad valorem taxation; providing a definition; subjecting organizations owning certain property to ad valorem taxation under certain circumstances; providing for tax liens; providing for penalties and interest; providing an exception; providing notice requirements; amending s. 196.1978, F.S.; providing that property owned by certain nonprofit entities or Florida-based limited partnerships and used or held for the purpose of providing affordable housing to certain income-qualified persons is exempt from ad valorem taxation; revising legislative intent; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 420.503, F.S.;

defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions; amending s. 420.9072, F.S.; conforming a cross-reference; authorizing counties and eligible municipalities to use funds from the State Housing Initiatives Partnership Program to provide relocation grants for persons who are evicted from rental properties that are in foreclosure; providing eligibility requirements for receiving a grant; providing that authorization for the relocation grants expires July 1, 2010; amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution which may be used for manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; providing for retroactive application; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by the local housing assistance trust fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; revising notice requirements for public hearings of the advisory committee; requiring the committee's final report, evaluation, and recommendations to be submitted to the corporation; deleting cross-references to conform to changes made by the act; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; providing an effective date.

—was referred to the Committee on Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By the Committee on Judiciary; and Senators Constantine and Joyner—

CS for SB's 1646 and 1038—A bill to be entitled An act relating to foreclosures; amending s. 45.031, F.S.; requiring the clerk of court to furnish certain notices to tenants in a foreclosure case; establishing fees; proving an exception; amending s. 83.49, F.S.; requiring a landlord to pay over the deposit after a foreclosure sale; amending s. 83.50, F.S.; requiring a landlord to provide notice to a tenant of a pending foreclosure case; amending s. 83.56, F.S.; providing grounds for termination of a lease upon the setting of a foreclosure sale; providing for damages; creating a pilot program for voluntary mediation between a mortgagor and a mortgagee prior to a foreclosure suit being filed; providing for administration by the Department of Financial Services; providing for a contract with a not-for-profit organization to help administer the program; prescribing duties of mortgagees, mortgagors, and mediators participating in the program; providing for the mortgagee to pay the mediator's costs in advance; providing for the allocation of costs between the mortgagee and mortgagor; authorizing the court to exempt participants from mediation following the filing of a foreclosure action; providing for the effect of the mediation on a subsequent foreclosure action; providing that participants are not entitled to successive mediation under this program; providing for future review of the program; providing for expiration of the program; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 1656—A bill to be entitled An act relating to health and human services; amending s. 287.057, F.S.; delaying the expiration of provisions authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis; amending s. 394.908, F.S.; delaying the expiration of provisions requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; requiring the Department of Children and Family Services to ensure that information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 1666—A bill to be entitled An act relating to health and human service contracts; creating s. 287.0576, F.S.; requiring the Departments of Children and Family Services, Health, Elderly Affairs, and Juvenile Justice and the Agencies for Persons with Disabilities and Health Care Administration to adopt certain policies relating to the monitoring of provider contracts, access to provider data, and the imposition of new provider requirements; amending s. 409.1671, F.S.; requiring the Department of Children and Family Services to ensure that contracts entered into with community-based agencies are funded by a grant of general revenue and federal funding sources; requiring community-based agencies to document federal earnings; authorizing the department to contract for the oversight of the community-based agencies; specifying permissible expenditures; requiring the department to enter into certain contracts with community-based agencies; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

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

CS for SB 1676—A bill to be entitled An act relating to education funding; amending s. 1001.20, F.S.; requiring that the Office of Technology and Information Services within the Office of the Commissioner of Education assist school districts in securing internet access and telecommunications services that are eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund; creating s. 1001.271, F.S.; requiring that the Commissioner of Education purchase the nondiscounted portion of internet access services for the Florida Information Resource Network; requiring that each user of the network identify the source of funds in its requisition; amending s. 1001.28, F.S.; revising the Department of Education's duties regarding distance learning; amending s. 1001.395, F.S.; requiring that the salary of district school board members be the same amount as the annual calculation or the salary of members of the Legislature, whichever is less, for a specified period; amending s. 1001.42, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school board employee before his or her employment contract expires; amending s. 1001.451, F.S.; deleting certain dates relating to the amount of funding distributed to each school district and eligible member of a regional consortium service organization; amending s. 1001.47, F.S.; authorizing elected district school superintendents to reduce their salary rates on a voluntary basis; requiring that each elected district school superintendent's salary be reduced by 5 percent for the 2009-2010 fiscal year; amending s. 1001.50, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school superintendent before his or her employment contract terminates; limiting the amount of remuneration that a district school superintendent receives annually from state funds; providing a definition for the term "remuneration"; limiting the use of the superintendent's compensation in calculating benefits under ch. 121, F.S.; encouraging district school boards and superintendents to review the superintendent's annual remuneration for the 2009-2010 fiscal year and mutually agree to at least a 5 percent reduction; amending s. 1002.33, F.S.; requiring that a charter school comply with the class-size requirements; amending s. 1002.37, F.S.; redefining the definition of the term "full-time equivalent student" as it relates to funding for the Florida Virtual School and virtual instruction; amending s. 1002.45, F.S.; conforming provisions to changes made by the act; amending s. 1002.71, F.S.; revising provisions relating to the funding of prekindergarten programs; amending s. 1003.03, F.S.; extending dates relating to the calculation of the number of students for purposes of complying with the maximum-class-size requirement; providing duties for the Department of Education if the department determines that the number of students assigned to any individual class exceeds the class size maximum; providing for the reduction of the class-size-reduction operating categorical allocation under certain circumstances; requiring that the department prepare a simulated calculation; amending s. 1006.06, F.S.; revising provisions relating to school breakfast programs to include state allocations; amending s. 1006.28, F.S.; clarifying the definition of the term "adequate instructional materials"; amending s. 1006.36, F.S.; extending the term of adoption for instructional materials; amending s. 1006.40, F.S.; conforming provisions to changes made by the act; amending s. 1008.29, F.S.; requiring that the State Board of Education adopt rules establishing fees for the administration of the college-level communications and mathematics skills examination to public postsecondary students; amending s. 1008.41, F.S.; authorizing rather than requiring the Commissioner of Education to employ the Florida Information Resource Network to perform certain functions relating to workforce education; creating s. 1010.06, F.S.; prohibiting the Division of Public Schools within the Department of Education from using state funds appropriated by the Legislature to pay indirect cost to a university, community college, school district, or other entity; amending s. 1010.11, F.S.; authorizing each district school board, community college board of trustees, and university board of trustees to

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

—was referred to the Policy and Steering Committee on Ways and Means.

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

CS for SB 1696—A bill to be entitled An act relating to higher education funding; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1001.64, F.S.; prohibiting a community college board of trustees from entering into an employment contract that requires the community college to pay the president an amount from state funds in excess of 1 year of the president's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the president before the contract terminates is not prohibited; limiting the remuneration that a community college president receives annually from state funds; providing a definition for the term "remuneration"; limiting the president's compensation that is used to calculate benefits under ch. 121, F.S.; amending s. 1001.706, F.S.; prohibiting the Board of Governors from entering into an employment contract that requires the board to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1001.74, F.S.; prohibiting a university board of trustees from entering into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1007.33, F.S.; suspending the authorization for a community college or the State Board of Education to develop new community college baccalaureate degree programs during the 2009-2010 fiscal year; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.21, F.S.; revising definitions; defining the terms "initial enrollment" and "nonresident for tuition purposes"; revising provisions relating to the qualifications as a resident for tuition purposes; requiring certain documentation to demonstrate state residency; creating s. 1009.286, F.S.; requiring an additional payment for credit hours exceeding the requirements for completing a baccalaureate degree program; providing exceptions; requiring notice upon a student's initial enrollment in a state university or community college; amending s. 1009.53, F.S.; requiring that an institution refund within a specified period after the end of a semester funds from the Florida Bright Futures Scholarship for courses dropped by students after the end of the drop and add period; providing exceptions; amending s. 1009.532, F.S.; revising the requirements for student eligibility to renew a scholarship under the Florida Bright Futures Scholarship Program; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars Award; amending s. 1009.536, F.S.; deleting a provision that allows a Florida Gold Seal Scholar to apply for a Florida Medallion Scholars award; amending ss. 1009.57, 1009.58, 1009.59, 1009.60, and 1009.605, F.S.; revising provisions relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Student Loan Forgiveness Program, the minority teacher education scholars program, and the Florida Fund for Minority Teachers, Inc.; requiring that the amount of scholarships awarded under such programs be prorated based on available appropriations and not exceed specified amounts; amending s. 1009.701, F.S.; requiring that an applicant under the First Generation Matching Grant Program meet the same eligibility requirements required under the Florida Public Student Assistance Grant Program; repealing s. 1009.765, F.S., relating to Ethics in Business scholarships for community colleges and independent post-secondary educational institutions; amending s. 1009.98, F.S.; revising provisions relating to the prepaid community college and university plans; authorizing the Florida Prepaid College Board to offer an advance payment contract covering certain fees for such plans; providing definitions regarding payments on behalf of qualified beneficiaries of an advance payment contract; providing the amounts of fees to be paid by the board; providing an exemption for certain qualified beneficiaries from paying any tuition differential fee; requiring that the board pay state universities the actual amount assessed for registration fees and tuition differential fees for certain advanced payment contracts; requiring that the board pay state universities the actual amount assessed for local fees and dormitory fees; requiring that the board pay community colleges and career centers the actual amount assessed for registration fees and local fees; amending s. 1011.83, F.S.; revising provisions relating to financial support of community colleges; providing for state funding of baccalaureate degree programs in the General Appropriations Act; requiring that the Board of Governors review a community college's baccalaureate degree programs for possible transfer under the Board of Governors' oversight if the community college offers more than a specified number of baccalaureate degrees; amending ss. 1011.32, 1011.85, and 1011.94,

F.S.; requiring that donors be notified of a delay in the availability of state matching funds for the Community College Facility Enhancement Challenge Grant Program, the Dr. Philip Benjamin Matching Grant Program for Community Colleges, and the University Major Gifts Program; amending s. 1012.83, F.S.; conforming provisions relating to contracts with community college administrative and instructional staff to changes made by the act; amending s. 1013.79, F.S.; providing that a university is not precluded from expending funds from private sources to develop a prospectus; requiring that donors be notified of a delay in the availability of state matching funds for the University Facility Enhancement Challenge Grant Program; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

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

CS for SB 1716—A bill to be entitled An act relating to criminal justice and corrections appropriations; providing that the act implements and administers the General Appropriations Act; authorizing the Department of Corrections to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; providing for the expiration of the authority to seek a budget amendment; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the department or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; providing an expiration date for the limits on compensation; authorizing the Department of Legal Affairs to transfer certain funds from certain cases to the Operating Trust Fund to pay salaries and benefits; providing an expiration date for the transfer of funds; nullifying provisions of the act if the appropriations or proviso language to which they relate are vetoed; providing for other acts passed during the 2009 Regular Session which contain provisions that are substantively the same as the provisions of this act to take precedence under certain circumstances; providing that the act is severable; providing for retroactive application; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

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

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

—was referred to the Policy and Steering Committee on Ways and Means.

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

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

—was referred to the Policy and Steering Committee on Ways and Means.

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

CS for SB 1722—A bill to be entitled An act relating to the Department of Corrections; amending s. 775.082, F.S.; requiring that the court sentence certain offenders to a nonstate prison sanction unless the court makes written findings that ordering an offender to a nonstate prison sanction could present a danger to the public; creating s. 921.00241, F.S.; providing that on or after a specified date a court may divert from the state correctional system certain offenders who otherwise would be sentenced to state prison; providing eligibility criteria for participation in the state prison diversion program if such a program is funded and exists in the circuit; requiring the court to make written findings that the offender meets the eligibility criteria for the diversion program; creating s. 944.171, F.S.; authorizing the Department of Corrections to contract with county and municipal entities to house inmates committed to the department; authorizing the department to enter into contractual agreements with another state, a political subdivision of another state, or a vendor in another state to transfer and confine Florida inmates within that state; requiring the reclassification of inmates before a transfer occurs; providing for the contents of the contract; providing that a transferred inmate remains subject to the rules of the Florida Parole Commission; requiring that contracts for the transfer of inmates be procured according to state law; requiring that additional beds authorized under a contract be added to the total capacity of the state correctional system; authorizing the department to adopt rules; amending s. 945.6037, F.S.; increasing the copayment that an inmate must make for a nonemergency visit to a health care provider; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the department or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; amending s. 947.1405, F.S.; requiring any person who has been placed under supervision and is electronically monitored by the department to pay the department for the cost of the electronic monitoring service; requiring that funds collected

from the person be deposited into the General Revenue Fund; authorizing the Department of Corrections to exempt a person from the payment of all or any part of the electronic monitoring service cost under certain circumstances; amending s. 948.01, F.S.; requiring the court to use the orders of supervision prepared by the Department of Corrections when placing a defendant on community supervision; amending s. 948.09, F.S.; requiring a person to pay the department the cost of electronically monitoring the offender while the offender is placed on supervision; providing for a cost cap on the monitoring service; providing that the department may exempt a person from paying all or any part of the costs of the electronic monitoring service under certain circumstances; amending s. 948.11, F.S.; requiring a person who is electronically monitored on supervision to pay the department for the electronic monitoring services; amending s. 957.09, F.S.; providing that the provisions governing private correctional facilities do not apply to contracts between the department and county and municipal entities, other states, political subdivisions of another state, or correctional management service vendors in another state for the transfer and confinement of state inmates; providing for future expiration of such exemption; amending s. 958.045, F.S.; requiring the Department of Corrections to submit a report to the court at least 30 days before a youthful offender is scheduled to complete the basic training program; requiring the court to modify the youthful offender's sentence and place the offender on probation if the youthful offender has successfully completed the basic training program; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

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

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

—was referred to the Policy and Steering Committee on Ways and Means.

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

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

—was referred to the Policy and Steering Committee on Ways and Means.

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

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 1738—A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing certain moneys to be appropriated to offset reductions in ad valorem tax revenue experienced by fiscally constrained counties occurring as a direct result of the implementation of revisions of Art. VII of the State Constitution approved in the special election held on January 29, 2008; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; amending s. 253.01, F.S.; delaying the expiration of provisions relating to grants and aids from the Internal Improvement Trust Fund for the drinking water facility construction state revolving loan program and the clean water state revolving loan program; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; repealing s. 27 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 255.518(1)(b), F.S., and abrogating the revision of the text of that paragraph to that in existence on June 30, 2008, with specified exceptions; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; providing an expiration date; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 403.1651, F.S.; providing that funds from the Ecosystem Management and Restoration Trust Fund be used for the purpose of funding activities to preserve and repair the state's beaches; providing for reversion of statutory text of certain provisions; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

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

laying the expiration of certain provisions relating to such fund; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 1742—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; transferring the Invasive Plant Control Trust Fund in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; transferring to the Fish and Wildlife Conservation Commission all powers, duties, records, personnel, property, funds, rules, issues, and contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection; ratifying actions taken pursuant to chapter 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; amending s. 379.353, F.S.; providing that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any resident saltwater fishing from land who has been determined eligible for the food stamps, temporary cash assistance, or the Medicaid programs; providing for proof of eligibility for the qualifying programs; removing the exemption from the need to possess a license for a resident fishing for a saltwater species in fresh water from land; reenacting s. 379.3581(7), F.S., relating to hunter safety courses, to incorporate the amendments made to s. 379.353, F.S., in a reference thereto; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

CS for SB 1748—A bill to be entitled An act relating to the Department of Revenue; amending s. 195.022, F.S.; requiring county property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards to bear the expense of reproducing forms prescribed by the Department of Revenue to administer and collect ad valorem taxes; amending s. 213.34, F.S.; defining terms; imposing an administrative collection processing fee on a taxpayer who fails to pay the amount of tax or penalty due within a certain period after a noncompliant filing event; specifying the amount of the administrative collection processing fee; specifying circumstances under which the Department of Revenue may waive or reduce the fee; providing for the distribution of administrative collection processing fees; amending s. 213.75, F.S.; revising the priority order against which payments by a taxpayer apply to amounts owed to the Department of Revenue; providing for application of the administrative collection processing fees to certain noncompliant filing events; amending s. 213.755, F.S.; requiring any taxpayer who does not electronically file a certain tax return to pay a specified fee; requiring the fee to be deposited into the Operations Trust Fund of the Department of Revenue; providing that the fee is subject to a service charge; amending s. 220.21, F.S.; conforming a cross-reference; providing for application of specified provisions of the act; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on General Government Appropriations; and Senator Baker—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 1776—A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds from the sale of property located in Palm Beach County by the Department of Highway Safety and Motor Vehicles into the Highway Safety Operating Trust Fund; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of funds from the State Transportation Trust Fund; amending s. 339.135, F.S.; delaying the expiration of provisions relating to the transfer of funds from the Department of Transportation to the Office of Tourism, Trade, and Economic Development for the purpose of funding the transportation-related needs of certain projects; revising the amount of such transfer; deleting obsolete provisions; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund operational and maintenance assistance at publicly owned public-use airports; providing for the expiration of such authority and the reversion of statutory text; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future re-

peal or expiration provided by the act; providing for severability; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 1778—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; terminating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; transferring the current balances in and revenues of the trust fund to the Highway Safety Operating Trust Fund within the department; requiring that the department pay any outstanding debts and obligations of the fund; requiring that the Chief Financial Officer close out and remove the trust fund from the state accounting systems; amending ss. 17.61 and 215.20, F.S.; deleting references to the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; increasing the fee for a copy of a crash report provided by a certified traffic records center; amending s. 316.605, F.S.; deleting a reference to registration decal to conform to changes made by the act; amending s. 318.15, F.S.; increasing the service charge relating to the suspension of a driver's license; amending s. 319.23, F.S.; increasing the fee relating to an application for a certificate of title; amending s. 319.32, F.S.; requiring an additional fee for each subsequent inspection of a vehicle that receives a physical examination; providing that the proceeds from such fees be deposited into the General Revenue Fund and the Highway Safety Operating Trust Fund; amending ss. 319.323 and 319.324, F.S.; increasing the fee relating to expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession; conforming provisions to changes made by the act; amending s. 319.33, F.S.; deleting references to decals for the identification of a motor vehicle; ss. 319.34 and 320.02, F.S.; conforming provisions to changes made by the act; amending s. 320.023, F.S.; requiring that any voluntary contribution on a motor vehicle registration application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; s. 320.025, F.S.; conforming provisions to changes made by the act; amending s. 320.03, F.S.; increasing a fee on license registrations to cover the costs of the Florida Real Time Vehicle Information System; amending s. 320.031, F.S.; conforming provisions to changes made by the act; amending s. 320.04, F.S.; revising provisions relating to service charges for the issuance of registration certificates for a vehicle, vessel, or mobile home to conform to changes made by the act; amending s. 320.05, F.S.; revising provisions relating to fees for providing lists of motor vehicle or vessel records; amending s. 320.055, F.S.; deleting provisions relating to driver's license registration periods and renewal periods; amending ss. 320.06 and 320.0607, F.S.; extending the period for which registration license plates are issued and replaced; increasing fees for the replacement of such plates; amending ss. 320.061, 320.07, and 320.071, F.S.; conforming provisions to changes made by the act; amending s. 320.08, F.S.; increasing the annual license taxes imposed for the operation of motor vehicles, mopeds, motorized bicycles, and mobile homes; providing that a certain portion of each tax be deposited into the General Revenue Fund; revising provisions to changes made by the act; amending s. 320.08035, F.S.; conforming a cross-reference; amending s. 320.08046, F.S.; increasing the surcharge levied on each license tax; increasing the percentage of the proceeds of such surcharge for deposit into the General Revenue Fund; amending s. 320.0805, F.S.; increasing the processing fee for personalized prestige license plates; amending s. 320.08056, F.S.; increasing the processing fee for specialty license plates; amending s. 320.0807, F.S.; conforming a cross-reference; amending s. 320.081, F.S.; revising provisions relating to the distribution of annual license taxes imposed on mobile homes, park trailers, travel trailers, and fifth-wheel trailers exceeding 35 feet in body length; requiring that such distribution be made by payment by warrant drawn by the Chief Financial Officer upon the treasury on a monthly basis from the License Tax Collection Trust Fund; amending s. 320.084, F.S.; revising provisions relating to license plates for certain disabled veterans to conform to changes made by the act; conforming a cross-reference; amending s. 320.086, F.S.; conforming provisions to changes made by the act; amending s. 320.0894, F.S.; deleting provisions relating to Gold Star license plates to conform to changes made by the act; amending ss. 320.10, 320.26, and 320.261, F.S.; conforming provisions to changes made by the act; amending s. 320.822, F.S.; deleting the definition of the term "seal" or "label"; repealing s. 320.824, F.S.; deleting provisions authorizing the department to adopt rules relating to the uniform mobile home standards; deleting provisions authorizing the department or its agent to enter a place or establishment where mobile homes are manufactured, sold, or offered for sale; amending s. 320.8245, F.S.; conforming provisions to changes made by the act; amending s. 320.8249, F.S.; conforming a cross-reference; repealing s. 320.8255, F.S.; relating to mobile home inspections; amending ss. 320.827 and 320.834, F.S.; deleting provisions to conform to changes made by the act; amending s. 321.23, F.S.; increasing the cost of receiving a copy of a crash report from the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; revising provisions relating to a fee for obtaining a duplicate identification card; amending s. 322.081, F.S.; requiring that any voluntary contribution on a driver's license application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 322.12, F.S.; increasing the examination fees for subsequent knowledge and skills tests for a driver's license if an applicant failed the initial tests; amending s. 322.20, F.S.; increasing the fee for obtaining records from the Division of Drivers Licenses; amending s. 322.201, F.S.; revising provisions relating to the certification of certain records as evidence; amending s. 322.21, F.S.; increasing licensing fees; creating s. 322.2715, F.S.; requiring that an installer of a ignition interlock device collect and remit an installation fee to the department to be deposited into the Highway Safety Operating Trust Fund for the operation of the Ignition Interlock Device Program; amending ss. 322.29 and 322.293, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 1780—A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the Department of State to use electronic transmission to notify and communicate in the performance of its duties; authorizing the department to collect e-mail addresses and require filers and registrants to furnish such e-mail addresses for presenting documents and filing; amending s. 120.55, F.S.; deleting a provision that requires the Department of State to provide the Florida Administrative Weekly to the Legislative Library each year; repealing ss. 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, F.S., relating to the Cultural Institutions Program and Trust Fund, general support program for cultural institutions, audit information and admission fees for state theater contract organizations, science museums and grants, youth and children's museum and grants, regional cultural facilities, and historical museum grants; amending s. 265.281, F.S.; renaming the "Florida Fine Arts Act of 1980" as the "Florida Arts and Culture Act"; amending s. 265.282, F.S.; revising legislative intent to include the promotion of activities involving arts and culture; providing support for museums and nonprofit organizations; amending s. 265.283, F.S.; revising and providing definitions; amending s. 265.284, F.S.; revising the duties and responsibilities of the Division of Cultural Affairs within the department to administer funds, sponsor events encouraging arts and cultural programs, and enter into certain contracts; requiring that the division adopt rules; amending s. 265.285, F.S.; renaming the "Florida Arts Council" as the "Florida Council on Arts and Culture"; requiring that the council meet at the request of the division; deleting provisions authorizing the Secretary of State to appoint review panels; revising the duties of the council; amending s. 265.286, F.S.; authorizing the Secretary of State to appoint review panels representing arts and cultural disciplines and programs to assist the council in the grant review process; providing membership; providing terms; providing duties and responsibilities; requiring that the council review grant application lists; requiring that the secretary review the council's recommendations and submit approved lists to the Legislature by a specified date; establishing procedures for the awarding and funding of grants; authorizing the division to provide funding for certain programs and areas; requiring that the division adopt rules establishing eligibility criteria, grant programs, and the panel review process; requiring that the division award grants under certain circumstances;

establishing eligibility requirements for grantees; limiting grant awards to one recipient per grant cycle; providing exceptions; providing a formula for the distribution of matching and nonmatching funds; providing for certain in-kind funds; deleting provisions relating to the division's authority to expend appropriated funds for grants; deleting provisions establishing criteria for such grants; amending ss. 607.1420 and 607.1421, F.S.; revising provisions relating to the administrative dissolution of a corporation by the department to conform to changes made by the act; amending ss. 607.1530 and 607.1531, F.S.; revising provisions relating to revocation of a certificate of authority to conform to changes made by the act; amending ss. 608.448 and 608.4481, F.S.; revising provisions relating to administrative dissolution of a limited liability company to conform to changes made by the act; amending ss. 608.512 and 608.513, F.S.; revising provisions relating to the revocation of a certificate of authority of a foreign limited liability company to conform to changes made by the act; amending ss. 617.1420, 617.1421, 617.1530, 617.1531, 620.1809, 620.1906, and 620.9003, F.S.; conforming provisions to changes made by the act; amending s. 679.527, F.S.; deleting provisions relating to the department's authority to determine and select certain respondents and to negotiate and enter into certain contracts; providing that a contract to perform administrative and operational functions for the Florida Secured Transaction Registry terminates on a specified date; requiring that the Department of State perform the administrative and operational functions of the filing officer or filing office for the registry after such termination; amending s. 865.09, F.S.; revising provisions relating to notice of the expiration of a fictitious name registration; requiring that the department serve such notice by electronic transmission if the owner or registrant of the fictitious name has provided an electronic mail address to the department; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

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

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Finance and Tax; and Senators Deutch and Rich—

CS for SB 1840—A bill to be entitled An act relating to protecting Florida's health through a surcharge on tobacco products; providing a short title; amending s. 210.01, F.S.; redefining the terms "unstamped package," "unstamped cigarettes," and "stamp"; conforming provisions to changes made by the act; creating s. 210.011, F.S.; levying a surcharge on cigarettes equivalent to $1 per standard pack; establishing surcharge amounts for cigarettes of a nonstandard sizes and in varying quantities; providing legislative intent that the surcharge be uniform throughout the state; providing for the surcharge to be administered in the same manner as the cigarette tax imposed under s. 210.02, F.S.; requiring that revenue from the surcharge to be deposited into the Health Care Trust Fund; amending s. 210.04, F.S., to conform; amending s. 210.18, F.S.; providing enhanced penalties for the sale or possession of any quantity of counterfeit cigarettes; creating a reward program for information concerning violations under part I of ch. 210, F.S.; amending s. 210.25, F.S.; clarifying provisions with respect to definitions; creating s. 210.211, F.S.; providing definitions; levying a surcharge on tobacco products other than cigarettes; providing for the surcharge to be administered in the same manner as the tax imposed under part II of ch. 210, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund; providing that the surcharge on cigarettes and other tobacco products applies to existing inventory on the effective date of the act; requiring each manufacturer, distributor, wholesaler, and vendor to take an inventory of the cigarettes and other tobacco products in its possession on the effective date of the act; requiring that the amount of such inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; providing for penalties and interest for delinquent payments; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senator Detert—

CS for SB 2040—A bill to be entitled An act relating to 911 emergency dispatcher certification; amending s. 401.465, F.S.; defining the terms "certified dispatch training center" and "certified dispatch training program"; authorizing a public safety agency to employ a 911 emergency dispatcher trainee for a limited period under certain conditions; requiring any person serving as a 911 emergency dispatcher to be certified by the Department of Health; revising application requirements for certification; providing an expiration date for initial certification of certain 911 emergency dispatchers; providing certification standards for certified dispatch training centers and certified dispatch training programs; requiring the department to charge fees for the review and approval of training programs; providing general application procedures for online licensure applications; amending s. 401.411, F.S.; revising the grounds in which the department may deny, suspend, or revoke the certification of a 911 emergency dispatcher; providing an effective date.

—was referred to the Committees on Community Affairs; Higher Education; and Health and Human Services Appropriations.

By the Committee on Transportation; and Senator Wilson—

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

—was referred to the Committee on Community Affairs.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2546—A bill to be entitled An act relating to corporate income tax; creating the "Florida Fair Business Competition Act"; amending s. 196.012, F.S.; conforming cross-references; amending ss. 213.053 and 213.054, F.S.; conforming provisions to the repeal of provisions allowing certain deductions by certain financial institutions; amending s. 220.02, F.S.; revising legislative intent with respect to the classifications of organizations for purposes of the corporate income tax; amending s. 220.03, F.S.; redefining the terms "corporation" and "nonbusiness income"; providing requirements for the classification of corporations that are partners in partnerships; defining the term "tiered partnership arrangement"; amending s. 220.13, F.S.; defining the term

"adjusted federal income" with respect to certain expenses related to a business asset; defining the term "taxable income" for purposes of certain corporate entities; providing certain restrictions with respect to the deductibility of intangible expenses, interest expenses, and management fees; providing requirements for filing tax returns; providing for making certain calculations and providing for certain deductions; amending s. 220.131, F.S.; providing a limitation on the net operating loss that may be claimed by a member of an affiliated group; providing for the expiration of eligibility for a specified election with respect to certain tax filings; requiring that certain gross receipts be excluded from sales between affiliated corporations for purposes of determining taxable income; amending s. 220.15, F.S.; revising requirements governing the apportionment of adjusted federal income; clarifying circumstances under which a sale of services occurs in the state; amending s. 220.1501, F.S.; conforming cross-references; creating s. 220.1505, F.S.; providing requirements for the apportionment of income of a financial institution whose business activity is taxable within and without the state; providing definitions; providing apportionment factors with respect to receipts, property, and payroll; amending s. 220.151, F.S.; providing for the apportionment of the tax base for taxpayers furnishing certain transportation services; defining the term "revenue miles in this state"; amending s. 220.152, F.S.; conforming provisions to changes made by the act; repealing s. 213.054, F.S., relating to certain tax exemptions or deductions; repealing ss. 220.62(3) and (5), and 220.63(5), F.S., relating to the franchise tax imposed on banks and savings associations; amending s. 220.64, F.S.; conforming provisions to changes made by the act; amending s. 220.51, F.S.; authorizing the Department of Revenue to adopt rules; providing legislative intent with respect to corporations filing corporate income tax returns; clarifying legislative intent with respect to the retroactive application of certain amendments made by chapter 2002-218, Laws of Florida; providing for application; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 2680—A bill to be entitled An act relating to homeless persons; amending s. 775.085, F.S.; reclassifying offenses evidencing prejudice based on the homeless status of the victim; providing an effective date.

—was referred to the Committee on Criminal and Civil Justice Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 2 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for SB 2322; Baker—CS for SB 580, CS for SB 1894, SB 2246, SB 2666; Bennett—SB 1122; Bullard—SB 2582; Dockery—CS for SB 1180; Gaetz—CS for SB 2462; Gelber—CS for SB 596; Joyner—CS for SB 596, CS for SB 1312; Lynn—SB 1122, CS for SB 2248; Rich—SR 2764; Sobel—CS for CS for SB 1540; Storms—CS for SB 2462; Wilson—SR 2764

Journal of the Senate

Number 8—Regular Session **Tuesday, April 14, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 1:15 p.m. A quorum present— 38:

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

Excused: Senators Bullard and Villalobos

PRAYER

The following prayer was offered by Pastor John L. Underdahl, St. Paul Lutheran Church, Niceville:

Gracious God, yesterday is gone, tomorrow does not yet belong to us, so let me focus on today!

As we come back to give direction and leadership to this state, give me (as a senator) a new spirit of enthusiasm, excitement and rekindle my desire to do the work of the people. These may well be difficult times; but you, God, do some of your best work when things are not going so well. So teach me to seek your wisdom and be open to the touch of your spirit.

Help this Senate body to come together as a team of mountain climbers, who work together to climb over the barriers and build bridges to the summit of wise and good government. We pray that the decisions made in this chamber may lead to continued quality education in our schools, health and safety in our communities, care for our poor and less fortunate, and a return, we pray, to a growing economy. Help us with our budget!

Be with each individual Senator; give order to their lives and bless their families. Where there is need, give your healing presence to them, Lord.

We ask you to bless our President, our Governor, the leadership of the Senate, the House of Representatives, and thank you, Lord, for letting us live in a place called, "The Land of Flowers" and help us to keep it that way. Give us a good day. We ask all these things in your most holy name. Amen.

PLEDGE

Senate Pages Jennifer "Jenn" Beatty and Lauren Todd of Ft. Myers; Kristilee Ginther of Chuluota; and John Ketring of Perry, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Jorge Luna of Davie, sponsored by Senator Sobel, as doctor of the day. Dr. Luna specializes in Family Practice.

ADOPTION OF RESOLUTIONS

On motion by Senator Peaden—

By Senator Peaden—

SR 1158—A resolution commending the osteopathic physicians of this state and recognizing April 15, 2009, as "Osteopathic Medicine Day."

WHEREAS, osteopathic physicians provide health care services that account for more than 59 million patient visits in this country each year, and

WHEREAS, this state has four accredited osteopathic hospitals, two osteopathic medical colleges, and the third-largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the Florida Senate commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of Florida and recognizes April 15, 2009, as "Osteopathic Medicine Day."

—was introduced out of order and read by title. On motion by Senator Peaden, **SR 1158** was read the second time in full and adopted.

At the request of Senator Bennett—

By Senator Bennett—

SR 722—A resolution recognizing Paul Azinger, captain of the victorious 2008 United States Ryder Cup team.

WHEREAS, Paul Azinger was born on January 6, 1960, in Holyoke, Massachusetts, moved with his family to Florida when he was 2 months old, and today resides in Bradenton, Florida, and

WHEREAS, Paul Azinger graduated from Sarasota High School, Brevard Community College, and Florida State University, where he was a member of the men's varsity golf team, and

WHEREAS, since his entry into the world of professional golf in 1981, Paul Azinger has won 15 tournaments, including 12 on the PGA Tour, most notably the 1992 Tour Championship and the 1993 PGA Championship, and

WHEREAS, Paul Azinger has played on four United States Ryder Cup teams, including the winning teams of 1991 and 1993, and

WHEREAS, Ryder Cup competition began in 1927, following an exhibition match in 1926 between a team representing professionals from the United States and a team representing the British PGA, and

WHEREAS, the Ryder Cup Trophy is awarded biennially to the winner of an event, called the Ryder Cup Matches, which is contested between teams from Europe and the United States, is jointly administered by the PGA of America and the PGA European Tour, and is held alternately at sites in the United States and Europe, and

WHEREAS, following years of dominance by the United States, in which its team won 20 of 21 matches between 1935 and 1983, the European team began a period of supremacy, winning 8 of 11 matches between 1985 and 2006, including three straight victories in 2002, 2004, and 2006, and

WHEREAS, Paul Azinger was named captain of the 2008 United States Ryder Cup team consisting of players Chad Campbell, Stewart Cink, Ben Curtis, Jim Furyk, J.B. Holmes, Anthony Kim, Justin Leonard, Hunter Mahan, Phil Mickelson, Kenny Perry, Steve Stricker, and Boo Weekley and assistant captains Olin Browne, Raymond Floyd, and Dave Stockton, and

WHEREAS, on September 19-21, 2008, at the Valhalla Golf Club in Louisville, Kentucky, Paul Azinger, as captain, led the United States Ryder Cup team to its first Ryder Cup victory since 1999, NOW, THEREFORE,

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

That the Senate recognizes and commends Floridian Paul Azinger for his leadership of the victorious 2008 United States Ryder Cup team, his efforts as a player on earlier United States Ryder Cup teams, and his accomplishments in and contributions to professional golf.

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

—**SR 722** was introduced, read and adopted by publication.

BILLS ON THIRD READING

CS for CS for SB 552—A bill to be entitled An act relating to the use of prescribed pancreatic enzyme supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances; requiring the State Board of Education to adopt rules; providing for indemnification; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 552** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for SB 606—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; revising provisions relating to the transfer of benefits received from the Florida Prepaid College Program to private and out-of-state colleges and universities and to career centers; amending s. 744.1083, F.S.; revising provisions relating to the authorization of certain colleges or universities to register as a professional guardian; providing an effective date.

—as amended April 2 was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 606** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 1248—A bill to be entitled An act relating to public K-12 instructional materials; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **SB 1248** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 198—A bill to be entitled An act relating to firefighters; providing for the creation of an official state Firefighter Memorial Flag;

providing for the use of the flag; providing for the Division of State Fire Marshal of the Department of Financial Services to provide for the creation and distribution of the flag; providing for the adoption of rules; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **CS for SB 198** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SENATOR WISE PRESIDING

CS for CS for SB 1062—A bill to be entitled An act relating to unemployment compensation; providing a short title; amending s. 443.036, F.S.; redefining the term "employee leasing company" to reflect reporting requirements imposed by the act; amending s. 443.1216, F.S.; requiring an employee leasing company to submit a report regarding its establishments to the Labor Market Statistics Center within the Agency for Workforce Innovation; providing reporting requirements; requiring the agency to adopt rules; providing definitions; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 1062** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Wise

Consideration of **SB 1432** was deferred.

SB 252—A bill to be entitled An act relating to local government; creating s. 112.3136, F.S.; specifying standards of conduct for officers and employees of entities serving as the chief administrative officer of a political subdivision; amending s. 112.317, F.S.; providing for penalties to be imposed against persons other than lobbyists or public officers and employers for violations of the Code of Ethics for Public Officers and Employees; amending s. 112.324, F.S.; providing for the Commission on Ethics to report to the Governor violations involving persons other than lobbyists or public officers and employees; providing an effective date.

—was read the third time by title.

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

Amendment 1 (343680) (with title amendment)—In title, delete line 8 and insert: lobbyists or public officers and employees for

On motion by Senator Constantine, **SB 252** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for SB 160—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "minor," and "sports coach"; specifying what is included as a "sanctioning authority of an independent youth athletic team"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring the sanctioning authority to notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; providing that a background screening in compliance with the federal Fair Credit Reporting Act satisfies screening provisions; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; requiring a sanctioning authority to maintain the affidavit in its files and to provide a copy of the affidavit to anyone upon request; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

—was read the third time by title.

On motion by Senator Ring, **CS for CS for SB 160** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 408—A bill to be entitled An act relating to clinical laboratories; amending s. 440.102, F.S.; deleting the requirement that initial drug tests conducted pursuant to a drug-free workplace program be conducted by a licensed or certified laboratory; amending s. 483.181, F.S.; requiring clinical laboratories to accept human specimens submitted by advanced registered nurse practitioners; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 408** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 574—A bill to be entitled An act relating to the purchase of prescription drugs; amending s. 499.003, F.S.; defining the term "qualifying practitioner" as it relates to the Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; deleting provisions requiring a health care clinic establishment permit for the purchase of certain prescription drugs; conforming a cross-reference; amending s. 499.01211, F.S.; conforming a cross-reference; amending s. 499.03, F.S.; authorizing certain establishments to possess prescription drugs; creating s. 499.031, F.S.; establishing criteria for certain business entities to purchase and possess prescription drugs; requiring a qualifying practitioner at the establishment; requiring the registration of certain qualifying practitioners; assigning duties and responsibilities to a qualifying practitioner and business entity; providing for expiration of the registration of a qualifying practitioner and for renewal of the registration; requiring the Department of Health to establish an online registration system and post certain information related to qualifying practitioners on its website; providing additional grounds for discipline of a qualifying practitioner; providing recordkeeping requirements; amending s. 499.041, F.S.; deleting provisions requiring a fee for a health care clinic establishment permit to conform to changes made by the act; requiring a fee to register as a qualifying practitioner; authorizing a nonrefundable application fee for withdrawn applications or applications that become void; amending s. 499.05, F.S.; requiring the department to adopt rules regarding record retention requirements and procedures for registering and renewing the registration of certain practitioners; conforming cross-references; amending s. 400.9935, F.S.; assigning responsibilities to a medical director who acts as the qualifying practitioner of a licensed health care clinic; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; providing an effective date.

—as amended April 2 was read the third time by title.

On motion by Senator Gaetz, **CS for SB 574** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 620—A bill to be entitled An act relating to health facilities; amending s. 154.205, F.S.; redefining the term "health facility" for the purpose of allowing additional types of health facilities to receive assistance from a health facilities authority; providing an effective date.

—as amended April 2 was read the third time by title.

On motion by Senator Oelrich, **CS for SB 620** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for SB 702** was deferred.

CS for CS for SB 766—A bill to be entitled An act relating to anatomical gifts; amending s. 765.511, F.S.; providing additional definitions; amending s. 765.512, F.S.; conforming terms; amending s. 765.513, F.S.; revising the list of donees that may accept anatomical gifts and the purposes for which such gifts may be used; amending ss. 765.514, 765.515, 765.5155, and 765.51551, F.S.; conforming terms; amending s. 765.516, F.S.; revising provisions relating to a donor's amendment or revocation of an anatomical gift; amending s. 765.517, F.S.; revising provisions relating to a donee's use of an anatomical gift at the time of the donor's death; providing liability protection for the person making a gift and for the donor's estate; amending s. 765.521, F.S.; conforming terms; amending s. 765.522, F.S.; providing that the laws of this state govern the interpretation of a valid document of gift, and that a docu-

ment of gift is presumed to be valid; amending ss. 765.53, 765.541, 765.542, 765.543, 765.544, and 765.545, F.S.; conforming terms; creating s. 765.547, F.S.; requiring medical examiners and procurement organizations to cooperate and maximize opportunities for organ donations; authorizing the Florida Medical Examiners Commission to adopt rules; amending ss. 408.802 and 408.820, F.S.; conforming terms; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for CS for SB 766** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 1018—A bill to be entitled An act relating to guardians ad litem; amending s. 61.402, F.S.; authorizing a person certified by a not-for-profit legal aid organization to serve as a guardian ad litem in a dissolution of marriage proceeding that does not involve child abuse, abandonment, or neglect; requiring that such person undergo a security background investigation and undergo training in a program developed by The Florida Bar; providing that the not-for-profit legal aid organization has the sole discretion in determining whether to certify a person based on his or her security background investigation; specifying responsibility for the payment of costs of the security background investigation and training requirements; providing a penalty for failing to disclose a material fact in an application to act as a guardian ad litem; providing an effective date.

—as amended April 2 was read the third time by title.

On motion by Senator Joyner, **CS for SB 1018** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 1312—A bill to be entitled An act relating to sexual battery; creating s. 794.052, F.S.; requiring each law enforcement officer who investigates an alleged sexual battery incident to assist the victim in obtaining medical treatment if medical treatment is necessary, a forensic examination, and crisis-intervention services from a certified rape crisis center; requiring the law enforcement officer to advise the victim that he or she may contact a certified rape crisis center for services; requiring the law enforcement officer to immediately notify the victim of the legal rights and remedies available to a victim of sexual battery; directing that the notice of rights and remedies be written on a standard notice form developed and distributed by the Florida Council Against Sexual Violence and the Department of Law Enforcement; requiring the notice to include certain information; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 1312** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Altman—

SB 1124—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes that have six or fewer residents located within a planned residential community are not required to obtain local government approval regardless of their proximity to each other; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Altman moved the following amendment which was adopted:

Amendment 1 (446764)—Delete lines 52-81 and insert:

(f) "Planned residential community" means a local government-approved, planned unit development having amenities that are designed to serve residents who have developmental disabilities and may contain two or more community residential homes, licensed by the Agency for Persons with Disabilities, which are contiguous to one another.

(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. *Such* homes ~~of six or fewer residents which otherwise meet the definition of a community residential home~~*:*

(a) Shall be allowed in single-family or multifamily zoning without ~~approval by the~~ local government *approval if they are* ~~, provided that such homes shall~~ not ~~be~~ located within a radius of 1,000 feet of another existing ~~such~~ home *that has* ~~with~~ six or fewer residents. Such homes *are*~~with six or fewer residents shall~~ not ~~be~~ required to comply with the notification provisions of this section *if* ~~; provided that~~, prior to licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the

local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home ~~with six or fewer residents~~. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity.

(b) If located within a planned residential community, do not require local government approval regardless of their proximity to each other. This subsection does not limit the authority of a local government to approve or deny a planned unit development.

Pursuant to Rule 4.19, **SB 1124** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

SB 1210—A bill to be entitled An act relating to a review of the Department of Citrus under the Florida Government Accountability Act; reenacting ss. 20.29, 601.04, and 601.05, F.S., relating to the Department of Citrus and the Florida Citrus Commission; repealing s. 601.154, F.S., relating to the Citrus Stabilization Act of Florida; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1210** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 742—A bill to be entitled An act relating to sinkhole losses; creating s. 627.7063, F.S.; defining the term "sinkhole loss prevention ordinance"; requiring the Financial Services Commission to adopt a building code effectiveness grading schedule by rule to evaluate the effectiveness of sinkhole loss prevention ordinances in reducing the number of sinkhole claims and the severity of sinkhole losses; requiring insurance discounts and surcharges based on the grade assigned to a sinkhole loss prevention ordinance; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (802036) (with title amendment)—Between lines 15 and 16 insert:

Section 1. Subsection (5) is added to section 627.706, Florida Statutes, to read:

627.706 Sinkhole insurance; catastrophic ground cover collapse; definitions.—

(5) An insurer offering sinkhole coverage to policyholders before or after the adoption of s. 30, chapter 2007-1, Laws of Florida, may nonrenew the policies of policyholders maintaining sinkhole coverage in Pasco County or Hernando County, at the option of the insurer, and provide an offer of coverage to such policyholders which includes catastrophic ground cover collapse and excludes sinkhole coverage. Insurers acting in accordance with this subsection are subject to the following requirements:

(a) Policyholders must be notified that a nonrenewal is for purposes of removing sinkhole coverage, and that the policyholder is still being offered a policy that provides coverage for catastrophic ground cover collapse.

(b) Policyholders must be provided an actuarially reasonable premium credit or discount for the removal of sinkhole coverage and provision of only catastrophic ground cover collapse.

(c) Subject to the provisions of this subsection and the insurer's approved underwriting or insurability guidelines, the insurer shall provide each policyholder with the opportunity to purchase an endorsement to his or her policy providing sinkhole coverage and may require an inspection of the property before issuance of a sinkhole coverage endorsement.

(d) Section 624.4305 does not apply to nonrenewal notices issued pursuant to this subsection.

And the title is amended as follows:

Delete line 2 and insert: An act relating to sinkhole losses; amending s. 627.706, F.S.; authorizing an insurer offering sinkhole coverage before or after a certain date to nonrenew the policies of policyholders maintaining sinkhole coverage in Pasco and Hernando Counties, at the option of the insurer, and provide an offer of coverage to such policyholders which includes catastrophic ground cover collapse and excludes sinkhole coverage; requiring that an insurer taking such action meet specified requirements; creating s.

Pursuant to Rule 4.19, **CS for SB 742** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

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

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1030** was placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner—

CS for SB 2188—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising the definition of the term "agency" for purposes of ch. 120, F.S.; amending s. 120.525, F.S.; requiring each agency to give notice of public meetings, hearings, and workshops on the agency's website; requiring each agency to publish agendas on the agency's website; amending s. 120.54, F.S.; revising the definition of the term "small business" with regard to special matters to be considered by an agency in rule adoption; requiring an agency to ensure that persons responsible for preparing a proposed rule be available at a public hearing regarding the proposed rule; requiring that certain materials submitted to the agency on or before the date of the final public hearing be considered by the agency and made a part of the record of the rulemaking proceeding; requiring that a change to a proposed rule be in response to written materials submitted to the agency within a specified time after the date of publication of the notice of intended agency action or submitted to the agency on or before the date of the final public hearing; requiring that a proposed rule become effective on a date specified in the notice of the agency's intended action; requiring that the statement of an agency's organization and operations be published on the agency's website; providing that a rule that adopts federal standards becomes effective upon the date designated by the agency in the notice of intent to adopt the rule; amending s. 120.80, F.S.; deleting a provision that prohibits the Department of Environmental Protection from adopting the lowest regulatory cost alternative under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Joyner moved the following amendments which were adopted:

Amendment 1 (849284) (with title amendment)—Delete lines 42-94 and insert:

(1) "Agency" means *the following officers or governmental entities if acting pursuant to powers other than those derived from the constitution*:

(a) The Governor*; each state officer and state department, and each departmental unit described in s. 20.04; the Board of Governors of the State University System; the Commission on Ethics; the Fish and Wildlife Conservation Commission; a regional water supply authority; a regional planning agency; a multicounty special district, but only when a majority of its governing board is comprised of nonelected persons; educational units; and each entity described in chapters 163, 373, 380, and 582 and s. 186.504* ~~in the exercise of all executive powers other than those derived from the constitution~~.

(b) Each *officer and governmental entity in the state having statewide jurisdiction or jurisdiction in more than one county.* ~~:~~

~~1. State officer and state department, and each departmental unit described in s. 20.04.~~

~~2. Authority, including a regional water supply authority.~~

~~3. Board, including the Board of Governors of the State University System and a state university board of trustees when acting pursuant to statutory authority derived from the Legislature.~~

~~4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.~~

~~5. Regional planning agency.~~

~~6. Multicounty special district with a majority of its governing board comprised of nonelected persons.~~

~~7. Educational units.~~

~~8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.~~

(c) Each *officer and governmental entity in the state having jurisdiction in one county or less than one county* ~~other unit of government in the state, including counties and municipalities~~, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any *municipality or legal entity created solely by a municipality; any* legal entity or agency created in whole or in part pursuant to *part II of* chapter 361*;* ~~, part II,~~ any metropolitan planning organization created pursuant to s. 339.175*;* ~~,~~ any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member*;* ~~,~~ an expressway authority pursuant to chapter 348 or transportation authority under chapter 349*; or* ~~,~~ any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection~~, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority~~.

Section 2. *The amendments to subsection 120.52(1), Florida Statutes, made by this act are not intended to effect a substantive change in meaning of that subsection. The amendments are intended to clarify and simplify existing law and are intended to be consistent with judicial interpretations of that statute.*

And the title is amended as follows:

Delete line 4 and insert: "agency" for purposes of ch. 120, F.S.; providing legislative intent; amending s.

Amendment 2 (603870) (with title amendment)—Delete line 108 and insert: *with any meeting materials available in electronic form excluding confidential and exempt information, shall*

And the title is amended as follows:

Delete line 8 and insert: agendas and certain other materials on the agency's website; amending s. 120.54,

Amendment 3 (783418) (with title amendment)—Delete lines 265-277 and insert:*When a public hearing is held, the agency must ensure that staff are available to explain the agency's proposal and to respond to questions or comments regarding the rule.* If the agency head is a board or other collegial body created under s. 20.165(4) or s. 20.43(3)(g), and one or more requested public hearings is scheduled, the board or other collegial body shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted *to the agency between the date of publication of the notice and the end of the final* ~~at a~~ public

And the title is amended as follows:

Delete lines 12-16 and insert: agency to ensure that staff be available at a public hearing regarding the proposed rule; requiring that certain materials submitted to the agency between the date of publication of the notice and the end of the final public hearing be considered by

Amendment 4 (849100) (with title amendment)—Delete line 304 and insert: *to the agency between the date of publication of the notice and* ~~received on or before~~ the *end* ~~date~~ of the final public

And the title is amended as follows:

Delete lines 22-23 and insert: agency action or submitted to the agency between the date of publication of the notice and the end of the final public hearing; requiring that a

MOTION

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

Senator Smith moved the following amendment which was adopted:

Amendment 5 (574206) (with title amendment)—Delete line 555 and insert:

Section 5. *Notwithstanding a law or rule that requires a project that is the subject of a license to commence within a specific time period, an agency may grant a waiver or variance to extend the commencement period if the licensee demonstrates that the delay is the result of the economic conditions existing as of January 1, 2009, and if the license was issued before July 1, 2009, free and clear of all administrative and judicial proceedings. A petition for waiver or variance must be submitted to the agency before June 31, 2010.*

Section 6. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 34 and insert: under certain circumstances; authorizing an agency to grant a petition for a variance or a waiver to a rule that requires the commencement of a project that is the subject of a license within a specific time period; providing conditions for the grant of petition for a variance or a waiver; providing a timeframe; providing an effective

Pursuant to Rule 4.19, **CS for SB 2188** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Fasano, by two-thirds vote **SB 400**, **SB 410**, **SB 464**, **SB 534**, **SB 540**, **SB 562**, **SB 882**, **SB 966**, **SB 1056**, **SB 1214**, **SB 1366**, **SB 1420**, **SM 1568**, **SB 1594**, **SB 1820**, and **SB 1882** were withdrawn from the committees of reference and further consideration.

On motion by Senator Garcia, by two-thirds vote **SB 2202** and **SB 2568** were withdrawn from the committees of reference and further consideration.

THE PRESIDENT PRESIDING

On motion by Senator Haridopolos, by two-thirds vote **SB 2246** was withdrawn from the Committee on Governmental Oversight and Accountability.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Energy, Environment, and Land Use submits the following bills to be placed on the Special Order Calendar for Tuesday, April 14, 2009: SB 1124 and SB 1210.

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

The Policy and Steering Committee on Commerce and Industry submits the following bills to be placed on the Special Order Calendar for Tuesday, April 14, 2009: CS for SB 742 and SB 1030.

Respectfully submitted,
Don Gaetz, Chair

The Policy and Steering Committee on Governmental Operations submits the following bill to be placed on the Special Order Calendar for Tuesday, April 14, 2009: CS for SB 2188.

Respectfully submitted,
Mike Haridopolos, Chair

The Committee on Community Affairs recommends the following pass: CS for SB 998

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Special Master on Claim Bills recommends the following pass: SB 40 with 1 amendment

The Special Master on Claim Bills recommends the following not pass: SB 52

The bills were referred to the Committee on Criminal Justice under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 2426

The bill was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 418; SB 656; SB 1026

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 1644

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

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 650 with 1 amendment

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 538 with 3 amendments

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

The Committee on Banking and Insurance recommends the following pass: SB 1122 with 1 amendment

The Committee on Community Affairs recommends the following pass: CS for SB 274 with 6 amendments

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

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 1304

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

The Committee on Community Affairs recommends the following pass:CS for SB's 674 and 1422; SB 1556; SB 2266

The bills were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 1054

The bill was referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 1834

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 270; CS for SB 2324; CS for SB 2374

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

The Committee on Environmental Preservation and Conservation recommends the following pass: CS for SB 2326

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

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 342

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Policy and Steering Committee on Ways and Means recommends the following pass: CS for SB 1658; CS for SB 1660; CS for SB 1662; CS for SB 1664; CS for SB 1718; CS for SB 1720; CS for SB 1722; CS for SB 1726; CS for SB 1728; CS for SB 1740; CS for SB 1742; CS for SB 1744; CS for SB 1748; CS for SB 1750; CS for SB 1754; CS for SB 1758; CS for SB 1782; CS for SB 1786; CS for SB 2574

The bills were placed on the Calendar.

The Committee on Health Regulation recommends a committee substitute for the following: SB 918

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

The Committee on Communications, Energy, and Public Utilities recommends committee substitutes for the following: SB 2092; SB 2126

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

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 604; CS for SB 1888

The bills with committee substitute attached were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2078

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

The Committee on Finance and Tax recommends a committee substitute for the following: SB 744

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1318

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2036

The Committee on Commerce recommends committee substitutes for the following: SB 2376; SB 2592

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: CS for SB 1154

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1000

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1950

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: CS for SB 114

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 1462

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1004; CS for SB 2536

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 624

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 2458

The Committee on Ethics and Elections recommends a committee substitute for the following: CS for SB 1182

The Committee on Health Regulation recommends a committee substitute for the following: SB 2614

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 126

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: SB 1798; SB 1800; SB 1802; SB 1804; SB 1806

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: CS for SB 2422

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: CS for CS for SB 1276; CS for SB 2404

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

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 1996

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 1614

The Committee on Higher Education recommends committee substitutes for the following: SB 844; SB 2096; SB 2682

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

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 2166

The Committee on Commerce recommends committee substitutes for the following: SB 2000; CS for SB 2630

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 2276

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

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: CS for SB 1156

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 2430 and SB 1960

The Committee on Higher Education recommends committee substitutes for the following: CS for SB 168; CS for SB 1138

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 904

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

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 1290; SB 1902; SB 2158

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

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: CS for SB 1796

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: CS for SB 556; CS for SB 788; CS for SB 1676; CS for SB 1696; CS for SB 1724; CS for SB 1778; CS for SB 1780; CS for SB 1840; CS for SB 2108; CS for SB 2694

The Committee on Transportation recommends a committee substitute for the following: SB 672

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Policy and Steering Committee on Ways and Means—

SB 2600—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2009, and ending June 30, 2010, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was placed on the Calendar pursuant to Rule 4.6(1).

By the Policy and Steering Committee on Ways and Means—

SB 2602—A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; authorizing the Department of Corrections to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; providing for the expiration of the authority to seek a budget amendment; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the Department of Corrections or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; providing an expiration date for the limits on compensation; authorizing the Department of Legal Affairs to transfer certain funds from certain cases to the Operating Trust Fund to pay salaries and benefits; providing an expiration date for the transfer of funds; amending s. 287.057, F.S.; delaying the expiration of provisions authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis; amending s. 394.908, F.S.; delaying the expiration of provisions requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; requiring the Department of Children and Family Services to ensure that information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing certain moneys to be appropriated to offset reductions in ad valorem tax revenue experienced by fiscally constrained counties occurring as a direct result of the implementation of revisions of Art. VII of the State Constitution approved in the special election held on January 29, 2008; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; providing for the expiration of such authorization; amending s. 253.01, F.S.; delaying the expiration of provisions relating to grants and aids from the Internal Improvement Trust Fund for the drinking water facility construction state revolving loan program and the clean water state revolving loan program; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; repealing s. 27 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 255.518(1)(b), F.S., and abrogating the revision of the text of that paragraph to that in existence on June 30, 2008, with specified exceptions; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; providing an expiration date; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 403.1651, F.S.; providing that funds from the Ecosystem Management and Restoration Trust Fund be used for the purpose of funding activities to preserve and repair the state's beaches; providing for reversion of statutory text of certain provisions; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds from the sale of property located in Palm Beach County by the Department of Highway Safety and Motor Vehicles into the Highway Safety Operating Trust Fund; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund operational and maintenance assistance security projects at publicly owned public-use airports; providing for the future expiration of such authority and the reversion of statutory text; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of funds from the State Transportation Trust Fund; amending s. 339.135, F.S.; delaying the expiration of provisions relating to the transfer of funds from the Department of Transportation to the Office of Tourism, Trade, and Economic Development for the purpose of funding the transportation-related needs of certain projects; revising the amount of such transfer; deleting obsolete provisions; creating the Florida Homebuyer Opportunity Program within the Florida Housing Finance Corporation; providing legislative intent; defining the term "anticipated federal assistance"; providing duties for the corporation to implement and administer the program; providing certain requirements for the program; requiring that the administration of the program be consistent with certain Federal Housing Administration requirements; requiring that the corporation negotiate with private lenders to borrow additional funds to support the program; providing for future expiration of the program; providing that the annual salary of the members of the Legislature be reduced by 6 percent; providing for future expiration; requiring that each agency develop a wireless device assignment plan limiting the use of cellular telephones, personal digital assistants, and other devices; requiring that each agency review such use and submit a report to the Legislature by a specified date; providing that the report contain certain information; reenacting s. 215.32(2)(b), F.S., relating to the transfer of moneys from trust funds to the General Revenue Fund; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; repealing s. 49 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 215.5601(4), F.S., and abrogating the revision of the text of that subsection to that in existence on June 30, 2009, with specified exceptions; providing a statement of public interest with respect to the issuance of new debt to address a critical state emergency; providing for future expiration; limiting the use of state funds for travel by state employees to activities that are critical to each state agency's mission; requiring that each agency head approve such travel in writing; providing exceptions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for other acts passed during the 2009 Regular Session which contain provisions that are substantively the same as the provisions of this act to take precedence under certain circumstances; providing for severability; providing effective dates.

—was placed on the Calendar pursuant to Rule 4.6(1).

ADDITIONAL REFERENCES

By Senator Pruitt—

SB 52—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Criminal Justice.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Education Pre-K - 12; and Environmental Preservation and Conservation; and Senators Justice, Bullard, Jones, and Joyner—

CS for CS for SB 114—A bill to be entitled An act relating to environmental cleanup; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content and delivery of such notice; requiring local governments to provide specified notice of site rehabilitation; requiring the Department of Environmental Protection to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; requiring the department to provide specified notice to certain property owners; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements; creating s. 376.30717, F.S.; creating the Petroleum Restoration Program Advisory Board; providing for membership, terms, appointment of a chair and vice chair, reimbursement for expenses, and meetings; requiring the board to review the Petroleum Restoration Program; requiring an annual report to the Secretary of Environmental Protection and the Legislature; providing for the content of the report; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senators Dockery, Bennett, Lynn, and Bullard—

CS for CS for SB 126—A bill to be entitled An act relating to the confidential records of children; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child's records may be obtained after the child leaves the department's custody; authorizing the department to adopt rules; providing an effective date.

By the Committees on Higher Education; and Criminal Justice; and Senators Joyner, Rich, and Wilson—

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

By the Policy and Steering Committee on Ways and Means; the Committee on Health Regulation; and Senators Gaetz, Bennett, Detert, Dean, Wise, Smith, Fasano, Altman, Siplin, Pruitt, Lawson, Haridopolos, Lynn, and Baker—

CS for CS for SB 556—A bill to be entitled An act relating to the Medicaid low-income pool and disproportionate share program; amending s. 409.911, F.S.; expanding the membership of the Medicaid Low-Income Pool Council; providing for composition of expanded membership; designating a council chair; providing restrictions on specified appointments; providing an effective date.

By the Committees on Judiciary; and Criminal Justice; and Senators Fasano and Joyner—

CS for CS for SB 604—A bill to be entitled An act relating to confidential informants; creating Rachel's Law; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide a person who is requested to serve as a confidential informant the opportunity to consult with legal counsel; requiring training for persons involved in the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review its practices regarding confidential informants; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing an effective date.

By the Committee on Community Affairs; and Senator Fasano—

CS for SB 624—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement officer or correctional officer is entitled to specified rights if the officer is subject to suspension in a disciplinary proceeding; providing that a law enforcement officer or correctional officer is entitled to review witness statements by other officers and other existing evidence before the officer under investigation is interrogated; providing that time-limitation periods will be tolled during disciplinary proceedings under certain specified circumstance; amending s. 112.533, F.S.; authorizing a law enforcement officer or correctional officer who is subject to an investigation, and the officer's legal counsel, to review specified documents and recordings before the investigative interview; amending s. 112.534, F.S.; providing procedures and remedies to the officer if an agency intentionally fails to comply with specified provisions; providing that the officer bears the burden of proof to establish intentional violations; providing that the standard of proof is a preponderance of the evidence; providing an effective date.

By the Committee on Transportation; and Senator Pruitt—

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

By the Committee on Finance and Tax; and Senators Altman and Storms—

CS for SB 744—A bill to be entitled An act relating to homestead assessments; amending s. 193.155, F.S.; revising criteria under which transfer of homestead property is not considered a change of ownership; providing construction; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Regulated Industries; and Senators Jones and King—

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

By the Committee on Higher Education; and Senator Oelrich—

CS for SB 844—A bill to be entitled An act relating to postsecondary distance learning; creating s. 1004.091, F.S.; establishing the Florida Distance Learning Consortium; requiring that the Board of Governors and the State Board of Education jointly oversee the consortium; authorizing the consortium to enter into contracts for administrative services; providing duties for the consortium; amending ss. 1009.23 and 1009.24, F.S.; defining the term "distance learning course" for purposes of assessing a distance learning course user fee for community college and state university students; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Deutch—

CS for CS for SB 904—A bill to be entitled An act relating to parental responsibility and time-sharing; amending s. 61.046, F.S.; redefining the terms "parenting plan," "parenting plan recommendations," and "time-sharing schedule"; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that shared parental responsibility is detrimental to a child when a parent is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of substantially changed circumstances; requiring a court to make explicit written findings if, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms "other person," "parent," and "relocation"; substituting the term "access to" for "visitation"; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, 61.21, and 61.30, F.S.; conforming provisions to changes made by the act; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

By the Committee on Health Regulation; and Senators Rich, Lynn, Bennett, Aronberg, Sobel, and Gaetz—

CS for SB 918—A bill to be entitled An act relating to the Florida Kidcare program; amending s. 409.810, F.S.; correcting a cross-reference; amending s. 409.811, F.S.; conforming cross-references; amending s. 409.812, F.S.; clarifying the application of the Florida Kidcare program to include all eligible uninsured, low-income children; amending s. 409.813, F.S.; specifying funding sources for health benefits coverage for certain children; specifying program components to be marketed as the Florida Kidcare program; conforming cross-references; amending s. 409.8132, F.S.; revising provisions relating to penalties for nonpayment of premiums and waiting periods for reinstatement of coverage; amending s. 409.8134, F.S.; revising provisions relating to enrollment in the Florida Kidcare program; amending s. 409.814, F.S.; removing a restriction on participation in the Florida Healthy Kids program; authorizing certain enrollees to opt out of the Children's Medical Services network; revising coverage limitations; revising restrictions on enrollment of children whose coverage was voluntarily canceled; providing exceptions; deleting provisions that place a limit on enrollment in Medikids and the Florida Healthy Kids full-pay program; requiring notice to health plans and providers when a child is no longer eligible for certain coverage; requiring electronic verification of applicants' income; providing circumstances under which written documentation is required; revising the timeframe for an enrollee to resolve disputes regarding the withholding of benefits; amending s. 409.815, F.S.; authorizing the Agency for Health Care Administration to increase premium assistance payments for benefits provided through Florida Kidcare Plus instead of the Children's Medical Services; conforming cross-references; amending ss. 409.816 and 409.817, F.S.; conforming cross-references; amending s. 409.8177, F.S.; revising information to be included in the annual program evaluation to the Governor and Legislature; amending s. 409.818, F.S.; clarifying that the Department of Health is the chair of Florida Kidcare coordinating council; conforming cross-references; amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation; revising the date in which the corporation must provide a study to the Legislature and the Governor; correcting a cross-reference; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; providing an effective date.

By the Committees on Judiciary; and Military Affairs and Domestic Security; and Senators Fasano, Aronberg, Deutch, and Ring—

CS for CS for SB 1000—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances; requiring a referendum; providing for distribution of surtax proceeds; authorizing an administrative fee; providing for interlocal agreements; providing agreement requirements; requiring a reduction in the budget for ad valorem tax levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax; requiring any

surplus surtax revenues to be used to further reduce ad valorem taxes; prohibiting entities not entering into an interlocal agreement from receiving a portion of surtax proceeds; specifying the distribution of surtax revenues and limiting reimbursements among participating jurisdictions under certain circumstances; providing an effective date.

By the Committees on Judiciary; and Environmental Preservation and Conservation; and Senator Constantine—

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

By the Committees on Higher Education; and Communications, Energy, and Public Utilities; and Senator Gaetz—

CS for CS for SB 1138—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4621, F.S.; requiring an application for workers' compensation coverage issued by a group self-insurance fund to notify applicants that policyholders must make additional contributions to the fund if the fund is unable to pay its obligations; creating s. 624.4626, F.S.; authorizing any two or more electric cooperatives to operate a self-insurance fund for certain purposes; providing for membership in the fund; requiring that the fund fulfill certain criteria; providing for the applicability of certain assessments and certain provisions of state law to such a fund; amending s. 631.904, F.S.; exempting certain self-insurance funds from specified provisions of state law; providing an effective date.

By the Committees on Environmental Preservation and Conservation; and Communications, Energy, and Public Utilities; and Senator King—

CS for CS for SB 1154—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to reduce greenhouse gas emissions through the direct end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 403.503, F.S.; revising the definition of "electrical power plant"; amending s. 525.09, F.S.; imposing a fee on alternative fuel containing alcohol; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

By the Committees on Environmental Preservation and Conservation; and Communications, Energy, and Public Utilities; and Senator King—

CS for CS for SB 1156—A bill to be entitled An act relating to trust funds; creating the Florida Renewable Energy Trust Fund within the Florida Energy and Climate Commission; requiring that the commission administer the fund; providing that moneys deposited into the fund be from federal grants for renewable energy, general revenue appropriations, and other sources designated by law; providing a purpose for the fund; requiring that any balance remain in the trust fund at the end of each fiscal year; providing for future review and termination or recreation of the trust fund; providing a contingent effective date.

By the Committees on Ethics and Elections; and Community Affairs; and Senators Fasano, Gaetz, and Dockery—

CS for CS for SB 1182—A bill to be entitled An act relating to the state retirement system; amending s. 121.021, F.S.; defining the term "retiree"; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; amending s. 121.053, F.S.; revising membership criteria for renewed elected officials; amending s. 121.055, F.S.; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; extending the period of time that instructional personnel employed by a developmental research school may participate in the Deferred Retirement Option Program (DROP); authorizing developmental research school and charter schools to reemploy certain retirees under specified conditions; providing applicability; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; amending s. 121.122, F.S.; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; amending s. 121.4501, F.S.; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.591, F.S.; conforming provisions; repealing ss. 121.093 and 121.094, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind, the provisions of which are reenacted in s. 121.091, F.S., and relating to instructional personnel reemployment after retirement from a charter school, the provisions of which are reenacted in s. 121.091, F.S., respectively; providing a declaration of important state interest; requiring the Department of Management Services to request an actuarial study to determine the effect of this act on employer contributions and to notify the Governor and Legislature of the results; providing a contingent effective date.

By the Committees on Governmental Oversight and Accountability; Judiciary; and Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for CS for SB 1276—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing condi-

tions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child's best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Transportation—

CS for SB 1290—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding personal information contained in motor vehicle records; amending s. 119.0712, F.S.; removing provisions that are duplicative of the federal prohibition on the release and use of personal information contained in state motor vehicle records under the federal Driver's Privacy Protection Act of 1994; referencing federal law as controlling with respect to the confidentiality and release of such records; reorganizing provisions and making editorial and conforming changes; saving the exemption from repeal under the Open Government Sunset Review Act; repealing s. 2, ch. 2004-62, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

By the Committee on Judiciary; and Senator Peaden—

CS for SB 1318—A bill to be entitled An act relating to the jurisdiction of the circuit court; creating s. 86.112, F.S.; providing that the circuit court has jurisdiction to entertain an action for declaratory judgment to provide relief when the State Constitution is found unconstitutional under the United States Constitution; providing venue and party requirements; providing for the circuit court to issue an order directing the Secretary of State to remove unconstitutional provisions from the State Constitution; providing for the circuit court to order the removal of certain constitutional provisions if there is a showing that voters were confused at the adoption of the constitutional provision; authorizing the circuit court to declare certain provisions of the State Constitution redundant and to direct the Secretary of State to remove the redundant provisions; authorizing the circuit court to order the removal of provisions from the State Constitution previously deemed unconstitutional; providing for appellate review; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 1462—A bill to be entitled An act relating to recycling; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Oelrich—

CS for SB 1614—A bill to be entitled An act relating to state funding for medical student education; creating s. 1011.905, F.S.; providing legislative intent; requiring the Board of Governors of the State University System, in consultation with the Office of Program Policy Analysis and Government Accountability and representatives from Doctor of Medicine degree programs, to develop a funding methodology for Doctor of Medicine degree programs at state universities; requiring the funding methodology to provide a consistent base level of state support on a per-student basis; providing duties of the Board of Governors in developing the funding methodology; requiring a report; requiring use of the funding methodology in the development of legislative budget requests; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

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

amending s. 1006.40, F.S.; conforming provisions to changes made by the act; amending s. 1008.29, F.S.; requiring that the State Board of Education adopt rules establishing fees for the administration of the college-level communications and mathematics skills examination to public postsecondary students; amending s. 1008.41, F.S.; authorizing rather than requiring the Commissioner of Education to employ the Florida Information Resource Network to perform certain functions relating to workforce education; creating s. 1010.06, F.S.; prohibiting the Division of Public Schools within the Department of Education from using state funds appropriated by the Legislature to pay indirect cost to a university, community college, school district, or other entity; amending s. 1010.11, F.S.; authorizing each district school board, community college board of trustees, and university board of trustees to electronically transfer funds for payment; amending s. 1011.09, F.S.; prohibiting a district school board from using funds for out-of-state travel, cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service through any means, unless specifically approved by the district school board; amending s. 1011.18, F.S.; authorizing a district school superintendent to transfer funds from a district school depository to pay expenses, expenditures, or other disbursements if proper documentation is provided; amending s. 1011.60, F.S.; revising the minimum requirements for the Florida Education Finance Program relating to the term of operation; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student"; amending s. 1011.62, F.S.; requiring that a student who is enrolled in study hall not be included in the calculation of full-time equivalent student membership for funding purposes; decreasing the amount of certain bonuses for teachers; decreasing the value of full-time equivalent student membership calculated on the basis of international baccalaureate examination scores; decreasing the value of full-time equivalent student membership calculated on the basis of college board advanced placement scores; decreasing the value of full-time equivalent student membership calculated on the basis of certification of successful completion of industry-certified career and professional academy programs; deleting certain provisions that provide a calculation for additional full-time equivalent membership for students enrolled in the Florida Virtual School; revising certain provisions relating to the amount that each school district is required to provide annually toward the cost of the Florida Education Finance Program; extending a date relating to categorical funds for instructional materials; deleting provisions relating to the total allocation of state funds to each district for current operation for the FEFP; creating s. 1011.675, F.S.; creating a discretionary bonus allocation for school districts to recognize and reward the outstanding performance of students, teachers, and school-based administrators; providing that the funds be allocated to each school district as provided in the General Appropriations Act; authorizing school districts to use the funds for certain programs or any other purpose it deems appropriate; repealing s. 1011.68(7), F.S., relating to funds for student transportation; removing a provision that authorizes a district school board to transfer funds to its Florida Education Finance Program; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operating categorical funds; amending s. 1011.71, F.S.; revising certain provisions relating to the district school tax; waiving the three-fourths limit for certain lease-purchase agreements for a specified period; authorizing district school boards to levy an additional discretionary millage for certain operations; authorizing the Commissioner of Education to waive the equal-dollar reduction in Florida Education Finance Program funds if he or she finds that a school district acted in good faith; amending s. 1012.33, F.S.; revising provisions relating to contracts for instructional staff; advising a district school board not to enter into a new professional service contract if the only available funds are from nonrecurring Federal Stabilization Funds; amending s. 1012.71, F.S.; authorizing the Department of Education to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system; providing requirements for such pilot program; providing that participation in the pilot program is voluntary; authorizing the department to limit the number of participants to adequately test the viability of the pilot program; amending s. 1013.62, F.S.; revising the criteria for determining a charter school's eligibility for capital outlay funding; amending s. 1013.64, F.S.; requiring that the school districts of Wakulla County and Liberty County contribute specific millage amounts to the cost of current special facilities projects for specified fiscal years; repealing s. 9 of chapter 2008-142, Laws of Florida; abrogating the expiration of certain amendments relating to categorical funding for the operation of schools; providing for implementation of specified appropriations; providing for the incorporation by reference of certain calculations used by the Legislature for the 2009-2010 fiscal year; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Higher Education Appropriations; and Senator Lynn—

CS for CS for SB 1696—A bill to be entitled An act relating to higher education funding; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1001.64, F.S.; prohibiting a community college board of trustees from entering into an employment contract that requires the community college to pay the president an amount from state funds in excess of 1 year of the president's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the president before the contract terminates is not prohibited; limiting the remuneration that a community college president receives annually from appropriated state funds; providing a definition for the term "remuneration"; limiting the president's compensation that is used to calculate benefits under ch. 121, F.S.; amending s. 1001.706, F.S.; prohibiting the Board of Governors from entering into an employment contract that requires the board to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1001.74, F.S.; prohibiting a university board of trustees from entering into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1007.33, F.S.; suspending the authorization for a community college or the State Board of Education to develop new community college baccalaureate degree programs during the 2009-2010 fiscal year; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.21, F.S.; revising definitions; defining the terms "initial enrollment" and "nonresident for tuition purposes"; revising provisions relating to the qualifications as a resident for tuition purposes; requiring certain documentation to demonstrate state residency; creating s. 1009.286, F.S.; requiring an additional payment for credit hours exceeding the requirements for completing a baccalaureate degree program; providing exceptions; requiring notice upon a student's initial enrollment in a state university or community college; amending s. 1009.53, F.S.; requiring that an institution refund within a specified period after the end of a semester funds from the Florida Bright Futures Scholarship for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period; providing exceptions; prohibiting the use of funds for any scholarship within the program for courses dropped after the end of the drop and add period; providing an exception for verifiable illness or other emergency, unless the institution has a refund policy; requiring a written appeal for such exception; providing requirements for such appeal; requiring that the Department of Education notify eligible recipients of such policies; requiring that each institution notify award recipients of such policies during the registration process; amending s. 1009.532, F.S.; revising the requirements for student eligibility to renew a scholarship under the Florida Bright Futures Scholarship Program; providing that a student loses his or her eligibility for renewal of the scholarship for 1 academic year if such student fails to earn the minimum number of hours required to renew; providing eligibility criteria for such student to restore the award; requiring that the department notify eligible recipients of such policies; requiring that each institution notify award recipients of such policies during the registration process; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars Award; amending s. 1009.536, F.S.; deleting a provision that allows a Florida Gold Seal Scholar to apply for a Florida Medallion Scholars award; amending ss. 1009.57, 1009.58, 1009.59, 1009.60, and 1009.605, F.S.; revising provisions relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Student Loan Forgiveness Program, the minority teacher education scholars program, and the Florida Fund for Minority Teachers, Inc.; requiring that the amount of scholarships awarded under such programs be prorated based on available appropriations and not exceed specified amounts; amending s. 1009.701, F.S.; requiring that an applicant under the First Generation Matching Grant Program meet the same eligibility requirements re-

quired under the Florida Public Student Assistance Grant Program; repealing s. 1009.765, F.S., relating to Ethics in Business scholarships for community colleges and independent postsecondary educational institutions; amending s. 1009.98, F.S.; revising provisions relating to the prepaid community college and university plans; authorizing the Florida Prepaid College Board to offer an advance payment contract covering certain fees for such plans; providing definitions regarding payments on behalf of qualified beneficiaries of an advance payment contract; providing the amounts of fees to be paid by the board; providing an exemption for certain qualified beneficiaries from paying any tuition differential fee; requiring that the board pay state universities the actual amount assessed for registration fees and tuition differential fees for certain advanced payment contracts; requiring that the board pay state universities the actual amount assessed for local fees and dormitory fees; requiring that the board pay community colleges and career centers the actual amount assessed for registration fees and local fees; amending s. 1011.83, F.S.; revising provisions relating to financial support of community colleges; providing for state funding of baccalaureate degree programs in the General Appropriations Act; amending ss. 1011.32, 1011.85, and 1011.94, F.S.; requiring that donors be notified of a delay in the availability of state matching funds for the Community College Facility Enhancement Challenge Grant Program, the Dr. Philip Benjamin Matching Grant Program for Community Colleges, and the University Major Gifts Program; amending s. 1012.83, F.S.; conforming provisions relating to contracts with community college administrative and instructional staff to changes made by the act; amending s. 1013.79, F.S.; providing that a university is not precluded from expending funds from private sources to develop a prospectus; requiring that donors be notified of a delay in the availability of state matching funds for the University Facility Enhancement Challenge Grant Program; providing effective dates.

By the Policy and Steering Committee on Ways and Means; the Committee on Criminal and Civil Justice Appropriations; and Senator Crist—

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

By the Policy and Steering Committee on Ways and Means; the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for CS for SB 1778—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; terminating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; transferring the current balances in and revenues of the trust fund to the Highway Safety Operating Trust Fund within the department; requiring that the department pay any outstanding debts and obligations of the fund; requiring that the Chief Financial Officer close out and remove the trust fund from the state accounting systems; amending ss. 17.61 and 215.20, F.S.; deleting references to the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; increasing the fee for a copy of a crash report provided by a certified traffic records center; amending s. 316.605, F.S.; deleting a reference to registration decal to conform to changes made by the act; amending s. 318.15, F.S.; increasing the service charge relating to the suspension of a driver's license; amending s. 319.23, F.S.; increasing the fee relating to an application for a certificate of title; amending s. 319.32, F.S.; increasing the title fee for a motor vehicle for hire; requiring an additional fee for each subsequent inspection of a vehicle that receives a physical examination; providing that the proceeds from such fees be deposited into the General Revenue Fund and the Highway Safety Operating Trust Fund; amending ss. 319.323 and 319.324, F.S.; increasing the fee relating to expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession; conforming provisions to changes made by the act; amending s. 319.33, F.S.; deleting references to decals for the identification of a motor vehicle; ss. 319.34 and 320.02, F.S.; conforming provisions to changes made by the act; amending s. 320.023, F.S.; requiring that any voluntary contribution on a motor vehicle registration application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 320.025, F.S.; conforming provisions to changes made by the act; amending s. 320.03, F.S.; increasing a fee on license registrations to cover the costs of the Florida Real Time Vehicle Information System; amending s. 320.031, F.S.; conforming provisions to changes made by the act; amending s. 320.04, F.S.; revising provisions relating to service charges for the issuance of registration certificates for a vehicle, vessel, or mobile home to conform to changes made by the act; amending s. 320.05, F.S.; revising provisions relating to fees for providing lists of motor vehicle or vessel records; amending s. 320.055, F.S.; deleting provisions relating to driver's license registration periods and renewal periods; amending ss. 320.06 and 320.0607, F.S.; extending the period for which registration license plates are issued and replaced; increasing fees for the replacement of such plates; amending ss. 320.061, 320.07, and 320.071, F.S.; conforming provisions to changes made by the act; amending s. 320.08, F.S.; increasing the annual license taxes imposed for the operation of motor vehicles, mopeds, motorized bicycles, and mobile homes; providing that a certain portion of each tax be deposited into the General Revenue Fund; conforming provisions to changes made by the act; amending s. 320.08035, F.S.; conforming a cross-reference; amending s. 320.08046, F.S.; increasing the surcharge levied on each license tax; increasing the percentage of the proceeds of such surcharge for deposit into the General Revenue Fund; amending s. 320.0805, F.S.; increasing the processing fee for personalized prestige license plates; amending s. 320.08056, F.S.; increasing the processing fee for specialty license plates; amending s. 320.0807, F.S.; conforming a cross-reference; amending s. 320.081, F.S.; revising provisions relating to the distribution of annual license taxes imposed on mobile homes, park trailers, travel trailers, and fifth-wheel trailers exceeding 35 feet in body length; requiring that such distribution be made by payment by warrant drawn by the Chief Financial Officer upon the treasury on a monthly basis from the License Tax Collection Trust Fund; amending s. 320.084, F.S.; revising provisions relating to license plates for certain disabled veterans to conform to changes made by the act; conforming a cross-reference; amending s. 320.086, F.S.; conforming provisions to changes made by the act; amending s. 320.0894, F.S.; deleting provisions relating to Gold Star license plates to conform to changes made by the act; amending ss. 320.10, 320.26, and 320.261, F.S.; conforming provisions to changes made by the act; amending s. 320.822, F.S.; deleting the definition of the term "seal" or "label"; repealing s. 320.824, F.S.; deleting provisions authorizing the department to adopt rules relating to the uniform mobile home standards; deleting provisions authorizing the department or its agent to enter a place or establishment where mobile homes are manufactured, sold, or offered for sale; amending s. 320.8245, F.S.; conforming provisions to changes made by the act; amending s. 320.8249, F.S.; conforming a cross-reference; repealing s. 320.8255, F.S., relating to mobile home inspections; amending ss. 320.827 and 320.834, F.S.; deleting provisions to conform to changes made by the act; amending s. 321.23, F.S.; increasing the cost of receiving a copy of a crash report from the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; revising provisions relating to a fee for obtaining a duplicate identification card; amending s. 322.081, F.S.; requiring that any voluntary contribution on a driver's license application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 322.12, F.S.; increasing the examination fees for subsequent knowledge and skills tests for a driver's license if an applicant failed the initial tests; amending s. 322.20, F.S.; increasing the fee for obtaining records from the Division of Driver Licenses; amending s. 322.201, F.S.; revising provisions relating to the certification of certain records as evidence; amending s. 322.21, F.S.; increasing commercial license fees; amending s. 322.2715, F.S.; requiring that an installer of a ignition interlock device collect and remit an installation fee to the department to be deposited into the Highway Safety Operating Trust Fund for the operation of the Ignition Interlock Device Program; amending s. 322.29, F.S.; conforming provisions to changes made by the act; prohibiting certain private entities from providing supervision services of certain offenders; amending s. 322.293, F.S., relating to the DUI Programs Coordination Trust Fund; conforming provisions to changes made by the act; providing effective dates.

By the Policy and Steering Committee on Ways and Means; the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for CS for SB 1780—A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the Department of State to use electronic transmission to notify and communicate

in the performance of its duties; authorizing the department to collect e-mail addresses and require filers and registrants to furnish such e-mail addresses for presenting documents and filing; amending s. 120.55, F.S.; deleting a provision that requires the Department of State to provide the Florida Administrative Weekly to the Legislative Library each year; repealing ss. 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, F.S., relating to the Cultural Institutions Program and Trust Fund, general support program for cultural institutions, audit information and admission fees for state theater contract organizations, science museums and grants, youth and children's museum and grants, regional cultural facilities, and historical museum grants; amending s. 265.281, F.S.; renaming the "Florida Fine Arts Act of 1980" as the "Florida Arts and Culture Act"; amending s. 265.282, F.S.; revising legislative intent to include the promotion of activities involving arts and culture; providing support for museums and nonprofit organizations; amending s. 265.283, F.S.; revising and providing definitions; amending s. 265.284, F.S.; revising the duties and responsibilities of the Division of Cultural Affairs within the department to administer funds, sponsor events encouraging arts and cultural programs, and enter into certain contracts; requiring that the division adopt rules; amending s. 265.285, F.S.; renaming the "Florida Arts Council" as the "Florida Council on Arts and Culture"; requiring that the council meet at the request of the division; deleting provisions authorizing the Secretary of State to appoint review panels; revising the duties of the council; amending s. 265.286, F.S.; authorizing the Secretary of State to appoint review panels representing arts and cultural disciplines and programs to assist the council in the grant review process; providing membership; providing terms; providing duties and responsibilities; requiring that the council review grant application lists; requiring that the secretary review the council's recommendations and submit approved lists to the Legislature by a specified date; establishing procedures for the awarding and funding of grants; authorizing the division to provide funding for certain programs and areas; requiring that the division adopt rules establishing eligibility criteria, grant programs, and the panel review process; requiring that the division award grants under certain circumstances; establishing eligibility requirements for grantees; limiting grant awards to one recipient per grant cycle; providing exceptions; providing a formula for the distribution of matching and nonmatching funds; providing for certain in-kind funds; deleting provisions relating to the division's authority to expend appropriated funds for grants; deleting provisions establishing criteria for such grants; amending ss. 607.1420 and 607.1421, F.S.; revising provisions relating to the administrative dissolution of a corporation by the department to conform to changes made by the act; amending ss. 607.1530 and 607.1531, F.S.; revising provisions relating to revocation of a certificate of authority to conform to changes made by the act; amending ss. 608.448 and 608.4481, F.S.; revising provisions relating to administrative dissolution of a limited liability company to conform to changes made by the act; amending ss. 608.512 and 608.513, F.S.; revising provisions relating to the revocation of a certificate of authority of a foreign limited liability company to conform to changes made by the act; amending ss. 617.1420, 617.1421, 617.1530, 617.1531, 620.1809, 620.1906, and 620.9003, F.S.; conforming provisions to changes made by the act; amending s. 679.527, F.S.; deleting provisions relating to the department's authority to determine and select certain respondents and to negotiate and enter into certain contracts; providing that a contract to perform administrative and operational functions for the Florida Secured Transaction Registry terminates on a specified date; requiring that the Department of State perform the administrative and operational functions of the filing officer or filing office for the registry after such termination; amending s. 865.09, F.S.; revising provisions relating to notice of the expiration of a fictitious name registration; requiring that the department serve such notice by electronic transmission if the owner or registrant of the fictitious name has provided an electronic mail address to the department; providing an effective date.

By the Committee on Governmental Oversight and Accountability; the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

CS for SB 1806—A bill to be entitled An act relating to the service charge on income of trust funds; amending s. 215.20, F.S.; increasing the

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

By the Policy and Steering Committee on Ways and Means; the Committee on Finance and Tax; and Senators Deutch and Rich—

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

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for SB 1888—A bill to be entitled An act relating to temporary and concurrent custody of a child; revising ch. 751, F.S., relating to petitions and court orders awarding the temporary custody of a child to an extended family member, to also provide for concurrent custody with the parents of the child; amending ss. 751.01 and 751.02, F.S.; conforming provisions to changes made by the act; amending s. 751.011, F.S.; revising definitions; defining the term "concurrent custody"; amending s. 751.03, F.S.; revising the petition for concurrent custody to require additional information; amending s. 751.05, F.S.; providing that if a parent objects to a petition for concurrent custody, the court may not grant the petition and must give the petitioner the option of converting the petition to one for temporary custody; providing for dismissal of the petition; providing that an order granting concurrent custody does not affect the ability of the parents to obtain the physical custody of the child at any time; providing for the court to terminate an order for concurrent custody if a parent withdraws his or her consent to the order; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Higher Education—

CS for SB 1902—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1004.4472, F.S., relating to an exemption from the public-records law provided for records held by the Florida Institute for Human and Machine Cognition, Inc., or its subsidiary, and an exemption from the public-meetings law provided for portions of meetings of the institute or its subsidiary at which confidential information is presented or discussed; saving the exemptions from repeal under the Open Government Sunset Review Act; deleting provisions that provide for repeal of the exemptions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Richter—

CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the report from in-

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

By the Committees on Finance and Tax; and Higher Education; and Senator Constantine—

CS for CS for SB 1996—A bill to be entitled An act relating to state universities; amending s. 1001.74, F.S.; redefining the term "continuing contract" relating to construction costs to increase certain cost thresholds; amending s. 1009.24, F.S.; authorizing university boards of trustees to establish a renewable energy fee under certain circumstances; providing that the fee not exceed a certain amount; limiting the use of such fee; establishing a renewable energy fee committee; providing for membership; providing terms; providing for a referendum on continuing or dissolving the fee; authorizing the university to reestablish the fee; amending ss. 1009.01 and 1009.98, F.S.; conforming cross-references; amending s. 1013.64, F.S.; increasing the threshold amount used to replace minor facility projects; amending s. 1013.78, F.S.; conforming provisions to changes made by the act; amending s. 1013.79, F.S.; revising provisions relating to the University Facility Enhancement Challenge Grant Program; authorizing a university to expend funds from private sources to develop a prospectus for a facility or site preparation or initial planning and construction; providing an effective date.

By the Committee on Commerce; and Senator Constantine—

CS for SB 2000—A bill to be entitled An act relating to motor vehicle lien enforcement; amending s. 30.231, F.S.; authorizing sheriffs expediting execution of a writ of replevin to recover certain additional expenses; amending s. 30.30, F.S.; requiring sheriffs to expedite certain writs of replevin within a specified amount of time; amending s. 78.065, F.S.; requiring courts to advance certain matters related to writs of replevin on the calendar and provide a ruling within a specified amount of time; amending s. 78.068, F.S.; requiring courts to advance certain matters related to prejudgment writs of replevin on the calendar and provide a ruling within a specified amount of time; amending s. 319.24, F.S.; extending the time certain motor vehicle lienholders have to deliver a certificate of title indicating a lien satisfaction or notify the person satisfying the lien that the title is not available; amending s. 320.02, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to withhold registration, renewal of registration, or replacement registration of specified motor vehicles; requiring the department to implement a system to notify motor vehicle floor-plan financers when a motor vehicle is sold by a licensed dealer; providing system requirements; providing fees for users of the system and providing for disposition of the fees; amending s. 322.34, F.S.; creating certain rights for lienholders; deleting a return receipt mailing requirement; amending s. 559.903, F.S.; defining the terms "lienholder" and "owner" for purposes of the "Florida Motor Vehicle Repair Act"; amending s. 559.917, F.S.; providing for a motor vehicle owner or lienholder to obtain the release of a motor vehicle from a motor vehicle repair shop; amending s. 713.585, F.S.; modifying procedures for enforcing liens for labor or services by sale of a motor vehicle; amending s. 713.78, F.S.; clarifying provisions; deleting a return receipt mailing requirement; creating certain rights for lienholders; deleting a provision that allows a complaint to be filed in the county where the owner resides; creating a cause of action to determine the rights of the parties after a vehicle or vessel has been sold; providing for attorney's fees and costs; providing a right of inspection to lienholders; amending s. 818.01, F.S.; providing penalties for the encumbrance, removal, destruction, or concealment of certain personal property; providing responsibilities of the department relating to the issuance of a license plate, revalidation sticker, or replacement license plate; requiring the department to create a notice to surrender form; providing procedures for the dispute of a notice to surrender; authorizing certain secured parties to move in a court of competent jurisdiction that the party be allowed to retain possession of collateral as security for a debt; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bennett—

CS for SB 2036—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; providing an effective date.

By the Committee on Banking and Insurance; and Senator Justice—

CS for SB 2078—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; requiring the Department of Financial Services to implement a condominium mitigation loan program for certain purposes; specifying program requirements; specifying an administration requirement for the program; requiring the department to adopt rules; amending s. 627.711, F.S.; revising eligible entities authorized to certify uniform mitigation inspection forms; authorizing insurers to contract with inspection firms to review certain verification forms and reinspect properties for certain purposes; providing for such contracts to be at the insurer's expense; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 2092—A bill to be entitled An act relating to broadband Internet service; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; providing an effective date.

By the Committee on Higher Education; and Senator Oelrich—

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

By the Policy and Steering Committee on Ways and Means; the Committee on Judiciary; and Senator Pruitt—

CS for CS for SB 2108—A bill to be entitled An act relating to the clerks of court; amending s. 25.381, F.S.; requiring the Supreme Court and Attorney General to jointly enter into a contract with a vendor to publish copies of Florida cases; amending s. 28.241, F.S.; redirecting a portion of certain civil filing fees to the Clerks of the Court Trust Fund within the Justice Administrative Commission; eliminating a requirement that a portion of such fees be deposited into the Department of Financial Services' Administrative Trust Fund; amending s. 28.246, F.S.; requiring the clerk to refer certain unpaid accounts to a private attorney or a collection agent; amending s. 28.35, F.S.; providing for the Florida Clerks of Court Operations Corporation to be administratively housed within the Justice Administrative Commission; requiring the Chief Justice of the Supreme Court to designate a member of the corporation's executive council to represent the state courts system; deleting provisions exempting the corporation from ch. 287, F.S., relating to procurement, and from ch. 120, F.S., relating to administrative procedures; revising the duties of the corporation; requiring that the Florida Clerks of Court Operations Corporation develop measures and standards for reviewing the performance of clerks of court and notify the Legislature and the Supreme Court of any clerk not meeting the standards; conforming cross-references; deleting provisions relating to the certification of the amount of the proposed budget for each clerk; providing for the clerks of court to be funded pursuant to state appropriations rather than from filing fees, service charges, court costs, and fines; providing for the Florida Clerks of Court Operations Corporation to be funded pursuant to the General Appropriations Act rather than a contract with the Chief Financial Officer; revising requirements for the audits of clerks of court; amending s. 28.36, F.S.; providing a procedure for the clerks of court to prepare budget requests for submission to the Florida Clerks of Court Operations Corporation, with a copy to the Supreme Court; providing requirements for the budget requests; requiring the corporation to determine whether projected court-related revenues are less than the proposed budget for a clerk; requiring that a clerk increase fees and service charges to resolve a deficit; requiring the corporation to compare a clerk's expenditures and costs with the clerk's peer group and for the clerk to submit documentation justifying higher expenditures; requiring that the corporation and the Chief Financial Officer review the clerks' budget requests and make recommendations to the Legislature; authorizing the Chief Financial Officer to conduct, and the Chief Justice of the Supreme Court to request, an audit of the corporation or a clerk of court; providing for the Legislature to make appropriations for the budgets of the clerks; requiring that the corporation release appropriations each quarter; deleting provisions authorizing the Legislative Budget Commission to approve budgets; amending s. 28.37, F.S.; clarifying the requirement for all court-related fines, fees, service charges, and costs to be deposited into the Clerks of the Court Trust Fund; deleting obsolete provisions relating to the funding of the clerks of court; requiring that a specified percentage of all court-related fines collected by the clerk be deposited into the clerk's Public Records Modernization Trust Fund and used exclusively for additional court-related operational needs and programs; amending s. 34.041, F.S., relating to filing fees; conforming provisions to changes made by the act; amending s. 43.16, F.S., relating to the duties of the Justice Administrative Commission; conforming provisions to the transfer of the Florida Clerks of Court Operations Corporation to the commission; amending s. 43.27, F.S.; requiring that the clerk of court obtain the consent of the chief judge of the circuit concerning the clerk's office hours; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; requiring that the clerks of court submit financial data to the Executive Office of the Governor; transferring the Clerks of the Court Trust Fund from the Department of Revenue to the Justice Administrative Commission; providing a finding that the act fulfills an important state interest; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 2126—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for specified proprietary business information obtained from a communications company or broadband company by the Department of Management Services; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Haridopolos—

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

By the Committee on Children, Families, and Elder Affairs; and Senator Hill—

CS for SB 2166—A bill to be entitled An act relating to spousal and child support; amending s. 61.075, F.S.; requiring specified findings if a deferred payment is ordered in an equitable distribution; providing for application of specified provisions; amending s. 61.14, F.S.; specifying how payments on alimony or spousal support judgments shall be applied; providing for enforcement of interest payments on child support and alimony or spousal support judgments; providing that interest not accrue on postjudgment interest; amending s. 61.30, F.S.; specifying a definition relating to payment of child support varying from the guideline amount whenever any of the children are required by court order to spend a substantial amount of time with either parent; prohibiting use of certain factors in imputing income beyond minimum wage unless a court makes specified findings; revising provisions relating to income tax calculations used in determining net income; eliminating a reduction in the child care cost added to the basic support obligation; providing for determination of the total minimum child support need; providing for payment of a parent's share of the minimum total child support need; deleting provisions relating to adjustment of a minimum child support award relating to the Internal Revenue Service dependency exemption; providing for adjustment of a party's minimum child support award when application of the child support guidelines leaves the party with a net income lower than the federal poverty guidelines; revising the percentage of overnight time-sharing that is considered significant for certain purposes; allowing a court to order a party to execute a waiver of the Internal Revenue Service dependency exemption for a child for good cause shown; amending s. 409.2563, F.S.; revising provisions relating to a presumption of minimum wage earning capacity for purposes of administrative support orders; amending s. 742.08, F.S.; providing for enforcement of interest payments on support judgments; providing that interest shall not accrue on postjudgment interest; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Oelrich—

CS for SB 2276—A bill to be entitled An act relating to a DNA database; providing a short title; amending s. 943.325, F.S.; providing legislative intent; providing definitions; providing a phase-in schedule whereby persons arrested for specified felony offenses will be required to provide DNA samples to the Department of Law Enforcement; requiring reports; providing for a statewide automated personal identification system capable of classifying, matching, and storing analyses of DNA and other data; providing for access; specifying duties of the department; providing that the database may contain DNA for certain types of samples; specifying offenders from whom DNA is to be collected; authorizing the use of reasonable force to collect samples; providing an exemption from liability for use of such force; providing for collection of samples from specified offenders from out of state; requiring the department to provide sample containers; providing requirements for information to be submitted with each sample; providing for court orders for samples; authorizing prosecutors to seek court orders in certain circumstances; requiring that a convicted person pay the actual costs of

collecting the approved DNA samples unless declared indigent; providing that certain failures to strictly comply with statute or protocol are not grounds for challenging the validity of the collection or the use of a DNA sample in court, and evidence based upon or derived from the collected DNA sample may not be excluded by a court; providing that the detention, arrest, or conviction of a person based upon a database match or database information may not be invalidated if it is later determined that the sample was obtained or placed in the database by mistake; providing for retention of samples; providing for analysis of samples; requiring that DNA analysis and the comparison of analytic results be released only to criminal justice agencies; continuing a public-records exemption for such information; prohibiting the willful refusal to provide a DNA sample; providing penalties; prohibiting specified offenses relating to disclosing DNA records, using records without authorization, or tampering with DNA samples or analysis results; providing penalties; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of a conviction for a qualifying offense; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of an arrest; authorizing the Department of Law Enforcement to adopt rules related to the implementation of the removal of DNA analyses and samples from the statewide DNA database; amending ss. 760.40 and 948.014, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Commerce; and Senator Altman—

CS for SB 2376—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a short title; amending s. 212.05, F.S.; imposing a maximum tax limitation on sales of aircraft and boats in this state; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senator Storms—

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

By the Committees on Children, Families, and Elder Affairs; and Health Regulation; and Senator Storms—

CS for CS for SB 2422—A bill to be entitled An act relating to Medicaid; amending s. 409.91195, F.S.; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee within the Agency for Health Care Administration to include a member who is enrolled in the Medicaid program; amending s. 409.912, F.S.; requiring that funds repaid to the agency by managed care plans that spend less than a certain percentage of the capitation rate for behavioral health services be deposited into the Medical Care Trust Fund; providing that such repayments be allocated to community behavioral health providers and used for Medicaid behavioral and case management services; amending s. 409.9122, F.S.; revising the criteria for good-cause disenrollment in a managed care plan or Medipass; providing an effective date.

By the Committees on Finance and Tax; and Judiciary; and Senators Lawson and Gelber—

CS for CS for SB 2430 and SB 1960—A bill to be entitled An act relating to the discretionary surtax on documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; providing that the excise tax on documents applies to transfers involving the exchange of real property for shares of stock or as a capital contribution; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; directing the Department of Revenue to readopt rules relating to the application of the excise tax on documents to transfers of real property involving a legal entity; providing intent that the statutory changes relating to the application of the excise tax on documents for transfers involving legal entities are to be clarifying and remedial in nature; authorizing the Department of Revenue to adopt emergency rules relating to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; providing for application of specified provisions of the act; providing effective dates.

By the Committee on Education Pre-K - 12; and Senators Altman and Wise—

CS for SB 2458—A bill to be entitled An act relating to education personnel; providing a short title; amending s. 39.202, F.S.; providing for access to records by certain education employees or agents in cases of child abuse or neglect; amending ss. 120.81, 1002.36, 1003.62, and 1003.621, F.S., to conform to provisions in the act; amending s. 1004.04, F.S.; requiring the Department of Education to report to the State Board of Education on the effectiveness of graduates of state-approved teacher preparation programs; amending s. 1012.21, F.S.; conforming provisions; requiring the department to notify the Legislature relating to school district compliance with compensation and salary schedule requirements; requiring the department to report to the State Board of Education on educational insufficiency and dismissal and termination related thereto; requiring rulemaking to define educational insufficiency; amending s. 1012.22, F.S.; deleting certain provisions relating to district school board adoption of salary schedules and the basis for an employee's compensation; requiring each district school board to report to the department on its adopted differentiated pay policy; requiring rulemaking relating to school district implementation of compensation and salary schedule requirements; amending s. 1012.2315, F.S.; revising department reporting requirements relating to the assignment of classroom teachers; amending s. 1012.28, F.S.; conforming provisions; creating s. 1012.335, F.S., relating to contracts with classroom teachers hired on or after July 1, 2009; providing intent, findings, and definitions; providing conditions for receipt of probationary, annual, and professional performance contracts; providing a penalty for violation of a contract; providing criteria and procedures for suspension or dismissal of classroom teachers on contract; providing procedures for hearings to contest charges; requiring rules to define just cause; amending s. 1012.34, F.S.; revising provisions to require a school district personnel appraisal system; specifying criteria and procedures for the appraisal process; requiring approval of appraisal instruments; requiring appraisals twice a year for first-year teachers; requiring evaluation of the appraisal system; conforming provisions; amending s. 1012.52, F.S.; requiring the State Board of Education to adopt by rule the Florida Educator Accomplished

Practices; requiring periodic review and revision of the practices; amending s. 1012.56, F.S.; correcting cross-references; authorizing Voluntary Prekindergarten Education Program providers to meet certain requirements relating to educator certification; providing additional means of demonstrating mastery of professional preparation and education competence; authorizing State Board of Education rules for acceptance of certain teaching experience and course credits; providing for retroactive application; amending s. 1012.795, F.S.; conforming provisions; amending s. 1012.98, F.S.; authorizing certain organizations, including organizations of Voluntary Prekindergarten Education Program providers, to develop a professional development system and a program for demonstration of education competence; amending s. 1012.986, F.S.; specifying criteria for leadership standards under the William Cecil Golden Professional Development Program for School Leaders; authorizing the program to be offered through state-approved leadership programs; repealing s. 1012.33(3)(g), F.S., relating to acceptance of certain teaching service for purposes of pay for instructional staff, supervisors, and school principals; providing an effective date.

By the Committees on Judiciary; and Environmental Preservation and Conservation; and Senator Constantine—

CS for CS for SB 2536—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; requiring the Fish and Wildlife Conservation Commission rather than the Department of Revenue to distribute a specified sum from the Invasive Plant Control Trust Fund to eradicate melaleuca; amending s. 253.002, F.S.; setting forth duties of the commission as they relate to state lands; amending s. 253.04, F.S.; providing for preservation of sea grasses; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; amending the definition of the term "live-aboard vessel"; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising certain age limitations on the operation of a vessel powered by a 10-horsepower motor or greater; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; removing an exemption from permit requirements for certain markers placed by county, municipal, or other government entities; amending s. 327.41, F.S., relating to placement of markers by a county or municipality; revising terminology; providing for a county or municipality that has adopted a boating-restricted area by ordinance under specified provisions to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules for the approval; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting regulation by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state; prohibiting certain county or municipality ordinances or regulations; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; amending s. 327.70, F.S.; providing for the mailing of citations; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by counties and municipalities; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; providing that a vessel in violation may be seized and subject to forfeiture; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; exempting vessels lawfully stored at a dock or in a marina; amending ss. 369.20, 369.22, and 369.25, F.S.; providing that the commission has the authority to enforce statutes relating to aquatic weeds and plants; amending s. 379.304, F.S.; providing that anyone violating the provisions governing the sale or exhibition of wildlife is subject to specified penalties relating to captive wildlife; amending s. 379.338, F.S.; authorizing an investigating law enforcement agency to dispose of illegally taken wildlife, freshwater fish, or saltwater fish in certain specified ways; requiring that live wildlife, freshwater fish, and saltwater fish be properly documented as evidence and returned to the habitat unharmed; requiring that nonnative species be disposed of in accordance with rules of the Fish and Wildlife Conservation Commission; providing for the disposition of furs and hides; requiring that the proceeds of sales be deposited in the State Game Trust Fund or the Marine Resources Conservation Trust Fund; requiring the Fish and Wildlife Conservation Commission to give to a state, municipal, or county law enforcement agency that enforces or assists the commission in enforcing the law all or a portion of the value of any property forfeited during an enforcement action; creating s. 379.3381, F.S.; providing that photographs of wildlife or freshwater or saltwater fish may be offered into evidence to the same extent as if the wildlife, freshwater fish, or saltwater fish were directly introduced as evidence; requiring that the photograph be accompanied by a writing containing specified information relating to the illegal seizure of the wildlife or freshwater or saltwater fish; requiring that the wildlife or freshwater or saltwater fish be disposed of as provided by law; amending s. 379.353, F.S.; providing that a resident of this state is exempt from paying certain recreational licenses if the person is eligible for Medicaid services and has been issued an identification card by the Agency for Health Care Administration; amending s. 379.3671, F.S.; providing that if a certificate issued to a person to use a spiny lobster trap is not renewed within a specified period, the certificate will be considered abandoned and revert to the commission; amending s. 379.3751, F.S.; revising the alligator trapping agent's license and the alligator farming agent's license to allow the trapper and the farmer to possess, process, and sell the hides and meat of the alligator; removing the limitation that an alligator trapping agent's license could be issued only in conjunction with an alligator trapping license; amending s. 379.3761, F.S.; providing penalties for the wrongful exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising penalties for a person who unlawfully possesses wildlife; amending s. 379.401, F.S.; making it a level 2 violation for a person to feed or entice an alligator or crocodile and a level 4 violation for a person to illegally kill, injure, or capture an alligator or crocodile; amending s. 379.4015, F.S.; making it a level 2 violation for a person to illegally exhibit of sell wildlife; requiring the commission to establish a pilot program for regulating the anchoring or mooring of non-live-aboard vessels outside public mooring fields; providing geographic regions for the pilot project; specifying the goals of the pilot program; providing requirements; requiring a report to the Governor and Legislature; creating s. 379.501, F.S.; providing penalties for unlawfully disturbing aquatic weeds and plants; providing that a person

is liable to the state for any damage caused to the aquatic weeds or plants and for civil penalties; providing that if a person willfully harm aquatic weeds and plants he or she commits a felony of the third degree; providing criminal penalties; creating s. 379.502, F.S.; authorizing the commission to seek judicial or administrative remedies for unlawfully disturbing aquatic weeds and plants; providing for procedures; authorizing a respondent to request mediation; providing for an award of attorney's fees; providing requirements for calculating administrative penalties; providing for the administrative law judge to consider evidence of mitigation; requiring that penalties be deposited into the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that the judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing that anyone who unlawfully disturbs aquatic weeds or plants is subject to civil penalties; authorizing a court to impose a civil penalty for each offense in an amount not to exceed $10,000 per offense; providing for joint and several liability; providing for determining the value of fish killed for purposes of assessing damages; amending s. 403.088, F.S.; requiring the commission to approve a program intended to control aquatic weeds or algae; providing for a type II transfer of the Bureau of Invasive Plant Management in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for the transfer of the Invasive Plant Control Trust Fund to the Fish and Wildlife Conservation Commission; reenacting s. 379.209(2), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32 F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; providing an appropriation; repealing s. 327.22, F.S.; repealing s. 379.366(7), F.S.; to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

By the Committee on Commerce; and Senator Baker—

CS for SB 2592—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer the program; authorizing the commission to adopt rules; providing for the commission to enter into contracts or memoranda of agreement with other state agencies or partnerships; providing an effective date.

By the Committee on Health Regulation; and Senator Gaetz—

CS for SB 2614—A bill to be entitled An act relating to the Healthy and Fit Florida Act; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt

rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on Commerce; and Transportation; and Senator Haridopolos—

CS for CS for SB 2630—A bill to be entitled An act relating to motor vehicle dealerships; amending s. 320.64, F.S.; revising provisions prohibiting certain acts by a motor vehicle manufacturer, factory branch, distributor, or importer licensed under specified provisions; revising conditions and procedures for certain audits; removing a presumption that a dealer had no actual knowledge that a customer intended to export or resell a motor vehicle; clarifying a dealer's eligibility requirements for licensee-offered program bonuses, incentives, and other benefits; requiring certain payments if a termination, cancellation, or nonrenewal of a dealer's franchise is the result of bankruptcy or reorganization; amending s. 320.642, F.S.; revising provisions for establishing an additional motor vehicle dealership in or relocating an existing dealer to a location within a community or territory where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; revising notice requirements; revising provisions for denial of an application for a motor vehicle dealer license in any community or territory; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles when evaluating the application; revising provisions under which a dealer has standing to protest a proposed additional or relocated motor vehicle dealer; revising provisions for a proposed addition or relocation concerning a dealership that performs only service; amending s. 320.643, F.S.; revising provisions for a transfer, assignment, or sale of franchise agreements; prohibiting rejection of proposed transfer of interest in a motor vehicle dealer entity to a trust or other entity, or a beneficiary thereof, which is established for estate-planning purposes; prohibiting placing certain conditions on such transfer; revising provisions for a hearing by the department or a court relating to a proposed transfer; amending s. 320.696, F.S.; eliminating one of the methods for determining warranty labor and parts reimbursement and more particularly describing exceptions to such calculations; providing for severability; providing an effective date.

By the Committee on Higher Education; and Senator Pruitt—

CS for SB 2682—A bill to be entitled An act relating to the Florida College System; amending s. 20.15, F.S.; renaming the Division of Community Colleges as the Division of Florida Colleges; amending s. 1000.21, F.S.; defining the terms "Florida college" and "community college"; specifying the counties served by each Florida college; renaming specified Florida colleges; amending s. 1001.60, F.S.; providing that the Florida College System consists of specified Florida colleges; authorizing a Florida college to change the institution's name to include "college" or "state college" under specified circumstances; requiring the district board of trustees to seek statutory codification of name changes; conforming provisions to changes made by the act; amending s. 1004.65, F.S.; providing that each Florida college shall be governed by a district board of trustees; defining a Florida college district; providing that the open-door admission policy of Florida colleges applies to lower-division programs; providing that the primary mission of Florida colleges includes the provision of upper-level instruction and baccalaureate degrees as authorized by law; conforming provisions to changes made by the act; repealing s. 1004.73, F.S., relating to St. Petersburg College; repealing s. 1004.875, F.S., relating to the State College Pilot Project; amending s. 1007.23, F.S.; providing that associate in arts graduates of Florida colleges must be granted admission to the upper division of a Florida college and shall receive priority for such admission over out-of-state students; requiring specified publications of Florida colleges and state universities to include certain information; conforming provisions to changes made by the act; amending s. 1007.33, F.S.; providing a definition for the term "district"; authorizing Florida colleges, which were not authorized to offer baccalaureate degree programs before July 1, 2009, to submit an initial proposal for approval to transition to state college status and offer such programs to the State Board of Education; providing requirements for such approval; authorizing Florida colleges, which were authorized to offer baccalaureate degrees before July 1, 2009, to develop additional degree programs and submit proposals for such programs to their local Board of Trustees; providing requirements for such proposals; providing for appeal to the State Board of Education; requiring that a Florida college notify the Chancellor of the Florida College System in advance of its intent to develop or propose additional programs; requiring that the college engage in need, demand, and impact discussions with other local and regional accredited postsecondary providers; specifying requirements for Florida colleges offering baccalaureate degree programs; requiring that the State Board of Education adopt specified rules; conforming provisions to changes made by the act; amending ss. 120.65, 288.8175, 1001.61, 1004.70, 1004.87, and 1009.23, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Governmental Oversight and Accountability; and Senator Alexander—

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

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Health Regulation; and Senator Aronberg—

CS for SM 152—A memorial to the Congress of the United States, urging Congress to support federally funded and state-funded home and community-based services for individuals with disabilities of any age, especially elders.

—was referred to the Committee on Health and Human Services Appropriations.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 362—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; redefining the term "existing urban service area" as "urban service area"; defining the term "dense urban land area"; requiring the Office of Economic and Demographic

Research to annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas; providing for the use of certain data and certain boundaries for such determination; requiring the Office of Economic and Demographic Research to submit to the state land planning agency the list of jurisdictions that meet certain criteria by a specified date; requiring the state land planning agency to publish such list; amending s. 163.3177, F.S.; authorizing the state land planning agency to allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed certain percent under certain circumstances; amending s. 163.3180, F.S.; revising concurrency requirements; revising legislative findings; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; requiring that a local government that has certain transportation concurrency exception area adopt land use and transportation strategies within a specified timeframe; requiring the state land planning agency to submit certain finding to the Administration Commission; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature by a specified date; requiring that the report contain certain information relating to transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job creation projects; revising provisions relating to school concurrency requirements; requiring that charter schools be considered as a mitigation option under certain circumstances; creating s. 163.31802, F.S.; prohibiting the establishment of local security standards requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; providing an exception; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research; providing legislative findings and determinations relating to replacing the transportation concurrency system with a mobility fee system; requiring that the state land planning agency and the Department of Transportation develop a methodology for a mobility fee system; requiring that the state land planning agency and the department submit joint reports to the Legislature by a specified date; extending certain permits, orders, or applications that are due to expire on or before September 1, 2011; providing for application of the extension to certain related activities; providing exceptions; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By the Committee on Community Affairs; and Senator Fasano—

CS for SB 624—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement officer or correctional officer is entitled to specified rights if the officer is subject to suspension in a disciplinary proceeding; providing that a law enforcement officer or correctional officer is entitled to review witness statements by other officers and other existing evidence before the officer under investigation is interrogated; providing that time-limitation periods will be tolled during disciplinary proceedings under certain specified circumstance; amending s. 112.533, F.S.; authorizing a law enforcement officer or correctional officer who is subject to an investigation, and the officer's legal counsel, to review specified documents and recordings before the investigative interview; amending s. 112.534, F.S.; providing procedures and remedies to the officer if an agency intentionally fails to comply with specified provisions; providing that the officer bears the burden of proof to establish intentional violations; providing that the standard of proof is a preponderance of the evidence; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability.

By the Committee on Higher Education; and Senator Oelrich—

CS for SB 844—A bill to be entitled An act relating to postsecondary distance learning; creating s. 1004.091, F.S.; establishing the Florida Distance Learning Consortium; requiring that the Board of Governors and the State Board of Education jointly oversee the consortium; authorizing the consortium to enter into contracts for administrative services; providing duties for the consortium; amending ss. 1009.23 and 1009.24, F.S.; defining the term "distance learning course" for purposes of assessing a distance learning course user fee for community college and state university students; providing an effective date.

—was referred to the Committee on Higher Education Appropriations.

By the Committees on Environmental Preservation and Conservation; and Communications, Energy, and Public Utilities; and Senator King—

CS for CS for SB 1154—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to reduce greenhouse gas emissions through the direct end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 403.503, F.S.; revising the definition of "electrical power plant"; amending s. 525.09, F.S.; imposing a fee on alternative fuel containing alcohol; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 1462—A bill to be entitled An act relating to recycling; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and General Government Appropriations.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

—was placed on the Calendar.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

—was placed on the Calendar.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

—was placed on the Calendar.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

—was placed on the Calendar.

By the Policy and Steering Committee on Ways and Means; and Senator Alexander—

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

—was placed on the Calendar.

By the Committee on Banking and Insurance; and Senator Richter—

CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Banking and Insurance; and Senator Bennett—

CS for SB 2036—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regula-

tion to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committees on Finance and Tax; and Judiciary; and Senators Lawson and Gelber—

CS for CS for SB 2430 and SB 1960—A bill to be entitled An act relating to the discretionary surtax on documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; providing that the excise tax on documents applies to transfers involving the exchange of real property for shares of stock or as a capital contribution; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; directing the Department of Revenue to readopt rules relating to the application of the excise tax on documents to transfers of real property involving a legal entity; providing intent that the statutory changes relating to the application of the excise tax on documents for transfers involving legal entities are to be clarifying and remedial in nature; authorizing the Department of Revenue to adopt emergency rules relating to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; providing for application of specified provisions of the act; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senator Gaetz—

CS for SB 2614—A bill to be entitled An act relating to the Healthy and Fit Florida Act; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disburse-

ments; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Florida Citrus Commission		
Appointee:	Pena, Virginia S., Clewiston	05/31/2011
Florida Communities Trust		
Appointees:	Alfonso, Albert E., Tampa	01/31/2013
	Lindblad, A. Erick, Ft. Myers	01/31/2013
Construction Industry Licensing Board		
Appointee:	Malphus, Wilbert, Lutz	10/31/2010
Board of Cosmetology		
Appointees:	Ritenbaugh, Laurel K., Plant City	10/31/2012
	Smith, Monica Schuloff, Palmetto Bay	10/31/2011
Education Practices Commission		
Appointee:	Walker, Cindi, Loxahatchee	01/20/2013
Electrical Contractors' Licensing Board		
Appointees:	Bramlett, Robert M., Ocala	10/31/2012
	Thomas, Noel H., Keystone Heights	10/31/2012
Board of Professional Geologists		
Appointees:	Harmon, James J., Palm Springs	10/31/2011
	Poppell, Robert R., Tallahassee	10/31/2012
Board of Massage Therapy		
Appointees:	Ford, Karen Goff, Punta Gorda	10/31/2011
	Smallwood, Robert, Key West	10/31/2011
	Stoehs, William F., Hudson	10/31/2010
Board of Nursing		
Appointees:	Colin, Jessie M., Cooper City	10/31/2012
	Denker, Ann-Lynn, Miami	10/31/2012
	Newman, Jody Bryant, Clermont	10/31/2009
Florida Real Estate Appraisal Board		
Appointee:	Oreto, Evalyn F., Hudson	10/31/2011
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointee:	Rice, Kelly S., Webster	03/01/2011

Referred to the Committee on Ethics and Elections.

Florida Energy and Climate Commission		
Appointee:	Harrison, Debra "Debbie" S., Marathon	09/30/2011

Referred to the Committees on Communications, Energy, and Public Utilities; and Ethics and Elections.

State Board of Education		
Appointee:	Martinez, Roberto, Coral Gables	12/31/2012

Referred to the Committees on Education Pre-K - 12; and Ethics and Elections.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 7 was corrected and approved.

CO-INTRODUCERS

Senators Altman—SB 1122; Aronberg—CS for CS for CS for SB 462, CS for SB 2462; Deutch—SB 1066; Fasano—CS for SJR 1550; Gaetz—CS for SB 270; Hill—CS for SB 198; Joyner—SB 1480; Lynn—CS for CS for SB 478, SB 1572; Oelrich—CS for CS for SB 1502

RECESS

On motion by Senator Aronberg, the Senate recessed at 2:18 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 16 or upon call of the President.

SENATE PAGES

April 13-17, 2009

Mackenzie Alexander, Rockledge; Dexter "Dex" Barge, Jr., Valrico; Jennifer "Jenn" Beatty, Ft. Myers; Edward Becht, Sarasota; Samuel P. Block, Tallahassee; Douglas Chico, Tallahassee; Shaun Dickinson, Tampa; Maxwell "Max" Giverson, Ocala; Nicholas "Cole" Gilliam, Valrico; Kristilee Ginther, Chuluota; Celia Glassman, Tallahassee; Max Gleber, Ft. Lauderdale; Sarah Haas, Winter Springs; Colleen Heeney, Lake City; Cadeshia Jones, Tallahassee; John Ketring, Perry; Phillip Malecot, Largo; Dana Martin, Quincy; Georgia May, Tallahassee; Matthew Nuzzo, Trinity; Andrew Sherman, Greenwood; Kathleen Stembridge, Tampa; Lauren Todd, Ft. Myers; Karly Vojnar, Pierson

Journal of the Senate

Number 9—Regular Session **Thursday, April 16, 2009**

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CALL TO ORDER

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

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

Excused: Senator Bullard

PRAYER

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

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

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

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

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

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

PLEDGE

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

DOCTOR OF THE DAY

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

ADOPTION OF RESOLUTIONS

On motion by Senator King—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REMARKS

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

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

If you study Mallory's background, there isn't anything that he did that he didn't do with excellence. That was the part that inspired me the most. His philosophy was always, "If you're going to do it, do it well," and, golly, did he do it well. If you read his biography, you' ll see that he was "Top Gun" - best in class, first in the nation. Between the years 1963 and 1973, he became both Speaker of the House and President of the Senate. Now, that is virtually impossible and may never be done again. He is, after Reconstruction, the only elected official who has served as both Speaker and as President.

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

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

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

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

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

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

SPECIAL GUESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On motion by Senator Rich—

By Senator Rich—

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

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

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

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

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

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

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

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

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

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

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

On motion by Senator Wise—

By Senator Wise—

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

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

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

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

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

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

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

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

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

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

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

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

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

On motion by Senator Wilson—

By Senator Wilson—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the request of Senator Rich—

By Senator Rich—

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

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

WHEREAS, the spinal cord is considered the "information superhighway" of the body because it contains bundles of neurons that carry signals to and from the brain, controlling many bodily functions, and

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

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

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

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

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

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

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

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

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

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

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

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

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

At the request of Senator Rich—

By Senator Rich—

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

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

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

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

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

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

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

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

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

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

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

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

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

At the request of Senator Detert—

By Senator Detert—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the request of Senator Joyner—

By Senator Joyner—

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

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

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

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

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

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

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

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

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

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

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

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

BILLS ON THIRD READING

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

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

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

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

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

Yeas—39

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

Nays—None

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

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

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

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

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

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

Consideration of **SB 1124** was deferred.

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

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

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

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

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Richter

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

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

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

Yeas—39

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

Nays—None

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

—was read the third time by title.

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

Yeas—39

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

Nays—None

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

SPECIAL ORDER CALENDAR

SB 2600—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2009, and ending June 30, 2010, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (997007)—

```
                                                    DELETE              INSERT

      In Section     On Page 000

      EDUCATION, DEPARTMENT OF
      Community Colleges, Division Of
      Program: Community College Programs  48400600

      In Section 02  On Page 028
114   Aid To Local Governments  050217
      Grants And Aids - Community Colleges
      Program Fund  IOEB

  1000  From General Revenue Fund            782,816,828    782,816,428
      CA -400  FSI1 -400

Immediately following Specific Appropriation 114, DELETE:


Manatee Community College..................................  16,308,297
Polk Community College.....................................  14,205,643
Santa Fe Community College.................................  26,736,182
Seminole Community College.................................  26,873,677

and insert in lieu thereof:


Manatee Community College..................................  16,308,197

Polk Community College.....................................  14,205,543
Santa Fe Community College.................................  26,736,082
Seminole Community College.................................  26,873,577

      In Section 02  On Page 030
115   Aid To Local Governments  050220
      Grants And Aids - Community College
      Baccalaureate Programs  IOEB

  1000  From General Revenue Fund              8,424,410      8,424,810
      CA 400  FSI1 400

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

Manatee Community College.............................................100
Polk Community College................................................100
Santa Fe College......................................................100
Seminole Community College............................................100
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Senator Justice moved the following amendment which failed:

Amendment 2 (997008)—

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                                                    DELETE              INSERT

      GOVERNOR, EXECUTIVE OFFICE OF THE
      Program: Office Of Tourism, Trade And
      Economic Development
      Economic Development Programs And
      Projects  31800600

      In Section 06  On Page 298
2570  Special Categories  100259
      Quick Action Closing Fund  IOEA

  1000  From General Revenue Fund             31,923,000     20,000,000
      CA -11,923,000  FSI1NR -11,923,000

      EDUCATION, DEPARTMENT OF
      Public Schools, Division Of
      Program: State Grants/K-12 Program - Non
      FEFP  48250400

      In Section 02  On Page 021
82A   Grants And Aids - Pinellas County Schools   xxxxxx
      Teacher Recruit, Retain, and Reward Pilot
      Program  IOEB

  1000  From General Revenue Fund                              11,923,000
      CA 11,923,000  FSI1NR 11,923,000


Following Specific Appropriation 82A, INSERT:

The funds in Specific Appropriation 82A are provided for the Pinellas
County Schools Teacher Recruit, Retain, and Reward Pilot Program for the
Pinellas County School District to use to recruit education graduates
from Florida universities as well as provide for Pinellas County School
District to adopt a retention and reward program for teachers who excel
according to program criteria.
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Amendment 3 (997009) was withdrawn.

Senator Gardiner moved the following amendment which was adopted:

Amendment 4 (997011)—

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                                                    DELETE              INSERT

      TRANSPORTATION, DEPARTMENT OF
      Transportation Systems Development
      Program: Transportation Systems
      Development  55100100

      In Section 05  On Page 243
1999  Fixed Capital Outlay  088774
      Public Transit Development/Grants  IOEK

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

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

and insert in lieu thereof:

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

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

Amendment 5 (997010) was withdrawn.

Substitute Amendment 5 (997012) was withdrawn.

Amendment 6 (997013) was withdrawn.

Amendment 7 (997014) was withdrawn.

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

Yeas—39

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

Nays—None

SB 2602—A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; authorizing the Department of Corrections to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; providing for the expiration of the authority to seek a budget amendment; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the Department of Corrections or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; providing an expiration date for the limits on compensation; authorizing the Department of Legal Affairs to transfer certain funds from certain cases to the Operating Trust Fund to pay salaries and benefits; providing an expiration date for the transfer of funds; amending s. 287.057, F.S.; delaying the expiration of provisions authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis; amending s. 394.908, F.S.; delaying the expiration of provisions requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; requiring the Department of Children and Family Services to ensure that information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing certain moneys to be appropriated to offset reductions in ad valorem tax revenue experienced by fiscally constrained counties occurring as a direct result of the implementation of revisions of Art. VII of the State Constitution approved in the special election held on January 29, 2008; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; providing for the expiration of such authorization; amending s. 253.01, F.S.; delaying the expiration of provisions relating to grants and aids from the Internal Improvement Trust Fund for the drinking water facility construction state revolving loan program and the clean water state revolving loan program; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; repealing s. 27 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 255.518(1)(b), F.S., and abrogating the revision of the text of that paragraph to that in existence on June 30, 2008, with specified exceptions; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; providing an expiration date; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 403.1651, F.S.; providing that funds from the Ecosystem Management and Restoration Trust Fund be used for the purpose of funding activities to preserve and repair the state's beaches; providing for reversion of statutory text of certain provisions; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds from the sale of property located in Palm Beach County by the Department of Highway Safety and Motor Vehicles into the Highway Safety Operating Trust Fund; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund operational and maintenance assistance security projects at publicly owned public-use airports; providing for the future expiration of such authority and the reversion of statutory text; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of funds from the State Transportation Trust Fund; amending s. 339.135, F.S.; delaying the expiration of provisions relating to the transfer of funds from the Department of Transportation to the Office of Tourism, Trade, and Economic Development for the purpose of funding the transportation-related needs of certain projects; revising the amount of such transfer; deleting obsolete provisions; creating the Florida Homebuyer Opportunity Program within the Florida Housing Finance Corporation; providing legislative intent; defining the term "anticipated federal assistance"; providing duties for the corporation to implement and administer the program; providing certain requirements for the program; requiring that the administration of the program be consistent with certain Federal Housing Administration requirements; requiring that the corporation negotiate with private lenders to borrow additional funds to support the program; providing for future expiration of the program; providing that the annual salary of the members of the Legislature be reduced by 6 percent; providing for future expiration; requiring that each agency develop a wireless device assignment plan limiting the use of cellular telephones, personal digital assistants, and other devices; requiring that each agency review such use and submit a report to the Legislature by a specified date; providing that the report contain certain information; reenacting s. 215.32(2)(b), F.S., relating to the transfer of moneys from trust funds to the General Revenue Fund; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; repealing s. 49 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 215.5601(4), F.S., and abrogating the revision of the text of that subsection to that in existence on June 30, 2009, with specified exceptions; providing a statement of public interest with respect to the issuance of new debt to address a critical state emergency; providing for future expiration; limiting the use of state funds for travel by state employees to activities that are critical to each state agency's mission; requiring that each agency head approve such travel in writing; providing exceptions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for other acts passed during the 2009 Regular Session which

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

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

Yeas—39

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

Nays—None

MOTIONS

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

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

—was read the second time by title.

Senator Rich moved the following amendment which failed:

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

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

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

Yeas—39

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

Nays—None

On motion by Senator Villalobos, by unanimous consent—

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

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

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

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

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

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

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

CO-INTRODUCERS

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

Yeas—39

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

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

Nays—None

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

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

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bennett, Detert, Villalobos

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

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

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

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

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

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

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

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

Yeas—38

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

Nays—1

Haridopolos

Vote after roll call:

Nay to Yea—Haridopolos

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

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

Yeas—39

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

Nays—None

Vote after roll call:

Yea to Nay—Joyner

CS for CS for SB 1676—A bill to be entitled An act relating to education funding; amending s. 1001.20, F.S.; requiring that the Office of Technology and Information Services within the Office of the Commissioner of Education assist school districts in securing Internet access and telecommunications services that are eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund; creating s. 1001.271, F.S.; requiring that the Commissioner of Education purchase the nondiscounted portion of Internet access services for the Florida Information Resource Network; requiring that each user of the network identify the source of funds in its requisition; amending s. 1001.28, F.S.; revising the Department of Education's duties regarding distance learning; amending s. 1001.395, F.S.; requiring that the salary of district school board members be the same amount as the annual calculation or the salary of members of the Legislature, whichever is less, for a specified period; amending s. 1001.42, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school board employee before his or her employment contract expires; amending s. 1001.451, F.S.; delaying the expiration of provisions relating to the amount of funding distributed to each school district and eligible member of a regional consortium service organization; amending s. 1001.47, F.S.; authorizing elected district school superintendents to reduce their salary rates on a voluntary basis; requiring that each elected district school superintendent's salary be reduced by 5 percent for the 2009-2010 fiscal year; amending s. 1001.50, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school superintendent before his or her employment contract terminates; limiting the amount of remuneration that a district school superintendent receives annually from state funds; providing a definition for the term "remuneration"; limiting the use of the superintendent's compensation in calculating benefits under ch. 121, F.S.; encouraging district school boards and superintendents to review the superintendent's annual remuneration for the 2009-2010 fiscal year and mutually agree to at least a 5 percent reduction; amending s. 1002.33, F.S.; requiring that a charter school comply with the class-size requirements; amending s. 1002.37, F.S.; redefining the definition of the term "full-time equivalent student" as it relates to funding for the Florida Virtual School and virtual instruction; amending s. 1002.45, F.S.; conforming provisions to changes made by the act; amending s. 1002.71, F.S.; revising provisions relating to the funding of prekindergarten programs; amending s. 1003.03, F.S.; extending dates relating to the calculation of the number of students for purposes of complying with the maximum-class-size requirement; providing duties for the Department of Education if the department determines that the number of students assigned to any individual class exceeds the class size maximum; providing for the reduction of the class-size-reduction operating categorical allocation under certain circumstances; requiring that the department prepare a simulated calculation; amending s. 1006.06, F.S.; revising provisions relating to school breakfast programs to include state allocations; amending s. 1006.28, F.S.; clarifying the definition of the term "adequate instructional materials"; amending s. 1006.36, F.S.; extending the term of adoption for instructional materials; amending s. 1006.40, F.S.; conforming provisions to changes made by the act; amending s. 1008.29, F.S.; requiring that the State Board of Education adopt rules establishing fees for the administration of the college-level communications and mathematics skills examination to public postsecondary students; amending s. 1008.41, F.S.; authorizing rather than requiring the Commissioner of Education to employ the Florida Information Resource Network to perform certain functions relating to workforce education; creating s. 1010.06, F.S.; prohibiting the Division of Public Schools within the Department of Education from using state funds appropriated by the Legislature to pay indirect cost to a university, community college, school district, or other entity; amending s. 1010.11, F.S.; authorizing each district school board, community college board of trustees, and university board of trustees to electronically transfer funds for payment; amending s. 1011.09, F.S.; prohibiting a district school board from using funds for out-of-state travel, cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service through any means, unless specifically approved by the district school board; amending s. 1011.18, F.S.; authorizing a district school superintendent to transfer funds from a district school depository to pay expenses, expenditures, or other disbursements if proper documentation is provided; amending s. 1011.60, F.S.; revising the minimum requirements for the Florida Education Finance Program relating to the term of operation; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student"; amending s. 1011.62, F.S.; requiring that a student who is enrolled in study hall not be included in the calculation of full-time equivalent student membership for funding purposes; decreasing the amount of certain bonuses for teachers; decreasing the value of full-time equivalent student membership calculated on the basis of international baccalaureate examination scores; decreasing the value of full-time equivalent student membership calculated on the basis of college board advanced placement scores; decreasing the value of full-time equivalent student membership calculated on the basis of certification of successful completion of industry-certified career and professional academy programs; deleting certain provisions that provide a calculation for additional full-time equivalent membership for students enrolled in the Florida Virtual School; revising certain provisions relating to the amount that each school district is required to provide annually toward the cost of the Florida Education Finance Program; extending a date relating to categorical funds for instructional materials; deleting provisions relating to the total allocation of state funds to each district for current operation for the FEFP; creating s. 1011.675, F.S.; creating a discretionary bonus allocation for school districts to recognize and reward the outstanding performance of students, teachers, and school-based administrators; providing that the funds be allocated to each school district as provided in the General Appropriations Act; authorizing school districts to use the funds for certain programs or any other purpose it deems appropriate; repealing s. 1011.68(7), F.S., relating to funds for student transportation; removing a provision that authorizes a district school board to transfer funds to its Florida Education Finance Program; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operating categorical funds; amending s. 1011.71, F.S.; revising certain provisions relating to the district school tax; waiving the three-fourths limit for certain lease-purchase agreements for a specified period; authorizing district school boards to levy an additional discretionary millage for certain operations; authorizing the Commissioner of Education to waive the equal-dollar reduction in Florida Education Finance Program funds if he or she finds that a school district acted in good faith; amending s. 1012.33, F.S.; revising provisions relating to contracts for instructional staff; advising a district school board not to enter into a new professional service contract if the only available funds are from nonrecurring Federal Stabilization Funds; amending s. 1012.71, F.S.; authorizing the Department of Education to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system; providing requirements for such pilot program; providing that participation in the pilot program is voluntary; authorizing the department to limit the number of participants to adequately test the viability of the pilot program; amending s. 1013.62, F.S.; revising the criteria for determining a charter school's eligibility for capital outlay funding; amending s. 1013.64, F.S.; requiring that the school districts of Wakulla County and Liberty County contribute specific millage amounts to the cost of current special facilities projects for specified fiscal years; repealing s. 9 of chapter 2008-142, Laws of Florida; abrogating the expiration of certain amendments relating to categorical funding for the operation of schools; providing for implementation of specified appropriations; providing for the incorporation by reference of certain calculations used by the Legislature for the 2009-2010 fiscal year; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendment:

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

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

And the directory clause is amended as follows:

Delete lines 582-583 and insert:

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

And the title is amended as follows:

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

MOTION

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

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

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

And the title is amended as follows:

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

Amendment 1 as amended was adopted.

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

Yeas—37

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

Nays—2

Gelber	Rich

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

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

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Justice

CS for SB 1742—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; transferring the Invasive Plant Control Trust Fund in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; transferring to the Fish and Wildlife Conservation Commission all powers, duties, records, personnel, property, funds, rules, issues, and contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection; ratifying actions taken pursuant to chapter 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; amending s. 379.353, F.S.; providing that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any resident saltwater fishing from land who has been determined eligible for the food stamps, temporary cash assistance, or the Medicaid programs; providing for proof of eligibility for the qualifying programs; removing the exemption from the need to possess a license for a resident fishing for a saltwater species in fresh water from land; reenacting s. 379.3581(7), F.S., relating to hunter safety courses, to incorporate the amendments made to s. 379.353, F.S., in a reference thereto; providing effective dates.

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

Yeas—39

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

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

Nays—None

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

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

Yeas—39

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

Nays—None

CS for SB 1748—A bill to be entitled An act relating to the Department of Revenue; amending s. 195.022, F.S.; requiring county property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards to bear the expense of reproducing forms prescribed by the Department of Revenue to administer and collect ad valorem taxes; amending s. 213.34, F.S.; defining terms; imposing an administrative collection processing fee on a taxpayer who fails to pay the amount of tax or penalty due within a certain period after a noncompliant filing event; specifying the amount of the administrative collection processing fee; specifying circumstances under which the Department of Revenue may waive or reduce the fee; providing for the distribution of administrative collection processing fees; amending s. 213.75, F.S.; revising the priority order against which payments by a taxpayer apply to amounts owed to the Department of Revenue; providing for application of the administrative collection processing fees to certain noncompliant filing events; amending s. 213.755, F.S.; requiring any taxpayer who does not electronically file a certain tax return to pay a specified fee; requiring the fee to be deposited into the Operations Trust Fund of the Department of Revenue; providing that the fee is subject to a service charge; amending s. 220.21, F.S.; conforming a cross-reference; providing for application of specified provisions of the act; providing effective dates.

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

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1750—A bill to be entitled An act relating to the disposition of tax revenues; amending s. 212.20, F.S.; revising the disposition of the proceeds of certain taxes; reducing a distribution to the Ecosystem Management and Restoration Trust Fund and increasing a distribution to the General Revenue Fund; providing for reversion of statutory text of certain provisions; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1750** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	
Fasano	Peaden	

Nays—None

Vote after roll call:

Yea—Alexander, Oelrich

CS for SB 1754—A bill to be entitled An act relating to the laws and rules examination for certified public accountants; amending ss. 455.217, 473.305, 473.311, and 473.313, F.S.; removing provisions requiring that an applicant for renewal of a license to practice public accounting pass an examination on chs. 455 and 473, F.S., and related administrative rules; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1754** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

Constantine	Gelber	Pruitt
Crist	Haridopolos	Rich
Dean	Hill	Richter
Detert	Jones	Ring
Deutch	Joyner	Siplin
Diaz de la Portilla	Justice	Smith
Dockery	King	Sobel
Fasano	Lawson	Storms
Gaetz	Lynn	Villalobos
Garcia	Oelrich	Wilson
Gardiner	Peaden	Wise

Nays—None

CS for SB 1758—A bill to be entitled An act relating to insurance; amending s. 624.523, F.S.; revising the list of items from which payments received are deposited into the Insurance Regulatory Trust Fund; amending ss. 626.932 and 626.938, F.S.; deleting provisions relating to the distribution of certain collected taxes and interest; providing for the reversion as of a specified date of the statutory text of certain provisions relating to the distribution of collected taxes and interest; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1758** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating the Capital Collateral Regional Counsel Trust Fund; specifying the purposes of the trust fund; providing for future review and termination or re-creation of the trust fund; amending s. 27.702, F.S.; providing for the deposit of funds reimbursing the state for representation of certain indigent persons into the Capital Collateral Regional Counsel Trust Fund; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1720** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Oelrich

CS for SB 1722—A bill to be entitled An act relating to the Department of Corrections; amending s. 775.082, F.S.; requiring that the court sentence certain offenders to a nonstate prison sanction unless the court makes written findings that ordering an offender to a nonstate prison sanction could present a danger to the public; creating s. 921.00241, F.S.; providing that on or after a specified date a court may divert from the state correctional system certain offenders who otherwise would be sentenced to state prison; providing eligibility criteria for participation in the state prison diversion program if such a program is funded and exists in the circuit; requiring the court to make written findings that the offender meets the eligibility criteria for the diversion program; creating s. 944.171, F.S.; authorizing the Department of Corrections to contract with county and municipal entities to house inmates committed to the department; authorizing the department to enter into contractual agreements with another state, a political subdivision of another state, or a vendor in another state to transfer and confine Florida inmates within that state; requiring the reclassification of inmates before a transfer occurs; providing for the contents of the contract; providing that a transferred inmate remains subject to the rules of the Florida Parole Commission; requiring that contracts for the transfer of inmates be procured according to state law; requiring that additional beds authorized under a contract be added to the total capacity of the state correctional system; authorizing the department to adopt rules; amending s. 945.6037, F.S.; increasing the copayment that an inmate must make for a nonemergency visit to a health care provider; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the department or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; amending s. 947.1405, F.S.; requiring any person who has been placed under supervision and is electronically monitored by the department to pay the department for the cost of the electronic monitoring service; requiring that funds collected from the person be deposited into the General Revenue Fund; authorizing the Department of Corrections to exempt a person from the payment of all or any part of the electronic monitoring service cost under certain circumstances; amending s. 948.01, F.S.; requiring the court to use the orders of supervision prepared by the Department of Corrections when placing a defendant on community supervision; amending s. 948.09, F.S.; requiring a person to pay the department the cost of electronically monitoring the offender while the offender is placed on supervision; providing for a cost cap on the monitoring service; providing that the department may exempt a person from paying all or any part of the costs of the electronic monitoring service under certain circumstances; amending s. 948.11, F.S.; requiring a person who is electronically monitored on supervision to pay the department for the electronic monitoring services; amending s. 957.09, F.S.; providing that the provisions governing private correctional facilities do not apply to contracts between the department and county and municipal entities, other states, political subdivisions of another state, or correctional management service vendors in another state for the transfer and confinement of state inmates; providing for future expiration of such exemption; amending s. 958.045, F.S.; requiring the Department of Corrections to submit a report to the court at least 30 days before a youthful offender is scheduled to complete the basic training program; requiring the court to modify the youthful offender's sentence and place the offender on probation if the youthful offender has successfully completed the basic training program; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1722** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Gaetz
Alexander	Dean	Garcia
Altman	Detert	Gardiner
Aronberg	Deutch	Gelber
Baker	Diaz de la Portilla	Haridopolos
Bennett	Dockery	Hill
Constantine	Fasano	Jones

Joyner	Peaden	Smith
Justice	Pruitt	Sobel
King	Rich	Storms
Lawson	Richter	Villalobos
Lynn	Ring	Wilson
Oelrich	Siplin	Wise

Nays—None

CS for CS for SB 1724—A bill to be entitled An act relating to juvenile justice; amending s. 320.08046, F.S.; increasing a surcharge on the license tax for certain motor vehicles; revising the disposition of the proceeds of the tax; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for CS for SB 1724** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1726—A bill to be entitled An act relating to postadjudicatory treatment-based drug court programs; amending s. 397.334, F.S.; specifying criteria that a court must consider before sentencing a person to a postadjudicatory treatment-based drug court program; providing for the judge presiding over a program to hear violations of probation or community control by program participants; requiring circuit courts to report data relating to postadjudicatory treatment-based drug court programs to the Office of the State Courts Administrator; providing legislative intent with respect to monitoring the programs; requiring that the Office of Program Policy Analysis and Government Accountability evaluate the programs and report to the Legislature; amending s. 921.0026, F.S.; specifying that substance abuse or addiction is an additional circumstance justifying a departure from a sentence if the defendant is amenable to a drug court program and is otherwise qualified; amending s. 948.01, F.S.; authorizing a court to place certain nonviolent felony offenders who are on probation or community control into a postadjudicatory treatment-based drug court program; amending s. 948.06, F.S.; authorizing a court to place certain nonviolent felony offenders who violate their on probation or community control into a postadjudicatory treatment-based drug court program amending s. 948.20, F.S.; authorizing a court to place certain chronic substance abusers who are a nonviolent felony offender into a postadjudicatory treatment-based drug court program; amending ss. 948.08, 948.16, and 948.345, F.S.; conforming-cross references; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1726** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Constantine	Dockery
Alexander	Crist	Fasano
Altman	Detert	Gaetz
Aronberg	Deutch	Garcia
Baker	Diaz de la Portilla	Gardiner
Gelber	Lawson	Ring
Haridopolos	Lynn	Smith
Hill	Oelrich	Sobel
Jones	Peaden	Storms
Joyner	Pruitt	Villalobos
Justice	Rich	Wilson
King	Richter	Wise

Nays—None

Vote after roll call:

Yea—Bennett, Dean, Siplin

CS for SB 1728—A bill to be entitled An act relating to the Parole Commission; amending ss. 11.905, 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 311.12, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 943.325, 944.012, 944.02, 944.4731, 945.091, 945.10, 945.47, 945.73, 947.005, 947.01, 947.02, 947.021, 947.045, 947.141, 947.146, 947.181, 947.185, 947.22, 948.10, 949.05, 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.045, F.S.; changing the name of the Parole Commission to the Commission for Offender Assessment and Transition; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1728** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for CS for SB 1778—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; terminating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; transferring the current balances in and revenues of the trust fund to the Highway Safety Operating Trust Fund within the department; requiring that the department pay any outstanding debts and obligations of the fund; requiring that the Chief Financial Officer close out and remove the trust fund from the state accounting systems; amending ss. 17.61 and 215.20, F.S.; deleting references to the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; increasing the fee for a copy of a crash report provided by a certified traffic records center; amending s. 316.605, F.S.; deleting a reference to registration decal to conform to changes made by the act; amending s. 318.15, F.S.; increasing the service charge relating to the suspension of a driver's license; amending s. 319.23, F.S.; increasing the fee relating to an application for a certificate of title; amending s. 319.32, F.S.; increasing the title fee for a motor vehicle for hire; requiring an additional fee for each subsequent inspection of a vehicle that receives a physical examination; providing that the proceeds from such fees be deposited into the General Revenue Fund and the Highway Safety Operating Trust Fund; amending ss. 319.323 and 319.324, F.S.; increasing the fee relating to expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession; conforming provisions to changes made by the act; amending s. 319.33, F.S.; deleting

references to decals for the identification of a motor vehicle; ss. 319.34 and 320.02, F.S.; conforming provisions to changes made by the act; amending s. 320.023, F.S.; requiring that any voluntary contribution on a motor vehicle registration application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 320.025, F.S.; conforming provisions to changes made by the act; amending s. 320.03, F.S.; increasing a fee on license registrations to cover the costs of the Florida Real Time Vehicle Information System; amending s. 320.031, F.S.; conforming provisions to changes made by the act; amending s. 320.04, F.S.; revising provisions relating to service charges for the issuance of registration certificates for a vehicle, vessel, or mobile home to conform to changes made by the act; amending s. 320.05, F.S.; revising provisions relating to fees for providing lists of motor vehicle or vessel records; amending s. 320.055, F.S.; deleting provisions relating to driver's license registration periods and renewal periods; amending ss. 320.06 and 320.0607, F.S.; extending the period for which registration license plates are issued and replaced; increasing fees for the replacement of such plates; amending ss. 320.061, 320.07, and 320.071, F.S.; conforming provisions to changes made by the act; amending s. 320.08, F.S.; increasing the annual license taxes imposed for the operation of motor vehicles, mopeds, motorized bicycles, and mobile homes; providing that a certain portion of each tax be deposited into the General Revenue Fund; conforming provisions to changes made by the act; amending s. 320.08035, F.S.; conforming a cross-reference; amending s. 320.08046, F.S.; increasing the surcharge levied on each license tax; increasing the percentage of the proceeds of such surcharge for deposit into the General Revenue Fund; amending s. 320.0805, F.S.; increasing the processing fee for personalized prestige license plates; amending s. 320.08056, F.S.; increasing the processing fee for specialty license plates; amending s. 320.0807, F.S.; conforming a cross-reference; amending s. 320.081, F.S.; revising provisions relating to the distribution of annual license taxes imposed on mobile homes, park trailers, travel trailers, and fifth-wheel trailers exceeding 35 feet in body length; requiring that such distribution be made by payment by warrant drawn by the Chief Financial Officer upon the treasury on a monthly basis from the License Tax Collection Trust Fund; amending s. 320.084, F.S.; revising provisions relating to license plates for certain disabled veterans to conform to changes made by the act; conforming a cross-reference; amending s. 320.086, F.S.; conforming provisions to changes made by the act; amending s. 320.0894, F.S.; deleting provisions relating to Gold Star license plates to conform to changes made by the act; amending ss. 320.10, 320.26, and 320.261, F.S.; conforming provisions to changes made by the act; amending s. 320.822, F.S.; deleting the definition of the term "seal" or "label"; repealing s. 320.824, F.S.; deleting provisions authorizing the department to adopt rules relating to the uniform mobile home standards; deleting provisions authorizing the department or its agent to enter a place or establishment where mobile homes are manufactured, sold, or offered for sale; amending s. 320.8245, F.S.; conforming provisions to changes made by the act; amending s. 320.8249, F.S.; conforming a cross-reference; repealing s. 320.8255, F.S., relating to mobile home inspections; amending ss. 320.827 and 320.834, F.S.; deleting provisions to conform to changes made by the act; amending s. 321.23, F.S.; increasing the cost of receiving a copy of a crash report from the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; revising provisions relating to a fee for obtaining a duplicate identification card; amending s. 322.081, F.S.; requiring that any voluntary contribution on a driver's license application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 322.12, F.S.; increasing the examination fees for subsequent knowledge and skills tests for a driver's license if an applicant failed the initial tests; amending s. 322.20, F.S.; increasing the fee for obtaining records from the Division of Driver Licenses; amending s. 322.201, F.S.; revising provisions relating to the certification of certain records as evidence; amending s. 322.21, F.S.; increasing commercial license fees; amending s. 322.2715, F.S.; requiring that an installer of a ignition interlock device collect and remit an installation fee to the department to be deposited into the Highway Safety Operating Trust Fund for the operation of the Ignition Interlock Device Program; amending s. 322.29, F.S.; conforming provisions to changes made by the act; prohibiting certain private entities from providing supervision services of certain offenders; amending s. 322.293, F.S., relating to the DUI Programs Coordination Trust Fund; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

Senators Fasano and Smith offered the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (189018) (with title amendment)—Delete lines 1971-1993 and insert:

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination is required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or s. 322.245 shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed on him or her pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of *$60* ~~$47.50~~, of which $37.50 shall be deposited into the General Revenue Fund and *$22.50* ~~$10~~ shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, $37.50 shall be retained and *$22.50* ~~$10~~ shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a *$45* ~~$35~~ fee or *$75* ~~$60~~ fee under the provisions of s. 322.21.

And the title is amended as follows:

Delete lines 130-132 and insert: provisions to changes made by the act; amending s. 322.293,

MOTION

On motion by Senator Haridopolos, the rules were waived to allow the following amendment to be considered:

Senator Haridopolos moved the following amendment:

Amendment 2 (545162) (with title amendment)—Delete lines 1971-1993 and insert:

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination is required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or s. 322.245 shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed on him or her pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of *$60* ~~$47.50~~, of which $37.50 shall be deposited into the General Revenue Fund and *$22.50* ~~$10~~ shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, $37.50 shall be retained and *$22.50* ~~$10~~ shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a *$45* ~~$35~~ fee or *$75* ~~$60~~ fee under the provisions of s. 322.21.

Section 55. Subsection (5) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(5) Competing applicants and currently licensed DUI programs, upon expiration of current licensure, may not offer services authorized under s. 948.15 in addition to services authorized in this chapter if both services are provided in the same judicial circuit by the same provider.

And the title is amended as follows:

Delete lines 130-132 and insert: provisions to changes made by the act; amending s. 322.292, F.S.; prohibiting competing applicants and currently licensed DUI programs from offering misdemeanor probation services in addition to services in chapter 322, F.S., upon expiration of current licensure; amending s. 322.293,

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (724516) (with title amendment)—Delete lines 29-33 and insert:

(5) A private probation services provider authorized under s. 948.15 may not refer probationers to any DUI program owned in whole or in part by that probation services provider or its affiliates. The Department of Highway Safety and Motor Vehicles shall establish rules to implement this subsection.

And the title is amended as follows:

Delete lines 40-44 and insert: 322.292, F.S.; prohibiting a private probation services provider from referring probationers to any DUI program owned in whole or in part by that probation services provider or its affiliates; requiring that the Department of Highway Safety and Motor Vehicles adopt rules; amending s. 322.293,

Amendment 2 as amended was adopted.

On motions by Senator Fasano, by two-thirds vote **CS for CS for SB 1778** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Wilson

CS for CS for SB 1780—A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the Department of State to use electronic transmission to notify and communicate in the performance of its duties; authorizing the department to collect e-mail addresses and require filers and registrants to furnish such e-mail addresses for presenting documents and filing; amending s. 120.55, F.S.; deleting a provision that requires the Department of State to provide the Florida Administrative Weekly to the Legislative Library each year; repealing ss. 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, F.S., relating to the Cultural Institutions Program and Trust Fund, general support program for cultural institutions, audit information and admission fees for state theater contract organizations, science museums and grants, youth and children's museum and grants, regional cultural facilities, and historical museum grants; amending s. 265.281, F.S.; renaming the "Florida Fine Arts Act of 1980" as the "Florida Arts and Culture Act"; amending s. 265.282, F.S.; revising legislative intent to include the promotion of activities involving arts and culture; providing support for museums and nonprofit organizations; amending s. 265.283, F.S.; revising and providing definitions; amending s. 265.284, F.S.; revising the duties and responsibilities of the Division of Cultural Affairs within the department to administer funds, sponsor events encouraging arts and cultural programs, and enter into certain contracts; requiring that the division adopt rules; amending s. 265.285, F.S.; renaming the "Florida Arts Council" as the "Florida Council on Arts and Culture"; requiring that the council meet at the request of the division; deleting provisions authorizing the Secretary of State to appoint review panels; revising the duties of the council; amending s. 265.286, F.S.; authorizing the Secretary of State to appoint review panels representing arts and cultural disciplines and programs to assist the council in the grant review process; providing membership; providing terms; providing duties and responsibilities; requiring that the council review grant application lists; requiring that the secretary review the council's recommendations and submit approved lists to the Legislature by a specified date; establishing procedures for the awarding and funding of grants; authorizing the division to provide funding for certain programs and areas; requiring that the division adopt rules establishing eligibility criteria, grant programs, and the panel review process; requiring that the division award grants under certain circumstances; establishing eligibility requirements for grantees; limiting grant awards to one recipient per grant cycle; providing exceptions; providing a formula for the distribution of matching and nonmatching funds; providing for certain in-kind funds; deleting provisions relating to the division's authority to expend appropriated funds for grants; deleting provisions establishing criteria for such grants; amending ss. 607.1420 and 607.1421, F.S.; revising provisions relating to the administrative dissolution of a corporation by the department to conform to changes made by the act; amending ss. 607.1530 and 607.1531, F.S.; revising provisions relating to revocation of a certificate of authority to conform to changes made by the act; amending ss. 608.448 and 608.4481, F.S.; revising provisions relating to administrative dissolution of a limited liability company to conform to changes made by the act; amending ss. 608.512 and 608.513, F.S.; revising provisions relating to the revocation of a certificate of authority of a foreign limited liability company to conform to changes made by the act; amending ss. 617.1420, 617.1421, 617.1530, 617.1531, 620.1809, 620.1906, and 620.9003, F.S.; conforming provisions to changes made by the act; amending s. 679.527, F.S.; deleting provisions relating to the department's authority to determine and select certain respondents and to negotiate and enter into certain contracts; providing that a contract to perform administrative and operational functions for the Florida Secured Transaction Registry terminates on a specified date; requiring that the Department of State perform the administrative and operational functions of the filing officer or filing office for the registry after such termination; amending s. 865.09, F.S.; revising provisions relating to notice of the expiration of a fictitious name registration; requiring that the department serve such notice by electronic transmission if the owner or registrant of the fictitious name has provided an electronic mail address to the department; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for CS for SB 1780** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1782—A bill to be entitled An act relating to the Unemployment Compensation Claims and Benefits Information System; creating s. 443.1113, F.S.; directing the Agency for Workforce Innovation to replace and enhance the functionality of specified systems if funding is available; requiring accomplishment of specified objectives; excluding specific system functionality; establishing project phases and time-

frames; specifying the project sponsor and governance structure; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for SB 1782** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1786—A bill to be entitled An act relating to comprehensive plan amendments; establishing a transmittal fee for proposed comprehensive plan amendments sent to the state land planning agency; providing an exception; providing that a local government is not limited in passing along the fee associated with plan-amendment review to certain entities; requiring the state land planning agency to deposit all fees collected into the Operating Trust Fund within the Department of Community Affairs; requiring the state land planning agency to submit a report to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing a declaration of important state interest; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for SB 1786** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1798—A bill to be entitled An act relating to state employees; providing for the resolution of economic collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1798** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Aronberg	Constantine
Alexander	Baker	Crist
Altman	Bennett	Dean
Detert	Hill	Rich
Deutch	Jones	Richter
Diaz de la Portilla	Joyner	Ring
Dockery	Justice	Siplin
Fasano	King	Smith
Gaetz	Lawson	Sobel
Garcia	Lynn	Storms
Gardiner	Oelrich	Villalobos
Gelber	Peaden	Wilson
Haridopolos	Pruitt	Wise

Nays—None

CS for SB 1800—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; providing the state's monthly contribution to an employee's health savings account for the 2009-2010 fiscal year; deleting a provision that requires that health savings accounts be administered in accordance with the federal requirements and limitations of the Medicare Prescription Drug, Improvement, and Modernization Act; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1800** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1802—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2009, and July 1, 2010; providing a declaration of important state interest; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1802** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Peaden
Alexander	Garcia	Pruitt
Altman	Gardiner	Rich
Aronberg	Gelber	Richter
Baker	Haridopolos	Ring
Bennett	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Dockery	Lynn	
Fasano	Oelrich	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Storms

CS for SB 1804—A bill to be entitled An act relating to state-owned real property; amending s. 253.034, F.S.; requiring the state to offer to lease state-owned buildings or lands to state agencies and universities before being offered for sale or lease to others; amending s. 255.249, F.S.; requiring the Department of Management Services to adopt rules relating to leases of privately owned buildings; requiring that the department determine if certain leases are in the best interests of the state; amending s. 255.25, F.S.; requiring that an agency seeking to lease a privately owned building or land receive a determination from the Department of Management Services that the lease serves the best interests of the state; amending s. 627.351, F.S.; subjecting Citizens Property Insurance Corporation to ch. 255, F.S., relating to public property and publicly owned buildings; requiring the Department of Management Services to create and maintain a database of state-owned property; providing requirements for the database; requiring a report to the Governor and Legislature; requiring the Department of Management Services to begin the process to dispose of certain buildings; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1804** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 1806—A bill to be entitled An act relating to the service charge on income of trust funds; amending s. 215.20, F.S.; increasing the service charge on income of a revenue nature deposited into certain trust funds; applying the increased service charge to service charges deposited into the General Revenue Fund on or after a certain date; deleting provisions providing a reduced service charge on the income of certain trust funds; amending s. 527.23, F.S.; increasing surcharge on income of a trust fund for income relating to marketing orders; amending s. 570.20, F.S.; increasing the service charge on income to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 601.15, F.S.; increasing the service charge on income to the Florida Citrus Advertising Trust Fund; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1806** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Detert	Haridopolos
Alexander	Deutch	Hill
Altman	Diaz de la Portilla	Jones
Aronberg	Dockery	Joyner
Baker	Fasano	Justice
Bennett	Gaetz	King
Constantine	Garcia	Lawson
Crist	Gardiner	Lynn
Dean	Gelber	Oelrich
Peaden	Ring	Storms
Pruitt	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise

Nays—None

CS for CS for SB 1840—A bill to be entitled An act relating to protecting Florida's health through a surcharge on tobacco products; providing a short title; amending s. 210.01, F.S.; redefining the terms "unstamped package," "unstamped cigarettes," and "stamp"; conforming provisions to changes made by the act; creating s. 210.011, F.S.; levying a surcharge on cigarettes equivalent to $1 per standard pack; establishing surcharge amounts for cigarettes of a nonstandard sizes and in varying quantities; providing legislative intent that the surcharge be uniform throughout the state; providing for the surcharge to be administered in the same manner as the cigarette tax imposed under s. 210.02, F.S.; requiring that revenue from the surcharge to be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; amending s. 210.04, F.S., to conform; amending s. 210.18, F.S.; providing enhanced penalties for the sale or possession of any quantity of counterfeit cigarettes; creating a reward program for information concerning violations under part I of ch. 210, F.S.; amending s. 210.25, F.S.; clarifying provisions with respect to definitions; creating s. 210.211, F.S.; providing definitions; levying a surcharge on tobacco products other than cigarettes; providing for the surcharge to be administered in the same manner as the tax imposed under part II of ch. 210, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; providing that the surcharge on cigarettes and other tobacco products applies to existing inventory on the effective date of the act; requiring each manufacturer, distributor, wholesaler, and vendor to take an inventory of the cigarettes and other tobacco products in its possession on the effective date of the act; requiring that the amount of such inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; providing that the surcharge may be paid in four equal installments; providing for penalties and interest for delinquent payments; amending s. 210.05, F.S.; conforming provisions to changes made by the act; creating s. 210.1801, F.S.; providing for the administration of Indian-stamped cigarettes and other tobacco products; providing that agents of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or wholesale dealers may sell stamped but untaxed cigarettes and tobacco products to the Seminole Indian Tribe of Florida and the Miccosukee Tribe of Florida Indians for retail sale to tribal members; prohibiting an agent or wholesale dealer from collecting from the purchaser certain taxes or surcharges imposed by law; requiring that cigarette and other tobacco product stamps identify the tribe, or member thereof, to which the cigarettes are sold; providing for criminal penalties; providing for a fine; requiring the division to conduct a public-awareness campaign relating to the criminal possession of Indian cigarettes or Indian tobacco products by nontribal members; providing for the content of the notice required by law; requiring law enforcement agencies to report the seizure of Indian cigarettes or Indian tobacco products by nontribal members; providing for an exemption applicable to signatories of an approved compact that provides for revenue sharing between the tribe and the state; providing for an appropriation; providing an effective date.

—was read the second time by title.

Senators Garcia and Gaetz offered the following amendment which was moved by Senator Garcia:

Amendment 1 (244106)—Delete line 350 and insert: *products" means cigars weighing not more than 3 pounds per thousand, loose tobacco suitable for smoking;*

Senator Alexander moved the following substitute amendment which was adopted:

Amendment 2 (609504)—Delete line 370 and insert: *this state, to be sold by those retailers. A surcharge may not be levied on tobacco products shipped or transported outside this state for sale or use outside this state.*

Senator Crist moved the following amendment:

Amendment 3 (143642) (with title amendment)—Delete lines 418-527 and insert:

Section 9. Subsection (5) of section 210.05, Florida Statutes, is amended to read:

210.05 Preparation and sale of stamps; discount.—

(5) *Cigarettes sold to the Seminole Indian Tribe of Florida shall be administered as provided in s. 210.1801.* ~~Agents or wholesale dealers may sell stamped but untaxed cigarettes to the Seminole Indian Tribe, or to members thereof, for retail sale. Agents or wholesale dealers shall treat such cigarettes and the sale thereof in the same manner, with respect to reporting and stamping, as other sales under this part, but agents or wholesale dealers shall not collect from the purchaser the tax imposed by s. 210.02. The purchaser hereunder shall be responsible to the agent or wholesale dealer for the services and expenses incurred in affixing the stamps and accounting therefor.~~

Section 10. Section 210.1801, Florida Statutes, is created to read:

210.1801 Administration of Indian-stamped cigarettes and other tobacco products; penalties for possession by non-tribal members.—

(1) Agents or wholesale dealers may sell stamped but untaxed cigarettes to the Seminole Indian Tribe of Florida, or to members thereof, and to the Miccosukee Tribe of Florida Indians, or to members thereof, for retail sale to tribal members and nontribal members who purchase cigarettes from retailers or other facilities licensed to engage in the sale of tobacco products which are located on tribal land. Agents or wholesale dealers shall treat such cigarettes and the sale thereof in a fashion that distinguishes these cigarettes from those distributed or sold to and by retailers that are not located on tribal land by affixing a stamp that indicates the cigarettes as Indian cigarettes and agents, tribal retailer or facility, or wholesale dealers shall not collect from the purchaser the tax imposed by s. 210.02 or the surcharge imposed by s. 210.011. The purchaser which offers cigarettes for sale or resell is responsible to the agent or wholesale dealer from which the Indian cigarettes were purchased for the services and expenses incurred in affixing the stamps and accounting thereof.

(2) Agents or wholesale dealers may sell stamped but untaxed tobacco products as defined by s. 210.25(11) to the Seminole Indian Tribe of Florida, or to members thereof, and to the Miccosukee Tribe of Florida Indians, or to members thereof, for retail sale. Agents or wholesale dealers shall treat such tobacco products and the sale thereof in a fashion that distinguishes these tobacco products from those distributed or sold to persons who are not tribal members or entities by affixing a stamp that indicates the cigarettes as Indian cigarettes and the tobacco products as Indian tobacco products and agents, wholesale dealers, or retailers on tribal land shall not collect from the purchaser the tax imposed by s. 210.02 or s. 210.30, or the surcharge imposed by s. 210.011 or s. 210.211. Such stamps shall identify the tribe, or member thereof, to which the cigarettes are sold. The purchaser is responsible to the agent or wholesale dealer for the services and expenses incurred in affixing the stamps and accounting thereof.

(3) For purposes of this chapter, cigarettes stamped in a fashion that indicates them to be Indian cigarettes shall be known as "Indian cigarettes" and tobacco products that are stamped in a fashion that indicates the products to be Indian tobacco products shall be known as "Indian tobacco products."

(4) Excepting manufacturers or distributors licensed under the cigarette law and state bonded warehouses, a nontribal member who possesses an amount of Indian cigarettes or Indian tobacco products in excess of three cartons, and which cigarettes were purchased by such possessor on tribal land in accordance with the laws of the place where purchased and brought into this state by such possessor, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.084 and is liable for a fine of $1,000 or five times the retail value of the cigarettes involved, whichever is greater. The provisions of s. 210.18(4)(b) do not apply to Indian cigarettes.

(5)(a) The division shall conduct a public-awareness campaign regarding the penalties for possession of illegal quantities of cigarettes or tobacco products which are purchased in violation of chapter 210. A notice must be conspicuously displayed in every location where cigarettes or other tobacco products are sold which contains the following provision in conspicuous type: INTRASTATE POSSESSION, SALE, OR TRANSPORT OF CIGARETTES BEARING INDIAN STAMPS BY NONTRIBAL MEMBERS WHEN THE AMOUNT POSSESSED, SOLD, OR TRANSPORTED BY A NONTRIBAL MEMBER EXCEEDS THREE CARTONS OF CIGARETTES IS A FIRST DEGREE MISDEMEANOR AND MAY RESULT IN IMPRISONMENT AND FINES OF $1000 OR FIVE TIMES THE RETAIL VALUE OF THE CIGARETTES OR TOBACCO PRODUCTS, WHICHEVER IS GREATER." This notice must be provided at the expense of the retail dealer.

(b) For purposes of this section, the term "intrastate possession, sale, or transport" means any transaction involving the acquisition, commercial trade or sale, or conveyance of tobacco products which are purchased by an individual on land which is not governed by the laws of this state and brought into this state by such person.

(6)(a) A sheriff, deputy sheriff, police officer, or state law enforcement officer, upon the seizure of any Indian cigarettes or Indian tobacco products in the possession of non-tribal members under this section, shall promptly report the seizure to the division or its representative, together with a description of all such cigarettes and tobacco products seized, so that the state may be kept informed as to the size and magnitude of the illicit cigarette business. The division shall keep records showing the number of seizures and seized cigarettes reported to, or seized by, the division.

(b) The office of the sheriff, deputy sheriff, police officer, or state law enforcement agency that conducted the seizure is entitled to retain 50 percent of any fine recovered. Any such funds received may be used only for purposes of enhanced law enforcement activities.

(7) Subsections (4) and (6) do not apply to cigarette and tobacco products sold to a tribe that has entered into an approved compact with the state which provides for revenue sharing between the tribe and the state relating to the imposition and collection of the taxes imposed by ss. 210.02 and 210.30, and the surcharges imposed by ss. 210.011 and 210.211. Any compact must at a minimum provide for the state to receive as revenue sharing from the tribe the full amounts of the surcharges imposed by ss. 210.011 and 210.211.Upon the approval of a compact meeting the requirements of this subsection, the notice required in subsection (5) shall be modified to include: IT IS NOT A VIOLATION FOR NONTRIBAL MEMBERS TO POSSESS CIGARETTES OR TOBACCO PRODUCTS BEARING THE STAMP OF (Insert name of tribe for which compact has been established). Upon the approval of a compact meeting the conditions specified above with all Indian tribes, subsection (5) is no longer applicable.

Section 11. *There is appropriated the sum of $50,000 to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation for the purposes of conducting the public awareness campaign required under s. 210.1801(5), Florida Statutes.*

Section 12. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete lines 43-70 and insert: delinquent payments; amending s. 210.05, F.S.; conforming provisions to changes made by the act; creating s. 210.1801, F.S.; providing for the administration of Indian-stamped cigarettes and other tobacco products; providing that agents of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or wholesale dealers may sell stamped but untaxed cigarettes and tobacco products to the Seminole Indian Tribe of Florida and the Miccosukee Tribe of Florida Indians for retail sale to tribal members; prohibiting an agent or wholesale dealer from collecting from the purchaser certain taxes or surcharges imposed by law; requiring that cigarette and other tobacco product stamps identify the tribe, or member thereof, to which the cigarettes are sold; providing for criminal penalties; providing for a fine; requiring the division to conduct a public-awareness campaign relating to the criminal possession of cigarettes or tobacco products in violation of the law; providing for the content of the notice required by law; defining the term "intrastate possession, sale, or transport;" requiring law enforcement agencies to report the seizure of Indian cigarettes or Indian tobacco products by nontribal members; providing that law enforcement agencies my retain a specified percentage of the fines recovered from the seizures; providing for an exemption applicable to signatories of an approved compact that

provides for revenue sharing between the tribe and the state; providing for an appropriation; providing an effective date.

On motion by Senator Deutch, further consideration of **CS for CS for SB 1840** with pending **Amendment 3 (143642)** was deferred.

MOTIONS

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 3:00 p.m.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committees in Group IV were granted permission to meet at 3:30 p.m. until 5:00 p.m. in lieu of 2:30 p.m. until 4:30 p.m.; and the Policy and Steering Committee on Commerce and Industry was granted permission to meet at 5:15 p.m. until 6:00 p.m. in lieu of 4:45 p.m. until 6:00 p.m. as scheduled this day.

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 788—A bill to be entitled An act relating to a gaming compact between the State of Florida and the Seminole Tribe of Florida; defining terms; providing that the previous compact between the Tribe and the Governor is not approved or ratified by the Legislature; directing the Governor to negotiate a gaming compact with the Tribe; specifying requirements and minimum standards for the compact; specifying the date on which the authority of the Governor to negotiate a compact expires; specifying games that may be authorized for play pursuant to the compact; specifying revenue sharing between the state and the Tribe; requiring the release of certain gaming revenues to the state; providing for the reduction of the Tribe's net win on which revenue sharing is based if additional Class III games are authorized under certain circumstances; providing for completion of the term of the compact in the event that the voters repeal a constitutional provision authorizing slot machines at certain pari-mutuel facilities; providing that the compact becomes void as the result of a judicial decision or decision of the Secretary of the United States Department of the Interior invalidating certain provisions of the compact; specifying limits on the term of a compact; limiting the number of facilities at which gaming may occur; specifying requirements for a central computer system on gaming facility premises; requiring that the system provide the state with access to certain data; specifying the authority of the state to oversee gaming activities by the Tribe; requiring medical professionals employed at the Tribe's gaming facilities to have certain minimum qualifications; requiring access for municipal or county emergency medical services; specifying minimum construction standards for the Tribe's gaming facilities; specifying minimum environmental standards; requiring the Tribe to establish procedures to dispose of tort claims; requiring the Tribe to maintain a minimum amount of general liability insurance for tort claims; prohibiting the Tribe or its insurer from invoking sovereign immunity under certain circumstances; requiring the Tribe to waive its sovereign immunity for disputes relating to the compact; requiring presuit arbitration of disputes relating to the compact; requiring the Tribe to maintain nondiscriminatory employment practices; requiring the Tribe to use its best efforts to spend its revenue in this state; providing legislative intent to review the compact; directing the Governor to negotiate agreements with Indian tribes in this state, subject to approval by the Legislature, relating to the application state taxes on Indian lands; amending s. 1013.737, F.S.; authorizing the state to pledge to use revenues from gaming activities to repay bonds; providing a contingent effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (947104)—Delete line 116 and insert: *received pursuant to the compact and agreement is deposited into the Education*

Senator Jones moved the following amendment:

Amendment 2 (522326)—Delete lines 179-201 and insert:

(4) For the purpose of satisfying the requirement in 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized under an Indian gaming compact must be permitted in the state for any purpose by any person, organization or entity, the Class III games specified in this section are hereby authorized to be conducted in Florida pursuant to a compact that meets all of the terms and standards required by this act.

(5)(a) In consideration for authority to play the specified Class III games described in this section, the compact shall provide for revenue sharing through periodic payments to the state during the term of the compact. If net win in any cycle is less than or equal to $2 billion, revenue sharing for that cycle shall be $400 million. If net win in any cycle is more than $2 billion and less than or equal to $4 billion, revenue sharing for that cycle shall be $400 million plus 10 percent of net win that is more than $2 billion and less than or equal to $4 billion. If net win in any cycle is more than $4 billion, revenue sharing for that cycle shall be $600 million plus 25 percent of net win that is over $4 billion. However, revenue sharing may be:

1. Reduced or suspended if the net win in any cycle fails to reach $1.37 billion and shall resume when the net win for a cycle or any subsequent period reaches $1.37 billion.

2. Reduced pursuant to subsection (10).

(6) The compact may not provide for the elimination or reduction of revenue sharing based on the authorization of any Class III gaming by compact between the state and any other federally recognized tribe in this state pursuant to the Indian Gaming Regulatory Act.

(Renumber Subsequent Subsections.)

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

Senator Jones moved the following substitute amendment which was adopted:

Amendment 3 (390982)—Delete lines 179-201 and insert:

(4) For the purpose of satisfying the requirement in 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized under an Indian gaming compact must be permitted in the state for any purpose by any person, organization or entity, the Class III games specified in this section are hereby authorized to be conducted in Florida pursuant to a compact that meets all of the terms and standards required by this act.

(5)(a) In consideration for authority to play the specified Class III games described in this section, the compact shall provide for revenue sharing through periodic payments to the state during the term of the compact. If net win in any cycle is less than or equal to $2 billion, revenue sharing for that cycle shall be $400 million. If net win in any cycle is more than $2 billion and less than or equal to $4 billion, revenue sharing for that cycle shall be $400 million plus 10 percent of net win that is more than $2 billion and less than or equal to $4 billion. If net win in any cycle is more than $4 billion, revenue sharing for that cycle shall be $600 million plus 25 percent of net win that is over $4 billion. However, revenue sharing may be:

1. Reduced or suspended if the net win in any cycle fails to reach $1.37 billion and shall resume when the net win for a cycle or any subsequent period reaches $1.37 billion.

2. Reduced pursuant to subsection (10).

(b) The compact shall specify a process for determining the timing and amount of any reduction of revenue sharing payments. The process shall provide the state with at least 30 days to review the Tribe's projection or determination that the net win for any cycle will or has failed to reach $1.37 billion.

(6) The compact may not provide for the elimination or reduction of revenue sharing based on the authorization of any Class III gaming by compact between the state and any other federally recognized tribe in this state pursuant to the Indian Gaming Regulatory Act.

(Renumber Subsequent Subsections.)

On motions by Senator Jones, by two-thirds vote **CS for CS for SB 788** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gaetz	Lynn
Alexander	Garcia	Pruitt
Altman	Haridopolos	Rich
Bennett	Hill	Richter
Dean	Jones	Ring
Detert	Joyner	Smith
Deutch	Justice	Sobel
Diaz de la Portilla	King	Villalobos
Dockery	Lawson	Wilson

Nays—11

Aronberg	Gardiner	Siplin
Baker	Gelber	Storms
Constantine	Oelrich	Wise
Crist	Peaden	

Vote after roll call:

Yea—Fasano

Yea to Nay—Ring

CS for CS for SB 2694—A bill to be entitled An act relating to state financial matters; amending s. 216.292, F.S.; providing that certain transfers of appropriations by the head of an agency or the Chief Justice may be made only if specific authority is provided in the General Appropriations Act; amending s. 216.311, F.S.; prohibiting an agency or branch of state government from contracting to pay, without legislative authority, liquidated damages or early termination fees resulting from the breach or early termination of a contract or agreement, from contracting to pay interest because of insufficient budget authority to pay an obligation in the current year, from obligating the state to make future payments to cover unpaid payments, or from granting to a party the right to collect fees or other revenues from nonparties; providing that such contracts are null and void; prohibiting an agency from entering into certain lease or lease-purchase agreements unless expressly authorized by the Legislature; providing exceptions for certain agency contracts or agreements; authorizing the State Board of Administration to enter into contracts and other agreements that are necessary to carry out the investment duties of the board; defining the terms "contract" and "agreement"; creating s. 216.312, F.S.; requiring the executive and judicial branch to notify the Governor and the Legislature before entering into contracts or agreements in excess of a certain amount, which authorize expenditures in anticipation of revenues, or for which payment is delayed for a certain time after expenditure; transferring, renumbering, and amending s. 287.0582, F.S.; requiring a state contract to identify the appropriation that funds the contract; providing an exception; expanding the statement that must be included in state contracts to include grounds for terminating the contract based on budget deficits; requiring the judicial branch to include the statement in its contracts; providing an exception; requiring the agency head or chief judge to sign contracts that exceed a certain amount; requiring the agency head or chief judge to review certain contracts and certify compliance with ch. 216, F.S.; requiring contracts exceeding a specified amount to require written acceptance or rejection of contract deliverables; providing that contracts in violation of these provisions are null and void; providing penalties; amending s. 287.063, F.S.; prohibiting certain lease or deferred payment purchases by state agencies unless expressly authorized by the Legislature in the appropriations act; amending s. 287.064, F.S.; prohibiting certain master equipment financing agreements unless expressly authorized by the Legislature in the appropriations act; providing for application; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for CS for SB 2694** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for CS for SB 1796—A bill to be entitled An act relating to governmental financial information; amending s. 11.40, F.S.; directing the Legislative Auditing Committee to provide oversight and management of a state website providing information on governmental appropriations and expenditures; creating s. 215.985, F.S.; providing a short title; providing definitions; requiring the Executive Office of the Governor to establish a website providing information relating to each appropriation in the General Appropriations Act; requiring the committee to propose providing additional state information and a format for collecting and displaying information from other governmental entities on the website; requiring the committee to develop a schedule by a certain date for adding other information to the website and submitting it to the Legislative Budget Commission for approval; requiring all branches of state government to establish allotments in the Florida Accounting Information Resource Subsystem for planned expenditures; requiring the committee to coordinate with the Financial Management Information Board in developing certain website information; requiring governmental entities to provide information as necessary; excepting certain small municipalities and special districts from the requirements of the act; requiring the state budget office to ensure that all data added to the website remains accessible to the public for a certain time; requiring an annual report to the Governor and Legislature on progress toward establishing the website; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for CS for SB 1796** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Villalobos

CS for CS for SB 1012—A bill to be entitled An act relating to state lands; amending s. 253.01, F.S.; authorizing the use of moneys in the Internal Improvement Trust Fund for the protection and restoration of water resources; amending s. 253.03, F.S.; providing rulemaking au-

thority to the Board of Trustees of the Internal Improvement Trust Fund with respect to the uses of sovereignty submerged lands; defining lease types; providing for fees and lease rates; allowing for special events; detailing minimum compliance standards; amending s. 253.04, F.S.; providing for the assessment of fines; amending s. 895.09, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (681142)—Delete lines 55-104 and insert: *lands, except those uses provided in s. 253.51 and ss. 253.67-253.75 and s. 311.09(1), shall provide at a minimum, for the following:*

(a) A standard lease term of at least 10 years.

(b) An extended-term lease not to exceed 25 years, where the use of the sovereignty submerged lands and the associated existing or proposed structures on sovereignty submerged lands have or will have an expected life, or amortization period, equal to or greater than the requested lease term. Such extended-term leases shall be limited to those facilities that provide exclusive access to public waters by the general public on a first-come, first-served basis; that are constructed, operated, or maintained by a governmental entity or funded by government-secured bonds having a term greater than or equal to the requested lease term; or for which the applicant demonstrates the existence of an extreme hardship that is unique to the applicant if such hardship is not self-imposed or the result of any law, ordinance, rule, or regulation.

(c) For purposes of this section, the term "first-come, first-served" means any water-dependent facility operated on state-owned submerged land, the services of which are open to the general public by at least 90 percent of all slips over the state-owned submerged land, with no qualifying requirements such as club membership, stock ownership, or equity interest, with no longer than 1-year rental terms, and with no automatic renewal rights or conditions. For purposes of this section, all other leases are considered private.

(d) A nonrefundable application fee of $250 for a private residential single-family dock or pier. All other facilities shall remit an application fee of $500 unless a different fee is specifically provided for in general law.

(e) New private leases, expansions of private leases, and lease conversions from a first-come, first-served basis to private use shall be assessed a one-time premium or qualify for a waiver of payment in accordance with rule 18-21, Florida Administrative Code. The one-time premium shall be 10 percent of the applicant's projected retail price or the current market price, whichever is greater, to an end user for the use of the slips within the leased area. For applicants proposing to rent or lease the slips, or proposing to provide the slips to members at a below-market rate, the one-time premium shall be based on the current market price. The projected pricing shall be provided by the applicant and must be itemized by slip. All prices provided shall be reviewed by the department and verified with market data as reflective of the market prior to approval.

1. An appraisal report is required if the department is unable to verify with market data and accept the applicant's pricing documentation. The appraisal report conditions shall assume that the income to the lease area is at market rates. If an

Amendment 2 (519372) (with title amendment)—Delete lines 122-183 and insert: *service, 15 cents per square foot. If these facilities are located in an aquatic preserve, the rate shall be 30 cents per square foot.*

2. The annual lease fees provided for in this paragraph shall be revised every 5 years beginning March 1, 2014, and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous 5-year period. Adjustments to the fees shall be to the nearest cent for the per-square-foot rates and to the nearest $25 for the minimums. Any increase or decrease may not exceed 10 percent and may not have the effect of lowering the fees below those established in the paragraph.

3. There shall be a late payment assessment for lease fees or other charges due which are not paid within 30 days after the due date. This assessment shall be computed at the rate of 12 percent per annum, calculated on a daily basis for every day the payment is late.

4. For the purposes of this paragraph, the additional charges provided in subparagraph b. shall not apply to existing facilities in aquatic preserves that were excluded from the additional rate in accordance with rule 18-21.011, Florida Administrative Code.

(g) Government, research, or education facilities are exempt from the annual lease fees in paragraph (f) except as otherwise defined by rule.

(h) A community-based social club shall be classified as "first-come, first-served" for the purposes of assessing fees pursuant to this subsection if the club is designated as qualified under s. 501(c)(7) by Title 26, subtitle A, chapter 1, subchapter F, part 1, s. 501 of the United States Internal Revenue Code. The club must be organized for pleasure, recreation, and other similar nonprofitable purposes and substantially all of its activities must be for these purposes, and the club may not discriminate based on race, color, religion, or handicap. The club may not convey to any member the exclusive use of a club wet slip and all wet slips must be available on a first-come, first-served basis to all members in a specific membership category. Any publications related to membership and wet slip rental contracts must state that the wet slips are available on a first-come, first-served basis to all members in a specific membership category and that the club does not discriminate based on race, color, religion, or handicap. Upon the date the club is found to have conveyed, deeded, leased long term, included an automatic renewal or conditions, or issued in any form an exclusive right to use a wet slip, the submerged land lease fee shall revert to the private rate pursuant to this subsection and be subject to retroactive private lease fees. The club shall provide recreational, educational, or charitable activities at least once annually which are open to the general public beginning within 365 days after the lease anniversary date.

(i) The department shall provide a draft lease to the applicant 14 days prior to the scheduled hearing before the board of trustees. The applicant may waive this requirement.

(j) Rules adopted by the board of trustees must also provide for:

1. The assessment of fines and penalties for violation of lease conditions. Such fines or penalties shall be in addition to those authorized pursuant to s. 253.04.

2. An exemption from the annual fees for:

a. Events that may require the installation and use of temporary structures, including docks, moorings, pilings, and access walkways on sovereign submerged lands solely for the purposes of facilitating boat shows or boat displays in, or adjacent to, established marinas or government-owned upland property.

b. First-come first-served facilities that have a contractual arrangement with a county or municipality and can demonstrate financial hardship to the Board of Trustees.

c. Those facilities that qualify for Consent by Rule or Letter of Consent pursuant to rule 18-21, Florida Administrative Code and shall also be exempt from paying application fees.

And the title is amended as follows:

Delete line 10 and insert: rates; providing for exemptions; detailing minimum

Amendment 3 (966944) (with title amendment)—Delete lines 191-249 and insert:

(k) The Department of Environmental Protection in its capacity as staff to the Board of Trustees shall review and provide a report with recommendations, by February 1, 2010, to the Board of Trustees and the Legislature concerning the following:

1. The development of a method which allows for fees to be modified based on geographical price differentials.

2. Optional methods for determining the square footage for facilities that reflect those sovereignty lands that are occupied by structures or slips but have additional areas under lease that are needed for safe navigation or to protect the structure.

3. Potential modifications to the definition of "first-come, first-served" in order to account for those options that seek to fulfill the intent of increasing public access.

The recommendations shall be developed in conjunction with the rulemaking efforts needed to implement changes to this subsection.

(l) ~~(c)~~ Structures which are listed in or are eligible for the National Register of Historic Places or the State Inventory of Historic Places which are over the waters of the State of Florida and which have a submerged land lease, or have been grandfathered-in to use sovereignty submerged lands until January 1, 1998, pursuant to rule 18-21.00405, Florida Administrative Code, shall have the right to continue such submerged land leases, regardless of the fact that the present landholder is not an adjacent riparian landowner, so long as the lessee maintains the structure in a good state of repair consistent with the guidelines for listing. If the structure is damaged or destroyed, the lessee shall be allowed to reconstruct, so long as the reconstruction is consistent with the integrity of the listed structure and does not increase the footprint of the structure. If a structure so listed falls into disrepair and the lessee is not willing to repair and maintain it consistent with its listing, the state may cancel the submerged lease and either repair and maintain the property or require that the structure be removed from sovereignty submerged lands.

(m) ~~(d)~~ By January 1, 2001, the owners of habitable structures built on or before May 1, 1999, located in conservation areas 2 or 3, on district or state-owned lands, the existence or use which will not impede the restoration of the Everglades, whether pursuant to a submerged lease or not, must provide written notification to the South Florida Water Management District of their existence and location, including an identification of the footprint of the structures. This notification will grant the leaseholders an automatic 20-year lease at a reasonable fee established by the district, or the Department of Environmental Protection, as appropriate, to expire on January 1, 2020. The district or Department of Environmental Protection, as appropriate, may impose reasonable conditions consistent with existing laws and rules. If the structures are located on privately owned lands, the landowners must provide the same notification required for a 20-year permit. If the structures are located on state-owned lands, the South Florida Water Management District shall submit this notification to the Department of Environmental Protection on the owner's behalf. At the expiration of this 20-year lease or permit, the South Florida Water Management District or the Department of Environmental Protection, as appropriate, shall have the right to require that the leaseholder remove the structures if the district determines that the structures or their use are causing harm to the water or land resources of the district, or to renew the lease agreement. The structure of any owner who does not provide notification to the South Florida Water Management District as required under this subsection, shall be considered illegal and subject to immediate removal. Any structure built in any water conservation area after May 1, 1999, without necessary permits and leases from the South Florida Water Management District, the Department of Environmental Protection, or other local government, as appropriate, shall be considered illegal and subject to removal.

(n) ~~(e)~~ Failure to comply with the conditions contained in any permit or lease agreement as described in paragraph *(l)* ~~(d)~~ makes the structure illegal and subject to removal. Any structure built in any water conservation area on or after July 1, 2000, is also illegal and subject to immediate removal.

And the title is amended as follows:

Delete line 11 and insert: compliance standards; providing for a report; amending s. 253.04, F.S.;

On motion by Senator Constantine, further consideration of **CS for CS for SB 1012** as amended was deferred.

CS for CS for SB 2108—A bill to be entitled An act relating to the clerks of court; amending s. 25.381, F.S.; requiring the Supreme Court and Attorney General to jointly enter into a contract with a vendor to publish copies of Florida cases; amending s. 28.241, F.S.; redirecting a portion of certain civil filing fees to the Clerks of the Court Trust Fund within the Justice Administrative Commission; eliminating a requirement that a portion of such fees be deposited into the Department of Financial Services' Administrative Trust Fund; amending s. 28.246, F.S.; requiring the clerk to refer certain unpaid accounts to a private attorney or a collection agent; amending s. 28.35, F.S.; providing for the Florida Clerks of Court Operations Corporation to be administratively housed within the Justice Administrative Commission; requiring the Chief Justice of the Supreme Court to designate a member of the corporation's executive council to represent the state courts system; deleting provisions exempting the corporation from ch. 287, F.S., relating to procurement, and from ch. 120, F.S., relating to administrative procedures; revising the duties of the corporation; requiring that the Florida Clerks of Court Operations Corporation develop measures and standards for reviewing the performance of clerks of court and notify the Legislature and the Supreme Court of any clerk not meeting the standards; conforming cross-references; deleting provisions relating to the certification of the amount of the proposed budget for each clerk; providing for the clerks of court to be funded pursuant to state appropriations rather than from filing fees, service charges, court costs, and fines; providing for the Florida Clerks of Court Operations Corporation to be funded pursuant to the General Appropriations Act rather than a contract with the Chief Financial Officer; revising requirements for the audits of clerks of court; amending s. 28.36, F.S.; providing a procedure for the clerks of court to prepare budget requests for submission to the Florida Clerks of Court Operations Corporation, with a copy to the Supreme Court; providing requirements for the budget requests; requiring the corporation to determine whether projected court-related revenues are less than the proposed budget for a clerk; requiring that a clerk increase fees and service charges to resolve a deficit; requiring the corporation to compare a clerk's expenditures and costs with the clerk's peer group and for the clerk to submit documentation justifying higher expenditures; requiring that the corporation and the Chief Financial Officer review the clerks' budget requests and make recommendations to the Legislature; authorizing the Chief Financial Officer to conduct, and the Chief Justice of the Supreme Court to request, an audit of the corporation or a clerk of court; providing for the Legislature to make appropriations for the budgets of the clerks; requiring that the corporation release appropriations each quarter; deleting provisions authorizing the Legislative Budget Commission to approve budgets; amending s. 28.37, F.S.; clarifying the requirement for all court-related fines, fees, service charges, and costs to be deposited into the Clerks of the Court Trust Fund; deleting obsolete provisions relating to the funding of the clerks of court; requiring that a specified percentage of all court-related fines collected by the clerk be deposited into the clerk's Public Records Modernization Trust Fund and used exclusively for additional court-related operational needs and programs; amending s. 34.041, F.S., relating to filing fees; conforming provisions to changes made by the act; amending s. 43.16, F.S., relating to the duties of the Justice Administrative Commission; conforming provisions to the transfer of the Florida Clerks of Court Operations Corporation to the commission; amending s. 43.27, F.S.; requiring that the clerk of court obtain the consent of the chief judge of the circuit concerning the clerk's office hours; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; requiring that the clerks of court submit financial data to the Executive Office of the Governor; transferring the Clerks of the Court Trust Fund from the Department of Revenue to the Justice Administrative Commission; providing a finding that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (919376) (with title amendment)—Delete lines 812-861 and insert:

Section 10. Subsection (3) of section 45.035, Florida Statutes, as amended by section 3 of chapter 2009-21, Laws of Florida, is amended to read:

45.035 Clerk's fees.—In addition to other fees or service charges authorized by law, the clerk shall receive service charges related to the judicial sales procedure set forth in ss. 45.031-45.034 and this section:

(3) If the sale is conducted by electronic means, as provided in s. 45.031(10), the clerk shall receive *an additional* ~~a~~ service charge *not to*

exceed ~~of~~ $70 ~~as provided in subsection (1)~~ for services in conducting or contracting for the electronic sale, which service charge shall be assessed as costs and *paid by the winning bidder* ~~shall be advanced by the plaintiff before the sale~~. If the clerk requires advance electronic deposits to secure the right to bid, such deposits shall not be subject to the fee under s. 28.24(10). The portion of an advance deposit from a winning bidder required by s. 45.031(3) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

Section 11. Section 142.01, Florida Statutes, is amended to read:

142.01 Fine and forfeiture fund; *disposition of revenue;* clerk of the circuit court.—

(1) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

(a) ~~(1)~~ Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

(b) ~~(2)~~ That portion of civil penalties directed to this fund pursuant to s. 318.21.

(c) ~~(3)~~ Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

(d) ~~(4)~~ Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

(e) ~~(5)~~ Fines and forfeitures pursuant to s. 34.191.

(f) ~~(6)~~ All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

(2) All revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs, and service charges are considered state funds and shall be remitted monthly to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

(3) Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section.

Section 12. Paragraph (qq) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(qq) "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, *the Florida Clerks of Court Operations Corporation,* the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission. Solely for the purposes of implementing s. 19(h), Art. III of the State Constitution, the terms "state agency" or "agency" include the judicial branch.

Section 13. Subsection (4) of section 197.542, Florida Statutes, is amended to read:

197.542 Sale at public auction.—

(4)(a) A clerk may conduct electronic tax deed sales in lieu of public outcry. The clerk must comply with the procedures provided in this chapter, except that electronic proxy bidding shall be allowed and the clerk may require bidders to advance sufficient funds to pay the deposit required by subsection (2). The clerk shall provide access to the electronic sale by computer terminals open to the public at a designated location. A clerk who conducts such electronic sales may receive electronic deposits and payments related to the sale. The portion of an advance deposit from a winning bidder required by subsection (2) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

(b) Nothing in this subsection shall be construed to restrict or limit the authority of a charter county from conducting electronic tax deed sales. In a charter county where the clerk of the circuit court does not conduct all electronic sales, the charter county shall be permitted to receive electronic deposits and payments related to sales it conducts, as well as to subject the winning bidder to a fee, consistent with the schedule in s. 28.24(10).

(c) The costs of electronic tax deed sales shall be added to the charges for the costs of sale under subsection (1) and paid by the certificate holder when filing an application for a tax deed.

Section 14. Subsection (13) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(13)*(a)* In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government *that* ~~which~~ is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

1. ~~(a)~~ May impose by ordinance a surcharge of up to *$30* ~~$15~~ for any infraction or violation to fund state court facilities. The court shall not waive this surcharge. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or *any annex to the courthouse* ~~annexes~~.

2. ~~(b)~~ *May, if such board or unit* ~~That~~ imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, ~~may~~ impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded. Notwithstanding any of the foregoing provisions of this *subparagraph* ~~paragraph~~ that limit the use of surcharge revenues, if the revenues generated as a result of the adoption of this ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay down the debt service on the bonds; fund other state-court-facility construction projects as may be certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or support local law libraries in or near the county courthouse or *any annex to the courthouse* ~~annexes~~.

3. May impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The court may not waive this surcharge. The surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds, divided by the number of traffic citations certified as paid by the clerk of the court of the county on August 15 of each year. The quotient shall be rounded up to the next highest

dollar amount. The bonds may be refunded if savings are realized on payments of debt service and the refunding bonds are scheduled to mature on or before the maturity date of the bonds being refunded. If the revenues generated as a result of the adoption of the ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay the debt service on the bonds; to fund other state court facility construction projects certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or to support local law libraries in or near the county courthouse or any annex to the courthouse.

(b) A county may not impose ~~both of~~ the surcharges authorized under *subparagraphs (a)1., 2., and 3.* ~~paragraphs (a) and (b)~~ concurrently. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the President of the Senate, ~~and~~ the Speaker of the House of Representatives*, and the board of county commissioners*.

And the title is amended as follows:

Delete lines 79-87 and insert: circuit concerning the clerk's office hours; amending s. 45.035, F.S.; revising the service charge for certain sales conducted by electronic means; requiring the service charge to be paid by the winning bidder; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; amending s. 197.542, F.S.; adding the costs to conduct an electronic tax deed sale to certain other costs which must be paid by the certificate holder; amending s. 318.18, F.S.; authorizing certain local governments to impose a surcharge on certain infractions or violations to repay bonds relating to court facilities; requiring a clerk of court to report the amount of surcharge collections; requiring that the clerks of

On motions by Senator Pruitt, by two-thirds vote **CS for CS for SB 2108** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Lynn
Alexander	Gaetz	Oelrich
Altman	Garcia	Peaden
Baker	Gardiner	Pruitt
Bennett	Gelber	Rich
Constantine	Haridopolos	Ring
Crist	Hill	Siplin
Dean	Jones	Sobel
Detert	Joyner	Storms
Deutch	Justice	Villalobos
Diaz de la Portilla	King	Wilson
Dockery	Lawson	Wise

Nays—1

Smith

Vote after roll call:

Yea—Richter

Nay to Yea—Smith

Consideration of **CS for SB 414** was deferred.

CS for SB 2574—A bill to be entitled An act relating to information technology; amending s. 11.90, F.S.; deleting an obsolete provision relating to duties of the Legislative Budget Commission; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; requiring the agency to complete certain duties relating to a proposed enterprise information technology services plan by a specified date; creating the Office of Information Security within the agency; designating the Chief Information Security Officer as head of the office and who reports to the executive director of the agency; amending s. 110.205, F.S.; revising certain positions relating to the obsolete State Technology Office that are exempted from career service; amending s. 282.003, F.S.; renaming the Information Technology Resources Management Act as the "Enterprise Information Technology Services Management Act"; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to proposed enterprise information technology services submitted by the agency; deleting the requirement that the agency develop a migration plan; amending s. 282.201, F.S.; revising the duties of the agency; specifying the requirements for obtaining an exception to the limitations on agencies relating to computer services; amending s. 282.203, F.S.; providing an additional duty for a state primary data center; revising the date for appointing a board of trustees of a primary data center; revising the method for determining representation on the board of trustees; revising the role on the board of the executive director of the Agency for Enterprise Information Technology; allowing board membership resulting from consolidations to be adjusted in the appropriations act; providing an additional duty of the board; amending s. 282.204, F.S.; deleting obsolete provisions; providing that the Northwood Shared Resource Center is an agency established with the Department of Children and Family Services; authorizing the secretary of the department to appoint a temporary chair of the center's board of trustees; requiring the agency and the department to identify and transfer department resources by budget amendment; amending s. 282.205, F.S.; deleting obsolete provisions relating to the Southwood Shared Resource Center; amending s. 282.318, F.S.; renaming the Security of Data and Information Technology Infrastructure Act as the "Enterprise Security of Data and Information Technology Act"; providing that information technology security is an enterprise information technology service; substituting the Office of Information Security for the agency and revising the associated duties related to information technology security; requiring the agency to submit a plan for information technology security to the Legislature and Governor by a certain date; mending s. 282.33, F.S.; specifying that the Agency for Enterprise Information Technology shall make recommendations relating to the efficiency of state primary data centers; creating s. 282.34, F.S.; establishing a state electronic mail system as an enterprise information technology service; directing the Southwood Shared Resource Center to manage and operate the system; directing the agency to conduct an analysis of such service by a certain date and establish a workgroup to develop an implementation plan; prohibiting a state agency from terminating such service unless authorized by the Legislature; requesting the Division of Statutory Revision to create part IV of ch. 282, F.S.; creating s. 282.701, F.S.; providing a short title; transferring and renumbering s. 282.102, F.S., relating to the powers of the Department of Management Services with respect to a state communication system; transferring, renumbering, and amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S., relating to the SUNCOM system; substituting the department for the State Technology Office; transferring and renumbering s. 282.109, F.S., relating to the emergency control of the state communications system; transferring, renumbering, and amending ss. 282.1095 and 282.111, F.S., relating to the communications system for law enforcement agencies; substituting the department for the State Technology Office; transferring, renumbering, and amending ss. 282.21, F.S., relating to remote electronic access; substituting the department for the State Technology Office; repealing s. 282.22, F.S., relating to materials and products acquired or developed by the State Technology Office; amending s. 287.042, F.S.; revising the duties of the department to include the development of procedures that ensure certain records requirements; deleting the requirement that the department consult with the office on agreements for the joint purchase of information technology; deleting a requirement for the department and office to access certain contracts; amending s. 1004.52, F.S.; deleting the requirement that the Institute on Urban Policy and Commerce consult with the office and the Chief Information Officer on requirements for computers purchased for the community computer access grant program; repealing and transferring certain administrative rules relating to the State Technology Office; amending s. 17, chapter 2008-116, Laws of Florida; providing that a state primary data center is the custodian of resources and equipment located in the data center for the purposes of ch. 272, F.S.; amending ss. 318.18, 393.002, and 1001.26, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title. On motions by Senator Haridopolos, by two-thirds vote **CS for SB 2574** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 4:00 p.m.

The Senate resumed consideration of—

CS for CS for SB 1840—A bill to be entitled An act relating to protecting Florida's health through a surcharge on tobacco products; providing a short title; amending s. 210.01, F.S.; redefining the terms "unstamped package," "unstamped cigarettes," and "stamp"; conforming provisions to changes made by the act; creating s. 210.011, F.S.; levying a surcharge on cigarettes equivalent to $1 per standard pack; establishing surcharge amounts for cigarettes of a nonstandard sizes and in varying quantities; providing legislative intent that the surcharge be uniform throughout the state; providing for the surcharge to be administered in the same manner as the cigarette tax imposed under s. 210.02, F.S.; requiring that revenue from the surcharge to be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; amending s. 210.04, F.S., to conform; amending s. 210.18, F.S.; providing enhanced penalties for the sale or possession of any quantity of counterfeit cigarettes; creating a reward program for information concerning violations under part I of ch. 210, F.S.; amending s. 210.25, F.S.; clarifying provisions with respect to definitions; creating s. 210.211, F.S.; providing definitions; levying a surcharge on tobacco products other than cigarettes; providing for the surcharge to be administered in the same manner as the tax imposed under part II of ch. 210, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; providing that the surcharge on cigarettes and other tobacco products applies to existing inventory on the effective date of the act; requiring each manufacturer, distributor, wholesaler, and vendor to take an inventory of the cigarettes and other tobacco products in its possession on the effective date of the act; requiring that the amount of such inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; providing that the surcharge may be paid in four equal installments; providing for penalties and interest for delinquent payments; amending s. 210.05, F.S.; conforming provisions to changes made by the act; creating s. 210.1801, F.S.; providing for the administration of Indian-stamped cigarettes and other tobacco products; providing that agents of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or wholesale dealers may sell stamped but untaxed cigarettes and tobacco products to the Seminole Indian Tribe of Florida and the Miccosukee Tribe of Florida Indians for retail sale to tribal members; prohibiting an agent or wholesale dealer from collecting from the purchaser certain taxes or surcharges imposed by law; requiring that cigarette and other tobacco product stamps identify the tribe, or member thereof, to which the cigarettes are sold; providing for criminal penalties; providing for a fine; requiring the division to conduct a public-awareness campaign relating to the criminal possession of Indian cigarettes or Indian tobacco products by nontribal members; providing for the content of the notice required by law; requiring law enforcement agencies to report the seizure of Indian cigarettes or Indian tobacco products by nontribal members; providing for an exemption applicable to signatories of an approved compact that provides for revenue sharing between the tribe and the state; providing for an appropriation; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 3 (143642)** by Senator Crist.

MOTION

On motion by Senator Deutch, the rules were waived to allow the following amendment to be considered:

Senator Deutch moved the following amendment which was adopted:

Amendment 4 (332194) (with title amendment)—Between lines 219 and 220 insert:

Section 5. Section 210.095, Florida Statutes, is created to read:

210.095 Mail order, Internet, and remote sales of tobacco products; age verification.—

(1) For purposes of this section, the term:

(a) "Adult" means an individual who is at least the legal minimum purchase age for tobacco products.

(b) "Consumer" means a person in this state who comes into possession of any tobacco product subject to the tax imposed by this chapter and who, at the time of possession, is not a distributor intending to sell or distribute the tobacco product, a retailer, or a wholesaler.

(c) "Delivery sale" means any sale of tobacco products to a consumer in this state for which:

1. The consumer submits the order for the sale by means of telephonic or other voice transmission, mail, a delivery service, or the Internet or other online service; or

2. The tobacco products are delivered by use of mail or a delivery service.

(d) "Delivery service" means any person engaged in the commercial delivery of letters, packages, or other containers.

(e) "Legal minimum purchase age" means the minimum age at which an individual may legally purchase tobacco products in this state.

(f) "Mail" or "mailing" means the shipment of tobacco products through the United States Postal Service.

(g) "Retailer" means any person who is not a licensed distributor in possession of tobacco products subject to tax under this chapter for the purposes of selling the tobacco products to consumers.

(h) "Shipping container" means a container in which tobacco products are shipped in connection with a delivery sale.

(i) "Shipping document" means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.

(j) "Tobacco products" means all cigarettes, smoking tobacco, snuff, fine-cut chewing tobacco, cut and granulated tobacco, cavendish, plug or twist tobacco, and cigars.

(2)(a) A sale of tobacco products constituting a delivery sale pursuant to paragraph (1)(c) is a delivery sale regardless of whether the person accepting the order for the delivery sale is located inside or outside this state.

(b) A cigarette retailer must obtain a license from the department pursuant to the requirements of this chapter before accepting an order for a delivery sale.

(c) A person may not make a delivery sale of tobacco products to any individual who is not an adult.

(d) Each person accepting an order for a delivery sale shall comply with each of the following:

1. The age verification requirements set forth in subsection (3).

2. The disclosure requirements set forth in subsection (4).

3. The shipping requirements set forth in subsection (5).

4. The registration and reporting requirements set forth in subsection (6).

5. The tax collection requirements set forth in subsection (7).

6. The licensing and tax stamp requirements set forth in this chapter that apply to sales of tobacco products occurring entirely in this state.

7. All laws of this state generally applicable to sales of tobacco products occurring entirely in this state which impose excise taxes and assessments.

(3) A person may not mail, ship, or otherwise deliver tobacco products in connection with an order for a delivery sale unless, before the first delivery to the consumer, the person accepting the order for the delivery sale:

(a) Obtains from the individual submitting the order a certification that includes:

1. Reliable confirmation that the individual is an adult; and

2. A statement signed by the individual in writing and under penalty of perjury that:

a. Certifies the address and date of birth of the individual; and

b. Confirms that the individual wants to receive delivery sales from a tobacco company and understands that, under the laws of this state, the following actions are illegal:

(I) Signing another individual's name to the certification;

(II) Selling tobacco products to individuals under the legal minimum purchase age; and

(III) Purchasing tobacco products, if the person making the purchase is under the legal minimum purchase age.

(b) Makes a good faith effort to verify the information contained in the certification provided by the individual pursuant to paragraph (a) against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.

(c) Provides to the individual, via electronic mail or other means, a notice meeting the requirements of subsection (4).

(d) If an order for tobacco products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.

(e) Imposes a two-carton minimum on each order of cigarettes, and requires payment for the purchase of any tobacco product to be made by personal check of the purchaser or the purchaser's credit card. Payment by money order or cash may not be received or permitted. The person accepting the order for delivery sale shall submit to each credit card acquiring company with which it has credit card sales identification information in an appropriate form and format so that the words "tobacco product" may be printed in the purchaser's credit card statement when a purchase of a tobacco product is made by credit card payment.

(f) Makes a telephone call after 5 p.m. to the purchaser confirming the order before shipping the tobacco products. The telephone call may be a person-to-person call or a recorded message. The person accepting the order for delivery sale is not required to speak directly with a person and may leave a message on an answering machine or by voice mail system.

In addition to the requirements of this subsection, a person accepting an order for a delivery sale may request that a consumer provide an electronic mail address.

(4) The notice described in paragraph (3)(c) shall include prominent and clearly legible statements that sales of tobacco products are:

(a) Illegal if made to individuals who are not adults.

(b) Restricted to those individuals who provide verifiable proof of age in accordance with subsection (3).

(c) Taxable under this chapter.

The notice shall include an explanation of how each tax has been, or is to be, paid with respect to the delivery sale.

(5) Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale shall:

(a) Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Tobacco Products: Florida law prohibits shipping to individuals under 18 years of age and requires the payment of all applicable taxes."

(b) Use a method of mailing, shipping, or delivery that obligates the delivery service to require:

1. The individual submitting the order for the delivery sale or another adult who resides at the individual's address to sign his or her name to accept delivery of the shipping container. Proof of the legal minimum purchase age of the individual accepting delivery is required only if the individual appears to be under 27 years of age.

2. Proof that the individual is either the addressee or the adult designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

(c) Provide to the delivery service retained to deliver the delivery sale evidence of full compliance with subsection (7).

If the person accepting a purchase order for a delivery sale delivers the tobacco products without using a delivery service, the person must comply with all of the requirements of this section which apply to a delivery service ,and any failure to comply with a requirement of this section constitutes a violation thereof.

(6)(a) Before making sales or shipping tobacco products in connection with sales, a person shall file with the department a statement stating the person's name, trade name, and the address of the person's principal place of business, as well as any other place of business.

(b) No later than the 10th day of each month, each person who has made a sale or mailed, shipped, or otherwise delivered tobacco products in connection with any sale during the previous calendar month shall file with the department a memorandum or a copy of the invoice, providing for each sale:

1. The name and address of the individual who submitted the order for the sale.

2. The name and address of the individual who accepted delivery of the tobacco products.

3. The name and address of the person accepting the order for the sale of tobacco products.

4. The name and address of the delivery service and the name of the individual making the delivery.

5. The brand or brands of the tobacco products sold in the sale.

6. The quantity of each brand of tobacco products sold in the sale.

(c) A person may comply with the requirements of this subsection by complying with the requirements of 15 U.S.C. 376.

(d) This section does not apply to sales of tobacco products by a licensed distributor or to sales of tobacco products by a retailer purchased from a licensed distributor.

(7) Each person accepting a purchase order for a delivery sale shall collect and remit to the department all taxes imposed on tobacco products by this state with respect to the delivery sale. With respect to cigarettes, the collection and remission are not required if the person has obtained proof in the form of the presence of applicable tax stamps or tax exempt stamps, or other proof that the taxes have already been paid to this state.

(8)(a) Except as otherwise provided in this section, a violation of this section by a person other than an individual who is not an adult is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and:

1. For a first violation of this section, the person shall be fined $1,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

2. For a second or subsequent violation of this section, the person shall be fined $5,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

(b) A person who is an adult and who knowingly submits a false certification under subsection (3) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For each offense, the person shall be fined $10,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

(c) A person who fails to pay any tax required in connection with a delivery sale shall pay, in addition to any other penalty, a penalty of five times the retail value of the tobacco products involved.

(d) Any tobacco products sold or attempted to be sold in a delivery sale not meeting the requirements of this section shall be forfeited to the state pursuant to s. 210.185.

(e) A person who, in connection with a delivery sale, delivers tobacco products on behalf of a delivery service to an individual who is not an adult commits a misdemeanor of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(f) Any fixture, equipment, or other material or personal property on the premises of any person who, with the intent to defraud this state, mails or ships tobacco products into this state and fails to satisfy any of the requirements of this section is a contraband article within the definition of s. 932.701(2)(a)3.

(g) An individual who is not an adult and who knowingly violates any provision of this section commits a misdemeanor of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(9) The Attorney General, the Attorney General's designee, a state attorney, or any person who holds a permit under 26 U.S.C. 5713 may bring an action in the appropriate court in this state to prevent or restrain violations of this section by any person.

And the title is amended as follows:

Delete line 18 and insert: conform; creating s. 210.095, F.S.; providing definitions; providing that certain transactions constitute a delivery sale of tobacco products; requiring that a cigarette retailer obtain a license before accepting an order for a delivery sale; prohibiting the making of a delivery sale to a person who is not an adult; requiring that a person accepting an order for a delivery sale comply with certain requirements; prohibiting the mailing, shipping, or delivery of tobacco products in connection with an order for delivery sale unless, before the first delivery to a consumer, the person accepting such order takes certain actions; authorizing a person accepting an order for delivery sale to request that a consumer provide an e-mail address; requiring the delivery of a notice to consumers making orders for delivery sale; providing requirements for such notice; requiring that each person who mails, ships, or delivers tobacco products in connection with an order for delivery sale fulfill specified requirements; requiring that a person file a statement containing certain information with the Department of Business and Professional Regulation before selling or shipping tobacco products; requiring that certain individuals file certain information with the department at specified intervals; providing that a person may comply with certain provisions of state law by complying with certain provisions of federal law; providing for applicability of certain provisions of state law; requiring the collection and remittance of certain taxes; providing penalties for certain violations of state law; classifying certain property as contraband material; requiring the forfeiture of tobacco products under certain circumstances; authorizing the Attorney General, his or her designee, a state attorney, or any person holding a specified type of permit to bring certain actions in a court of this state; amending s. 210.18, F.S.; providing enhanced

MOTION

On motion by Senator Deutch, the rules were waived to allow the following amendment to be considered:

Senators Deutch, Rich, Detert, Gelber, and Storms offered the following amendment which was moved by Senator Deutch:

Amendment 5 (872678) (with title amendment)—Delete lines 197-199 and insert:

(9) Revenue generated from the surcharge levied under this section shall be deposited into the Health Care Trust Fund within the Agency for Health Care Administration, except as otherwise directed in this section.

(10) Beginning in the 2009-2010 fiscal year and each fiscal year thereafter, the equivalent of the first 15 percent of the revenue generated from the surcharge levied under this section, prior to the computation of the trust fund surcharge imposed by s. 215.20, shall be allocated to biomedical research conducted within this state as follows:

(a) The sum of 5.8445 percent of the revenue generated from the surcharge levied in this section to the H. Lee Moffitt Cancer Center and Research Institute, established in s. 1004.43, which shall be paid monthly to the center's board of directors by warrant drawn by the Chief Financial Officer upon the State Treasury. The revenues derived from this allocation are separate and distinct from any funds allocated to the H. Lee Moffitt Cancer Center through the James and Esther King Biomedical Research Program or the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. Funds derived pursuant to this paragraph shall be used for the purpose of constructing, furnishing, and equipping cancer research, treatment, and related facilities, and, at the discretion of the board of directors, for matters in furtherance of the mission of the cancer center or institute. Moneys transferred to the board of directors of the H. Lee Moffitt Cancer and Research Institute pursuant to s. 210.011 may be used to pay or secure bonds or financial products issued or incurred in connection with the financing of costs related to constructing, furnishing, and equipping the cancer research, treatment, and related facilities. Such financing may include the issuance of tax-exempt bonds or other forms of indebtedness by a local authority, municipality, or county pursuant to parts II and III of chapter 159. Such bonds shall not constitute state bonds for purposes of s. 11, Art. VII of the State Constitution, but shall constitute bonds of a local agency, as defined in s. 159.27(4).

(b) The sum of 1.7534 percent of the revenue generated from the surcharge levied in this section to the University of Florida Shands Cancer Center. The revenues derived from this allocation are separate and distinct from any funds allocated to the University of Florida Shands Cancer Center through the James and Esther King Biomedical Research Program or the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. Funds derived pursuant to this paragraph shall be used for the purposes of constructing, furnishing, and equipping cancer research, treatment, and related facilities, and may include the recruitment and retention of faculty or other personnel related to research programs.

(c) The sum of 1.7534 percent of the revenue generated from the surcharge levied in this section to the Sylvester Comprehensive Cancer Center at the University of Miami Miller School of Medicine. The revenues derived from this allocation are separate and distinct from any funds allocated to the Sylvester Comprehensive Cancer Center at the University of Miami Miller School of Medicine through the James and Esther King Biomedical Research Program or the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. Funds derived pursuant to this paragraph shall be used for the purposes of constructing, furnishing, and equipping cancer research, treatment, and related facilities, and may include the recruitment and retention of faculty or other personnel related to research programs.

(d) The sum of 5.1812 percent of the revenue generated from the surcharge levied in this section to the Biomedical Research Trust Fund for distribution by the Biomedical Research Advisory Council to grantees of the James and Esther King Biomedical Research Program and the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. The programs shall equally divide the allocation, subject to the methods provided in ss. 215.5602 and 381.922, respectively.

(e) The sum of 0.2922 percent of the revenue generated from the surcharge levied in this section to the Biomedical Research Trust Fund for distribution to the Diabetes Research Institute for the purposes of conducting research.

(f) The sum of 0.1753 percent of the revenue generated from the surcharge levied in this section to the Biomedical Research Trust Fund for distribution to the Miami Project to Cure Paralysis for the purposes of conducting research.

And the title is amended as follows:

Delete line 17 and insert: Care Administration; providing for the allocation of revenue generated from the cigarette surcharge; amending s. 210.04, F.S., to

MOTION

On motion by Senator Deutch, the rules were waived to allow the following amendment to be considered:

Senator Deutch moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A (170716)—Delete line 9 and insert:

(10) Beginning in the 2010-2011 fiscal year and each fiscal

Amendment 5 as amended was withdrawn.

MOTION

On motion by Senator Deutch, the rules were waived to allow the following amendment to be considered:

Senator Deutch moved the following amendment which was adopted:

Amendment 6 (230382) (with title amendment)—Delete lines 435-526 and insert:

210.1801 Exempt cigarettes for members of recognized Indian tribes.—

(1) Notwithstanding any provision of this chapter to the contrary, a member of an Indian tribe recognized in this state who purchases cigarettes on an Indian reservation for his or her own use or consumption is exempt from paying a cigarette tax. However, such member purchasing cigarettes off an Indian reservation or a nontribal member purchasing cigarettes on an Indian reservation is not exempt from paying the cigarette tax when purchasing cigarettes within this state. Accordingly, all cigarettes sold on an Indian reservation to a nontribal member shall be taxed, and evidence of such tax shall be by means of an affixed cigarette tax stamp.

(2) In order to ensure an adequate quantity of cigarettes on Indian reservations which may be purchased by tribal members who are exempt from the cigarette tax, the department shall provide recognized Indian tribes within this state with Indian-tax-exemption coupons as set forth in this section. A reservation cigarette seller shall present such Indian-tax-exemption coupons to a wholesale dealer licensed in this state in order to purchase stamped cigarettes that are exempt from the imposition of the cigarette tax. A tribal member may purchase cigarettes that are exempt from the cigarette tax from a reservation cigarette seller even though such cigarettes have an affixed cigarette tax stamp.

(3) Indian-tax-exemption coupons shall be provided to the recognized governing body of each Indian tribe to ensure that each Indian tribe can obtain tax-exempted cigarettes that are for the use or consumption by the tribe or its members. The Indian-tax-exemption coupons shall be provided to the Indian tribes on a quarterly basis. It is intended that each Indian tribe will distribute the Indian-tax-exemption coupons to reservation cigarette sellers on such tribe's reservation. Only Indian tribes or reservation cigarette sellers on their reservations may redeem such Indian-tax-exemption coupons pursuant to this section.

(a) The amount of Indian-tax-exemption coupons to be given to the recognized governing body of each Indian tribe shall be based upon the probable demand of the tribal members on the tribe's reservation plus the amount needed for official tribal use. The annual total amount of Indian-tax-exemption coupons to be given to the recognized governing body of each Indian tribe shall be calculated by multiplying the number of members of the tribe times five packs of cigarettes times 365.

(b) Each wholesale dealer shall keep records of transactions involving Indian-tax-exemption coupons and shall submit appropriate documentation to the department when claiming a refund as set forth in this section. Documentation shall contain at least the following information:

1. The identity of the Indian tribe to which an Indian-tax-exemption coupon is issued;

2. The identity and the quantity of the product for which an Indian-tax-exemption coupon is issued;

3. The date of issuance and the date of expiration of the an Indian-tax-exemption coupon; and

4. Any other information as the commissioner may deem appropriate.

(4)(a) An Indian tribe may purchase cigarettes for its own official use or consumption from a wholesale dealer without payment of the cigarette tax to the extent that the Indian tribe provides the wholesale dealer with Indian-tax-exemption coupons entitling the Indian tribe to purchase such quantities of cigarettes as allowed by each Indian-tax-exemption coupon without paying the cigarette tax.

(b) A tribal member may purchase cigarettes for his or her own use or consumption without payment of the cigarette tax if the tribal member makes such purchase on a qualified reservation.

(c) A reservation cigarette seller may purchase cigarettes for resale without payment of the cigarette tax from a wholesale dealer licensed pursuant to this chapter:

1. If the reservation cigarette seller brings the cigarettes or causes them to be delivered onto a qualified reservation for resale on the reservation;

2. To the extent that the reservation cigarette seller provides the wholesale dealer with Indian-tax-exemption coupons entitling the reservation cigarette seller to purchase such quantities of cigarettes as allowed on each Indian-tax-exemption coupon without paying the cigarette tax; and

3. If the cigarettes are affixed with a cigarette tax stamp.

(d) A wholesale dealer shall not collect the cigarette tax from any purchaser to the extent the purchaser gives the wholesale dealer Indian-tax-exemption coupons that entitle the purchaser to purchase such quantities of cigarettes as allowed on each such Indian-tax-exemption coupon without paying the cigarette tax.

(5) A wholesale dealer who has one or more Indian-tax-exemption coupons may file a claim for a refund with respect to any cigarette tax previously paid on cigarettes that the wholesale dealer sold without collecting the tax because the dealer accepted an Indian-tax-exemption coupon from its purchaser pursuant to this section.

(6) If an Indian tribe enters into an agreement with the state and the Legislature approves such agreement regarding the sale and distribution of cigarettes on the tribe's reservation, the terms of such agreement shall take precedence over the provisions of this section and exempt such tribe from taxes to the extent that the taxes are specifically referred to in the agreement. The sale or distribution, including transportation, of any cigarettes to the tribe's reservation shall be in accordance with the provisions of such agreement. This agreement must provide for revenue sharing between the tribe and the state relating to the imposition and collection of the taxes imposed by ss. 210.02 and 210.30 and the surcharges imposed by ss. 210.011 and 210.211 and must at a minimum provide for the state

to receive as revenue sharing from the tribe the full amounts of the surcharges imposed by ss. 210.011 and 210.211.

And the title is amended as follows:

Delete lines 45-69 and insert: creating s. 210.1801, F.S.; providing that certain members of an Indian tribe recognized in this state are exempt from paying a cigarette tax under certain conditions; providing that cigarettes sold on an Indian reservation to a nontribal member are taxed; providing that evidence of such tax is indicated by an affixed cigarette tax stamp; requiring the department to provide Indian-tax-exemption coupons; requiring a reservation cigarette seller to present these coupons to a wholesale dealer in order to purchase tax-exempted, stamped cigarettes; authorizing tribal members to purchase tax-exempted, stamped cigarettes from reservation cigarette sellers; authorizing the governing bodies of Indian tribes to be provided with Indian-tax-exemption coupons; authorizing Indian tribes and reservation cigarette sellers to redeem Indian-tax-exemption coupons; providing for the calculation of the number of Indian-tax-exemption coupons to be provided; requiring wholesale dealers to keep records of transactions involving Indian-tax-exemption coupons and to submit documentation to the department; providing criteria for the documentation; authorizing an Indian tribe, a tribal member, and a reservation cigarette seller to purchase tax-exempted cigarettes from a wholesale dealer under certain conditions; prohibiting a wholesaler from collecting the cigarette tax when given Indian-tax-exemption coupons; authorizing a wholesale dealer to file a claim for a refund with respect to a cigarette tax previously paid; providing that an approved agreement between an Indian tribe and the state takes precedence over s. 210.1801, F.S.; requiring that the agreement provide for revenue sharing between the tribe and the state;

On motion by Senator Crist, the Senate resumed consideration of pending **Amendment 3 (143642).**

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (871182) (with title amendment)—Delete lines 71-132 and insert: *brought into this state by such possessor are subject to the penalties in s. 210.18(6).*

And the title is amended as follows:

Delete lines 154-169 and insert: the cigarettes are sold; providing an effective date.

Amendment 3 as amended failed.

On motions by Senator Deutch, by two-thirds vote **CS for CS for SB 1840** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

The Senate resumed consideration of—

CS for CS for SB 1012—A bill to be entitled An act relating to state lands; amending s. 253.01, F.S.; authorizing the use of moneys in the Internal Improvement Trust Fund for the protection and restoration of water resources; amending s. 253.03, F.S.; providing rulemaking authority to the Board of Trustees of the Internal Improvement Trust Fund with respect to the uses of sovereignty submerged lands; defining lease types; providing for fees and lease rates; allowing for special events; detailing minimum compliance standards; amending s. 253.04, F.S.; providing for the assessment of fines; amending s. 895.09, F.S.; conforming a cross-reference; providing an effective date.

—which was previously considered and amended this day.

On motions by Senator Crist, by two-thirds vote **CS for CS for SB 1012** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Pruitt
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Aronberg	Gelber	Ring
Baker	Haridopolos	Siplin
Bennett	Hill	Smith
Constantine	Jones	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Oelrich	
Dockery	Peaden	

Nays—1

Fasano

Vote after roll call:

Yea—Joyner

MOTIONS

On motion by Senator Alexander, the Senate requested that the House appoint a conference committee in the event that the house refuses to pass the following bills as passed by the Senate: **SB 2600**, **SB 2602**, **CS for SB 1658**, **CS for SB 1660**, **CS for SB 1662**, **CS for SB 1664**, **CS for CS for SB 1676**, **CS for CS for SB 1696**, **CS for SB 1718**, **CS for SB 1720**, **CS for SB 1722**, **CS for CS for SB 1724**, **CS for SB 1726**, **CS for SB 1728**, **CS for SB 1740**, **CS for SB 1742**, **CS for SB 1744**, **CS for SB 1748**, **CS for SB 1750**, **CS for SB 1754**, **CS for SB 1758**, **CS for CS for SB 1778**, **CS for CS for SB 1780**, **CS for SB 1782**, **CS for SB 1786**, **CS for SB 1798**, **CS for SB 1800**, **CS for SB 1802**, **CS for SB 1804**, **CS for SB 1806**, **CS for CS for SB 1840**, **CS for CS for SB 788**, **CS for CS for SB 2694**, **CS for CS for SB 1796**, **CS for CS for SB 1012**, **CS for CS for SB 2108**, and **CS for SB 2574**.

On motion by Senator Crist—

CS for SB 414—A bill to be entitled An act relating to the conveyance of bodies into, within, or out of the state; amending s. 406.61, F.S.; authorizing an accredited or certified entity to convey plastinated bodies into, within, or out of the state for exhibition and educational purposes; requiring that the entity provide prior notification and documentation to the anatomical board; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment which was adopted:

Amendment 1 (329008)—Delete line 40 and insert: *documentation that the bodies have been legally acquired for the*

Pursuant to Rule 4.19, **CS for SB 414** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 836 was not received.

On motion by Senator Pruitt—

CS for SB 672—A bill to be entitled An act relating to road designations; designating the Stan Mayfield Memorial Highway in Indian River and Osceola Counties; designating the Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Bridge in Ocala; designating the Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; designating the Coach Jermaine D. Hall Memorial Highway in Duval County; designating Orange Bowl Way in Miami Lakes; designating the Andrew J. Capeletti Memorial Bridge in Miami-Dade County; designating the Johnny C. Treadwell Highway in Lake County; designating John Bruce Sweeny Street in St. Johns County; designating the Heather Hurd Memorial Highway in Polk County; designating the Trooper Charles Eugene Campbell Memorial Highway in Taylor County; directing the Department of Transportation to erect suitable markers; designating a specified portion of Southwest 67th Avenue in the City of South Miami and the Village of Pinecrest in Miami-Dade County as a state historic road; prohibiting the expenditure of public funds for certain purposes; providing construction; directing the Division of Historical Resources of the Department of State to provide for the erection of suitable markers; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (460978)—Delete line 33 and insert: *at State Road 441 in Osceola County is*

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (692304)—Delete lines 75-76 and insert:

(1) The ramp that connects Northbound Turnpike to Northbound I-75 in Miami-Dade County is designated as the "Andrew J.

Senator Dean moved the following amendment which was adopted:

Amendment 3 (262114) (with title amendment)—Between lines 113 and 114 insert:

Section 11. *Samuel B. Love Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of Sunset Harbor Road between Southeast 105th Avenue and Southeast 115th Avenue in Marion County is designated as the "Samuel B. Love Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Samuel B. Love Memorial Highway as described in subsection (1).

And the title is amended as follows:

Delete line 16 and insert: Taylor County; designating the Samuel B. Love Memorial Highway in Marion County; directing the Department of

Senator Lawson moved the following amendment which was adopted:

Amendment 4 (627924) (with title amendment)—Between lines 113-114 and insert:

Section 11. *Ray Charles Memorial Parkway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of U.S. Highway 90 within Greenville in Madison County is designated as the "Ray Charles Memorial Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating the Ray Charles Memorial Parkway as described in subsection (1).

And the title is amended as follows:

Delete line 16 and insert: Taylor County; designating the Ray Charles Memorial Parkway in Madison County; directing the Department of

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment which was adopted:

Amendment 5 (931218) (with title amendment)—Between lines 113 and 114 insert:

Section 11. *Frank Pasquarella Way designated; Department of Transportation to erect suitable markers.—*

(1) The portion of Byrd Road/Southwest 40th Street between Southwest 89th Avenue and Southwest 92nd Avenue in Miami-Dade County is designated as "Frank Pasquarella Way."

(2) The Department of Transportation is directed to erect suitable markers designating the Frank Pasquarella Way as described in subsection (1).

And the title is amended as follows:

Delete line 16 and insert: Taylor County; designating the Frank Pasquarella Way in Miami-Dade County; directing the Department of Transportation to erect suitable markers;

Pursuant to Rule 4.19, **CS for SB 672** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber—

CS for CS for SB 2700—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; excluding cardio and strength training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Gelber, the rules were waived to allow the following amendment to be considered:

Senator Gelber moved the following amendment which was adopted:

Amendment 1 (972450)—Delete lines 281-284 and insert:

538.37 Powers and duties of department.—The department has the authority provided under s. 538.11.

Section 3. This act shall take effect October 1, 2009.

Pursuant to Rule 4.19, **CS for CS for SB 2700** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Gaetz, the rules were waived and the Secretary was directed to transmit **CS for SB 574** to the House at the direction of the President.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 1398** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Villalobos, by two-thirds vote **SB 1396** was withdrawn from the Committee on Rules.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Crist, the rules were waived and the Committee on Criminal and Civil Justice Appropriations was granted permission to add **CS for SB 526** to the agenda at the meeting April 20th.

On motion by Senator Altman, the rules were waived and the Committee on Finance and Tax was granted permission to add **CS for CS for SB 1000**, **CS for CS for SB 1306**, **CS for SB 2282**, **CS for SB 942**, **SB 418**, **SB 1026**, and **SB 628** to the agenda at the meeting April 20th.

On motion by Senator Villalobos, the rules were waived and the Committee on Transportation and Economic Development Appropriations was granted permission to extend time of adjournment of the meeting April 20th until 3:30 p.m.; and to add **CS for SB 1212** to the agenda.

On motion by Senator Villalobos, the rules were waived and the committees in Group IV were granted permission to meet at 4:00 p.m. until 6:00 p.m. in lieu of 3:30 p.m. until 5:00 p.m. as scheduled this day; and the Policy and Steering Committee on Commerce and Industry was granted permission to meet at 6:15 p.m. until 7:00 p.m. in lieu of 5:15 p.m. until 6:00 p.m.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Ways and Means submits the following bills to be placed on the Special Order Calendar for Thursday, April 16, 2009: SB 2600, SB 2602, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1720, CS for SB 1722, CS for CS for SB 1724, CS for SB 1726, CS for SB 1728, CS for SB 1740, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for SB 1786, CS for SB 1798, CS for SB 1800, CS for SB 1802, CS for SB 1804, CS for SB 1806, CS for CS for SB 1840, CS for CS for SB 788, CS for CS for SB 2694, CS for CS for SB 1796, SCR 2726.

Respectfully submitted,
JD Alexander, Chair

The Policy and Steering Committee on Energy, Environment, and Land Use submits the following bill to be placed on the Special Order Calendar for Thursday, April 16, 2009: CS for CS for SB 1012.

Respectfully submitted,
James E. "Jim" King, Jr., Chair

The Policy and Steering Committee on Social Responsibility submits the following bill to be placed on the Special Order Calendar for Thursday, April 16, 2009: CS for CS for SB 2108.

Respectfully submitted,
Ken Pruitt, Chair

The Policy and Steering Committee on Governmental Operations submits the following bills to be placed on the Special Order Calendar for Thursday, April 16, 2009: CS for SB 414 and CS for SB 2574.

Respectfully submitted,
Mike Haridopolos, Chair

The Policy and Steering Committee on Commerce and Industry submits the following bills to be placed on the Special Order Calendar for Thursday, April 16, 2009: CS for SB 836 (If Received), CS for SB 672, CS for CS for SB 2700.

Respectfully submitted,
Don Gaetz, Chair

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1082

The Committee on Criminal Justice recommends the following pass: SB 652; CS for SB 2408

The Committee on Judiciary recommends the following pass: CS for CS for SB 1998

The bills contained in the foregoing reports were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 2170

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 1570; SB 2310 with 1 amendment

The bills were referred to the Committee on Finance and Tax under the original reference.

The Committee on Finance and Tax recommends the following pass: SB 2270

The Committee on Health Regulation recommends the following pass: SB 1438

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Transportation recommends the following pass: SB 2162

The bill was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 918

The Committee on Health Regulation recommends the following pass: SB 338

The Committee on Judiciary recommends the following pass: CS for CS for SB 162

The bills contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Health Regulation recommends the following pass: SB 1136

The bill was referred to the Committee on Higher Education under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 158

The Committee on Health Regulation recommends the following pass: SB 1120

The bills contained in the foregoing reports were referred to the Committee on Higher Education Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 444 with 1 amendment; SB 2412

The Committee on Community Affairs recommends the following pass: CS for SB 880 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 984; SB 1094; SB 2076

The Committee on Health Regulation recommends the following pass: SB 498

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: CS for CS for SB 1310

The Committee on Finance and Tax recommends the following pass: SB 300; CS for SB 618; SB 1140

The Committee on Higher Education recommends the following pass: CS for SB 888

The Committee on Judiciary recommends the following pass: CS for SB 910

The bills contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends the following pass: SB 658

The Committee on Judiciary recommends the following pass: SB 1066

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SJR 1908

The bills contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 580; CS for SB 1644; SB 2246

The Committee on Higher Education recommends the following pass: SB 442

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: CS for SB 1914; CS for SB 2426

The Committee on Health and Human Services Appropriations recommends the following pass: CS for CS for SB 456; CS for CS for SB 770; CS for SB 858; CS for SB 892; SB 902; SB 1050; CS for SB 1592; CS for SB 1604; SB 1628; SB 1896

The Committee on Higher Education Appropriations recommends the following pass: CS for SB 844; CS for SB 2096

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for SB 110; CS for SB 582; SB 1394; SB 2058

The bills were placed on the Calendar.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2002

The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Regulated Industries recommends committee substitutes for the following: CS for SB 2100; SB 2604

The bills with committee substitute attached were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 308

The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: CS for SB 2026

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2262

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1588

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2606

The bill with committee substitute attached was referred to the Committee on Environmental Preservation and Conservation under the original reference.

The Committee on Commerce recommends committee substitutes for the following: SB 810; SB 1526

The Committee on Community Affairs recommends a committee substitute for the following: SB 630

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2244

The Committee on Health Regulation recommends a committee substitute for the following: SB 2030

The Committee on Transportation recommends a committee substitute for the following: CS for SB 1306

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB's 1646 and 1038

The Committee on Commerce recommends committee substitutes for the following: SB 852; CS for SB 2626

The Committee on Health Regulation recommends a committee substitute for the following: SB 1122

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 364; SB 2016

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: SB 1680; SB 1682

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2530

The Committee on Transportation recommends a committee substitute for the following: SB 1528

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Health Regulation recommends committee substitutes for the following: SB 1880; CS for SB 2612

The bills with committee substitute attached were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1418

The bill with committee substitute attached was referred to the Committee on Higher Education under the original reference.

The Committee on Higher Education recommends a committee substitute for the following: SB 2318

The bill with committee substitute attached was referred to the Committee on Higher Education Appropriations under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 516

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 320

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Commerce recommends a committee substitute for the following: CS for SB 2322

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: CS for SB 1978; CS for SB 2482

The bills with committee substitute attached contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Commerce recommends a committee substitute for the following: CS for CS for SB 1088

The Committee on Transportation recommends committee substitutes for the following: CS for SB 362; SB 856

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends committee substitutes for the following: SB 412; CS for SB 1548

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: CS for SB 278; CS for SB 1616; CS for SB 2538

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 1144; CS for SB 1868

The Committee on Higher Education Appropriations recommends committee substitutes for the following: SB 554; CS for SB 622; CS for SB 926

The bills with committee substitute attached were placed on the Calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment		*For Term Ending*
Board of Directors, Enterprise Florida, Inc.		
Appointee:	Leonhardt, Frederick W.	07/01/2012
Florida Commission on Tourism		
Appointees:	Hertz, Andrew P.	06/30/2010
	Mares, Charles "Sonny" F.	06/30/2010
	McQueen, Carol J.	06/30/2010
	Stork, Thom	06/30/2010

The Committee on Commerce recommends that the Senate confirm the following appointments made by the Speaker of the House of Representatives:

Office and Appointment		*For Term Ending*
Board of Directors, Enterprise Florida, Inc.		
Appointees:	de las Cuevas-Diaz, Vivian	07/01/2011
	Waller, Philip Leon, Jr.	07/01/2012

The Committee on Higher Education recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment		*For Term Ending*
Board of Governors of the State University System		
Appointee:	Tripp, Norman D.	01/06/2013

The Committee on Regulated Industries recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment	*For Term Ending*
Secretary of Business and Professional Regulation	
Appointee: Drago, Charles W.	Pleasure of Governor

The Committee on Transportation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment	*For Term Ending*
Florida Transportation Commission	
Appointee: Rose, Manuel "Manny"	09/30/2011

The appointments were referred to the Committee on Ethics and Elections under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Gaetz—

CS for CS for SB 278—A bill to be entitled An act relating to charter schools; amending ss. 11.45, 218.39, 218.50, and 218.501, F.S., relating to audit reports by the Auditor General; conforming provisions to changes made by the act; amending ss. 218.503 and 218.504, F.S.; providing that a charter technical career center is subject to certain requirements in a financial emergency; requiring that the sponsor be notified of certain conditions; providing for the development of a financial recovery plan, which may be approved by the Commissioner of Education; amending s. 1002.33, F.S.; providing for duties of a charter school sponsor and governing board if a charter school or charter technical career center experiences a deteriorating financial condition or is in a financial emergency; specifying forms to be used by a charter school applicant and sponsor; requiring applicant training and documentation; deleting requirements relating to auditing and being in a state of financial emergency; requiring charter schools to disclose the identity of relatives of charter school personnel; providing that the immediate termination of a charter is exempt from requirements for an informal hearing or for a hearing under ch. 120, F.S.; providing for the disclosure of the performance of a charter school that is not given a school grade or school improvement rating; revising the requirements for providing certain information to the public; providing reporting requirements; providing restrictions for the employment of relatives by charter school personnel; providing that members of a charter school governing board are subject to certain standards of conduct specified in ss. 112.313 and 112.3143, F.S.; amending s. 1002.34, F.S.; providing additional duties for charter technical career centers, applicants, sponsors, and governing boards; requiring the Department of Education to offer or arrange training and assistance to applicants for a charter technical career center; requiring that an applicant participate in the training; creating s. 1002.345, F.S.; establishing criteria and requirements for charter schools and charter technical career centers that have a deteriorating financial condition or are in a state of financial emergency; establishing requirements for charter schools, charter technical career centers, governing bodies, and sponsors; providing for corrective action and financial recovery plans; providing for duties of auditors, the Commissioner of Education, and the Department of Education; requiring the State Board of Education to adopt rules; providing grounds for termination or nonrenewal of a charter; providing an effective date.

By the Committees on Banking and Insurance; and Health Regulation; and Senator Ring—

CS for CS for SB 308—A bill to be entitled An act relating to developmental disabilities; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder or other developmental disability and inform the parent or legal guardian of the right to direct access to that specialist under certain circumstances; defining the term "appropriate specialist"; amending ss. 627.6686 and 641.31098, F.S.; defining the term "developmental disability"; providing health insurance coverage for individuals with developmental disabilities; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disabilities; defining the term "direct patient access"; requiring the insurer's policy or the health maintenance organization's contract to provide a minimum number of visits per year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disabilities; providing an effective date.

By the Committees on Community Affairs; and Criminal Justice; and Senator Crist—

CS for CS for SB 320—A bill to be entitled An act relating to sexual offenders and predators; creating s. 775.215, F.S.; preempting to the state the authority to limit the residence of a person convicted of a sexual offense; amending s. 794.065, F.S.; revising provisions relating to residency limits on a person convicted of certain sex offenses; imposing more restrictive residency limits on a person convicted of certain sex offenses; providing criminal penalties; creating s. 856.022, F.S.; prohibiting loitering or prowling by certain offenders within a specified distance of places where children regularly congregate; prohibiting certain actions toward a child at a public park or playground by certain offenders; prohibiting the presence of certain offenders at a child care facility without notice and supervision; providing exceptions; providing penalties; amending s. 775.21, F.S.; revising and providing definitions; revising provisions relating to reporting requirements for sexual predators who are in a transient status; amending s. 943.0435, F.S.; revising provisions relating to residence reporting requirements for sexual offenders; amending s. 943.04352, F.S.; requiring that the probation services provider search in an additional specified sex offender registry for information regarding sexual predators and sexual offenders when an offender is placed on misdemeanor probation; amending s. 944.606, F.S.; revising address reporting requirements for sexual offenders; amending s. 944.607, F.S.; requiring additional registration information from sex offenders who are under the supervision of the Department of Corrections but who are not incarcerated; amending s. 947.1405, F.S.; providing additional conditional release restrictions for certain offenders; providing an exemption; revising provisions relating to polygraph examinations of specified conditional releasees who have committed specified sexual offenses; providing additional restrictions for certain conditional releasees who have committed sexual offenses against minors under the age of 16 or who have been designated as sexual predators or received similar designations or determinations in another jurisdiction; imposing more restrictive residency limits on a person convicted of certain sex offenses; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; imposing more restrictive residency limits on a person convicted of certain sex offenses; revising provisions relating to polygraph examinations of specified probationers or community controllees who have committed specified sexual offenses; providing additional restrictions for certain probationers or community controllees who committed sexual offenses against minors under the age of 16 or who have been designated as sexual predators or received similar designations or determinations in another jurisdiction; providing additional restrictions for certain probationers or community controllees who committed sexual offenses against a minor younger than 16 years of age; amending s. 948.31, F.S.; deleting a requirement for diagnosis of certain sexual predators and sexual offenders on community control; revising provisions relating to treatment for such offenders and predators; amending s. 985.481, F.S.; providing additional address reporting requirements for sexual offenders adjudicated delinquent; amending s. 985.4815, F.S.; revising provisions relating to address and residence reporting requirements for sexual offenders adjudicated delinquent; providing an effective date.

By the Committees on Transportation; and Community Affairs; and Senator Bennett—

CS for CS for SB 362—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; redefining the term "existing urban service area" as "urban service area"; defining the term "dense urban land area"; requiring the Office of Economic and Demographic Research to annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas; providing for the use of certain data and certain boundaries for such

determination; requiring the Office of Economic and Demographic Research to submit to the state land planning agency the list of jurisdictions that meet certain criteria by a specified date; requiring the state land planning agency to publish such list; amending s. 163.3177, F.S.; revising the criteria for future land use designations; authorizing the state land planning agency to allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed certain percent under certain circumstances; amending s. 163.3180, F.S.; revising concurrency requirements; revising legislative findings; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; requiring that a local government that has certain transportation concurrency exception area adopt land use and transportation strategies within a specified timeframe; requiring the state land planning agency to submit certain finding to the Administration Commission; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature by a specified date; requiring that the report contain certain information relating to transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job creation projects; revising provisions relating to proportionate fair-share mitigation; revising provisions relating to school concurrency requirements; requiring that charter schools be considered as a mitigation option under certain circumstances; revising the criteria for proportionate-share contributions; defining the term "backlog"; creating s. 163.31802, F.S.; prohibiting the establishment of local security standards requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; providing an exception; amending s. 163.3187, F.S.; clarifying that text amendments can be made only twice a year; amending s. 163.32465, F.S.; authorizing local governments to use the alternative state review process to designate urban service areas; providing legislative intent with respect to the alternative state review pilot program; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research; amending s. 380.06, F.S.; providing that certain exempt uses that are part of a larger project that is subject to development-of-regional-impact review are exempt from such review under certain circumstances; providing legislative findings and determinations relating to replacing the transportation concurrency system with a mobility fee system; requiring that the state land planning agency and the Department of Transportation develop a methodology for a mobility fee system; requiring that the state land planning agency and the department submit joint reports to the Legislature by a specified date; extending certain permits, orders, or applications that are due to expire on or before September 1, 2011; providing for application of the extension to certain related activities; providing exceptions; providing a declaration of important state interest; providing an effective date.

By the Committee on Community Affairs; and Senators Bennett and Gaetz—

CS for SB 364—A bill to be entitled An act relating to regulatory reform; creating s. 282.801, F.S.; providing legislative findings and intent; requiring the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to design and construct the E-SHOP FLORIDA Internet website; requiring specified state agencies and water management districts to appoint representatives to participate in the development of the policies, procedures, and standards for permitting and licensing; providing requirements for the website; providing definitions; requiring the website to provide access to permits, licenses, and approvals issued by specified state agencies and water management districts; requiring each state agency that issues permits, licenses, or approvals to develop a protocol to allow participation in the E-SHOP FLORIDA system; directing certain state agencies to develop online licensing and permitting if feasible; authorizing such agencies to competitively procure and contract for necessary services; providing application-review requirements for applications submitted through the E-SHOP FLORIDA system; requiring each state agency and water management district that participates in the E-SHOP FLORIDA system to maintain certain records; requiring a report to the Legislature; authorizing a reduction in permit fees under certain conditions; amending ss. 373.036, 373.4135, and 373.4136, F.S.; conforming cross-references; amending s. 373.414, F.S.; providing that a permit application that is signed by certain registered professionals is presumed to be in compliance with permitting requirements; providing the burden of proof that is required in proving noncompliance; authorizing the Department of Environmental Protection or the water management district to forward a complaint against a registered professional to the regulatory board; prohibiting a registered professional who is sanctioned from preparing and signing permit applications; amending s. 403.814, F.S.; directing the Department of Environmental Protection and the water management districts to expand the use of Internet-based self-certification; requiring the department and the districts to identify general permits for which expedited review may be implemented through the use of professional certifications; providing for a report; repealing s. 288.109, F.S., relating to the One-Stop Permitting System; providing an effective date.

By the Committee on Criminal and Civil Justice Appropriations; and Senator Crist—

CS for SB 412—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; deleting a prohibition on additional fees for certain documents; exempting the state and its agencies from increased fees or additional fees required for alias and pluries; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S.; providing for the selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or lienholder, or the debtor's or lienholder's attorney of record, a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose, unless an affidavit discloses that the property is subject to a recorded mortgage, financing statement, tax warrant, or other lien that is junior in priority to the judgment lien; requiring a levying creditor to deliver the affidavit to the sheriff at the time of the levy request setting forth certain information and attestations; requiring certain information to be contained in the certified copy of recordation of lien; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of the court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of the court before attempting service; authorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; authorizing a law enforcement officer to arrest a person suspected of violating a condition of pretrial release if the original arrest was for an act of dating violence; amending s. 901.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Commerce; and Senator Hill—

CS for SB 516—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; defining the terms "alternative base period," "good cause," and "member of the individual's immediate family"; redefining the term "base period"; amending s. 443.091, F.S.; revising the requirements for eligibility to receive benefits; prohibiting unemployed individuals from being ineligible for unemployment benefits based solely on the individual's availability to work certain hours; providing for an alternative base period after a certain date; amending s. 443.101, F.S.; prohibiting an individual from being disqualified from benefits if he or she leaves work due to good cause; prohibiting unemployed individuals from being disqualified for unemployment benefits based solely on the individual's availability for only part-time work under certain circumstances; amending s. 443.151, F.S.; requiring an employer to provide wage information to support an individual's eligibility for benefits; authorizing the Agency for Workforce Innovation to accept an affidavit from the claimant to support eligibility for benefits;

amending ss. 443.1216 and 443.131, F.S.; conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Higher Education Appropriations; and Senator Dean—

CS for SB 554—A bill to be entitled An act relating to the legal jurisdiction of campus police; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" to authorize state university police officers to enforce laws within a specified jurisdictional area as agreed upon in a mutual aid agreement; amending s. 316.640, F.S.; authorizing university police officers to enforce traffic violations committed within a specified distance from property under the supervision or control of the university; amending s. 1012.97, F.S.; authorizing university police officers to arrest persons for violations that occur within a specified distance from property owned or controlled by the university or a direct-support organization of the university; providing an effective date.

By the Committees on Higher Education Appropriations; and Higher Education; and Senator Oelrich—

CS for CS for SB 622—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 630—A bill to be entitled An act relating to local taxes; amending s. 163.31801, F.S.; limiting the rate of impact fees on residential and nonresidential property; creating s. 201.032, F.S.; authorizing counties to levy a surtax on certain documents that transfer real property or an interest in real property; limiting the rate of the surtax; requiring the grantor to pay the surtax; providing that the surtax must be approved by a extraordinary vote of the governing body of the county or by a majority vote of the electors of the county; requiring the governing body to notify the Department of Revenue of the adoption of the surtax and changes to the surtax within a certain period; delaying the effective date for 1 year if the notice is not timely provided; providing requirements for the ballot containing a referendum for the surtax; prescribing the uses of surtax revenues; providing for the distribution of surtax revenues among the county levying the surtax and municipalities within the county; authorizing surtax revenues to be pledged to repay bonds; directing the Department of Revenue to administer, collect, and enforce the surtax; authorizing the Department of Revenue to use a portion of the proceeds of the surtax to pay its costs to administer the surtax; requiring the governing body of counties levying the surtax to submit reports to the Department of Financial Services showing the use of surtax revenues; authorizing the Department of Revenue to adopt rules to implement and enforce the surtax; authorizing clerks of court to retain a portion of the surtax as a service charge; providing effective dates.

By the Committee on Commerce; and Senators Garcia and Hill—

CS for SB 810—A bill to be entitled An act relating to the Unemployment Compensation Trust Fund; amending s. 443.1217, F.S.; raising the amount of an employee's wages subject to an employer's contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer's contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer's contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor's designee to request advances; providing effective dates.

By the Committee on Commerce; and Senators Fasano and Gaetz—

CS for SB 852—A bill to be entitled An act relating to expedited permitting process for economic development projects; providing a short title; creating s. 380.0657, F.S.; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain economic development projects; providing an exception; requiring municipalities and counties to identify certain businesses by commission resolution; requiring a preapplication review; providing a timeframe for permit application approval or denial; providing that projects designated as target industry businesses and located in charter counties that meet certain criteria are eligible for expedited permitting; providing an effective date.

By the Committee on Transportation; and Senator Bennett—

CS for SB 856—A bill to be entitled An act relating to developments of regional impact; amending s. 163.3178, F.S.; including certain port-related industrial or commercial project facilities within the list of facilities that are not developments of regional impact under certain circumstances; amending s. 380.06, F.S.; providing that certain exempt uses that are part of a larger project that is subject to development-of-regional-impact review are exempt from such review under certain circumstances; providing an effective date.

By the Committees on Higher Education Appropriations; and Banking and Insurance; and Senators Altman, Oelrich, Rich, King, and Dockery—

CS for CS for SB 926—A bill to be entitled An act relating to cemeteries; amending s. 497.260, F.S.; exempting from provisions governing cemeteries a columbarium consisting of 5 acres or less and located on the main campus of a state university; requiring a university or university direct-support organization that establishes the columbarium to ensure that it is constructed, kept, and maintained in a manner consistent with s. 497.260(2), F.S., and ch. 497, F.S.; providing an effective date.

By the Committees on Commerce; Community Affairs; and Transportation; and Senator Altman—

CS for CS for CS for SB 1088—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the terms "golf cart," "residential area," and "seasonal delivery personnel"; authorizing the use of golf carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; requiring specified vehicles to be equipped with safety equipment; providing an effective date.

By the Committee on Health Regulation; and Senators Gaetz, Sobel, Oelrich, Fasano, Bennett, Lynn, and Altman—

CS for SB 1122—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception; providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing an effective date.

By the Committees on Health and Human Services Appropriations; and Health Regulation; and Senator Peaden—

CS for CS for SB 1144—A bill to be entitled An act relating to manufacturers and purchasers of prescription drugs; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; amending s. 499.003, F.S.; defining new terms and redefining terms related to the

Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; authorizing a prescription drug manufacturer's distributor permit and revising the requirements related to certain other permits; conforming a cross-reference; amending s. 499.012, F.S.; restricting issuance of a permit for a prescription drug manufacturer's distributor at certain addresses; amending s. 499.0121, F.S.; eliminating cross-references to defined terms and clarifying a recordkeeping requirement related to pedigree papers; amending s. 499.01211, F.S.; eliminating cross-references for certain defined terms; amending s. 499.01212, F.S.; revising requirements for a pedigree paper; amending s. 499.03, F.S.; eliminating cross-references for certain defined terms; amending s. 499.041, F.S.; establishing a fee for the prescription drug manufacturer's distributor permit; authorizing the Department of Health to retain a specified monetary amount as a fee if an application submitted under the Florida Drug and Cosmetic Act is withdrawn or becomes void; amending ss. 499.05 and 794.075, F.S.; conforming cross-references; authorizing certain statements to be used on certain pedigree papers until a specified date; providing an appropriation and authorizing additional positions; providing an effective date.

By the Committees on Transportation; and Community Affairs; and Senator Bennett—

CS for CS for SB 1306—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; conforming a cross-reference; providing that a local government's comprehensive plan or plan amendments for land uses within a transportation concurrency exception area meets the level-of-service standards for transportation; clarifying that each future land use category be defined in terms of uses included rather than numerical caps; revising the bases for the future land use plan; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's ability to provide mitigation for transportation impacts within the exception area by imposing lawfully adopted impact fees; providing that any contract or agreement entered into or development order rendered before the creation of a transportation concurrency exception area is not affected; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed developments related to qualified job-creation projects; clarifying the calculation of the proportionate-share contribution for local and regionally significant traffic impacts which is paid by a development of regional impact for the purpose of satisfying certain concurrency requirements; defining the term "backlog"; prohibiting a local government from denying an application for a comprehensive plan amendment or residential rezoning for a development or phase authorizing residential redevelopment for failure to achieve and maintain the level-of-service standard for public school capacity; providing that the construction of a charter school that meets certain requirements is an appropriate mitigation option; requiring that the district school boards monitor and inspect charter school facilities to ensure compliance with the life safety requirements of the State Requirements for Educational Facilities; authorizing the district school boards to waive such standards; prohibiting a local government from denying or imposing conditions upon a development permit or comprehensive plan amendment because of inadequate school capacity under certain circumstances; creating s. 163.31802, F.S.; prohibiting local governments from establishing standards for security devices that require businesses to enhance certain functions or services provided by local government; providing an exception; amending s. 163.3182, F.S.; revising provisions relating to transportation concurrency backlog authorities; requiring that a local government adopt one or more transportation concurrency backlog areas as part its capital improvements element update; requiring that a local government biannually submit new areas to the state land planning agency until certain conditions are met; providing an exception; providing for certain landowners or developers to request a transportation concurrency backlog area for a development area; prohibiting a local government from requiring payments for transportation concurrency which exceed the costs of mitigating traffic impacts; amending s. 380.06, F.S.; revising provisions relating to preapplication procedures for development approval; requiring that the level-of-service standards required in the transportation methodology be the same as the standards used to evaluate concurrency and proportionate share; amending s. 403.973, F.S.; providing legislative intent; providing certain criteria for regional centers for clean technology projects to receive expedited permitting; providing regulatory incentives for projects that meet such criteria; authorizing the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to certify and decertify such projects; authorizing the office to create regional permit action teams; providing for a transportation mobility fee; providing legislative findings and determinations; requiring that the state land planning agency and the Department of Transportation continue their independent mobility fee studies; requiring that the state land planning agency and the department submit joint reports to the Legislature by a specified date; requiring that the department establish an approved transportation methodology that meets certain criteria; requiring that the adopted methodology use a regional transportation model; requiring that the methodology review be completed and in use by a specified date; providing for an extension and renewal of certain permits, development orders, or other land use approvals; providing for retroactive application of the extension and renewal; providing exceptions; providing an effective date.

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 1418—A bill to be entitled An act relating to the Hospitality Education Program within the Department of Business and Professional Regulation; amending s. 509.302, F.S.; deleting certain goals of the program; revising references in the program to emphasize restaurants rather than food service; providing for funding to be comprised of a percentage of certain fees collected rather than a specific dollar amount; deleting a provision that permits the Division of Hotels and Restaurants to use administrative fines to fund the program; providing an effective date.

By the Committee on Commerce; and Senators Haridopolos and Baker—

CS for SB 1526—A bill to be entitled An act relating to commercial launch zone tax incentives; creating s. 220.194, F.S.; establishing credits against the corporate income tax for certain taxpayers that operate or provide investments for a commercial spaceflight project; providing definitions for purposes of the tax credits; establishing eligibility requirements for the tax credits; allowing for the carryforward of tax credits under certain circumstances; providing application and certification requirements; requiring the Office of Tourism, Trade, and Economic Development to determine the eligibility of taxpayers; providing for the expiration and renewal of a taxpayer's eligibility for tax credits; providing for administration and auditing of tax credits by the Department of Revenue; requiring the return and deposit of tax credits under certain circumstances; requiring the office to consult with Space Florida and adopt rules for tax credit applications and certifications; authorizing the department to adopt rules for tax administration, claims and transfers of tax credits, auditing, and reporting; amending s. 14.2015, F.S.; revising the duties of the office to include administration of the tax credits created by the act; amending s. 213.053, F.S.; providing for sharing of confidential information; amending s. 220.02, F.S.; revising legislative intent relating to the order for applying tax credits; amending s. 220.13, F.S.; specifying that net operating losses taken or transferred as corporate income tax credits may not also be deducted from income; amendung s. 220.16, F.S.; adding the financial assistance obtained by the sale of tax credits pursuant to s. 220.194, F.S., to the category of nonbusiness income that must be reported; providing an effective date.

By the Committee on Transportation; and Senator Baker—

CS for SB 1528—A bill to be entitled An act relating to driver's licenses; amending s. 322.01, F.S.; providing a definition; amending s. 322.051, F.S.; revising requirements for obtaining a duplicate identification card; amending s. 322.058, F.S.; providing for reinstatement of a person's driving privilege and motor vehicle registration upon payment of certain fees; amending s. 322.135, F.S.; authorizing tax collectors to establish branch offices; amending s. 322.17, F.S.; providing for a replacement license or permit to replace one that is mutilated; amending s. 322.21, F.S.; authorizing county tax collectors to retain certain fees;

amending s. 322.29, F.S.; clarifying provisions governing the payment of fees upon the reinstatement of a license; amending s. 322.61, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; and Criminal Justice; and Senator Joyner—

CS for CS for SB 1548—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the minimum amount of value attributed to certain emergency medical equipment and law enforcement equipment for the theft to reach the threshold for a second-degree felony; increasing the minimum value attributed to certain property for the theft to reach the threshold for a third-degree felony; authorizing a law enforcement officer who has probable cause to believe that a defendant has committed retail theft to issue a notice to appear in lieu of arresting the defendant under certain circumstances; authorizing a state attorney to establish a retail-theft diversion program for the purpose of diverting defendants from criminal prosecution if the defendant meets certain criteria; providing eligibility criteria for participating in a retail-theft diversion program; requiring the state attorney to mail a notice to appear to a defendant upon referral to a diversion program; setting forth the conditions that each participant in the retail-theft diversion program must complete; providing that a defendant may be prosecuted for the retail theft if all conditions in the diversion program are not fulfilled; authorizing a state attorney to collect a fee from each participant in the program; setting a limit on the fee for each defendant; amending s. 812.015, F.S.; increasing the value attributed to property taken during the commission of retail theft to reach the threshold amount for a third-degree felony offense; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Transportation; and Senator Altman—

CS for SB 1588—A bill to be entitled An act relating to the impoundment or immobilization of vehicles; amending s. 316.193, F.S.; requiring the court to include the name and address of immobilization agencies that meet the requirements of law in the order of impoundment or immobilization; requiring the person whose vehicle is ordered to be impounded or immobilized to pay the impoundment or immobilization fees and costs directly to the person impounding or immobilizing the vehicle; establishing professional criteria for immobilization agencies engaged in the business of immobilizing vehicles in judicial circuits where personnel of the court or sheriff do not immobilize vehicles; providing that it is a misdemeanor of the first degree for a person to fail to comply with the requirements necessary to immobilize a vehicle; authorizing a person to initiate a civil suit against a person who fails to comply with the requirements to immobilize a vehicle; providing for attorney's fees and costs; defining terms; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Oelrich—

CS for CS for SB 1616—A bill to be entitled An act relating to career and adult education; amending s. 20.15, F.S.; renaming the Division of Workforce Education within the Department of Education as the "Division of Career and Adult Education"; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council by replacing the chancellor of the Community College System with the Commissioner of Education; amending s. 446.045, F.S.; revising definitions; revising the membership of the State Apprenticeship Advisory Council; prohibiting members from being reimbursed for per diem and travel expenses; providing that meetings may be held via teleconference or other electronic means; amending s. 1003.4285, F.S.; providing for a standard high school diploma designation for completed industry certifications; conforming a cross-reference; conforming provisions to changes made by the act; amending s. 1003.43, F.S.; providing an exception for adult high school students regarding certain prerequisites for high school graduation; repealing s. 1003.431, F.S., relating to career education certification; amending s. 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Banking and Insurance; and Judiciary; and Senators Constantine, Joyner, and Aronberg—

CS for CS for SB's 1646 and 1038—A bill to be entitled An act relating to foreclosures; providing that the purchaser of a foreclosed residential dwelling unit may not take possession until a specified period after notifying a tenant of the intent to take possession; requiring the purchaser to submit proof of the notice to the clerk of court; providing that the tenant may terminate a lease upon receiving the notice; providing that the notice requirement does not eliminate certain requirements to make an occupant of property a party to a foreclosure action; creating s. 83.495, F.S.; providing requirements for landlords following commencement of a foreclosure action; providing for security deposits and advance rents to be maintained in interest-earning accounts; providing for disclosure of the foreclosure action to prospective tenants; providing an exception to liability for failure to provide notice; requiring the purchaser in a foreclosure sale to credit the tenant for security deposits and advance rents under certain conditions; creating a pilot program for voluntary mediation between a mortgagor and a mortgagee prior to a foreclosure suit being filed; providing for administration by the Office of Financial Regulation; authorizing a contract with a not-for-profit organization to help administer the program; prescribing duties of mortgagees, mortgagors, and mediators participating in the program; providing for the mortgagee to pay part of the mediator's costs in advance; providing for the allocation of costs between the mortgagee and mortgagor; authorizing the court to exempt participants from mediation following the filing of a foreclosure action; providing for the effect of the mediation on a subsequent foreclosure action; providing that participants are not entitled to successive mediation under this program; providing for future review of the program; providing for confidentiality of communications; providing for expiration of the program; providing an effective date.

By the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

CS for SB 1680—A bill to be entitled An act relating to the English Language Learners Pilot Program; creating s. 1003.561, F.S.; requiring that the State Board of Education implement a pilot program that provides professional development training for reading teachers to become qualified to teach reading to students who are English Language Learners; requiring that the Commissioner of Education appoint members to a committee to develop and identify the content for the pilot program; requiring that the commissioner select three school districts to participate in the pilot program; requiring that each participating district submit an annual progress report to the Department of Education; requiring that the reports contain certain information; requiring that the department submit a report to the State Board of Education; requiring that the commissioner recommend to the board whether to adopt a permanent program and the content for such program; providing an effective date.

By the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

CS for SB 1682—A bill to be entitled An act relating to school improvement and accountability; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the board to adopt rules in compliance with the ESEA after evaluating and determining that the ESEA and its implementing regulations are consistent with the statements of purpose in the ESEA; authorizing the board to adopt rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the State Board of Education to prescribe reporting requirements to review and monitor the progress of schools; requiring that the Department of Education create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing

criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to the State Board of Education's approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that the school district submit a plan for implementing another option if the lowest-performing schools do not move to another category; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring that the State Board of Education adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent; revising provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

By the Committees on Health and Human Services Appropriations; and Health Regulation; and Senator Peaden—

CS for CS for SB 1868—A bill to be entitled An act relating to prescribed drugs; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; amending s. 893.04, F.S.; authorizing a pharmacist to dispense a controlled substance and require photographic identification without documenting certain information; authorizing a pharmacist to dispense a controlled substance without verification of certain information by the prescriber under certain circumstances; providing an effective date.

By the Committee on Health Regulation; and Senator Peaden—

CS for SB 1880—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senators Diaz de la Portilla and Storms—

CS for CS for SB 1978—A bill to be entitled An act relating to classroom expenditures; creating s. 1010.2155, F.S.; requiring that school districts spend a minimum percentage of the district general fund on expenditures in the classroom; requiring that the Department of Education develop a uniform calculation and a common format for district reporting; requiring that school districts publish information regarding classroom expenditures; requiring that the department analyze the expenditures of school districts that fail to meet required classroom expenditure levels; authorizing the department to provide technical assistance upon request by a school district; requiring that the Commissioner of Education make written recommendations to the superintendent of schools and the school board; authorizing the State Board of Education to adopt rules; providing an effective date.

By the Committee on Community Affairs; and Senator Constantine—

CS for SB 2002—A bill to be entitled An act relating to commercial dog breeding; creating s. 828.291, F.S.; declaring as a commercial kennel any person owning, possessing, controlling, or otherwise having in custody 50 or more dogs at any one time; requiring a person who owns or otherwise has custody of 20 or more dogs that are 4 months of age or older to adhere to certain specified guidelines relating to proper and humane conditions, enclosure construction, compatibility of animals, access to food and water, and access to necessary veterinary care and services; authorizing an animal control officer, other authorized public health or safety official, or law enforcement officer, after receiving a complaint, to investigate any alleged violation of the act; providing that a violation of the act is a misdemeanor of the first degree; listing persons and organizations that are not subject to the act; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2016—A bill to be entitled An act relating to environmental permitting; amending s. 373.4144, F.S.; providing legislative intent; requiring the Department of Environmental Protection to pursue the issuance of a state programmatic permit or regional general permits from the United States Army Corps of Engineers; revising provisions requiring the Department of Environmental Protection to develop and use a mechanism consolidating federal and state wetland permitting programs; authorizing implementation of a state programmatic general permit or regional general permits by the department and water management districts for certain dredge and fill activities; specifying conditions applicable to such permits; amending s. 373.4211, F.S.; delaying the effective date of a rule adding slash pine and gallberry to the list of facultative plants; revising provisions concerning the methodologies used to delineate the landward extent of wetlands and surface waters; revising provisions concerning the vegetative index used to delineate the landward extent of wetlands and surface waters; providing for permit modification under certain circumstances; providing for certain declaratory statements or formal jurisdictional determinations from the department or a water management district; providing exemptions for certain permit petitions and applications relating to specified activities; creating ss. 125.0112, F.S.; providing that the construction and operation of a biofuel processing facility or a renewable energy generating facility and the cultivation and production of bioenergy may be considered a valid industrial, agricultural, and silvicultural use for purposes of any local comprehensive plan; providing for a local government to establish an expedited review process under certain circumstances; providing that local expedited review does not obligate a local government to approve proposed uses; providing for alternative state review of certain plan amendments; providing the construction and operation of certain facilities may not affect classification of property for ad valorem tax purposes; amending s. 373.236, F.S.; requiring that a permit for the use of water for cultivating agricultural products and renewable energy be granted for a specified number of years if certain conditions are met; providing requirements for permittees; providing an exemption; amending s. 403.973, F.S.; providing for the expedited review of permit applications for projects resulting in the production of biofuels or in the construction of a biofuel or biodiesel processing facility or renewable energy generating facility; clarifying provisions relating to memoranda of agreement which establish regional teams for the expedited review of such applications; providing an effective date.

By the Committees on Environmental Preservation and Conservation; and Community Affairs; and Senator Altman—

CS for CS for SB 2026—A bill to be entitled An act relating to regulatory reform; providing for an extension and renewal of certain permits, development orders, or other land use approvals; providing for retroactive application of the extension and renewal; amending s. 120.569, F.S.; providing for an electronic notice of hearing rights; amending s. 120.60, F.S., relating to additional information for license applications; providing for an agency to process a permit application under certain circumstances; amending s. 125.022, F.S.; providing that counties may not require certain permits or approvals as a condition of approving a development permit; creating s. 161.032, F.S.; providing for review of applications; providing requirements for timely submittal of additional information requested; providing circumstances in which an application may be denied; amending s. 166.033, F.S.; providing that municipalities may not require certain permits or approvals as a condition of approving a development permit; amending s. 253.034, F.S.; providing for the deposition of dredged material on state-owned submerged lands in certain circumstances and for certain purposes; amending s. 373.026, F.S.; providing for the expansion of Internet-based self-certification for exemptions and general permits; amending s. 373.441, F.S.; restricting the authority of the Department of Environmental Protection and the appropriate water management district to regulate certain activities delegated to a county, municipality, or local pollution control program; providing exceptions; amending s. 373.4141,

F.S.; providing requirements for requests for additional information; amending s. 373.079, F.S.; requiring the water management district governing boards to delegate certain permitting responsibilities to the district executive directors; amending s. 373.083, F.S.; requiring the delegation of certain authority by the governing board to the executive director of the water management district; providing an exception to requirements of ch. 120, F.S.; providing a prohibition; amending s. 373.118, F.S.; providing for the delegation of general permit authority by a water management district governing board to the district executive director; providing an exception to the requirements of ch. 120, F.S.; amending s. 373.236, F.S.; providing for 50-year consumptive use permits in certain circumstances; providing requirements for issuance of a permit; providing for certain permits to be granted for terms of at least 25 years; requiring reports by the permittees; amending s. 373.243, F.S.; providing that certain permits may not be revoked unless nonuse of the water supply allowed by the permit is for 4 years or more; amending s. 373.406, F.S.; providing a permit exemption for certain public use facilities on county-owned natural areas; creating s. 373.4061, F.S.; providing requirements for noticed general permits for counties; providing requirements, restrictions, and limitations; amending s. 403.061, F.S.; amending the powers and duties of the Department of Environmental Protection; providing that department rules may include criteria for approval of certain dock facilities; authorizing the department to maintain certain lists of projects or activities that meet specified mitigation or public-interest requirements; providing an exception; providing restrictions; requiring the department of implement a project management plan to implement e-permitting; providing project requirements; requiring the department to submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 15, 2010; authorizing the department to expand the use of Internet-based self-certification services for appropriate exemptions and general permits; providing restrictions on local governments relating to method or form of documentation; amending s. 403.813, F.S., relating to permits issued at district centers; providing exceptions; amending s. 403.814, F.S.; directing the Department of Environmental Protection to expand the use of Internet-based self-certification services for exemptions and general permits; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives; amending s. 403.973, F.S., relating to expedited permitting and comprehensive plan amendments; specifying that certain biofuel projects are eligible for expedited permitting; transferring certain responsibilities from the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Secretary of Environmental Protection; revising the time by which certain final orders must be issued; providing additional requirements for recommended orders; amending s. 258.42, F.S.; authorizing the placement of roofs on certain slips and private residential single-family docks; providing that such roofs may not be included in the calculation to determine the square footage of the terminal platform; providing for retroactive application of specified provisions; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and ground water; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to implement a statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

By the Committee on Health Regulation; and Senator Rich—

CS for SB 2030—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Board of Nursing to provide certain information to nurses before they are given the opportunity to contribute to funding the center at licensure renewal; providing an effective date.

By the Committees on Regulated Industries; and Community Affairs; and Senator Bennett—

CS for CS for SB 2100—A bill to be entitled An act relating to building safety; amending s. 399.02, F.S.; exempting certain elevators from provisions requiring modifications to heat sensors and electronic controls; amending s. 399.15, F.S.; providing an alternative method to allow regional emergency elevator access; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; amending s. 468.8311, F.S.; effective July 1, 2010, revising the term "home in-

spection services" to include the visual examination of additional components; amending s. 468.8312, F.S.; effective July 1, 2010, providing for fee increases for home inspection licenses; amending s. 468.8319, F.S.; effective July 1, 2010, revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; effective July 1, 2010, authorizing the Department of Business and Professional Regulation to impose penalties against a licensee found guilty of certain violations; amending s. 468.8324, F.S.; providing additional requirements for licensure as a home inspector; amending s. 215.5586, F.S.; effective July 1, 2010, adding home inspectors licensed under s. 468.83, F.S., to the list of wind certification entities that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; amending s. 627.351, F.S.; deleting a requirement for opening protections for designated property for purposes of coverage by the Citizens Property Insurance Corporation; amending s. 627.711, F.S.; effective July 1, 2010, authorizing the Financial Services Commission to accept as valid a uniform mitigation verification form signed by a licensed home inspector; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing rulemaking authority to the Department of Community Affairs; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt amendments relating to equivalency of standards; authorizing the adoption of amendments necessary to accommodate state agency rules to meet federal requirements for design criteria relating to public educational facilities and state-licensed facilities; exempting certain mausoleums from the requirements of the Florida Building Code; restricting the code or an code enforcement agency from imposing requirements on certain air conditioning systems; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; authorizing the commission to charge a fee for nonbinding interpretations; amending s. 553.79, F.S.; requiring state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; requiring that the provider remit a portion of the fees to the department to cover its costs; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from requirements from roof and opening protections for certain exposed mechanical equipment or appliances; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition"; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.912, F.S.; providing requirements for the replacement of air conditioning systems; repealing ss. 468.627(6), 481.215(5), and 481.313(5), F.S., relating to building code inspectors, renewal of the license for architects, interior designers, and landscape architects, respectively; amending ss. 468.609, 471.0195, 489.115, 489.1455, and 489.517, F.S., conforming provisions relating to the deletion of core curriculum courses relating to the Florida Building Code; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to use in issuing an expedited declaratory statement; requiring the State Fire Marshal to issue an expedited declaratory statement under certain circumstances; providing requirement for a petition requesting an expedited declaratory statement; amending s. 633.026, F.S.; providing legislative intent; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring the Division of State Fire Marshal to charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring the Division of State Fire Marshal to develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and the Florida Administrative Weekly; amending s. 633.081, F.S.; requiring the Division of State Fire Marshal and the Florida Building Code Administrator and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 553.509(2), F.S., relating to requirements for alternate power sources for elevators for purposes of operating during an emergency; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; providing effective dates.

By the Committee on Environmental Preservation and Conservation; and Senator Altman—

CS for SB 2244—A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; specifying conservation purposes for which land must be used in order to qualify for an ad valorem tax exemption; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; providing for the assessment and ad valorem taxation of real property within an area perpetually encumbered by a conservation easement or other instrument and which contains improvements; requiring land that is exempt from ad valorem taxation and used for agricultural or silvicultural purposes be managed pursuant to certain best-management practices; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; providing that land of less than a certain acreage does not qualify for the ad valorem tax exemption; providing exceptions; requiring the Department of Revenue to adopt rules; requiring the Department of Environmental Protection to adopt by rule a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years; requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring property owners to notify the property appraiser of changes in the use of exempt properties; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate

moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act; providing an effective date.

By the Committee on Regulated Industries; and Senator Gaetz—

CS for SB 2262—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026 F.S.; increasing statutory maximums on cosmetology licensing fees; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing statutory maximums on construction renewal fees; establishing a fee for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending s. 489.127, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.128, F.S.; revising the circumstances under which a person is considered an unlicensed contractor; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending ss. 489.129 and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons'dogs within certain desig-

nated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing for retroactive application; providing effective dates.

By the Committee on Higher Education; and Senator Constantine—

CS for SB 2318—A bill to be entitled An act relating to postsecondary tuition rates; creating s. 1009.286, F.S.; requiring an additional payment for credit hours exceeding the requirements for completing a baccalaureate degree program; providing exceptions; requiring notice upon a student's initial enrollment in a state university or community college; providing an effective date.

By the Committees on Commerce; and Military Affairs and Domestic Security; and Senators Gaetz, Peaden, and Altman—

CS for CS for SB 2322—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Florida Council on Military Base and Mission Support; providing the council's mission; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for members to be reimbursed for expenses; requiring that the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor provide administrative support to the council; requiring that certain agency heads attend council meetings and provide assistance, information, and support as requested by the council; providing for council workgroups and the tasks of the workgroups; providing an annual report to the Legislature and Governor; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Wise—

CS for CS for SB 2482—A bill to be entitled An act relating to school improvement and accountability; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; repealing s. 1003.413(5), F.S., relating to a requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; correcting a cross-reference; amending s. 1003.429, F.S.; revising provisions relating to accelerated high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program beginning with students who enter grade 9 in the 2009-2010 school year; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate school districts as academically high-performing school districts if certain criteria are met; requiring that such designation occur at the next meeting of the State Board of Education on or after a specified date each year; providing that the designation is effective beginning the following school year; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.25, F.S.; requiring that each district school board annually post certain information on its Internet website; revising the date that each district school board is required to report certain information to the State Board of Education; amending s. 1008.36, F.S.; revising the date that school staff and the school advisory council are required to reach an agreement regarding the distribution of financial awards under the Florida School Recognition Program; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Baker—

CS for SB 2530—A bill to be entitled An act relating to water resources; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Detert—

CS for CS for SB 2538—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring that each supplemental educational services provider report certain information to the Department of Education regarding services to public school students in the district by a specified date each year; requiring that the department post a uniform survey on its Internet website to be completed online by principals and school districts; requiring that the department evaluate each provider based on such information and assign a service designation; providing an exception for such designation; requiring that the department adopt rules specifying the threshold requirements for such designation; requiring that the department report the service designations to the providers, the school districts, parents, and the public by a specified date each year; authorizing school districts to use certain funds to meet the requirements in the act; requiring that the State Board of Education adopt rules; requiring that the board's rules include an internal complaint procedure; providing guidelines for such procedure; requiring that the department approve certain methods for measuring student learning gains; requiring that a provider use acceptable methods for measuring student learning gains as a condition for state approval; requiring that a provider report data on individual student learning gains to the department; providing an exception; requiring that the report contain certain information; providing an effective date.

By the Committee on Regulated Industries; and Senator Gardiner—

CS for SB 2604—A bill to be entitled An act relating to residential properties; amending s. 718.112, F.S.; requiring that each newly elected director certify certain information to the secretary of the association; providing that a failure to timely file the statement of certification automatically disqualifies the director from service on the association's board of directors; requiring that the secretary of the association retain a

director's certification for inspection by the members for a specified period after a director's election; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; conforming a cross-reference to changes made by the act; amending s. 720.305, F.S.; authorizing fines assessed against members in excess of a specified amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring that an association retain certifications for a specified period; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from passing more than one special assessment per calendar year under certain circumstances; requiring that each special assessment be adopted at a board meeting conducted solely for the purpose of discussing and adopting such assessment; requiring that the board provide a notice for a specified period before such meeting; providing procedures for providing such notice; requiring that such notice contain certain information; requiring that the meeting be held in the same county in which the association is located; limiting the amount of a special assessment and restricting the manner in which moneys collected pursuant thereto may be used; providing that lots or units owned by the developer are subject to the same payment requirements and deadlines as those owned by members; providing exceptions; prohibiting a developer from delaying payment of a special assessment based on the use of a developer's guarantee; requiring that a board of directors initiate or authorize collection efforts against units owned by a developer under certain circumstances; providing that failure of the board to take certain action constitutes a defense to nonpayment of a special assessment for certain members of the association; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform to changes made by the act; amending s. 720.302, F.S.; correcting a cross-reference to conform to changes made by the act; providing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners' associations; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; providing applicability of provisions for mediation and arbitration applicable to disputes in homeowners' associations; providing exceptions; providing for applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that a notice of dispute be delivered before referral to mediation or arbitration; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring that parties share certain costs; requiring the selection of a mediator and meeting times; providing penalties for failure to mediate; creating s. 720.506, F.S.; providing an opt-out provision; creating s. 720.507, F.S.; providing a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; providing deadlines; requiring that parties share certain costs; requiring the selection of an arbitrator and meeting times; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing rules of procedure; providing for confidentiality; providing that settlement agreements resulting from a mediation or arbitration proceeding do not have precedential value in other proceedings involving other parties; providing that arbitration awards have precedential value under specified conditions; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for the enforcement of mediation agreements and arbitration awards; providing an effective date.

By the Committee on Regulated Industries; and Senator Pruitt—

CS for SB 2606—A bill to be entitled An act relating to stormwater management system design; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing an effective date.

By the Committees on Health Regulation; and Children, Families, and Elder Affairs; and Senator Wise—

CS for CS for SB 2612—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.908, F.S.; conforming terminology to changes made by the act; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a license application; amending s. 397.405, F.S.; providing that physician assistants are exempt from licensing requirements under ch. 397, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of a physician assistant or an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary, regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; providing that certain records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health, and not the Department of Business and Professional Regulation; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a physician assistant, registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; authorizing a physician assistant to deliver takeout medication for opiate treatment to certain persons; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797,

397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

By the Committees on Commerce; and Communications, Energy, and Public Utilities; and Senators Haridopolos, Ring, Oelrich, Smith, Bennett, Gaetz, Altman, Pruitt, and Baker—

CS for CS for SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the "Consumer Choice and Protection Act"; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; amending s. 364.013, F.S.; providing for local interconnection rights regardless of technology; amending s. 364.02, F.S.; redefining the terms "basic local telecommunications service," "nonbasic service," and "telecommunications company"; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company's schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; revising provisions that allow for an increase in rates for nonbasic services under certain circumstances; deleting provisions relating to rate increases for nonbasic services; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; amending s. 364.10, F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; requiring each local exchange telecommunications company to advise each residential customer of the least-cost service available to that customer when the residential customer initially requests basic local telecommunications service; amending s. 364.603, F.S.; providing procedures for resolving complaints regarding preferred carrier freezes on local exchange service; amending ss. 364.059 and 364.105, F.S.; conforming cross-references; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Banking and Insurance; and Health Regulation; and Senator Ring—

CS for CS for SB 308—A bill to be entitled An act relating to developmental disabilities; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder or other developmental disability and inform the parent or legal guardian of the right to direct access to that specialist under certain circumstances; defining the term "appropriate specialist"; amending ss. 627.6686 and 641.31098, F.S.; defining the term "developmental disability"; providing health insurance coverage for individuals with developmental disabilities; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disabilities; defining the term "direct patient access"; requiring the insurer's policy or the health maintenance organization's contract to provide a minimum number of visits per year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disabilities; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Community Affairs; and Senators Bennett and Gaetz—

CS for SB 364—A bill to be entitled An act relating to regulatory reform; creating s. 282.801, F.S.; providing legislative findings and intent; requiring the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to design and construct the E-SHOP FLORIDA Internet website; requiring specified state agencies and water management districts to appoint representatives to participate in the development of the policies, procedures, and standards for permitting and licensing; providing requirements for the website; providing definitions; requiring the website to provide access to permits, licenses, and approvals issued by specified state agencies and water management districts; requiring each state agency that issues permits, licenses, or approvals to develop a protocol to allow participation in the E-SHOP FLORIDA system; directing certain state agencies to develop online licensing and permitting if feasible; authorizing such agencies to competitively procure and contract for necessary services; providing application-review requirements for applications submitted through the E-SHOP FLORIDA system; requiring each state agency and water management district that participates in the E-SHOP FLORIDA system to maintain certain records; requiring a report to the Legislature; authorizing a reduction in permit fees under certain conditions; amending ss. 373.036, 373.4135, and 373.4136, F.S.; conforming cross-references; amending s. 373.414, F.S.; providing that a permit application that is signed by certain registered professionals is presumed to be in compliance with permitting requirements; providing the burden of proof that is required in proving noncompliance; authorizing the Department of Environmental Protection or the water management district to forward a complaint against a registered professional to the regulatory board; prohibiting a registered professional who is sanctioned from preparing and signing permit applications; amending s. 403.814, F.S.; directing the Department of Environmental Protection and the water management districts to expand the use of Internet-based self-certification; requiring the department and the districts to identify general permits for which expedited review may be implemented through the use of professional certifications; providing for a report; repealing s. 288.109, F.S., relating to the One-Stop Permitting System; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Regulated Industries; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2016—A bill to be entitled An act relating to environmental permitting; amending s. 373.4144, F.S.; providing legislative intent; requiring the Department of Environmental Protection to pursue the issuance of a state programmatic permit or regional general permits from the United States Army Corps of Engineers; revising provisions requiring the Department of Environmental Protection to develop and use a mechanism consolidating federal and state wetland permitting programs; authorizing implementation of a state programmatic general permit or regional general permits by the department and water management districts for certain dredge and fill activities; specifying conditions applicable to such permits; amending s. 373.4211, F.S.; delaying the effective date of a rule adding slash pine and gallberry to the list of facultative plants; revising provisions concerning the methodologies used to delineate the landward extent of wetlands and surface waters;

revising provisions concerning the vegetative index used to delineate the landward extent of wetlands and surface waters; providing for permit modification under certain circumstances; providing for certain declaratory statements or formal jurisdictional determinations from the department or a water management district; providing exemptions for certain permit petitions and applications relating to specified activities; creating ss. 125.0112, F.S.; providing that the construction and operation of a biofuel processing facility or a renewable energy generating facility and the cultivation and production of bioenergy may be considered a valid industrial, agricultural, and silvicultural use for purposes of any local comprehensive plan; providing for a local government to establish an expedited review process under certain circumstances; providing that local expedited review does not obligate a local government to approve proposed uses; providing for alternative state review of certain plan amendments; providing the construction and operation of certain facilities may not affect classification of property for ad valorem tax purposes; amending s. 373.236, F.S.; requiring that a permit for the use of water for cultivating agricultural products and renewable energy be granted for a specified number of years if certain conditions are met; providing requirements for permittees; providing an exemption; amending s. 403.973, F.S.; providing for the expedited review of permit applications for projects resulting in the production of biofuels or in the construction of a biofuel or biodiesel processing facility or renewable energy generating facility; clarifying provisions relating to memoranda of agreement which establish regional teams for the expedited review of such applications; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

By the Committees on Environmental Preservation and Conservation; and Community Affairs; and Senator Altman—

CS for CS for SB 2026—A bill to be entitled An act relating to regulatory reform; providing for an extension and renewal of certain permits, development orders, or other land use approvals; providing for retroactive application of the extension and renewal; amending s. 120.569, F.S.; providing for an electronic notice of hearing rights; amending s. 120.60, F.S., relating to additional information for license applications; providing for an agency to process a permit application under certain circumstances; amending s. 125.022, F.S.; providing that counties may not require certain permits or approvals as a condition of approving a development permit; creating s. 161.032, F.S.; providing for review of applications; providing requirements for timely submittal of additional information requested; providing circumstances in which an application may be denied; amending s. 166.033, F.S.; providing that municipalities may not require certain permits or approvals as a condition of approving a development permit; amending s. 253.034, F.S.; providing for the deposition of dredged material on state-owned submerged lands in certain circumstances and for certain purposes; amending s. 373.026, F.S.; providing for the expansion of Internet-based self-certification for exemptions and general permits; amending s. 373.441, F.S.; restricting the authority of the Department of Environmental Protection and the appropriate water management district to regulate certain activities delegated to a county, municipality, or local pollution control program; providing exceptions; amending s. 373.4141, F.S.; providing requirements for requests for additional information; amending s. 373.079, F.S.; requiring the water management district governing boards to delegate certain permitting responsibilities to the district executive directors; amending s. 373.083, F.S.; requiring the delegation of certain authority by the governing board to the executive director of the water management district; providing an exception to requirements of ch. 120, F.S.; providing a prohibition; amending s. 373.118, F.S.; providing for the delegation of general permit authority by a water management district governing board to the district executive director; providing an exception to the requirements of ch. 120, F.S.; amending s. 373.236, F.S.; providing for 50-year consumptive use permits in certain circumstances; providing requirements for issuance of a permit; providing for certain permits to be granted for terms of at least 25 years; requiring reports by the permittees; amending s. 373.243, F.S.; providing that certain permits may not be revoked unless nonuse of the water supply allowed by the permit is for 4 years or more; amending s. 373.406, F.S.; providing a permit exemption for certain public use facilities on county-owned natural areas; creating s. 373.4061, F.S.; providing requirements for noticed general permits for counties; providing requirements, restrictions, and limitations; amending s. 403.061, F.S.; amending the powers and duties of the Department of Environmental Protection; providing that department rules may include criteria for approval of certain dock facilities; authorizing the department to maintain certain lists of projects or activities that meet specified mitigation or public-interest requirements; providing an exception; providing restrictions; requiring the department of implement a project management plan to implement e-permitting; providing project requirements; requiring the department to submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 15, 2010; authorizing the department to expand the use of Internet-based self-certification services for appropriate exemptions and general permits; providing restrictions on local governments relating to method or form of documentation; amending s. 403.813, F.S., relating to permits issued at district centers; providing exceptions; amending s. 403.814, F.S.; directing the Department of Environmental Protection to expand the use of Internet-based self-certification services for exemptions and general permits; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives; amending s. 403.973, F.S., relating to expedited permitting and comprehensive plan amendments; specifying that certain biofuel projects are eligible for expedited permitting; transferring certain responsibilities from the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Secretary of Environmental Protection; revising the time by which certain final orders must be issued; providing additional requirements for recommended orders; amending s. 258.42, F.S.; authorizing the placement of roofs on certain slips and private residential single-family docks; providing that such roofs may not be included in the calculation to determine the square footage of the terminal platform; providing for retroactive application of specified provisions; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and ground water; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to implement a statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments;

revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

—was referred to the Committee on Commerce; and the Policy and Steering Committee on Ways and Means.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 2092—A bill to be entitled An act relating to broadband Internet service; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 2126—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for specified proprietary business information obtained from a communications company or broadband company by the Department of Management Services; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By the Committee on Regulated Industries; and Senator Gardiner—

CS for SB 2604—A bill to be entitled An act relating to residential properties; amending s. 718.112, F.S.; requiring that each newly elected director certify certain information to the secretary of the association; providing that a failure to timely file the statement of certification automatically disqualifies the director from service on the association's board of directors; requiring that the secretary of the association retain a director's certification for inspection by the members for a specified period after a director's election; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; conforming a cross-reference to changes made by the act; amending s. 720.305, F.S.; authorizing fines assessed against members in excess of a specified amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring that an association retain certifications for a specified period; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from passing more than one special assessment per calendar year under certain circumstances; requiring that each special assessment be adopted at a board meeting conducted solely for the purpose of discussing and adopting such assessment; requiring that the board provide a notice for a specified period before such meeting; providing procedures for providing such notice; requiring that such notice contain certain information; requiring that the meeting be held in the same county in which the association is located; limiting the amount of a special assessment and restricting the manner in which moneys collected pursuant thereto may be used; providing that lots or units owned by the developer are subject to the same payment requirements and deadlines as those owned by members; providing exceptions; prohibiting a developer from delaying payment of a special assessment based on the use of a developer's guarantee; requiring that a board of directors initiate or authorize collection efforts against units owned by a developer under certain circumstances; providing that failure of the board to take certain action constitutes a defense to nonpayment of a special assessment for certain members of the association; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform to changes made by the act; amending s. 720.302, F.S.; correcting a cross-reference to conform to changes made by the act; providing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners' associations; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; providing applicability of provisions for mediation and arbitration applicable to disputes in homeowners' associations; providing exceptions; providing for applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that a notice of dispute be delivered before referral to mediation or arbitration; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring that parties share certain costs; requiring the selection of a mediator and meeting times; providing penalties for failure to mediate; creating s. 720.506, F.S.; providing an opt-out provision; creating s. 720.507, F.S.; providing a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; providing deadlines; requiring that parties share certain costs; requiring the selection of an arbitrator and meeting times; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing rules of procedure; providing for confidentiality; providing that settlement agreements resulting from a mediation or arbitration proceeding do not have precedential value in other proceedings involving other parties; providing that arbitration awards have precedential value under specified conditions; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for the enforcement of mediation agreements and arbitration awards; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and General Government Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Central Florida Regional Planning Council, Region 7		
Appointees:	Goodman, Marshall, Lakeland	10/01/2010
	Keene, William S., Sr., Okeechobee	10/01/2010
	Rada-Pilkington, Erlinda "Linda", Lake Wales	10/01/2009
	Tuck, Andy, Sebring	10/01/2009
	Tucker, Jacqueline W., Arcadia	10/01/2010

Referred to the Committee on Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 185, HB 741, HB 7001 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Health Care Regulation Policy Committee and Representative(s) Hudson and others—

CS for HB 185—A bill to be entitled An act relating to access to health care; amending s. 624.91, F.S.; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; amending s. 636.035, F.S.; specifying certain provider arrangement contract prohibitions or restrictions; prohibiting prepaid limited health service organizations from specifying certain contract continuation or renewal conditions; providing for voiding of certain contracts; specifying absence of liability for certain criminal penalties; amending s. 641.315, F.S.; providing for application to health maintenance organizations of the prohibition against specifying certain contract continuation or renewal conditions; amending s. 766.1116, F.S.; revising time requirements for a health care practitioner's waiver of license renewal fees and continuing education requirements; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

By Representative(s) Patterson and others—

HB 741—A bill to be entitled An act relating to insurance premium financing; amending s. 627.902, F.S.; specifying nonapplication of certain provisions to certain discounts; specifying such discounts as not related to premium financing; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Tax.

By Government Accountability Act Council and Representative(s) Grimsley—

HB 7001—A bill to be entitled An act relating to a review of the Department of Citrus and Florida Citrus Commission under the Florida Government Accountability Act; reenacting ss. 20.29, 601.04, and 601.05, F.S., relating to the Department of Citrus and the Florida Citrus Commission; repealing s. 601.154, F.S., relating to the Citrus Stabilization Act; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 318.

Robert L. "Bob" Ward, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 14 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for SB's 1646 and 1038; Baker—CS for CS for SB 2626; Gaetz—CS for SB 364; Haridopolos—CS for CS for SB 1796; Hill—CS for SB 810; Justice—SB 792; Lawson—CS for SB 918; Smith—CS for SB 918; Wilson—SB 220, SB 310

RECESS

On motion by Senator Villalobos, the Senate recessed at 3:49 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 22 or upon call of the President.

Journal of the Senate

Number 10—Regular Session **Tuesday, April 21, 2009**

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REPORTS OF COMMITTEES

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1370

The bill was referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 1024; SB 1940

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 616 with 2 amendments; CS for SB 682 with 1 amendment

The Policy and Steering Committee on Commerce and Industry recommends the following pass: CS for SB 764

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: SJR 1828; CS for SB 2272

The Committee on Finance and Tax recommends the following pass: CS for CS for SB 1000 with 2 amendments; SB 1362; CS for CS for SB 1502; SB 1590; CS for SB 2282

The Committee on General Government Appropriations recommends the following pass: CS for SB 732; CS for SB 978; CS for SB 1122; CS for SB 1580; SB 2270

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 2092

The Committee on Health and Human Services Appropriations recommends the following pass: SB 338; CS for SB 1278

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 442 with 1 amendment

The bills contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 166; CS for SB 1342; CS for SB 1400

The bills were referred to the Committee on Rules under the original reference.

The Committee on Community Affairs recommends the following pass: SB 726

The Committee on Finance and Tax recommends the following pass: SB 628; SB 1026

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 2210

The Committee on Criminal and Civil Justice Appropriations recommends the following pass: CS for SB 1340; SB 1848

The Committee on Criminal Justice recommends the following pass: SB 524

The Committee on General Government Appropriations recommends the following pass: SB 68; CS for CS for SB 148; CS for SB 306; CS for SB 482; CS for SB 852; SB 860; SB 1286; SB 1480; CS for SB 1534; CS for CS for SB 2536; CS for CS for SB 2626; SB 2656

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 624 with 2 amendments

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SM 152; CS for CS for SB 162; CS for SB 720; CS for SB 1880; CS for SB 1926; CS for CS for SB 2612

The Policy and Steering Committee on Ways and Means recommends the following pass: CS for CS for SB 762; CS for SB 1576

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for SB 210; SB 324; CS for SB 580; CS for CS for CS for SB 1088; SB 1398 with 1 amendment; CS for CS for SB 1404

The bills were placed on the Calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 886 and SB 2268

The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Finance and Tax recommends a committee substitute for the following: SB 2518

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 2004

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 2684

The Committee on Judiciary recommends committee substitutes for the following: SB 352; CS for SB 1052; CS for SB 2276; SB 2298

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1892

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Education Pre-K - 12 recommends committee substitutes for the following: SB 2272; SB 2654

The Committee on Finance and Tax recommends a committee substitute for the following: SJR 532

The Committee on Judiciary recommends a committee substitute for the following: CS for CS for SB 1540

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1114

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 1368; CS for SB 2034

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2226

The Committee on Transportation recommends a committee substitute for the following: SB 1624

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2262

The Committee on Finance and Tax recommends a committee substitute for the following: SB 752

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 2088

The Committee on Health Regulation recommends a committee substitute for the following: CS for SB 274

The Committee on Judiciary recommends committee substitutes for the following: SB 2072; CS for SB 2166

The Committee on Transportation recommends a committee substitute for the following: CS for SB 2326

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: CS for SB 1666

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 746

The Committee on Health Regulation recommends a committee substitute for the following: SB 720

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2018

The bill with committee substitute attached was referred to the Committee on Health Regulation under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2040

The bill with committee substitute attached was referred to the Committee on Higher Education under the original reference.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: CS for SB 1180

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 242

The bill with committee substitute attached was referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Finance and Tax recommends committee substitutes for the following: SB 392; SB 1006; CS for SB 1468

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 538

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 260; CS for SB 918

The Committee on Higher Education Appropriations recommends a committee substitute for the following: CS for SB 1304

The Committee on Judiciary recommends committee substitutes for the following: SB 1126; CS for SB 2000

The bills with committee substitute attached contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 1268; SB 1348; CS for SB 2126

The bills with committee substitute attached were referred to the Committee on Rules under the original reference.

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 956

The Committee on Finance and Tax recommends a committee substitute for the following: SB 1992

The Committee on Judiciary recommends a committee substitute for the following: SB 906

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 40; SB 52

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 522

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: CS for CS for CS for SB 1540; CS for SB 2066

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for CS for SB 494; SB 650; CS for SB 714; CS for CS for SB 1004; CS for SB 1078; SB 1296; CS for SB 1640; CS for SB 2150; CS for SB 2252; SB 2334; SB 2666

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for CS for CS for SB 462; SB 642; CS for CS for CS for SB 1276; SB 1346; CS for CS for SB 1986; CS for CS for SB 2404

The Committee on Higher Education Appropriations recommends a committee substitute for the following: CS for SB 2682

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: CS for SB 836; CS for SB 1950; CS for SB 2160; CS for CS for SB 2430 and SB 1960

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 1100

The bills with committee substitute attached were placed on the Calendar.

The Committee on Criminal Justice recommends the following not pass: SB 654

The bill was laid on the table.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Communications, Energy, and Public Utilities recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment	*For Term Ending*
Florida Public Service Commission	
Appointee: Edgar, Lisa B.	01/01/2013

The Committee on Transportation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment	*For Term Ending*
Tampa-Hillsborough County Expressway Authority	
Appointees: Phillips, Donald E.	07/01/2012
Truax, Gregory	07/01/2011
Florida Transportation Commission	
Appointee: Mazurkiewicz, Joseph "Joe" M., Jr.	09/30/2011

The appointments were referred to the Committee on Ethics and Elections under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senator Pruitt—

CS for SB 40—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham which was due to the negligence of employees of the City of Ft. Lauderdale; providing for attorney's fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

By the Committee on Criminal Justice; and Senator Pruitt—

CS for SB 52—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; authorizing the Sheriff of Broward County to execute an assignment to the legal guardians of Eric Brody of all claims the Broward County Sheriff's Office has against its insurer arising out of its handling of the claim against the Broward County Sheriff's Office; providing that the Broward County Sheriff's Office has a complete and absolute covenant on the part of Eric Brody and his legal guardians never to enforce the act, any award pursuant to the act, or the Brody's final judgment and cost judgment directly against the Broward County Sheriff's Office under certain circumstances; requiring the legal guardians to execute a satisfaction and release under certain conditions; providing legislative intent to permit the prosecution of a bad faith claim; providing a limitation on the payment of fees and costs; providing an exception to that limitation on the payment of fees and costs related to the prosecution of an assigned claim; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Ring—

CS for SB 242—A bill to be entitled An act relating to human vaccinations; amending s. 499.005, F.S.; prohibiting the sale, purchase, manufacture, delivery, importation, administration, and distribution of certain vaccines containing organic or inorganic mercury compounds in excess of a certain amount; amending s. 1003.22, F.S.; revising requirements for the administration of certain vaccines required for school entry; authorizing a parent, legal guardian, or authorized person to choose an alternative immunization schedule under certain conditions; requiring licensed health care providers to provide certain vaccine information statements to parents, legal guardians, and legal representatives before the administration of certain vaccines to children; requiring health care providers to obtain a signed statement from parents, legal guardians, authorized persons, and legal representatives documenting that the vaccine information statements are provided; specifying the required contents of the signed statement; requiring health care providers to record the lot number of each vaccine on the signed statement or a permanent office log; requiring health care providers to maintain certain records; providing for application of the act to certain vaccine information statements; authorizing the use of a single signed statement for the administration of multiple vaccines under certain circumstances; amending ss. 381.003 and 1002.42, F.S.; conforming cross-references; providing an effective date.

By the Committees on Health and Human Services Appropriations; and Children, Families, and Elder Affairs; and Senator Wise—

CS for CS for SB 260—A bill to be entitled An act relating to Alzheimer's disease; creating s. 430.5025, F.S.; directing the Department of Elderly Affairs to develop and implement a public education program relating to screening for Alzheimer's disease; providing criteria for awarding grants; providing a definition; requiring grant recipients to submit an evaluation of certain activities to the department; authorizing the department to provide technical support; requiring an annual report

to the Legislature; requiring the department to conduct or support a study on memory-impairment screening; requiring a report to the Legislature; providing for implementation of the public education program to operate within existing resources of the department; providing that implementation of the memory impairment screening grant program is contingent upon an appropriation of state funds or the availability of private resources; providing for implementation of the screening study on memory impairment to operate within existing resources of the department; amending s. 400.1755, F.S.; specifying the types of facilities where an employee or direct caregiver of an assisted living facility may begin employment without repeating certain training requirements; amending s. 400.6045, F.S.; requiring direct caregivers to comply with certain continuing education requirements; amending s. 429.178, F.S.; specifying the types of facilities where an employee or direct caregiver of an assisted living facility may begin employment without repeating certain training requirements; providing an effective date.

By the Committees on Health Regulation; and Environmental Preservation and Conservation; and Senators Constantine, Dockery, Jones, and Sobel—

CS for CS for SB 274—A bill to be entitled An act relating to water resources; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and groundwater; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to implement a statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

By the Committee on Judiciary; and Senators Bennett and Gaetz—

CS for SB 352—A bill to be entitled An act relating to illegal or undocumented aliens; requiring the Department of Corrections and the Parole Commission to establish agreements to implement a federal deportation program for state inmates; specifying the goals of the program; amending s. 947.146, F.S., relating to the Control Release Authority; requiring the authority to implement a program to execute an immediate deportation order; creating s. 947.1461, F.S., relating to control release for removal and deportation; requiring the department to identify eligible inmates at the reception process; specifying eligibility criteria; requiring the department to coordinate with federal authorities to determine immigration status and eligibility for removal; specifying that eligible inmates waive administrative and appellate rights; requiring the Control Release Authority to establish control release dates; authorizing the control release dates to be set after the alien has served a minimum 50 percent of his or her court-imposed sentence; requiring the Control Release Authority to give notice to aliens concerning reentering the United States; prohibiting aliens from benefiting from control release awards when removal is not reasonably foreseeable; requiring the department to compile and report certain statistics; providing an effective date.

By the Committee on Finance and Tax; and Senator Haridopolos—

CS for SB 392—A bill to be entitled An act relating to timeshares; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; expanding the use of revenues derived from the tourist development tax to include publicly owned convention center hotels and their facilities; providing for application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term "casualty insurance" to include a seller of a timeshare interests or the parents, subsidiaries, or affiliated entities of a seller; amending s. 721.05, F.S.; redefining the term "facility"; amending s. 721.07, F.S.; specifying additional information required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing for severability; providing an effective date.

By the Committees on Health and Human Services Appropriations; Governmental Oversight and Accountability; Judiciary; and Health Regulation; and Senators Fasano and Aronberg—

CS for CS for CS for CS for SB 462—A bill to be entitled An act relating to prescription drugs; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic database system to monitor the prescribing and dispensing of certain controlled substances; requiring specified prescribing and dispensing information to be reported to the electronic database system; requiring the department to establish policies and procedures for the system; requiring the department, in consultation with the Office of Drug Control and specified organizations, to adopt by rules appropriate for the prescription drug monitoring program; providing reporting requirements; providing a reporting period; providing exemptions from participation in the system; authorizing the department to establish when to suspend and when to resume reporting requirements during declared emergencies; requiring all nonexempt, dispensing pharmacists and practitioners to submit information in a specified format; providing that the cost to the dispenser in submitting the required information may not be material or extraordinary; specifying costs that are not material or extraordinary; providing access to information reported to the system under certain circumstances; providing that information in the database for the electronic prescription drug monitoring system is not discoverable or admissible in any civil or administrative action; providing exceptions; providing for the use of data for specified purposes; providing requirements for verification of information requested; requiring data transmission to comply with state and federal privacy and security laws; authorizing an agency or person to maintain the data for a specified period if the data is pertinent to active health care or law enforcement investigation or prosecution; requiring the annual reporting of certain performance measures to the Governor and Legislature; providing performance measure criteria; providing criminal penalties for violations; requiring that all costs incurred by the department for the program be funded through federal grants or available private funding sources; providing requirements for seeking funding and procuring goods or services; authorizing the Office of Drug Control, in coordination with the department, to establish a direct-support organization; providing a definition; providing for a board of directors appointed by the director of the office; requiring the director to provide guidance to the board regarding acceptance of moneys from appropriate sources; requiring the direct-support organization to operate under written contract with the office; providing contract requirements; providing requirements for the direct-support organization's collecting, expending, and providing of funds; requiring department approval of activities of the direct-support organization; authorizing the office to adopt rules for the use of certain facilities and services; providing for audits; prohibiting the direct-support organization from exercising certain powers; establishing that a prescriber or dispenser is not liable for good faith use of the department-provided controlled substance prescription information of a patient; requiring the department, in collaboration with the office, to study the feasibility of enhancing the prescription drug monitoring program for specified purposes to the extent that funding is provided for such purpose; requiring certain persons to present specified identification in order to obtain controlled substances; providing for recordkeeping for certain transactions; requiring the Agency for Health Care Administration to continue the promotion of electronic prescribing and an electronic prescribing clearinghouse; requiring the department to adopt rules; establishing a Program Implementation and Oversight Task Force; providing for membership; providing for reimbursement of certain member expenses; providing for meetings; providing the purpose of the task force; requiring reports to the Governor and Legislature; providing for the creation, membership, and duties of subcommittees; authorizing the direct-support organization to collect, expend, and provide funds and other assistance to the department; providing for a final report and the termination of the task force; amending ss. 458.309 and 459.005, F.S.; requiring certain physicians who engage in pain management to register their clinics with the department by a specified date; prohibiting certain physicians from practicing in a pain-management clinic that has not registered with the department; requiring the department to inspect each facility; providing for exceptions; requiring the physician seeking to register the clinic to pay the costs of registration and inspection or accreditation; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt rules setting forth standards of practice for certain physicians who engage in pain management; providing criteria for the rules; providing an effective date.

By the Committees on General Government Appropriations; Community Affairs; and Environmental Preservation and Conservation; and Senator Bennett—

CS for CS for CS for SB 494—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic landscape irrigation systems; requiring irrigation contractors to test for the correct operation of system devices or switches and ensure their proper operation before completing other work on the system; requiring the Department of Environmental Protection to create a model ordinance that may be adopted by local governments; providing penalties; providing for the disposition of funds raised through penalties imposed; authorizing local governments to approve smart irrigation controllers; providing legislative findings relating to the adoption of soil moisture sensor control irrigation systems; defining terms; providing a statewide process and conditions for obtaining a variance from water management district restrictions on water use; creating s. 403.9335, F.S.; providing a short title; creating s. 403.9336, F.S.; providing legislative findings; creating s. 403.9337, F.S.; encouraging county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface water and groundwater quality; requiring a county government or municipal government located within the watershed of a water body or water segment that is listed by the Department of Environmental Protection as impaired to adopt the model ordinance; providing that additional or more stringent provisions may be adopted under certain circumstances; providing a timeframe for adopting the model ordinance; providing exceptions; creating s. 403.9338, F.S.; requiring the department to establish and approve training and testing programs providing urban landscape best-management practices; providing that such training authorizes a person to apply for a limited certification for urban landscape commercial fertilizer application issued by the Department of Agriculture and Consumer Services; providing that a person having such certification is not subject to additional local testing; amending s. 482.021, F.S.; defining the terms "commercial fertilizer application" and "urban landscape"; creating s. 482.1562, F.S.; providing for limited certification for urban landscape commercial fertilizer application provided by the Department of Agriculture and Consumer Services; requiring such certification in order to commercially apply fertilizer, beginning on a certain date; providing requirements and fees; providing for expiration and renewal; authorizing the department to provide information concerning persons who are certified; providing for exceptions to the requirements of certification; authorizing the department to adopt rules; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Smith—

CS for SB 522—A bill to be entitled An act for the relief of Vincent Merriweather by the Palm Beach County School Board; providing for an appropriation to compensate Vincent Merriweather for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

By the Committee on Finance and Tax; and Senator Lynn—

CS for SJR 532—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and the creation of two new sections in Article XII of the State Constitution to generally limit the maximum annual increase in the assessed value of certain nonhomestead properties and to provide an additional homestead exemption to persons who have not owned a principal residence within the preceding 10 years.

By the Committee on General Government Appropriations; and Senators Baker and Deutch—

CS for SB 538—A bill to be entitled An act relating to publicly funded retirement programs; amending s. 121.4501, F.S.; requiring the Trustees of the State Board of Administration to identify and offer at least one terror-free investment product to the Public Employee Optional Retirement Program by a certain date; amending s. 121.591, F.S.; conforming a cross-reference; amending s. 175.032, F.S.; redefining the terms "credible service" and "firefighter"; amending s. 175.061, F.S.; authorizing the terms of office for the board of trustees of the firefighters' pension trust

fund to be revised under certain circumstances; authorizing the firefighters' pension trust fund plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 175.071, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the firefighters' pension trust fund that the board of trustees may invest in foreign securities on a market-value basis; authorizing certain individuals to sign drafts issued providing that investment caps on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the firefighters' pension trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a certain date; amending s. 175.101, F.S.; clarifying boundaries of a special fire control district for purposes of assessment and imposition of the excise tax on property insurance premiums; amending s. 175.171, F.S.; authorizing retired firefighters to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 175.361, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; amending s. 185.02, F.S.; redefining the term "creditable service" for purposes of determining credit for prior service as a police officer; amending s. 185.05, F.S.; revising municipal police officers' retirement trust fund board of trustee selection procedures; authorizing the terms of office for the board of trustees of the municipal police officers' retirement trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 185.06, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the municipal police officers' retirement trust fund that the board of trustees may invest in foreign securities on a market-value basis; providing that the investment cap on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the municipal police officers' retirement trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a date certain; amending s. 185.161, F.S.; authorizing retired police officers to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 185.37, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senators Altman and Storms—

CS for SB 642—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; revising authorized uses of proceeds received from the sale of the United We Stand license plate; creating a Fraternal Order of Police license plate; establishing an annual use fee for the plate; creating an Autism license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

By the Committee on General Government Appropriations; and Senator Garcia—

CS for SB 650—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Catch Me, Release Me license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of the plate; providing an effective date.

By the Committees on General Government Appropriations; and Regulated Industries; and Senators Jones, Fasano, and Ring—

CS for CS for SB 714—A bill to be entitled An act relating to condominiums; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; requiring that every property insurance policy to an individual unit owner contain a specified provision; amending s. 718.111, F.S.; requiring that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal; requiring that such replacement cost be determined at least once within a specified period; providing means by which an association may provide adequate property insurance; providing that certain property insurance policies or programs are not subject to review and approval by the Office of Insurance Regulation; prohibiting such coverage or program from existing beyond a specified date; authorizing an association to consider deductibles when determining an adequate amount of property insurance; providing that failure to maintain adequate property insurance constitutes a breach of fiduciary duty by the members of the board of directors of an association; revising the procedures for the board to establish the amount of deductibles; requiring that an association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate property insurance to protect the association and certain property; requiring that every property insurance policy issued or renewed on or after a specified date provide certain coverage; excluding certain items from such requirement; providing that excluded items and any insurance thereupon are the responsibility of the unit owner; requiring that condominium unit owner's policies conform to certain provisions of state law; deleting provisions relating to certain hazard and casualty insurance policies; conforming provisions to changes made by the act; amending s. 718.112, F.S.; conforming cross-references; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; extending the period during which condominium common areas do not have to be retrofitted with sprinkler systems; providing that certain directors and officers delinquent in the payment of any fee, fine, or regular or special assessments shall be deemed to have abandoned their office; providing an effective date.

By the Committee on Health Regulation; and Senators Peaden, Oelrich, and Sobel—

CS for SB 720—A bill to be entitled An act relating to supervisory physician requirements; amending ss. 458.347 and 459.022, F.S.; providing that a supervising physician may not be required to review and cosign a physician assistant's charts or medical records; deleting certain supervisory physician requirements related to prescribing and dispensing medications noted in appropriate medical records; amending s. 458.348, F.S.; exempting offices at which laser hair removal is the exclusive service being performed from certain provisions requiring direct supervision by a physician; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Fasano—

CS for SB 746—A bill to be entitled An act relating to direct-support organizations; creating s. 430.82, F.S.; authorizing the Department of Elderly Affairs to create a direct-support organization; providing definitions; providing for appointment of members to the board of directors; providing requirements for membership to the board of directors; requiring the direct-support organization to operate under a contract; providing contract requirements; authorizing the department to use its property, facilities, and personal services for the direct-support organization; requiring the Secretary of Elderly Affairs to approve of any transaction or agreement between the department's direct-support organization and any other direct-support organization; requiring the direct-support organization to submit certain forms from the Internal Revenue Service to the department; requiring the direct-support organization to provide an annual financial audit; amending s. 272.135, F.S.; providing that the Capitol Curator may assist in raising funds and making expenditures for the Historic Capitol; creating s. 272.136, F.S.; authorizing the Legislative Research Center and Museum and the Capitol Curator to establish a direct-support organization; providing for the

appointment of members of a board of directors; providing for board use of capitol property; requiring the organization to be not for profit; authorizing the center and curator to prescribe all conditions for the organization; providing for the reversion of the organization's funds; providing an effective date.

By the Committee on Finance and Tax; and Senators Richter and Fasano—

CS for SB 752—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include additional information relating to past and proposed millage rates and ad valorem taxes and assessment reductions and exemptions; defining a term; amending ss. 192.0105 and 200.065, F.S.; conforming cross-references; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Regulated Industries; and Senators Jones and King—

CS for CS for SB 836—A bill to be entitled An act relating to gaming; providing legislative findings and intent; authorizing electronic gaming machines in certain pari-mutuel facilities; defining terms; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation and the Department of Law Enforcement; authorizing the Division of Pari-mutuel Wagering to adopt rules regulating electronic gaming activities; authorizing the Division of Pari-mutuel Wagering and the Department of Law Enforcement to conduct investigations relating to electronic gaming; authorizing the Division of Pari-mutuel Wagering to issue licenses for electronic gaming; specifying qualifications of licensees; requiring licensees to provide advance notice of certain ownership changes to the Division of Pari-mutuel Wagering; specifying requirements for a licensee's facilities-based computer system; requiring electronic gaming machines to maintain a payout percentage of at least 85 percent; requiring licensees to maintain records; requiring licensees to make and file certain reports with the Division of Pari-mutuel Wagering; requiring an applicant for an electronic gaming license to have certain agreements for live races or games; providing for arbitration of such agreements; authorizing the Division of Pari-mutuel Wagering to issue temporary occupational licenses; providing for the renewal of electronic gaming machine licenses; specifying a nonrefundable licensing fee for electronic gaming licenses; specifying the rate of tax on electronic gaming machine revenues; providing for penalties for failure to pay the taxes; requiring electronic gaming machine licensees and certain persons having access to gaming areas to submit fingerprints in connection with certain occupational licenses; specifying grounds for the Division of Pari-mutuel Wagering to take action against applicants for and licensees having certain occupational licenses; authorizing the Division of Pari-mutuel Wagering to impose fines for violations of laws relating to electronic gaming; prohibiting regulators, certain businesses, licensees, and employees from having certain relationships with each other; subjecting a person who makes certain false statements to fines; subjecting a person to fines for possessing electronic games without a license; imposing criminal penalties for attempting to manipulate electronic gaming machines or theft relating to electronic gaming; authorizing warrantless arrests by law enforcement officers under certain circumstances; providing immunity to law enforcement officers who make such arrests; imposing criminal penalties for resisting arrest or detention; prohibiting electronic gaming machines from entering this state; authorizing the Division of Pari-mutuel Wagering to exclude certain individuals from the facility of an electronic gaming machine licensee; prohibiting persons who are younger than 18 years of age from playing an electronic gaming machine; specifying a limit on the number of electronic gaming machines in a facility; requiring an electronic gaming machine licensee to provide office space to the Division of Pari-mutuel Wagering and to the Department of Law Enforcement free of charge; limiting the hours that an electronic gaming machine facility may operate; authorizing the Division of Pari-mutuel Wagering to revoke or suspend licenses or impose fines for willful violations of laws or rules regulating electronic gaming; requiring electronic gaming machine licensees to train employees about gambling addictions; imposing a regulatory fee for a gambling addiction program; entitling electronic gaming machine licensees to a caterer's license; restricting the provision of alcoholic beverages, automated teller machines, and check cashing activities in gaming machine areas; authorizing the Division of Pari-mutuel Wagering to adopt rules; preempting to the state the authority to regulate electronic gaming facilities; excepting bingo games operated by charitable or nonprofit organizations from the provisions of the act; amending s. 215.22, F.S.; exempting taxes imposed on electronic gaming and electronic gaming machine revenue from specified service charges; authorizing the Division of Pari-mutuel Wagering to spend certain trust funds; requiring repayment of such funds; amending s. 550.002, F.S.; revising a definitions; amending s. 550.01215, F.S.; deleting an exception relating to licensing of thoroughbred racing; amending s. 550.0951, F.S.; specifying the tax on historical racing, the take-out of a pari-mutuel pool, an a payment to a purse account; providing for payments to certain horse racing associations; specifying the fee for a permitholder to conduct historical racing; revising the date on which tax payments are due; amending s. 550.09511, F.S.; revising the schedule for the payment of jai alai taxes; amending s. 550.09514, F.S.; revising the schedule for the payment of greyhound dog racing taxes; amending s. 550.105, F.S.; providing for a 3-year occupational license for certain pari-mutuel employees; specifying maximum license fees; providing for the additional tax that a municipality may assess for live racing to apply to additional specified games; providing procedures for criminal history record checks; amending s. 550.135, F.S.; providing for the reservation of electronic gaming machine fees in a trust fund; amending s. 550.2415, F.S.; providing that cruelty to any animal is a violation of ch. 550, F.S.; authorizing the Division of Pari-mutuel Wagering to inspect areas are located; amending s. 550.26165, F.S.; providing legislative intent to attract thoroughbred training and breeding to this state; authorizing the Florida Thoroughbred Breeders' Association to pay certain awards as part of its pay plan; amending s. 550.2625, F.S.; limiting the application of requirements for minimum purses and awards to this state; amending s. 550.334, F.S.; deleting a provision for issuing a permit to conduct quarter horse race meetings; deleting a provision for issuing a license to conduct quarter horse racing; deleting provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; revising the authority of a quarter horse racing permitholder to substitute horse breeds; deleting a requirement for a quarter horse permitholder to have the consent of certain other permitholders within a certain distance to engage in intertrack wagering; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to the use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; deleting provisions relating to racing days and dates for thoroughbred permitholders that conducted races between certain dates; revising provisions relating to thoroughbred racing dates and minimum number of races; creating s. 550.810, F.S.; specifying requirements for historical racing systems; limiting the number of historical terminals in certain pari-mutuel facilities; authorizing the Division of Pari-mutuel wagering to adopt rules regulating historical racing; providing for the disposition of pari-mutuel tickets that are not redeemed within a certain period of time; amending s. 551.102, F.S.; clarifying the definition of the term "progressive system"; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine facility must be at least 85 percent; specifying the licensing fee for slot machine gaming; specifying the rate of tax on slot machine revenues; revising the due date for slot machine taxes; amending s. 551.113, F.S.; prohibiting a person who is younger than 18 years of age from playing a slot machine; amending s. 551.121, F.S.; authorizing a progressive system to be used in conjunction with slot machines between licensed facilities; amending s. 772.102, F.S.; revising the definition of "criminal activity"; conforming cross-references; amending s. 849.161, F.S.; providing that ch. 849, F.S., does not apply to certain mechanical historical racing systems; amending s. 849.086, F.S.; requiring an applicant for a cardroom licensed to have run a full schedule of live races; specifying maximum license fees for occupational licenses for cardroom employees and cardroom businesses; limiting the hours of cardroom operations; revising the maximum bet and entry fee for tournaments; expanding the authorization for cardroom activities contingent upon a compact with the Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing the possession of certain gambling devices; amending s. 895.02, F.S.; revising the definitions of "racketeering activity" and "unlawful debt"; conforming cross-references; providing an appropriation and the creation of full-time equivalent positions; providing contingent effective dates.

By the Committee on Judiciary; and Senators Oelrich and Baker—

CS for SB's 886 and 2268—A bill to be entitled An act relating to liability releases; amending s. 549.09, F.S.; revising the definition of the term "nonspectators" to include a minor on whose behalf a natural guardian has signed a motorsport liability release; providing that a motorsport liability release signed by a natural guardian on behalf of a minor is valid; amending s. 744.301, F.S.; authorizing natural guardians to waive, in advance, the risks involved in any activity; providing exceptions; authorizing waivers and releases in accordance with ch. 773 and s. 549.09, F.S.; providing an effective date.

By the Committee on Judiciary; and Senator Smith—

CS for SB 906—A bill to be entitled An act relating to motor vehicle title transfer; amending s. 319.22, F.S.; revising provisions for limitation of liability for the operation of a motor vehicle that has been sold or transferred; providing requirements for notice of transfer to the Department of Highway Safety and Motor Vehicles; requiring an owner or coowner who has made a sale or transfer of a motor vehicle to notify the Department of Highway Safety and Motor Vehicles; providing requirements for such notification; providing applicability; requiring the department to provide certain information to the motor vehicle owner or coowner when issuing a certificate of title; amending s. 319.30, F.S.; clarifying definitions regarding derelict vehicles; requiring derelict vehicle certificate applications; providing a definition; requiring derelict vehicle certificate applications received by salvage motor vehicle dealers and secondary metals recyclers to contain the identification card number of the seller or owner; providing that failure to obtain the identification card number on a derelict vehicle certificate application is a third-degree felony; permitting secondary metals recyclers to obtain salvage certificates of title from sellers or owners as a valid method of documentation; providing that towing operators claiming certain liens may not use the derelict motor vehicle certificate application to transport vehicles without otherwise obtaining title to the vehicle or a certificate of destruction; providing penalties; amending s. 320.0609, F.S.; revising provisions relating to the transfer and exchange of registration license plates and transfer fees; requiring that a temporary tag be issued and displayed during the time that an application for a transfer of a registration license plate is being processed; amending s. 320.131, F.S.; conforming provisions relating to temporary tags to changes made by the act; providing an effective date.

By the Committees on Health and Human Services Appropriations; and Health Regulation; and Senators Rich, Lynn, Bennett, Aronberg, Sobel, Gaetz, Smith, and Lawson—

CS for CS for SB 918—A bill to be entitled An act relating to the Florida Kidcare program; amending s. 409.810, F.S.; correcting a cross-reference; amending s. 409.811, F.S.; conforming cross-references; amending s. 409.812, F.S.; clarifying the application of the Florida Kidcare program to include all eligible uninsured, low-income children; amending s. 409.813, F.S.; specifying funding sources for health benefits coverage for certain children; specifying program components to be marketed as the Florida Kidcare program; conforming cross-references; amending s. 409.8132, F.S.; revising provisions relating to penalties for nonpayment of premiums and waiting periods for reinstatement of coverage; amending s. 409.8134, F.S.; revising provisions relating to enrollment in the Florida Kidcare program; amending s. 409.814, F.S.; removing a restriction on participation in the Florida Healthy Kids program; authorizing certain enrollees to opt out of the Children's Medical Services network; revising coverage limitations; revising restrictions on enrollment of children whose coverage was voluntarily canceled; providing exceptions; deleting provisions that place a limit on enrollment in Medikids and the Florida Healthy Kids full-pay program; requiring notice to health plans and providers when a child is no longer eligible for certain coverage; requiring electronic verification of applicants' income; providing circumstances under which written documentation is required; revising the timeframe for an enrollee to resolve disputes regarding the withholding of benefits; amending s. 409.815, F.S.; authorizing the Agency for Health Care Administration to increase premium assistance payments for benefits provided through Florida Kidcare Plus instead of the Children's Medical Services; conforming cross-references; amending ss. 409.816 and 409.817, F.S.; conforming cross-references; amending s. 409.8177, F.S.; revising information to be included in the annual program evaluation to the Governor and Legislature; amending s. 409.818, F.S.; clarifying that the Department of Health is the chair of Florida Kidcare coordinating council; conforming cross-references; amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation; revising the date in which the corporation must provide a study to the Legislature and the Governor; correcting a cross-reference; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; providing an effective date.

By the Committee on Ethics and Elections; and Senator Alexander—

CS for SB 956—A bill to be entitled An act relating to elections; creating s. 97.0115, F.S.; providing for the preemption of certain matters to the state; providing exceptions; amending s. 97.012, F.S.; expanding the list of responsibilities of the Secretary of State when acting in his or her capacity as chief election officer; prohibiting the secretary from performing certain actions; amending s. 97.0535, F.S.; requiring that certain first-time voters provide identification before election day; removing certain types of identification from the list of acceptable forms of identification for certain first-time voters; requiring that the supervisor validate registrations before election day for certain first-time voters; requiring that certain applicants vote a provisional ballot; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations register with the division; requiring such organizations provide the division with certain information; requiring that the Division of Elections of the Department of State or a supervisor of elections make voter registration forms available to third-party voter registration organizations; requiring that such forms contain certain information; requiring that the division and supervisors of elections maintain a database of certain information; requiring that such information be provided in electronic format; requiring that such information be updated and made public daily at a certain time; providing that a third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant; specifying duties of such an organization; specifying an affirmative defense to certain violations of state law; providing criminal penalties for violations of certain provisions of state law; providing circumstances under which a third-party voter registration organization is subject to specified civil penalties; providing for the referral of violations to the Attorney General and state attorney; authorizing the Attorney General to initiate a civil action; providing that an action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order; requiring that the division adopt rules for specified purposes; deleting certain requirements for third-party voter registration organizations; deleting certain fines; amending s. 98.065, F.S.; clarifying a requirement that a supervisor of election incorporate certain procedures into his or her registration list maintenance program to reflect that such programs are not conducted biennially; requiring that a registration list maintenance program be conducted by each supervisor of elections at specified intervals during odd-numbered and even-numbered years; amending s. 99.012, F.S.; providing that a person who fails to meet certain requirements of state law does not qualify as a candidate for election; requiring that such a person be removed from the ballot; amending s. 100.111, F.S.; providing that a candidate for a legislative or county office is deemed elected after winning an open primary; providing that a vacancy in nomination is not created if a nominee did not properly qualify or does not meet the necessary qualifications to hold the office sought; amending s. 100.371, F.S.; revising the number of years that an initiative petition is valid; requiring that a petition form be submitted within a specified period after the date on which the petition was signed in order to be valid; deleting a limitation on the period for revoking a signature on a petition form; amending s. 101.043, F.S.; removing certain forms of identification from the list of forms of identification used to identify voters at a polling place; amending s. 101.045, F.S.; providing circumstances under which an elector is eligible for a provisional ballot; amending s. 101.131, F.S.; providing procedures for the designation of poll watchers; requiring that the division prescribe a form for the designation of poll watchers; providing conditions under which poll watchers are authorized to enter polling areas and watch polls; requiring that a supervisor of elections provide identification to poll watchers a specified period before early voting begins; requiring that poll watchers display such identification at all times while in a polling place; amending s. 101.62, F.S.; requiring that certain information regarding absentee ballots be made available during a specified period; requiring that a supervisor mail absentee ballots during specified periods before primary and general elections, or a specified period after receiving a request for an absentee ballot under

certain circumstances; amending s. 101.64, F.S.; prohibiting a supervisor from placing certain information on a mailing envelope containing an absentee ballot; requiring that a supervisor establish and maintain a prepaid account with the United State Postal Service for specified purposes; amending s. 101.6923, F.S.; revising the form for absentee ballot instructions for certain first-time voters; amending s. 102.031, F.S.; prohibiting certain persons and organizations from soliciting a voter while the voter is standing in line to enter any polling place or early voting site; expanding the definition of the terms "solicit" and "solicitation"; amending s. 103.091, F.S.; authorizing a political party to adopt additional qualifying requirements for certain offices; revising membership of a state executive committee; authorizing certain members of a political party to vote by proxy if proxy voting is permitted by party rule; amending s. 103.121, F.S.; specifying a venue for any action involving the constitution, rules, or bylaws of a political party; amending s. 106.011, F.S.; expanding the list of entities not considered political committees for specified purposes; providing that certain expenditures are not contributions or expenditures for the purpose of certain provisions of state law; amending s. 106.08, F.S.; deleting provisions limiting the amount of contributions certain candidates may accept during a specified period preceding a general election; revising the list of nonallocable items that a political party may provide to candidates; amending s. 106.141, F.S.; requiring that a qualifying officer notify a candidate of certain amounts owed no later than a specified period after the candidate becomes unopposed or withdraws; amending s. 106.143, F.S.; requiring that certain political advertisements prominently state certain information; authorizing certain political advertisements to use names and abbreviations in the advertisement's disclaimer; amending s. 106.17, F.S.; authorizing state and county executive committees of a political party to conduct political polls for specified purposes; authorizing the sharing of the results of such polls under certain conditions; providing that expenditures incurred by state and county executive committees for such polls do not constitute contributions to potential candidates; amending s. 106.24, F.S.; specifying a term of appointment for the executive director of the Florida Elections Commission; requiring that the Senate confirm such appointment; limiting the number of consecutive terms that a director may serve; conforming a cross-reference; amending s. 106.29, F.S.; authorizing the reporting of expenditures for salaries in the aggregate in certain reports; amending s. 106.295, F.S.; eliminating a prohibition on leadership funds; repealing s. 97.052(6), F.S., relating to notification and correction subsequent to the failure of a voter registration applicant to provide required information on a voter registration application form; amending s. 97.073, F.S.; revising the responsibilities of a supervisor of elections regarding notification of applicants of the disposition of voter registration applications; amending s. 98.075, F.S.; providing methods for removing the names of deceased persons from the statewide voter registration system; amending s. 99.021, F.S.; revising a requirement for a qualifying officer to furnish a printed copy of the candidate oath to candidates; revising oath requirements; amending s. 99.061, F.S.; requiring that constitutional office candidates file notarized financial disclosure statements; requiring that candidates file certain original documentation when qualifying for office; amending s. 99.063, F.S.; deleting a requirement that candidates for Governor and Lieutenant Governor sign and acknowledge a specified loyalty oath; amending s. 101.151, F.S.; deleting a provision requiring that the title "supervisor of elections" and the names of candidates running for such office appear under the heading entitled "County" on election ballots; requiring that marksense ballots be printed by precinct; revising ballot layout specifications; clarifying the order of candidate offices on a ballot title; amending s. 101.5612, F.S.; requiring the use of certain ballots and technology for preelection testing of tabulating equipment; amending s. 101.591, F.S.; revising provisions relating to voting system audits; requiring postelection, random audits of voting systems; providing audit procedures; requiring the publication of an audit notice; prescribing requirements for audit reports; providing procedures for requesting an audit; requiring that the Department of State adopt rules; amending s. 101.6952, F.S.; revising procedures for processing absentee ballot requests and communicating by electronic mail with overseas voters; amending s. 101.697, F.S.; requiring that the Department of State determine whether secure electronic means can be established for requesting, sending, or receiving absentee ballots and ballot materials to and from overseas voters; requiring that the department adopt rules for specified purposes if such security can be established; amending s. 102.111, F.S.; clarifying that the Governor and Cabinet members shall serve ex officio on the Elections Canvassing Commission; establishing meeting times for the commission; amending s. 102.112, F.S.; conforming a cross-reference; amending s. 102.141, F.S.; providing circumstances under which the Secretary of State, county canvassing board, or local board is responsible for ordering recounts in elections; amending s. 102.166, F.S.; creating and modifying manual recount exemptions; revising the procedures for ordering a manual recount; amending s. 102.168, F.S.; revising the time to submit a complaint contesting an election; identifying indispensable parties in actions to contest an election; amending s. 105.031, F.S.; requiring that candidates for the office of supervisor of elections pay a specified qualifying fee, subscribe to an oath, and file certain items with the supervisor of elections before the end of the qualifying period; requiring that a candidate's oath for candidates for certain nonpartisan offices to be made available to each candidate by the qualifying officer; deleting a requirement that the candidate take a certain oath; requiring that the candidate attest in the oath that he or she will support the federal and state constitutions; specifying items required to be filed in order to qualify for office; amending s. 98.015, F.S.; requiring that a supervisor of elections in each county be elected in a nonpartisan election; amending s. 105.035, F.S.; including candidates for the office of supervisor of elections among the list of candidates who may qualify for election by a specified petition process; amending s. 105.041, F.S.; requiring that space be made available on a general election ballot for an elector to write in the name of a write-in candidate for the office of supervisor of elections if such candidate has qualified as a write-in candidate pursuant to state law; amending s. 105.051, F.S.; prohibiting the name of an unopposed candidate for the office of supervisor of elections from appearing on any ballot; amending s. 105.061, F.S.; requiring that the election of a supervisor of elections be by vote of the qualified electors of a county; amending s. 105.08, F.S.; limiting the contributions that may be accepted and the expenses that may be incurred by a candidate for the office of supervisor of elections; requiring such candidates to keep an accurate record of such contributions and expenses; requiring that such information be reported in accordance with state law; amending s. 105.09, F.S.; prohibiting a political party or partisan political organization from endorsing, supporting, or assisting any candidate in a campaign for election to the office of supervisor of elections; providing that it is a second-degree misdemeanor to knowingly commit such acts; creating s. 106.113, F.S.; defining the terms "local government" and "public funds"; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; amending s. 876.05, F.S.; deleting a requirement that candidates for public office take the public employee oath; repealing s. 101.5911, F.S., relating to rulemaking authority for voting system audit procedures; repealing s. 876.07, F.S., relating to a requirement that a candidate file the public employees' oath as a prerequisite to qualifying for public office; creating s. 100.372, F.S.; defining the terms "department," "petition circulator," "paid petition circulator," and "registrant"; prohibiting a person from engaging in any activities as a paid petition circulator without first registering as such with the department; prohibiting a person or entity from providing compensation to a person for engaging in activities as a petition circulator if that person is not registered with the department; providing requirements for eligibility to engage in activities as a paid petition circulator; authorizing application to the department for registration and requiring certain information; requiring that the department register eligible applicants within a specified period after its receipt of the application; requiring that a registrant notify the department in writing of any change in the information submitted within a specified period after such change; requiring that certain individuals who submit an initiative petition form collected by a paid petition circulator to a supervisor of elections for verification simultaneously submit a signed, written affirmation that the initiative petition signatures on the form were collected in compliance with certain requirements of state law; requiring that the department adopt a form for such affirmation; requiring that such form identify potential criminal and civil penalties for submitting a false affirmation; requiring that the department issue evidence of registration; requiring that every petition form presented by a registrant to a person for his or her possible signature contain certain information; providing conditions under which a signature shall be deemed invalid and ineligible to be verified or counted; requiring that the supervisor of elections return, at the expense of the political committee sponsoring the initiative petition, the invalid initiative petition form within a specified period after invalidation; requiring that such political committee provide written notice to an elector whose signature was invalidated within a specified period after receipt of an invalid form from a supervisor; requiring that

the notice contain certain information and provide the elector an opportunity to sign a replacement initiative petition form; providing that certain electors are exempt from certain provisions of state law for specified purposes; providing for the applicability of certain provisions of state law to initiative petition forms; providing for circumstances in which a registrant's registration is rendered invalid; requiring notification of such circumstances; requiring that the department create a training program for applicants; providing requirements for the program; authorizing the department to conduct training through a secure website and to contract with a third-party vendor for the administration of the program; requiring that the department adopt rules; requiring that the department establish a registration fee; providing for the deposit of funds collected from the administration of such fee; providing that certain signatures gathered before a specified date may be verified and counted if otherwise valid; providing that signatures gathered on or after such date may be verified and counted only if gathered in compliance with the act; providing for severability; providing an effective date.

By the Committees on General Government Appropriations; Judiciary; and Environmental Preservation and Conservation; and Senator Constantine—

CS for CS for CS for SB 1004—A bill to be entitled An act relating to coral reefs; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; providing an effective date.

By the Committee on Finance and Tax; and Senators Fasano and Lynn—

CS for SB 1006—A bill to be entitled An act relating to ad valorem assessments; amending s. 194.301, F.S.; revising the bases for providing a presumption of correctness to an assessment of property value; providing that the taxpayer is entitled to an evaluation of the appraisal methodology; providing that the act preempts prior case law; revising the criteria for overcoming the presumption of correctness; providing for challenges to the classification or exemption status of property; providing for application; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Joyner—

CS for CS for SB 1052—A bill to be entitled An act relating to grandparental visitation; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; providing a rebuttable presumption in favor of the minor's parent; requiring a preliminary hearing on harm to the minor resulting from denial of visitation; providing for the payment of fees and costs by a petitioner who fails to make a prima facie showing of harm; authorizing appointment of a guardian ad litem and mediation following a prima facie showing of harm; providing for a home-study investigation or professional evaluation of the minor if mediation fails; authorizing grandparental visitation if the court makes specified findings; requiring clear and convincing evidence that the denial of visitation has caused or is likely to cause demonstrable harm to the child's health, safety, or welfare; providing factors for court consideration in determining whether there is harm to the minor; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the consolidation of certain concurrent actions; providing for modification of an order awarding grandparental visitation; limiting the frequency of actions seeking visitation; providing relief to the grandparent if the parent unreasonably denies or interferes with court-ordered visitation; prohibiting visitation subsequent to adoption except under certain circumstances; providing for application of sanctions for unsupported claims or defenses; providing for venue; amending s. 752.015, F.S.; conforming a cross-reference; providing an exception to mediation of grandparent visitation disputes; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; repealing s. 752.01, F.S., relating to actions for grandparental visitation; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation; providing an effective date.

By the Committees on General Government Appropriations; and Judiciary; and Senator Baker—

CS for CS for SB 1078—A bill to be entitled An act relating to the limitation of liability of water management districts; amending s. 373.1395, F.S.; applying the limitation of liability of a water management district to the water areas of the district; providing that certain commercial activities do not terminate the limitation of liability of a water management district; providing that the protections, immunities, and limitations of liability provided to a water management district apply regardless of whether any claimant or person was engaged in an outdoor recreational purpose at the time of an accident or occurrence; providing liability protection to an owner of private land used as an easement or other right by a water management district for the purpose of providing access to lands or water areas that the water management district makes available to the public for outdoor recreational activities; defining the term "park area, district or other lands, or water areas"; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Transportation—

CS for CS for SB 1100—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; reenacting and amending s. 20.24, F.S., relating to the establishment of the department; eliminating an obsolete reference to the Bureau of Motor Vehicle Inspection; providing for the implementation of a certain litigation settlement; providing eligibility and procedures to collect a credit on new or renewal registrations; providing a funding mechanism for the credit; requiring the credit amounts to be deducted from specified moneys deposited into the General Revenue Fund; providing that the credits are contingent on court approval of a final settlement; providing for expiration; amending s. 316.126, F.S.; requiring drivers of vehicles to behave in a specified fashion when approaching emergency vehicles or wreckers; amending s. 316.2085, F.S.; revising requirements for motorcycle and moped license tags; prohibiting devices and methods that conceal or obscure the license tag; amending s. 316.2122, F.S.; authorizing mini truck operation on local roads and urban minor arterial roads with specified restrictions; amending s. 320.01, F.S.; revising the definition of "motorcycle"; defining the term "mini truck"; creating s. 320.0847, F.S.; providing for issuance of unique license plates for low-speed vehicles and mini trucks; amending s. 320.0848, F.S.; providing an exemption for certain person obtaining a disabled parking permit; amending s. 322.0261, F.S.; requiring the department to screen crash reports to identify a third crash by the same operator within a specified period after the driver's first crash; requiring a driver who is convicted of or who pleads nolo contendere to a traffic offense giving rise to three or more crashes within a specified period to attend a department-approved driver improvement course in order to maintain his or her driving privileges; providing for content of the driving course; requiring successful completion of a behind-the-wheel examination; requiring that the department cancel an operator's driver's license if the operator fails to complete the course within a specified time; amending s. 322.03, F.S.; providing for part-time residents of the state to be issued a license that is valid within this state only and continue to hold such license until the next regularly scheduled renewal; providing a termination date for "Florida only" licenses; amending s. 322.08, F.S.; prohibiting the de-

partment from issuing a driver's license or identification card to an applicant if the applicant holds a valid driver's license or identification card issued by any state; amending s. 322.125, F.S.; authorizing the department to adopt rules relating to the Medical Advisory Board; amending s. 322.271, F.S.; authorizing the department to modify a revocation, cancellation, or suspension order; providing that the department may waive the hearing process for suspensions and revocations upon request by the driver under certain circumstances; amending s. 322.64, F.S.; providing for disqualification of a driver of a commercial motor vehicle for certain violations; providing effective dates.

By the Committee on Criminal Justice; and Senator Richter—

CS for SB 1114—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a first violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing an effective date.

By the Committee on Judiciary; and Senators Richter, Ring, and Storms—

CS for SB 1126—A bill to be entitled An act relating to investor protection; amending s. 16.56, F.S.; expanding the jurisdiction of the Office of Statewide Prosecution to investigate and prosecute certain additional offenses; requiring that certain charging documents contain certain information; amending s. 517.021, F.S.; clarifying the definition of the terms "branch office" and "investment adviser"; expanding the definition of "viatical settlement investment" by deleting provisions listing items exempt from the scope of the term; amending s. 517.072, F.S.; exempting certain transactions involving viatical settlement investments from certain registration requirements; specifying applicability of certain provisions of state law; amending s. 517.12, F.S.; revising requirements for registration of dealers, associated persons, investment advisers, and branch offices; authorizing the Financial Services Commission to waive certain requirements by rule; changing an agency reference; amending s. 517.121, F.S.; authorizing the Office of Financial Regulation to suspend registration if a registrant fails to provide certain records; authorizing the office to rescind suspensions under certain circumstances; providing that certain actions constitute an immediate and serious danger to the public safety, health, and welfare; amending ss. 517.1215 and 517.1217, F.S.; changing an agency reference; amending s. 517.141, F.S.; excluding postjudgment interest from payments made from the Securities Guaranty Fund; amending s. 517.161, F.S.; expanding the class of persons related to or associated with an applicant or registrant for which certain violations may result in adverse actions taken against registrations; authorizing the office to suspend a registration under certain circumstances; creating s. 517.1611, F.S.; requiring that the Financial Services Commission adopt certain disciplinary guidelines by rule; providing requirements for such guidelines; requiring that the commission adopt rules identifying certain mitigating and aggravating circumstances and rules for disqualifying registrants for certain periods for certain criminal actions; providing criteria for such rules; amending s. 517.191, F.S.; authorizing the office to apply to the court for orders directing restitution in addition to or in lieu of other remedies available pursuant to state law; providing the office with standing in certain matters; authorizing the office to apply to the court to impose civil penalties for certain violations; limiting the amount of such penalties; requiring that moneys collected from the imposition of such penalties be deposited into the Anti-Fraud Trust Fund; authorizing the Attorney General, with approval of the office, to investigate and enforce certain provisions of state law; authorizing the Attorney General to bring certain actions for injunctive relief; authorizing the Attorney General to recover certain investigation and enforcement costs and attorney's fees; requiring that certain recovered moneys be deposited into the Legal Affairs Revolving Trust Fund; preserving the authority of the office to bring an administrative action in certain circumstances; prohibiting a person from being subject to both an administrative fine and a civil penalty; amending s. 517.221, F.S.; increasing the amount of certain administrative fines; authorizing the office to bar certain persons from submitting applications or notifications for a license or registration under certain circumstances; amending s. 517.275, F.S.; clarifying a reference to applicable federal law; amending s. 896.108, F.S.; authorizing the Department of Law Enforcement to enter into agreements and pay a reward to any individual or entity who provides certain original information; requiring that the executive director of the department determine the amount of a reward; authorizing the executive director to exceed statutory limitations for rewards under certain circumstances; requiring that rewards be paid only from seized assets; providing for the holding of seized and forfeited funds; providing that certain persons are not eligible for a reward; providing that payment of a reward does not affect the admissibility of testimony in any court proceeding; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include certain additional offenses; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senators Wise and Dockery—

CS for CS for SB 1180—A bill to be entitled An act relating to forensic mental health policy; providing for the creation of a workgroup to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system; providing for administrative and assistance; providing for membership, organization, and meetings; specifying that members serve without compensation, but are reimbursed for expenses; specifying components of the review; authorizing use of outside research organizations; providing for interim and final reports; providing for future termination of the workgroup and expiration of the provisions creating it; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Environmental Preservation and Conservation—

CS for SB 1268—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 253.034, F.S., relating to an exemption from public-records requirements for a written valuation of state-owned lands determined to be surplus and for related documents used to form the valuation or pertaining to the valuation; reorganizing and clarifying provisions; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

By the Committees on Health and Human Services Appropriations; Governmental Oversight and Accountability; Judiciary; and Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for CS for CS for SB 1276—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child's best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an excep-

tion; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming "children's zones" as "children's cooperatives"; revising legislative findings and intent; requiring the governing body to establish a children's cooperative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the cooperative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children's cooperative corporation; changing the name of the Magic City Children's Zone, Inc., to the Miami Children's Cooperative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children's cooperative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

By the Committee on General Government Appropriations; and Senator Bennett—

CS for SB 1296—A bill to be entitled An act relating to public swimming; amending s. 514.011, F.S.; defining the term "beach waters"; amending s. 514.023, F.S.; requiring the Department of Health to notify the local government and the local office of the Department of Environmental Protection when it issues a health advisory against swimming in beach waters due to elevated levels of bacteria; requiring the Department of Environmental Protection to promptly investigate wastewater treatment facilities within a certain distance of the beach and notify the local government of the results of such investigation; amending s. 514.025, F.S.; authorizing the department to delegate duties relating to public swimming or bathing facilities to independent special districts; amending s. 515.25, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on Higher Education Appropriations; and Higher Education; and Senator Joyner—

CS for CS for SB 1304—A bill to be entitled An act relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S.; establishing the institute within the University of South Florida; providing a mission for the institute; creating a board of directors to oversee the management and operation of the institute; providing for the appointment and terms of service of the members of the board of directors; providing for the election of a chair of the board of directors; providing for the duties of the board of directors; authorizing the board of directors to create an advisory council to the institute; providing that the institute shall be administered by a chief executive officer; providing for the duties of the chief executive officer; requiring the chief executive officer to actively seek grant moneys to fund research at the institute; requiring the chief executive officer to submit an annual report of the institute's expenditures and research; specifying the sources of funding for the institute; requiring that any appropriation to the institute be expended for certain purposes; specifying certain information that is exempt from public-records requirement; providing for the transfer of all assets and records of the institute to the university; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 1346—A bill to be entitled An act relating to trust funds; amending s. 20.425, F.S.; providing an additional source of funds for the Grants and Donations Trust Fund within the Agency for Health Care Administration; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising the date of reversion of undisbursed balances in the fund; amending s. 400.179, F.S.; requiring that a leasehold licensee fee be deposited into the Grants and Donations Trust Fund of the agency; amending s. 409.916, F.S.; requiring that funds from nursing home facility quality assessments, certain grants and donations, and leasehold licensee fees be deposited into the Grant and Donations Trust Fund of the agency; amending ss. 893.165 and 938.23, F.S.; requiring that certain assessments for alcohol and drug abuse treatment programs and collected by the clerks of the circuit courts be deposited into the Grants and Donations Trust Fund of the Department of Children and Family Services; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Ethics and Elections—

CS for SB 1348—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding campaign finance reports; amending s. 106.0706, F.S., relating to an exemption from public-records requirements for user identifications and passwords held by the Department of State and information entered into the department's electronic filing system in connection with the electronic filing of campaign finance reports; reorganizing the exemption and clarifying provisions; saving the exemption from repeal under the Open Government sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Dean—

CS for SB 1368—A bill to be entitled An act relating to local government budgets; amending s. 28.36, F.S.; conforming provisions relating to proposed court budgets; amending s. 30.49, F.S.; conforming provisions relating to sheriff budgets; revising the categories for expenditures; amending s. 129.01, F.S.; revising provisions relating to the preparation of county budgets; amending s. 129.02, F.S.; revising provisions relating to the preparation of special district budgets; amending s. 129.021, F.S.; conforming cross-references; amending s. 129.03, F.S.; revising provisions relating to the preparation of tentative county budgets; requiring such budgets to be posted on the county's website; amending s. 129.06, F.S.; revising provisions relating to the execution and amendment of county budgets; requiring revised budgets to be posted on the county's website; amending s. 129.07, F.S.; revising provisions relating to the prohibition against exceeding the county budget; amending s. 129.201, F.S.; conforming and revising provisions relating to the budget of the supervisor of elections; amending s. 166.241, F.S.; revising provisions relating to the preparation or amendment of municipal budgets; requiring such budgets to be posted on the website of the municipality or related county; amending s. 189.418, F.S.; revising provisions relating to the preparation or amendment of special district budgets; requiring such budgets to be posted on the website of the district or related county; amending s. 189.421, F.S.; requiring that a copy of a certified letter containing certain information be sent to the chair of the local governing authority when the Department of Community Affairs attempts to assist a dependent special district with compliance with the district's financial reporting requirements; requiring that the letter include notice of a 60-day deadline for filing the required report; requiring that any special district unable to meet the reporting requirements notify the department of certain information in writing; providing that the department's written response does not constitute an extension of the reporting deadline by the department; requiring that the department forward the written response to the Legislative Auditing Committee for its determination as to whether the special district should be subject to additional state action; requiring that the department begin certain procedures under certain circumstances; extending the period before which the department must take certain action; amending s. 218.32, F.S.; revising the schedule for submitting a local governmental entity's audit and annual financial reports to the Department of Financial Services; requiring a local governmental entity to provide a link to the entity's financial report on the department's website; amending s. 218.35,

F.S.; conforming provisions relating to the preparation of county fee officer budget; amending s. 218.39, F.S.; revising the timeframe for completing a local governmental entity's annual financial audit; requiring that an auditor prepare an audit report; requiring that such report be filed with the Auditor General within a specified time; requiring that the Auditor General notify the Legislative Auditing Committee of any audit report indicating that an audited entity has failed to take corrective action; requiring that the chair of a local governmental entity appear before the committee under certain circumstances; amending s. 373.536, F.S.; requiring water management district budgets to be posted on the district's website; amending s. 1011.03, F.S.; requiring the budgets of district school boards to be posted on the website of the district or related county; amending s. 1011.051, F.S.; revising provisions relating to the guidelines for district school boards to maintain an unreserved fund balance for the general fund; providing an effective date.

By the Committees on Finance and Tax; and Community Affairs; and Senators Dean, Bennett, Storms, and Joyner—

CS for CS for SB 1468—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; creating s. 193.7041, F.S.; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; creating s. 193.7042, F.S.; requiring that property appraisers notify property owners of the denial of an application to classify property as working waterfront property; providing for the appeal of such denial to the value adjustment board; requiring a filing fee of a certain amount; providing for the appeal of a denial of a petition to the value adjustment board to the circuit court; requiring that property appraisers notify property owners whose property was classified as working waterfront property by a value adjustment board or court to recertify that the use and ownership of the property have not changed; authorizing the waiver of certain notice and certification requirements; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 259.105, F.S.; renaming the "Stan Mayfield Working Waterfronts Program" within the Florida Communities Trust as the "Stan Mayfield Commercial Waterfronts Restoration and Preservation Program"; amending s. 380.502, F.S.; conforming provisions to changes made by the act; amending s. 380.503, F.S.; deleting a definition for the term "working waterfronts" for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; providing a cross-reference; clarifying provisions relating to the authority of the Florida Communities Trust to provide grants or loans for certain projects; clarifying the trust's rulemaking authority; deleting obsolete provisions; amending s. 380.508, F.S.; deleting provisions relating to the purpose of working waterfront projects; amending s. 380.5105, F.S.; conforming provisions to changes made by the act; providing a definition for the term "commercial waterfront"; providing that certain property does not qualify as commercial waterfront property; providing for water-dependent commercial activities; limiting participation in the program to counties and municipalities effective on a specified date; limiting the uses of acquired property in perpetuity; requiring that the Florida Communities Trust adopt rules establishing procedures and an application process; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Education Pre-K - 12; and Senators Wise and Sobel—

CS for CS for CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending s. 1002.20, F.S.; conforming cross-references; requiring that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals; requiring that such review be conducted at a district school board meeting held pursuant to state law; requiring that the district school board take public testimony at such meeting; providing for the expiration of a district school board's policy authorizing corporal punishment under certain circumstances; amending s. 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; providing that zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring each district school board to adopt a cooperative agreement with the Department of Juvenile Justice which establishes certain guidelines; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; Judiciary; Criminal Justice; and Education Pre-K - 12; and Senators Wise and Sobel—

CS for CS for CS for CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending s. 1002.20, F.S.; conforming cross-references; requiring that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals; requiring that such review be conducted at a district school board meeting held pursuant to state law; requiring that the district school board take public testimony at such meeting; providing for the expiration of a district school board's policy authorizing corporal punishment under certain circumstances; amending s. 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; providing that zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring each district school board to adopt a cooperative agreement with the Department of Juvenile Justice which establishes certain guidelines; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; prohibiting a student from exposing below-waist underwear in a specified manner while on the grounds of a public school; providing penalties; providing an effective date.

By the Committee on Transportation; and Senator Bennett—

CS for SB 1624—A bill to be entitled An act relating to motor vehicles; amending s. 316.003, F.S.; defining the term "tri-vehicle"; amending s. 316.0741, F.S.; expanding the definition of "hybrid vehicle" to include certain tri-vehicles; amending s. 320.06, F.S.; extending the periods of issuance and replacement for certain registration license plates; increasing the cost of such replacement; deleting a provision requiring that registration license plates be specially treated with retro-reflective material; deleting a provision requiring that validation stickers be treated with such material and be of a specified size; providing for an additional fee on each registration or renewal registration for the purpose of paying costs of materials for license plates and validation stickers; amending s. 320.08, F.S.; including tri-vehicles among the types of vehicles upon which annual license taxes are levied; amending s. 322.01, F.S.; defining the term "tri-vehicle"; excluding tri-vehicles from the definition of "motorcycle"; providing an effective date.

By the Committees on General Government Appropriations; and Regulated Industries; and Senator Jones—

CS for CS for SB 1640—A bill to be entitled An act relating to public accountancy; amending s. 455.217, F.S.; providing that persons regulated as public accountants by the Department of Business and Professional Regulation under ch. 473, F.S., are exempt from certain requirement; amending s. 455.271, F.S.; providing that certain licensees are not subject to specified continuing education requirements for reactivation of a license; amending s. 473.302, F.S.; revising definitions; amending s. 473.303, F.S.; specifying that members of the Board of Accountancy and probable cause panels who hold licenses must be licensed in this state; providing that past board members of probable cause panels may be reappointed for additional terms; amending s. 473.304, F.S.; conforming provisions; amending s. 473.305, F.S.; deleting provisions requiring a late filing fee; amending s. 473.308, F.S.; revising educational requirements for applicants for licensure; providing an exception to a work experience requirement for certain persons; amending s. 473.309, F.S.; conforming provisions related to licensure requirements for firms licensed in other states; amending s. 473.3101, F.S.; requiring that certain firms hold a license; providing licensure exemptions for certain firms licensed in other states; amending s. 473.311, F.S.; deleting an examination requirement for licensure renewal; amending s. 473.312, F.S.; conforming provisions; amending s. 473.313, F.S.; deleting a minimum continuing education requirement for reactivating an inactive license; requiring certain continuing education hours in ethics in order to reactivate certain licenses; conforming provisions; amending s. 473.314, F.S.; providing temporary licensure exemptions for certain persons licensed in other states; creating s. 473.3141, F.S.; providing licensure exemptions for certain persons licensed in other states; providing that disciplinary action against certain individual or firm that practices public accounting is valid only under specified conditions; amending ss. 473.316, 473.318, 473.319, 473.3205, 473.321, and 473.322, F.S.; conforming provisions; amending s. 473.323, F.S.; conforming provisions relating to disciplinary actions; providing grounds for disciplinary actions against certain persons licensed in other states; providing an effective date.

By the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations; and Senator Peaden—

CS for CS for SB 1666—A bill to be entitled An act relating to health and human service contracts; creating s. 287.0576, F.S.; requiring the Departments of Children and Family Services, Health, and Juvenile Justice and the Agencies for Persons with Disabilities and Health Care Administration to adopt certain policies relating to the monitoring of provider contracts and access to provider data; providing an exception; amending s. 409.1671, F.S.; requiring the Department of Children and Family Services to ensure that contracts entered into with community-based care lead agencies are funded by a grant of general revenue and applicable other state and federal funding sources; requiring community-based care lead agencies to document federal earnings; specifying permissible expenditures for community-based care lead agencies; requiring the department to enter into certain contracts with community-based care lead agencies; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1892—A bill to be entitled An act relating to sexual misconduct with students by authority figures; creating s. 775.0862, F.S.; providing definitions; providing for reclassification of specified sexual offenses committed against students by an authority figure; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Banking and Insurance; and Senator Richter—

CS for CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

By the Committees on Health and Human Services Appropriations; Criminal Justice; and Health Regulation; and Senators Gaetz and Peaden—

CS for CS for CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring the Agency for Health Care Administration to use specified documents from a provider's records to calculate an overpayment by the Medicaid program; prohibiting a provider from using certain documents or data as evidence when challenging a claim of overpayment by the Agency for Health Care Administration; providing an exception; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permitee for certain misconduct by the permitee, or persons affiliated with the permitee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191; F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of li-

cense renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium"; amending s. 651.118, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Finance and Tax; and Senator Wise—

CS for SB 1992—A bill to be entitled An act relating to driver responsibility; amending s. 316.192, F.S.; providing for the addition of a specified charge to any fine imposed for reckless driving; providing for the distribution of proceeds collected from the imposition of such charge; amending s. 316.1932, F.S.; providing for the imposition of a specified fine against each driver who refuses to submit to a blood-alcohol level test when asked to do so by a law enforcement officer; providing for the distribution of proceeds collected from the imposition of such fine; creating s. 322.2701, F.S.; providing a short title; creating s. 322.27021, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess a specified annual surcharge against a person who accumulates points under specified provisions against his or her driver's license within a certain timeframe; requiring the department to notify a licensee upon assignment of a certain number of points; providing applicability; creating s. 322.27022, F.S.; directing the department to assess specified annual surcharges against a person who has a final conviction within a certain timeframe for a DUI offense; providing applicability; creating s. 322.27023, F.S.; directing the department to assess specified annual surcharges against a person driving without a valid driver's license or without financial responsibility; providing applicability; creating s. 322.2704, F.S.; requiring the department to notify licensees of the surcharges, the time period in which to pay the surcharges, and consequences of noncompliance; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; specifying the period of suspension; creating s. 322.2705, F.S.; directing the department to provide by rule for installment payments of the surcharges; authorizing the department to adopt rules to permit licensees to pay assessed surcharges with credit cards; providing for content of such rules; requiring the department to suspend a driver's license if the credit card payment is subsequently reversed; specifying the period of suspension; creating s. 322.2706, F.S.; directing the department to enter into a contract with a vendor for the collection of specified annual surcharges; creating s. 322.2707, F.S.; requiring the department to adopt a surcharge reduction program by rule; requiring the department to waive the surcharge for a noncriminal infraction committed by a person within a certain time period; requiring the department to reduce the amount of a surcharge for certain drivers who complete a driver improvement program; requiring the department to reduce or extend the payment period for surcharges assessed against indigent persons; creating s. 322.2709, F.S.; providing for distribution of moneys derived from surcharges collected by the department; amending s. 318.121, F.S.; exempting specified provisions from a limitation on surcharges added to civil traffic penalties; providing an effective date.

By the Committees on Judiciary; and Commerce; and Senator Constantine—

CS for CS for SB 2000—A bill to be entitled An act relating to motor vehicle lien enforcement; amending s. 30.231, F.S.; authorizing sheriffs expediting execution of a writ of replevin to recover certain additional expenses; amending s. 30.30, F.S.; requiring sheriffs to expedite certain writs of replevin within a specified amount of time; amending s. 78.065, F.S.; requiring courts to advance certain matters related to writs of replevin on the calendar; amending s. 78.068, F.S.; requiring courts to advance certain matters related to prejudgment writs of replevin on the calendar; amending s. 320.02, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to withhold renewal of registration or replacement registration of specified motor vehicles under certain circumstances; prohibiting the department from issuing a revalidation ticket or replacement license plate under certain circumstances; prohibiting the department from withholding an initial registration under certain circumstances; amending s. 320.0609, F.S.; revising provisions relating to the transfer and exchange of registration license plates and transfer fees; requiring that a temporary tag be issued and displayed during the time that an application for a transfer of a registration license plate is being processed; amending s. 320.131, F.S.; conforming provisions relating to temporary tags to changes made by the act; creating s. 320.1316, F.S.; providing responsibilities of the department relating to the issuance of a license plate, revalidation sticker, or replacement license plate for certain vehicles; requiring the department to create a notice to surrender form; providing procedures for the dispute of a notice to surrender; amending s. 322.34, F.S.; creating certain rights for lienholders; deleting a return receipt mailing requirement; amending s. 559.903, F.S.; defining the terms "lienholder," "motor vehicle repair shop," "owner," and "place of business" for purposes of the Florida Motor Vehicle Repair Act; amending s. 559.917, F.S.; providing for a motor vehicle owner or lienholder to obtain the release of a motor vehicle from a motor vehicle repair shop; revising criteria required to establish an action to compel compliance; amending s. 713.585, F.S.; modifying procedures for enforcing liens for labor or services by sale of a motor vehicle; amending s. 713.78, F.S.; clarifying provisions; deleting a return receipt mailing requirement; creating certain rights for lienholders; deleting a provision that allows a complaint to be filed in the county where the owner resides; creating a cause of action to determine the rights of the parties after a vehicle or vessel has been sold; providing for attorney's fees and costs; providing a right of inspection to lienholders; providing an effective date.

By the Committees on Criminal Justice; and Transportation; and Senator Altman—

CS for CS for SB 2004—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring such detectors to meet department contract specifications; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; permitting the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation or the county; requiring the county or Department of Transportation to issue permits for the installation; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; providing for preexisting equipment; creating s. 316.0776, F.S.; providing for placement and installation of detectors on certain roads; amending s. 316.1967, F.S.; providing for inclusion of persons having outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, and certain nursing homes; reenacting s. 320.03(8), F.S., relating to the duties of tax collectors relative to motor vehicle registration and license plate distribution, to incorporate the amendments made to s. 316.1967, F.S., in a reference thereto; providing for severability; providing an effective date.

By the Committee on Criminal Justice; and Senators Fasano, Joyner, Crist, Wise, Rich, Gelber, Dockery, Siplin, Diaz de la Portilla, King, Wilson, and Aronberg—

CS for SB 2018—A bill to be entitled An act relating to mental health; creating s. 394.4656, F.S.; creating the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; providing legislative findings and intent; providing goals for the community mental health and substance abuse forensic treatment system; defining terms; requiring the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to develop and implement a community mental health and substance abuse forensic treatment system; providing initiatives and strategies for the community forensic system; detailing the services to be provided in the community forensic system; setting forth the eligibility criteria for treatment in the system; authorizing the department to develop a continuum of services to implement the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; specifying the services and functions the department must undertake; authorizing the department to establish pilot sites within the state where the community mental health and substance abuse forensic treatment system will be implemented; amending s. 394.655, F.S.; providing additional functions of the Criminal Justice, Mental Health, and Substance Abuse Policy Council; amending s. 394.656, F.S.; requiring the department and the agency to cooperate with counties that receive grants funding under the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program; amending s. 394.657, F.S.; requiring county councils to consult with local government when planning or implementing the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; amending s. 409.906, F.S.; adding home and community-based mental health services to the optional Medicaid services offered by the state Medicaid program; amending s. 409.912, F.S.; exempting persons who have serious and persistent mental illnesses and who are receiving services under the Community Mental Health and Substance Abuse Crime Reduction Act from Medi-Pass and managed care plans; amending s. 916.107, F.S.; specifying treatment procedures for a client admitted to a state forensic mental health treatment facility who lacks the capacity to make an informed decision regarding mental health treatment at the time of admission; amending s. 916.111, F.S.; providing for forensic evaluator training for mental health experts; amending s. 916.115, F.S.; requiring court-appointed experts to have completed forensic evaluator training; requiring the court-appointed expert to be a psychiatrist or a licensed psychologist; requiring the Department of Children and Family Services to maintain and annually provide the courts with a forensic evaluator registry; amending s. 916.13, F.S.; providing timeframes for competency hearings to be held; amending s. 916.15, F.S.; providing timeframes for commitment hearings to be held; amending s. 916.17, F.S.; requiring that certain defendants be placed in a community residential facility for competency restoration in demonstration areas established under the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act; providing exceptions; amending s. 985.19, F.S.; authorizing the department to develop and contract for training mental health professionals to perform forensic evaluations, the protocols and procedures to be used, and standardizing the criteria used; revising requirements relating to the forensic evaluator training program that appointed experts must complete; providing an effective date.

By the Committees on Governmental Oversight and Accountability; Commerce; and Commerce—

CS for CS for SB 2034—A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending s. 212.097, F.S.; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s.

288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising a definition; revising criteria for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; amending s. 288.9015, F.S.; specifying that Enterprise Florida, Inc., is responsible for responding to inquiries related to the state's business incentives and opportunities; amending s. 288.95155, F.S.; authorizing Enterprise Florida, Inc., to advance a specified amount of money from a business technology growth account to the Institute for Commercialization of Public Research; authorizing Enterprise Florida, Inc. to grant awards; amending s. 288.9622, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; amending s. 288.9624, F.S.; providing a limitation on how the originally appropriated funds may be invested; allowing the Florida Opportunity Fund to form or create other entities for investment purposes; revising a reporting requirement; amending s. 380.06, F.S.; providing an exemption from the development of regional impact program for certain projects supporting a targeted industry within a rural catalyst site; providing an effective date.

By the Committees on Community Affairs; and Health Regulation; and Senator Detert—

CS for CS for SB 2040—A bill to be entitled An act relating to 911 emergency dispatcher certification; amending s. 401.465, F.S.; defining "certified dispatch training center" and "certified dispatch training program"; requiring any person serving as a 911 emergency dispatcher to be certified by the Department of Health on or after a specified date; providing conditions under which a public safety agency may employ a 911 emergency dispatcher trainee for a limited period; requiring applicants to apply for certification or recertification on a specified form; providing for satisfaction of the training program requirement by completion of a certified dispatch training program or the training program of a certified dispatch training center; eliminating a requirement for certification; providing for quadrennial renewal of certification; providing for expiration of initial certification procedure for specified dispatchers under department rule; requiring certified dispatch training centers and certified dispatch training programs to apply to the department for approval as a condition of eligibility to provide 911 emergency dispatcher training to applicants; requiring certified dispatch training centers and certified dispatch training programs to certify to the department applicants' compliance for certification; requiring the department to establish a procedure for the quadrennial review and approval of certified dispatch training centers and certified dispatch training programs by rule; requiring the assessment of fees for specified review and approval of 911 emergency dispatch training programs offered by certified dispatch training centers and certified dispatch training programs; providing an exemption from fees; providing application procedures; authorizing the department to require online application for and renewal of certification by rule; authorizing assessment of an additional application fee under certain circumstances; authorizing electronic certification of specified persons; amending s. 401.411, F.S.; clarifying certain grounds for disciplinary actions or the imposition of penalties by the department; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Haridopolos—

CS for CS for SB 2066—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

By the Committee on Judiciary; and Senators Richter and Baker—

CS for SB 2072—A bill to be entitled An act relating to workers' compensation; repealing s. 440.105(3)(c), F.S., relating to the prohibition against a fee, consideration, or gratuity for an attorney or other person for certain services; amending s. 440.20, F.S.; requiring that a judge of compensation claims enter an order determining the portion of settlement proceeds to be allocated to child support arrearages; deleting the requirement that a judge of compensation claims approve the attorney's fees paid by a claimant; deleting the requirement that parties to a settlement submit information or documentation to support the settlement; exempting settlement attorney's fees from certain provisions of state law; limiting the amount of attorney's fees paid by a claimant; requiring payment of a settlement within a specified time after a judge determines the portion of the settlement amount allocated to child support; amending s. 440.34, F.S.; providing that a claimant is responsible for the payment of his or her attorney's fees; providing exceptions; specifying a schedule for the determination of attorney's fees to be paid by a carrier or employer; requiring that a judge of compensation claims determine the amount of attorney's fees unless the parties agree otherwise; deleting certain restrictions on the amount of attorney's fees; deleting requirements relating to offers of settlement; preserving the right of a claimant to contract with an attorney for representation in connection with certain claims; prohibiting the recovery of attorney's fees under certain circumstances; prohibiting the recoupment of certain attorney's fees and costs by a carrier; prohibiting the inclusion of such fees or costs in any rate base or rate filing and the use of such fees or costs to justify a rate or rate change; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Alexander—

CS for SB 2088—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; providing that the Financial Management Information Board is responsible for the system; deleting provisions relating to the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the agency is headed by the Governor and Cabinet acting as the Financial Management Information Board; providing for an executive director; providing the duties of the agency; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to

the agency; providing the members of the council; providing council duties; creating s. 215.924, F.S.; providing for an Enterprise Financial Business Strategic Plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; providing for the contents of the plan; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; adding the Revenue and Tax Collection, Processing, and Distribution Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; revising the duties of the owners; deleting references to the design and coordination staff; providing for the ownership and functions of the Revenue and Tax Collection, Processing, and Distribution Subsystem by the Department of Revenue; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; amending s. 215.95, F.S.; providing additional duties for the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; creating s. 215.961, F.S.; providing state agency requirements relating to the Florida Financial Management Information System and the use of functional information and enterprise agency business subsystems; repealing s. 570.07(41), F.S., relating to the Department of Agriculture and Consumer Services' exemption from using the state online procurement system; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Communications, Energy, and Public Utilities; and Senator King—

CS for CS for SB 2126—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for specified proprietary confidential business information obtained from a communications company or broadband company by the Department of Management Services; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

By the Committees on General Government Appropriations; and Environmental Preservation and Conservation; and Senator Bennett—

CS for CS for SB 2150—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; requiring that applications for all recreational activity licenses include a provision for the license applicant to make a voluntary contribution to Southeastern Guide Dogs, Inc.; providing for the use of funds raised by such contributions; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Finance and Tax; and Senator Haridopolos—

CS for CS for SB 2160—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S.; relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain decisions of value adjustment boards; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., relating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing ss. 341.8201-341.842, F.S., relating to the Florida High-Speed Rail Authority Act;

amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S, relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 406.02(4)(a), F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s. 429.08(2), F.S., relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; repealing s. 570.0725(5), F.S., relating to a report by the Department of Agriculture and Consumer Services concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative recommendations of the Florida Consumers' Council; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.023, F.S.; adding a cross reference; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning educa-

tion of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Hill—

CS for CS for SB 2166—A bill to be entitled An act relating to spousal and child support; amending s. 61.075, F.S.; requiring specified findings if a deferred payment is ordered in an equitable distribution; providing for application of specified provisions; amending s. 61.13, F.S.; providing requirements for child support and income deduction orders relating to termination of child support; amending s. 61.14, F.S.; specifying how payments on alimony or spousal support judgments shall be applied; providing for enforcement of interest payments on child support and alimony or spousal support judgments; providing that interest not accrue on postjudgment interest; amending s. 61.30, F.S.; specifying a definition relating to payment of child support varying from the guideline amount whenever any of the children are required by court order to spend a substantial amount of time with either parent; requiring specified findings in order for a court to impute income beyond minimum wage; prohibiting use of certain factors in imputing income beyond minimum wage unless a court makes specified findings; revising provisions relating to income tax calculations used in determining net income; deleting certain net income amounts from the child support guidelines schedule; providing that certain percentages used for combined monthly net income greater than the amount set out in the guidelines schedule shall not be used to determine child support beyond the amount necessary to satisfy the reasonable needs of the child or children; eliminating a reduction in the child care cost added to the basic support obligation; providing for determination of the total minimum child support need; providing for payment of a parent's share of the minimum total child support need; deleting provisions relating to adjustment of a minimum child support award relating to the Internal Revenue Service dependency exemption; providing for adjustment of a party's minimum child support award when application of the child support guidelines leaves the party with a net income lower than the federal poverty guidelines; revising the percentage of overnight time-sharing that is considered significant for certain purposes; allowing a court to order a party to execute a waiver of the Internal Revenue Service dependency exemption for a child for good cause shown; amending s. 409.2563, F.S.; revising provisions relating to a presumption of minimum wage earning capacity for purposes of administrative support orders; amending s. 742.08, F.S.; providing for enforcement of interest payments on support judgments; providing that interest shall not accrue on postjudgment interest; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Banking and Insurance; and Senator Fasano—

CS for CS for SB 2226—A bill to be entitled An act relating to mortgage brokering and mortgage lending; amending s. 494.001, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; authorizing the Office of Financial Regulation to participate in the Nationwide Mortgage Licensing System and Registry; creating s. 494.00115, F.S.; providing exemptions from part I, II, and III of ch. 494, F.S., relating to the licensing and regulation of loan originators, mortgage brokers, and mortgage lenders; creating s. 494.00135, F.S.; providing for the issuance of subpoenas; amending s. 494.0014, F.S.; revising provisions relating to the refund of fees; deleting an obsolete provision; amending s. 494.00165, F.S.; prohibiting unfair and deceptive advertising relating to mortgage brokering and lending; repealing s. 494.0017, F.S., relating to claims paid from the Regulatory Trust Fund; creating s. 494.00172, F.S.; providing for a $20 fee to be assessed against loan originators and a $100 fee to be assessed against mortgage brokers and lenders at the time of license application or renewal; providing that such fees shall be deposited into the Mortgage Guaranty Trust Fund and used to pay claims against licensees; providing for a cap on the amount collected and deposited; providing requirements for seeking recovery from the trust fund; providing limitations on the amount paid; providing for the assignment of certain rights to the office; providing that payment for a claim is prima facie grounds for the revocation of a license; amending s. 494.0018, F.S.; conforming cross-references; amending ss. 494.0019 and 494.002, F.S.; conforming terms; amending s. 494.0023, F.S.; deleting the statutory disclosure form and revising the disclosure that must be provided to a borrower in writing; providing that there is a conflicting interest if a licensee or the licensee's relatives have a 1 percent or more interest in the person providing additional products or services; authorizing the commission to adopt rules; amending s. 494.0025, F.S.; prohibiting the alteration, withholding, concealment, or destruction of records relevant to regulated activities; creating s. 494.255, F.S.; providing for license violations and administrative penalties; authorizing a fine of $1,000 for each day of unlicensed activity up to $25,000; amending s. 494.0026, F.S.; conforming cross-references; amending s. 494.0028, F.S.; conforming terms; repealing ss. 494.0029 and 494.00295, F.S., relating to mortgage business schools and continuing education requirements; creating s. 494.00296, F.S.; providing for loan modification services; prohibiting certain related acts by a mortgage broker, mortgage brokerage business, correspondent mortgage lender, or mortgage lender; providing for a loan modification agreement and for the inclusion of a borrower's right of cancellation statement; providing remedies; amending s. 494.00295, F.S.; deleting references to a mortgage brokerage business and a correspondent mortgage lender, and adding reference to a loan originator; providing a directive to the Division of Statutory Revision; repealing s. 494.003, F.S., relating to exemptions from mortgage broker licensing and regulation; repealing s. 494.0031, F.S., relating to licensure as a mortgage brokerage business; creating s. 494.00312, F.S.; providing for the licensure of loan originators; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00313, F.S.; providing for the renewal of a loan originator license; repealing s. 494.0032, F.S., relating to renewal of a mortgage brokerage business license or branch

office license; creating s. 494.00321, F.S.; providing for the licensure of mortgage brokers; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed by a certain date; creating s. 494.00322, F.S.; providing for the annual renewal of a mortgage broker license; providing license renewal requirements; repealing s. 494.0033, F.S., relating to a mortgage broker license; amending s. 494.00331, F.S.; requiring a loan originator to be an employee or independent contractor for a mortgage broker or mortgage lender; repealing s. 494.0034, F.S., relating to renewal of mortgage broker license; amending s. 494.0035, F.S.; providing for the management of a mortgage broker by a principal loan originator and a branch office by a loan originator; providing minimum requirements; amending s. 494.0036, F.S.; revising provisions relating to the licensure of a mortgage broker's branch office; amending s. 494.0038, F.S.; revising provisions relating to loan origination and mortgage broker fees; amending s. 494.0039, F.S.; conforming terms; amending s. 494.004, F.S.; revising provisions relating to licensees; providing for registry requirements; deleting obsolete provisions; repealing s. 494.0041, F.S., relating to license violations and administrative penalties; providing additional grounds for assessing fines and penalties; amending s. 494.0042, F.S.; providing for loan origination fees; conforming terms; amending ss. 494.00421 and 494.0043, F.S.; conforming terms; repealing s. 494.006, F.S., relating to mortgage lender licensing and regulation; repealing s. 494.0061, F.S., relating to mortgage lender license requirements; creating s. 494.00611, F.S.; providing for the licensure of mortgage lenders; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00612, F.S.; providing for the renewal of a mortgage lender license; repealing s. 494.0062, F.S., relating to correspondent mortgage lender license requirements; amending s. 494.0063, F.S.; requiring a mortgage lender to obtain an annual financial audit report and submit a copy to the office within certain time periods; repealing s. 494.0064, F.S., relating to renewal of mortgage lender license; repealing s. 494.0065, F.S., relating to certain licenses and registrations that were converted into mortgage lender licenses; amending s. 494.0066, F.S.; revising provisions relating to a mortgage lender branch office license; creating s. 494.00665, F.S.; providing for a principal loan originator and branch manager for a mortgage lender; providing requirements and limitations; amending s. 494.0067, F.S.; revising requirements of mortgage lenders; providing for registry requirements; deleting obsolete provisions; providing for servicing agreements; amending ss. 494.0068, 494.0069, 494.007, and 494.0071, F.S.; conforming terms; repealing s. 494.0072, F.S., relating to license violations and administrative penalties; amending ss. 494.00721, 494.0073, 494.0075, 494.0076, 494.0077, and 501.1377 F.S.; redefining terms and conforming cross-references; amending ss. 201.23, 420.507, 520.52, 520.63, 607.0505, and 687.12, F.S.; conforming cross-references; providing for the termination of mortgage business school licenses; providing for the expiration of mortgage brokerage business licenses, mortgage broker licenses, and correspondent mortgage lender licenses; providing requirements for applying for a loan originator, mortgage broker and mortgage lender license by a certain date; providing effective dates.

By the Committees on General Government Appropriations; and Banking and Insurance; and Senator Baker—

CS for CS for SB 2252—A bill to be entitled An act relating to professional liability claims; amending s. 627.912, F.S.; revising requirements for reporting professional liability claims and actions; providing definitions; specifying events for which certain reports are required; requiring certain absence of claims submission reports to be filed under certain circumstances; providing requirements for treatment of reopened claims; providing an effective date.

By the Committees on Community Affairs; and Regulated Industries; and Senator Gaetz—

CS for CS for SB 2262—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026 F.S.; increasing statutory maximums on cosmetology licensing fees; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing statutory maximums on construction renewal fees; establishing a fee for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking

registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending ss. 489.127, 489.128, 489.129, and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain designated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

By the Committee on Education Pre-K - 12; and Senator Wise—

CS for SB 2272—A bill to be entitled An act relating to regional professional development academies; amending s. 1012.985, F.S.; providing for regional academies rather than a statewide system of organization; providing duties of regional professional development academies; deleting provisions that require academies to meet certain criteria in order to receive start-up funds; specifying requirements for contracts between district school boards and academies; deleting requirements relating to first-year funding and academy financial self-sufficiency in future years; authorizing the academies to administer property and moneys received from various sources; requiring that income generated from certain activities be shared between the academy and the district school board; providing an effective date.

By the Committees on Judiciary; and Governmental Oversight and Accountability; and Senator Oelrich—

CS for CS for SB 2276—A bill to be entitled An act relating to a DNA database; providing a short title; amending s. 943.325, F.S.; providing legislative intent; providing definitions; providing a phase-in schedule whereby persons arrested for specified felony offenses will be required to provide DNA samples to the Department of Law Enforcement; requiring reports; providing for a statewide automated personal identification system capable of classifying, matching, and storing analyses of DNA and other data; providing for access; specifying duties of the department; providing that the database may contain DNA for certain types of samples; specifying offenders from whom DNA is to be collected; authorizing the use of reasonable force to collect samples; providing an exemption from liability for use of such force; providing for collection of samples from specified offenders from out of state; requiring the department to provide sample containers; providing requirements for information to be submitted with each sample; providing for court orders for samples; authorizing prosecutors to seek court orders in certain circumstances; requiring that a convicted person pay the actual costs of collecting the approved DNA samples unless declared indigent; providing that certain failures to strictly comply with statute or protocol are not grounds for challenging the validity of the collection or the use of a DNA sample in court, and evidence based upon or derived from the collected DNA sample may not be excluded by a court; providing that the detention, arrest, or conviction of a person based upon a database match or database information may not be invalidated if it is later determined that the sample was obtained or placed in the database by mistake; providing for retention of samples; providing for analysis of samples; requiring that DNA analysis and the comparison of analytic results be released only to criminal justice agencies; continuing a public-records exemption for such information; prohibiting the willful refusal to provide a DNA sample; providing penalties; prohibiting specified offenses relating to disclosing DNA records, using records without authorization, or tampering with DNA samples or analysis results; providing penalties; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of a conviction for a qualifying offense; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of an arrest; authorizing the Department of Law Enforcement to adopt rules related to the implementation of the removal of DNA analyses and samples from the statewide DNA database; amending ss. 760.40 and 948.014, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Judiciary; and Senator Crist—

CS for SB 2298—A bill to be entitled An act relating to criminal justice; amending s. 775.21, F.S.; revising definitions; creating s. 794.0701, F.S.; providing that if a person has been convicted of certain specified violations in which the victim of the offense was younger than 16 years of age and the person loiters or prowls within 300 feet of a place where children regularly congregate, he or she commits a misdemeanor of the first degree; providing a criminal penalty; defining terms; amending s. 940.061, F.S.; requiring the Department of Corrections to send the Parole Commission a monthly electronic list containing the names of inmates released from incarceration and offenders who have been terminated from supervision and who may be eligible for restoration of civil rights; repealing s. 944.293, F.S., relating to procedures for

initiation of civil rights restoration; amending s. 944.35, F.S.; applying provisions prohibiting sexual misconduct to employees of private correctional facilities; providing penalties; creating s. 945.604, F.S.; defining the term "claim" for purposes of the State of Florida Correctional Medical Authority act; providing for filing and payment of medical claims for payment or underpayment; providing for filing and payment of claims for overpayment; providing for recovery of overpayment of claims; creating s. 945.6041, F.S.; providing definitions; providing limits on reimbursement for certain inmate medical expenses when there is no contract between the Department of Corrections or a private correctional facility and the health care provider or provider of emergency medical transportation services; amending s. 947.1405, F.S.; revising conditional release restrictions for certain offenders; providing that persons on supervision who are electronically monitored pay for the monitoring; providing exceptions; providing for disposition of funds collected; amending s. 948.001, F.S.; deleting the definition of the term "criminal quarantine community control"; amending s. 775.0877, F.S.; revising the penalty for criminal transmission of HIV; conforming provisions to changes made by the act; amending ss. 384.34, 796.08, and 921.187, F.S.; conforming provisions to changes made by the act; amending s. 948.01, F.S.; providing for development and distribution of uniform order of supervision forms; requiring use of such forms; amending s. 948.03, F.S.; providing as a condition of probation, community control, or any other form of court-ordered supervision that an offender live without violating any law; providing that a conviction in a court of law is not necessary for a violation of law to constitute a violation of such a condition; eliminating a requirement that a probation officer consent to possession of a firearm by a probationer with court authorization; requiring that an offender on probation or community control submit to the taking of a digitized photograph; providing for display of such photographs on the department's public website while the offender is on supervision; providing exceptions; amending s. 948.09, F.S.; revising language relating to payments by persons on supervision for the costs of electronic monitoring services; providing exemptions; conforming a cross-reference; amending s. 948.101, F.S.; deleting provisions relating to criminal quarantine community control; amending s. 948.11, F.S.; deleting provisions relating to criminal quarantine community control; deleting the requirement that for offenders being electronically monitored, the Department of Corrections develop specified procedures concerning offender's noncompliance; deleting a provision allowing the Department of Corrections to contract for local law enforcement assistance with noncompliant offenders; revising language relating to payment for electronic monitoring to conform to changes made by the act; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; revising restrictions for certain probationers or community controllees who committed sexual offenses against a minor younger than 16 years of age; amending s. 951.23, F.S.; eliminating the requirements for collection of certain information from the administrator of each county detention facility; correcting a cross-reference; amending s. 958.045, F.S.; requiring a report to be submitted to the court concerning an offender's performance while in youthful offender basic training within a specified period prior to the offender's scheduled release; providing for specified court actions if the offender's performance is satisfactory; amending s. 960.292, F.S.; providing for retention of court jurisdiction over certain offenders for a specified period after release from incarceration or supervision for the sole purpose of entering civil restitution orders; amending s. 960.293, F.S.; providing that damages due from an offender for correctional costs be based upon the length of the sentence imposed by the court at the time of sentencing; amending s. 960.297, F.S.; providing a time period in which civil actions for the costs of incarceration may be initiated; providing an effective date.

By the Committees on Transportation; and Communications, Energy, and Public Utilities; and Senator Ring—

CS for CS for SB 2326—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Go Green Florida license plate, a Florida Biodiversity Foundation license plate, a Toomey Foundation for the Natural Sciences license plate, and a Trinity license plate; establishing an annual fee for the plates; providing for the distribution of use fees received from the annual sale of such plates; providing an effective date.

By the Committee on General Government Appropriations; and Senator Dean—

CS for SB 2334—A bill to be entitled An act relating to the Water Protection and Sustainability Program Trust Fund; amending s. 373.1961, F.S.; revising requirements for the use of moneys in the trust fund; authorizing the Northwest Florida Water Management District and the Suwannee River Water Management District to use a portion of moneys in the trust fund for specific purposes; providing an effective date.

By the Committees on Health and Human Services Appropriations; Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for CS for SB 2404—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising terminology; amending s. 415.102, F.S.; defining the term "activities of daily living" and revising the term "vulnerable adult"; conforming a cross-reference; amending s. 415.103, F.S.; requiring that the central abuse hotline, which is maintained by the Department of Children and Family Services, immediately transfer reports relating to vulnerable adults to the appropriate county sheriff's office; amending s. 415.1051, F.S.; authorizing the department to file a petition to determine incapacity; prohibiting the department from acting as guardian or providing legal counsel to the guardian; amending s. 322.142, F.S.; providing a cross-reference to authorize the release of certain records for purposes of protective investigations; amending ss. 943.0585 and 943.059, F.S.; conforming cross-references; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Finance and Tax; and Judiciary; and Senators Lawson and Gelber—

CS for CS for CS for SB 2430 and SB 1960—A bill to be entitled An act relating to the taxation of documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; creating a presumption for purposes of the excise tax on documents that consideration is given for deeds, instruments, or writings that convey property between certain individuals and entities; creating a presumption of the amount of the consideration; creating an exemption from the tax for certain deeds, instruments, or writings that convey property; creating a presumption that the deed, instrument, or writing was taxable if a subsequent conveyance of the property or grantee entity is made within a certain period of time; specifying the calculation of tax due on the original conveyance; providing that the tax on the original deed, instrument, or writing does not apply if the subsequent conveyance is the result of an inter vivos gift or the death of any person; providing that the tax applies to transfers involving the exchange of real property for shares of stock or as a capital contribution; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt emergency rules relating to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing

plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made by the act; providing for application of specified provisions of the act; providing effective dates.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2518—A bill to be entitled An act relating to the tax on transient rentals; amending s. 212.03, F.S.; redefining terms; requiring persons who engage in certain business activities to collect and remit the tax on transient rentals; prohibiting an owner, owner's representative, or operator from authorizing another person to facilitate the rental of transient rental accommodations unless the person agrees to collect and remit the tax on transient rentals; authorizing the Department of Revenue to provide by rule for a single registration for a dealer to register to collect the tourist development tax in certain political subdivisions; requiring dealers who engage in certain activities relating to transient rentals to separately state the taxes separately from the tangible personal property or services on the invoice; amending s. 212.06, F.S.; redefining the term "dealer"; authorizing the Department of Revenue to adopt emergency rules to implement the act; providing legislative intent; providing for prospective application of the act; providing an effective date.

By the Committee on Education Pre-K - 12; and Senators Altman and Wise—

CS for SB 2654—A bill to be entitled An act relating to high school graduation; amending s. 1003.428, F.S.; providing credit requirements for high school graduation with a standard diploma beginning with students entering grade 9 in the 2010-2011 school year and students entering grade 9 in the 2012-2013 school year; deleting provisions relating to general requirements for high school graduation to conform to changes made by the act; creating s. 1003.4282, F.S.; providing for accommodations for students with disabilities for purposes of high school graduation; creating s. 1003.4287, F.S.; providing a short title; authorizing the award of a standard high school diploma to certain honorably discharged veterans; amending s. 1003.429, F.S.; requiring that students be advised of the availability of certain courses for purposes of an accelerated high school graduation option; amending s. 1003.43, F.S.; deleting provisions relating to general requirements for high school graduation to conform to changes made by the act; amending s. 1007.263, F.S.; conforming a cross-reference; amending s. 1008.22, F.S.; requiring passing scores on the grade 10 FCAT to meet grade-level proficiency; conforming cross-references; amending s. 1009.531, F.S.; conforming provisions; providing an effective date.

By the Committee on General Government Appropriations; and Senators Haridopolos and Baker—

CS for SB 2666—A bill to be entitled An act relating to state construction management contracting; creating s. 255.32, F.S.; defining terms; authorizing the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects; providing criteria; authorizing the department to enter into continuing contracts under certain circumstances; providing that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond; requiring the department to adopt rules; amending s. 255.103, F.S.; replacing the term "local government" with "governmental entity"; defining the term "governmental entity"; authorizing governmental entities to enter into continuing contracts under certain circumstances; defining the term "continuing contract"; amending s. 287.055, F.S.; clarifying the definition of "continuing contract"; amending s. 287.057, F.S.; providing that for the purpose of exempting certain specified contractual services and commodities from competitive-solicitation requirements, the listed exemption for artistic services does not include advertising; defining the term "advertising"; amending s. 1013.45, F.S.; revising provisions relating to contracting and construction for educational facilities; providing an effective date.

By the Committees on Higher Education Appropriations; and Higher Education; and Senator Pruitt—

CS for CS for SB 2682—A bill to be entitled An act relating to the Florida College System; amending s. 20.15, F.S.; renaming the Division of Community Colleges as the Division of Florida Colleges; amending s. 1000.21, F.S.; defining the terms "Florida college" and "community college"; specifying the counties served by each Florida college; renaming specified Florida colleges; amending s. 1001.60, F.S.; providing that the Florida College System consists of specified Florida colleges; authorizing a Florida college to change the institution's name to include "college" or "state college" under specified circumstances; requiring the district board of trustees to seek statutory codification of name changes; conforming provisions to changes made by the act; amending s. 1004.65, F.S.; providing that each Florida college shall be governed by a district board of trustees; defining a Florida college district; providing that the open-door admission policy of Florida colleges applies to lower-division programs; providing that the primary mission of Florida colleges includes the provision of upper-level instruction and baccalaureate degrees as authorized by law; conforming provisions to changes made by the act; repealing s. 1004.73, F.S., relating to St. Petersburg College; repealing s. 1004.875, F.S., relating to the State College Pilot Project; amending s. 1007.23, F.S.; providing that associate in arts graduates of Florida colleges must be granted admission to the upper division of a Florida college and shall receive priority for such admission over out-of-state students; requiring specified publications of Florida colleges and state universities to include certain information; conforming provisions to changes made by the act; amending s. 1007.33, F.S.; providing a definition for the term "district"; providing that Florida colleges may offer specified baccalaureate degree programs through agreements with regionally accredited postsecondary educational institutions; authorizing Florida colleges to offer baccalaureate degree programs authorized by law prior to the act's effective date; requiring State Board of Education approval for baccalaureate degree programs proposed by a Florida college after the act's effective date; specifying the purposes for which a baccalaureate degree program may be proposed; providing an exemption from the requirement for State Board of Education approval for specified baccalaureate degree programs offered by St. Petersburg College; authorizing the Division of Florida Colleges to accept and review applications from Florida colleges to obtain an exemption from the requirement for State Board of Education approval if certain conditions are met; providing eligibility criteria for such exemption; requiring that the division recommend an institution for exemption to the board; requiring that the board review such recommendation for approval or disapproval; requiring that all Florida Colleges engage in need, demand, and impact discussions; requiring that documentation, data, and other information be provided to certain educational entities; providing for a compliance review of approved baccalaureate degree programs; specifying the approval process for baccalaureate degree programs; specifying contents of a proposal for a baccalaureate degree program; specifying requirements for Florida colleges offering baccalaureate degree programs; requiring that the State Board of Education adopt specified rules; conforming provisions to changes made by the act; amending ss. 120.65, 288.8175, 1004.70, 1004.87, and 1009.23, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Criminal Justice; Military Affairs and Domestic Security; and Military Affairs and Domestic Security—

CS for CS for SB 2684—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the depart-

ment and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; requiring the department to provide assessment briefings to seaport authority governing boards and local regional domestic security task force co-chairs at least once per year; requiring certain board members to attend assessment briefings; adding the department to those entities responsible for allocating funds for security projects; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing a contingency with respect to assessment briefings conducted by the department; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Children, Families, and Elder Affairs; and Senator Ring—

CS for SB 242—A bill to be entitled An act relating to human vaccinations; amending s. 499.005, F.S.; prohibiting the sale, purchase, manufacture, delivery, importation, administration, and distribution of certain vaccines containing organic or inorganic mercury compounds in excess of a certain amount; amending s. 1003.22, F.S.; revising requirements for the administration of certain vaccines required for school entry; authorizing a parent, legal guardian, or authorized person to choose an alternative immunization schedule under certain conditions; requiring licensed health care providers to provide certain vaccine information statements to parents, legal guardians, and legal representatives before the administration of certain vaccines to children; requiring health care providers to obtain a signed statement from parents, legal guardians, authorized persons, and legal representatives documenting that the vaccine information statements are provided; specifying the required contents of the signed statement; requiring health care providers to record the lot number of each vaccine on the signed statement or a permanent office log; requiring health care providers to maintain certain records; providing for application of the act to certain vaccine information statements; authorizing the use of a single signed statement for the administration of multiple vaccines under certain circumstances; amending ss. 381.003 and 1002.42, F.S.; conforming cross-references; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committees on Transportation; and Community Affairs; and Senator Bennett—

CS for CS for SB 362—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; redefining the term "existing urban service area" as "urban service area"; defining the term "dense urban land area"; requiring the Office of Economic and Demographic Research to annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas; providing for the use of certain data and certain boundaries for such determination; requiring the Office of Economic and Demographic Research to submit to the state land planning agency the list of jurisdictions that meet certain criteria by a specified date; requiring the state land planning agency to publish such list; amending s. 163.3177, F.S.; revising the criteria for future land use designations; authorizing the state land planning agency to allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed certain percent under certain circumstances; amending s. 163.3180, F.S.; revising concurrency requirements; revising legislative findings; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; requiring that a local government that has certain transportation concurrency exception area adopt land use and transportation strategies within a specified timeframe; requiring the state land planning agency to submit certain finding to the Administration Commission; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature by a specified date; requiring that the report contain certain information relating to transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job creation projects; revising provisions relating to proportionate fair-share mitigation; revising provisions relating to school concurrency requirements; requiring that charter schools be considered as a mitigation option under certain circumstances; revising the criteria for proportionate-share contributions; defining the term "backlog"; creating s. 163.31802, F.S.; prohibiting the establishment of local security standards requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; providing an exception; amending s. 163.3187, F.S.; clarifying that text amendments can be made only twice a year; amending s. 163.32465, F.S.; authorizing local governments to use the alternative state review process to designate urban service areas; providing legislative intent with respect to the alternative state review pilot program; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research; amending s. 380.06, F.S.; providing that certain exempt uses that are part of a larger project that is subject to development-of-regional-impact review are exempt from such review under certain circumstances; providing legislative findings and determinations relating to replacing the transportation concurrency system with a mobility fee system; requiring that the state land planning agency and the Department of Transportation develop a methodology for a mobility fee system; requiring that the state land planning agency and the department submit joint reports to the Legislature by a specified date; extending certain permits, orders, or applications that are due to expire on or before September 1, 2011; providing for application of the extension to certain related activities; providing exceptions; providing a declaration of important state interest; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Commerce; and Senator Hill—

CS for SB 516—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; defining the terms "alternative base period," "good cause," and "member of the individual's immediate family"; redefining the term "base period"; amending s. 443.091, F.S.; revising the requirements for eligibility to receive benefits; prohibiting unemployed individuals from being ineligible for unemployment benefits based solely on the individual's availability to work certain hours; providing for an alternative base period after a certain date; amending s. 443.101, F.S.; prohibiting an individual from being disqualified from benefits if he or she leaves work due to good cause; prohibiting un-

employed individuals from being disqualified for unemployment benefits based solely on the individual's availability for only part-time work under certain circumstances; amending s. 443.151, F.S.; requiring an employer to provide wage information to support an individual's eligibility for benefits; authorizing the Agency for Workforce Innovation to accept an affidavit from the claimant to support eligibility for benefits; amending ss. 443.1216 and 443.131, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Commerce; and Senators Garcia and Hill—

CS for SB 810—A bill to be entitled An act relating to the Unemployment Compensation Trust Fund; amending s. 443.1217, F.S.; raising the amount of an employee's wages subject to an employer's contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer's contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer's contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor's designee to request advances; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Ethics and Elections; and Senator Alexander—

CS for SB 956—A bill to be entitled An act relating to elections; creating s. 97.0115, F.S.; providing for the preemption of certain matters to the state; providing exceptions; amending s. 97.012, F.S.; expanding the list of responsibilities of the Secretary of State when acting in his or her capacity as chief election officer; prohibiting the secretary from performing certain actions; amending s. 97.0535, F.S.; requiring that certain first-time voters provide identification before election day; removing certain types of identification from the list of acceptable forms of identification for certain first-time voters; requiring that the supervisor validate registrations before election day for certain first-time voters; requiring that certain applicants vote a provisional ballot; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations register with the division; requiring such organizations provide the division with certain information; requiring that the Division of Elections of the Department of State or a supervisor of elections make voter registration forms available to third-party voter registration organizations; requiring that such forms contain certain information; requiring that the division and supervisors of elections maintain a database of certain information; requiring that such information be provided in electronic format; requiring that such information be updated and made public daily at a certain time; providing that a third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant; specifying duties of such an organization; specifying an affirmative defense to certain violations of state law; providing criminal penalties for violations of certain provisions of state law; providing circumstances under which a third-party voter registration organization is subject to specified civil penalties; providing for the referral of violations to the Attorney General and state attorney; authorizing the Attorney General to initiate a civil action; providing that an action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order; requiring that the division adopt rules for specified purposes; deleting certain requirements for third-party voter registration organizations; deleting certain fines; amending s. 98.065, F.S.; clarifying a requirement that a supervisor of election incorporate certain procedures into his or her registration list maintenance program to reflect that such programs are not conducted biennially; requiring that a registration list maintenance program be conducted by each supervisor of elections at specified intervals during odd-numbered and even-numbered years; amending s. 99.012, F.S.; providing that a person who fails to meet certain requirements of state law does not qualify as a candidate for election; requiring that such a person be removed from the ballot; amending s. 100.111, F.S.; providing that a candidate for a legislative or county office is deemed elected after winning an open primary; providing that a vacancy in nomination is not created if a nominee did not properly qualify or does not meet the necessary qualifications to hold the office sought; amending s. 100.371, F.S.; revising the number of years that an initiative petition is valid; requiring that a petition form be submitted within a specified period after the date on which the petition was signed in order to be valid; deleting a limitation on the period for revoking a signature on a petition form; amending s. 101.043, F.S.; removing certain forms of identification from the list of forms of identification used to identify voters at a polling place; amending s. 101.045, F.S.; providing circumstances under which an elector is eligible for a provisional ballot; amending s. 101.131, F.S.; providing procedures for the designation of poll watchers; requiring that the division prescribe a form for the designation of poll watchers; providing conditions under which poll watchers are authorized to enter polling areas and watch polls; requiring that a supervisor of elections provide identification to poll watchers a specified period before early voting begins; requiring that poll watchers display such identification at all times while in a polling place; amending s. 101.62, F.S.; requiring that certain information regarding absentee ballots be made available during a specified period; requiring that a supervisor mail absentee ballots during specified periods before primary and general elections, or a specified period after receiving a request for an absentee ballot under certain circumstances; amending s. 101.64, F.S.; prohibiting a supervisor from placing certain information on a mailing envelope containing an absentee ballot; requiring that a supervisor establish and maintain a prepaid account with the United States Postal Service for specified purposes; amending s. 101.6923, F.S.; revising the form for absentee ballot instructions for certain first-time voters; amending s. 102.031, F.S.; prohibiting certain persons and organizations from soliciting a voter while the voter is standing in line to enter any polling place or early voting site; expanding the definition of the terms "solicit" and "solicitation"; amending s. 103.091, F.S.; authorizing a political party to adopt additional qualifying requirements for certain offices; revising membership of a state executive committee; authorizing certain members of a political party to vote by proxy if proxy voting is permitted by party rule; amending s. 103.121, F.S.; specifying a venue for any action involving the constitution, rules, or bylaws of a political party; amending s. 106.011, F.S.; expanding the list of entities not considered political committees for specified purposes; providing that certain expenditures are not contributions or expenditures for the purpose of certain provisions of state law; amending s. 106.08, F.S.; deleting provisions limiting the amount of contributions certain candidates may accept during a specified period preceding a general election; revising the list of nonallocable items that a political party may provide to candidates; amending s. 106.141, F.S.; requiring that a qualifying officer notify a candidate of certain amounts owed no later than a specified period after the candidate becomes unopposed or withdraws; amending s. 106.143, F.S.; requiring that certain political advertisements prominently state certain information; authorizing certain political advertisements to use names and abbreviations in the advertisement's disclaimer; amending s. 106.17, F.S.; authorizing state and county executive committees of a political party to conduct political polls for specified purposes; authorizing the sharing of the results of such polls under certain conditions; providing that expenditures incurred by state and county executive committees for such polls do not constitute contributions to potential candidates; amending s. 106.24, F.S.; specifying a term of appointment for the executive director of the Florida Elections Commission; requiring that the Senate confirm such appointment; limiting the number of consecutive terms that a director may serve; conforming a cross-reference; amending s. 106.29, F.S.; authorizing the reporting of expenditures for salaries in the aggregate in certain reports; amending s. 106.295, F.S.; eliminating a prohibition on leadership funds; repealing s. 97.052(6), F.S., relating to notification and correction subsequent to the failure of a voter registration applicant to provide required information on a voter registration application form; amending s. 97.073, F.S.; revising the responsibilities of a supervisor of elections regarding notification of applicants of the disposition of voter registration applications; amending s.

98.075, F.S.; providing methods for removing the names of deceased persons from the statewide voter registration system; amending s. 99.021, F.S.; revising a requirement for a qualifying officer to furnish a printed copy of the candidate oath to candidates; revising oath requirements; amending s. 99.061, F.S.; requiring that constitutional office candidates file notarized financial disclosure statements; requiring that candidates file certain original documentation when qualifying for office; amending s. 99.063, F.S.; deleting a requirement that candidates for Governor and Lieutenant Governor sign and acknowledge a specified loyalty oath; amending s. 101.151, F.S.; deleting a provision requiring that the title "supervisor of elections" and the names of candidates running for such office appear under the heading entitled "County" on election ballots; requiring that marksense ballots be printed by precinct; revising ballot layout specifications; clarifying the order of candidate offices on a ballot title; amending s. 101.5612, F.S.; requiring the use of certain ballots and technology for preelection testing of tabulating equipment; amending s. 101.591, F.S.; revising provisions relating to voting system audits; requiring postelection, random audits of voting systems; providing audit procedures; requiring the publication of an audit notice; prescribing requirements for audit reports; providing procedures for requesting an audit; requiring that the Department of State adopt rules; amending s. 101.6952, F.S.; revising procedures for processing absentee ballot requests and communicating by electronic mail with overseas voters; amending s. 101.697, F.S.; requiring that the Department of State determine whether secure electronic means can be established for requesting, sending, or receiving absentee ballots and ballot materials to and from overseas voters; requiring that the department adopt rules for specified purposes if such security can be established; amending s. 102.111, F.S.; clarifying that the Governor and Cabinet members shall serve ex officio on the Elections Canvassing Commission; establishing meeting times for the commission; amending s. 102.112, F.S.; conforming a cross-reference; amending s. 102.141, F.S.; providing circumstances under which the Secretary of State, county canvassing board, or local board is responsible for ordering recounts in elections; amending s. 102.166, F.S.; creating and modifying manual recount exemptions; revising the procedures for ordering a manual recount; amending s. 102.168, F.S.; revising the time to submit a complaint contesting an election; identifying indispensable parties in actions to contest an election; amending s. 105.031, F.S.; requiring that candidates for the office of supervisor of elections pay a specified qualifying fee, subscribe to an oath, and file certain items with the supervisor of elections before the end of the qualifying period; requiring that a candidate's oath for candidates for certain nonpartisan offices to be made available to each candidate by the qualifying officer; deleting a requirement that the candidate take a certain oath; requiring that the candidate attest in the oath that he or she will support the federal and state constitutions; specifying items required to be filed in order to qualify for office; amending s. 98.015, F.S.; requiring that a supervisor of elections in each county be elected in a nonpartisan election; amending s. 105.035, F.S.; including candidates for the office of supervisor of elections among the list of candidates who may qualify for election by a specified petition process; amending s. 105.041, F.S.; requiring that space be made available on a general election ballot for an elector to write in the name of a write-in candidate for the office of supervisor of elections if such candidate has qualified as a write-in candidate pursuant to state law; amending s. 105.051, F.S.; prohibiting the name of an unopposed candidate for the office of supervisor of elections from appearing on any ballot; amending s. 105.061, F.S.; requiring that the election of a supervisor of elections be by vote of the qualified electors of a county; amending s. 105.08, F.S.; limiting the contributions that may be accepted and the expenses that may be incurred by a candidate for the office of supervisor of elections; requiring such candidates to keep an accurate record of such contributions and expenses; requiring that such information be reported in accordance with state law; amending s. 105.09, F.S.; prohibiting a political party or partisan political organization from endorsing, supporting, or assisting any candidate in a campaign for election to the office of supervisor of elections; providing that it is a second-degree misdemeanor to knowingly commit such acts; creating s. 106.113, F.S.; defining the terms "local government" and "public funds"; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; amending s. 876.05, F.S.; deleting a requirement that candidates for public office take the public employee oath; repealing s. 101.5911, F.S., relating to rulemaking authority for voting system audit procedures; repealing s. 876.07, F.S., relating to a requirement that a candidate file the public employees' oath as a prerequisite to qualifying for public office; creating s. 100.372, F.S.; defining the terms "department," "petition circulator," "paid petition circulator," and "registrant"; prohibiting a person from engaging in any activities as a paid petition circulator without first registering as such with the department; prohibiting a person or entity from providing compensation to a person for engaging in activities as a petition circulator if that person is not registered with the department; providing requirements for eligibility to engage in activities as a paid petition circulator; authorizing application to the department for registration and requiring certain information; requiring that the department register eligible applicants within a specified period after its receipt of the application; requiring that a registrant notify the department in writing of any change in the information submitted within a specified period after such change; requiring that certain individuals who submit an initiative petition form collected by a paid petition circulator to a supervisor of elections for verification simultaneously submit a signed, written affirmation that the initiative petition signatures on the form were collected in compliance with certain requirements of state law; requiring that the department adopt a form for such affirmation; requiring that such form identify potential criminal and civil penalties for submitting a false affirmation; requiring that the department issue evidence of registration; requiring that every petition form presented by a registrant to a person for his or her possible signature contain certain information; providing conditions under which a signature shall be deemed invalid and ineligible to be verified or counted; requiring that the supervisor of elections return, at the expense of the political committee sponsoring the initiative petition, the invalid initiative petition form within a specified period after invalidation; requiring that such political committee provide written notice to an elector whose signature was invalidated within a specified period after receipt of an invalid form from a supervisor; requiring that the notice contain certain information and provide the elector an opportunity to sign a replacement initiative petition form; providing that certain electors are exempt from certain provisions of state law for specified purposes; providing for the applicability of certain provisions of state law to initiative petition forms; providing for circumstances in which a registrant's registration is rendered invalid; requiring notification of such circumstances; requiring that the department create a training program for applicants; providing requirements for the program; authorizing the department to conduct training through a secure website and to contract with a third-party vendor for the administration of the program; requiring that the department adopt rules; requiring that the department establish a registration fee; providing for the deposit of funds collected from the administration of such fee; providing that certain signatures gathered before a specified date may be verified and counted if otherwise valid; providing that signatures gathered on or after such date may be verified and counted only if gathered in compliance with the act; providing for severability; providing an effective date.

—was referred to the Policy and Steering Committee on Governmental Operations.

By the Committee on Criminal Justice; and Senator Richter—

CS for SB 1114—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a first violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senators Gaetz, Sobel, Oelrich, Fasano, Bennett, Lynn, and Altman—

CS for SB 1122—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception; providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing an effective date.

—was referred to the Committee on General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Commerce; and Senators Haridopolos and Baker—

CS for SB 1526—A bill to be entitled An act relating to commercial launch zone tax incentives; creating s. 220.194, F.S.; establishing credits against the corporate income tax for certain taxpayers that operate or provide investments for a commercial spaceflight project; providing definitions for purposes of the tax credits; establishing eligibility requirements for the tax credits; allowing for the carryforward of tax credits under certain circumstances; providing application and certification requirements; requiring the Office of Tourism, Trade, and Economic Development to determine the eligibility of taxpayers; providing for the expiration and renewal of a taxpayer's eligibility for tax credits; providing for administration and auditing of tax credits by the Department of Revenue; requiring the return and deposit of tax credits under certain circumstances; requiring the office to consult with Space Florida and adopt rules for tax credit applications and certifications; authorizing the department to adopt rules for tax administration, claims and transfers of tax credits, auditing, and reporting; amending s. 14.2015, F.S.; revising the duties of the office to include administration of the tax credits created by the act; amending s. 213.053, F.S.; providing for sharing of confidential information; amending s. 220.02, F.S.; revising legislative intent relating to the order for applying tax credits; amending s. 220.13, F.S.; specifying that net operating losses taken or transferred as corporate income tax credits may not also be deducted from income; amendung s. 220.16, F.S.; adding the financial assistance obtained by the sale of tax credits pursuant to s. 220.194, F.S., to the category of nonbusiness income that must be reported; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By the Committee on Transportation; and Senator Altman—

CS for SB 1588—A bill to be entitled An act relating to the impoundment or immobilization of vehicles; amending s. 316.193, F.S.; requiring the court to include the name and address of immobilization agencies that meet the requirements of law in the order of impoundment or immobilization; requiring the person whose vehicle is ordered to be impounded or immobilized to pay the impoundment or immobilization fees and costs directly to the person impounding or immobilizing the vehicle; establishing professional criteria for immobilization agencies engaged in the business of immobilizing vehicles in judicial circuits where personnel of the court or sheriff do not immobilize vehicles; providing that it is a misdemeanor of the first degree for a person to fail to comply with the requirements necessary to immobilize a vehicle; authorizing a person to initiate a civil suit against a person who fails to comply with the requirements to immobilize a vehicle; providing for attorney's fees and costs; defining terms; providing an effective date.

—was referred to the Committees on Judiciary; and Transportation and Economic Development Appropriations.

By the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

CS for SB 1680—A bill to be entitled An act relating to the English Language Learners Pilot Program; creating s. 1003.561, F.S.; requiring that the State Board of Education implement a pilot program that provides professional development training for reading teachers to become qualified to teach reading to students who are English Language Learners; requiring that the Commissioner of Education appoint members to a committee to develop and identify the content for the pilot program; requiring that the commissioner select three school districts to participate in the pilot program; requiring that each participating district submit an annual progress report to the Department of Education; requiring that the reports contain certain information; requiring that the department submit a report to the State Board of Education; requiring that the commissioner recommend to the board whether to adopt a permanent program and the content for such program; providing an effective date.

—was referred to the Committee on Education Pre-K - 12; and the Policy and Steering Committee on Ways and Means.

By the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

CS for SB 1682—A bill to be entitled An act relating to school improvement and accountability; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the board to adopt rules in compliance with the ESEA after evaluating and determining that the ESEA and its implementing regulations are consistent with the statements of purpose in the ESEA; authorizing the board to adopt rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the State Board of Education to prescribe reporting requirements to review and monitor the progress of schools; requiring that the Department of Education create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to the State Board of Education's approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that the school district submit a plan for implementing another option if the lowest-performing schools do not move to another category; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring that the State Board of Education adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent; revising provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

—was placed on the Calendar.

By the Committees on Criminal Justice; and Transportation; and Senator Altman—

CS for CS for SB 2004—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to

enforce traffic laws; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring such detectors to meet department contract specifications; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; permitting the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation or the county; requiring the county or Department of Transportation to issue permits for the installation; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; providing for preexisting equipment; creating s. 316.0776, F.S.; providing for placement and installation of detectors on certain roads; amending s. 316.1967, F.S.; providing for inclusion of persons having outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, and certain nursing homes; reenacting s. 320.03(8), F.S., relating to the duties of tax collectors relative to motor vehicle registration and license plate distribution, to incorporate the amendments made to s. 316.1967, F.S., in a reference thereto; providing for severability; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Health Regulation; and Senator Rich—

CS for SB 2030—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Board of Nursing to provide certain information to nurses before they are given the opportunity to contribute to funding the center at licensure renewal; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By the Committee on Governmental Oversight and Accountability; and Senator Alexander—

CS for SB 2088—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; providing that the Financial Management Information Board is responsible for the system; deleting provisions relating to the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the agency is headed by the Governor and Cabinet acting as the Financial Management Information Board; providing for an executive director; providing the duties of the agency; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to the agency; providing the members of the council; providing council duties; creating s. 215.924, F.S.; providing for an Enterprise Financial Business Strategic Plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; providing for the contents of the plan; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; adding the Revenue and Tax Collection, Processing, and Distribution Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; revising the duties of the owners; deleting references to the design and coordination staff; providing for the ownership and functions of the Revenue and Tax Collection, Processing, and Distribution Subsystem by the Department of Revenue; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; amending s. 215.95, F.S.; providing additional duties for the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; creating s. 215.961, F.S.; providing state agency requirements relating to the Florida Financial Management Information System and the use of functional information and enterprise agency business subsystems; repealing s. 570.07(41), F.S., relating to the Department of Agriculture and Consumer Services' exemption from using the state online procurement system; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committees on Regulated Industries; and Community Affairs; and Senator Bennett—

CS for CS for SB 2100—A bill to be entitled An act relating to building safety; amending s. 399.02, F.S.; exempting certain elevators from provisions requiring modifications to heat sensors and electronic controls; amending s. 399.15, F.S.; providing an alternative method to allow regional emergency elevator access; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; amending s. 468.8311, F.S.; effective July 1, 2010, revising the term "home inspection services" to include the visual examination of additional components; amending s. 468.8312, F.S.; effective July 1, 2010, providing for fee increases for home inspection licenses; amending s. 468.8319, F.S.; effective July 1, 2010, revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; effective July 1, 2010, authorizing the Department of Business and Professional Regulation to impose penalties against a licensee found guilty of certain violations; amending s. 468.8324, F.S.; providing additional requirements for licensure as a home inspector; amending s. 215.5586, F.S.; effective July 1, 2010, adding home inspectors licensed under s. 468.83, F.S., to the list of wind certification entities that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; amending s. 627.351, F.S.; deleting a requirement for opening protections for designated property for purposes of coverage by the Citizens Property Insurance Corporation; amending s. 627.711, F.S.; effective July 1, 2010, authorizing the Financial Services Commission to accept as valid a uniform mitigation verification form signed by a licensed home inspector; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing rulemaking authority to the Department of Community Affairs; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt amendments relating to equivalency of standards; authorizing the adoption of amendments necessary to accommodate state agency rules to meet federal requirements for design criteria relating to public educational facilities and state-licensed facilities; exempting certain mausoleums from the requirements of the Florida Building Code; restricting the code or an code enforcement agency from imposing requirements on certain air conditioning systems; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; authorizing the commission to charge a fee for nonbinding inter-

pretations; amending s. 553.79, F.S.; requiring state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; requiring that the provider remit a portion of the fees to the department to cover its costs; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from requirements from roof and opening protections for certain exposed mechanical equipment or appliances; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition"; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.912, F.S.; providing requirements for the replacement of air conditioning systems; repealing ss. 468.627(6), 481.215(5), and 481.313(5), F.S., relating to building code inspectors, renewal of the license for architects, interior designers, and landscape architects, respectively; amending ss. 468.609, 471.0195, 489.115, 489.1455, and 489.517, F.S., conforming provisions relating to the deletion of core curriculum courses relating to the Florida Building Code; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to use in issuing an expedited declaratory statement; requiring the State Fire Marshal to issue an expedited declaratory statement under certain circumstances; providing requirement for a petition requesting an expedited declaratory statement; amending s. 633.026, F.S.; providing legislative intent; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring the Division of State Fire Marshal to charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring the Division of State Fire Marshal to develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and the Florida Administrative Weekly; amending s. 633.081, F.S.; requiring the Division of State Fire Marshal and the Florida Building Code Administrator and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 553.509(2), F.S., relating to requirements for alternate power sources for elevators for purposes of operating during an emergency; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; providing effective dates.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By the Committees on Judiciary; Banking and Insurance; and Banking and Insurance; and Senator Fasano—

CS for CS for SB 2226—A bill to be entitled An act relating to mortgage brokering and mortgage lending; amending s. 494.001, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; authorizing the Office of Financial Regulation to participate in the Nationwide Mortgage Licensing System and Registry; creating s. 494.00115, F.S.; providing exemptions from part I, II, and III of ch. 494, F.S., relating to the licensing and regulation of loan originators, mortgage brokers, and mortgage lenders; creating s. 494.00135, F.S.; providing for the issuance of subpoenas; amending s. 494.0014, F.S.; revising provisions relating to the refund of fees; deleting an obsolete provision; amending s. 494.00165, F.S.; prohibiting unfair and deceptive advertising relating to mortgage brokering and lending; repealing s. 494.0017, F.S., relating to claims paid from the Regulatory Trust Fund; creating s. 494.00172, F.S.; providing for a $20 fee to be assessed against loan originators and a $100 fee to be assessed against mortgage brokers and lenders at the time of license application or renewal; providing that such fees shall be deposited into the Mortgage Guaranty Trust Fund and used to pay claims against licensees; providing for a cap on the amount collected and deposited; providing requirements for seeking recovery from the trust fund; providing limitations on the amount paid; providing for the assignment of certain rights to the office; providing that payment for a claim is prima facie grounds for the revocation of a license; amending s. 494.0018, F.S.; conforming cross-references; amending ss. 494.0019 and 494.002, F.S.; conforming terms; amending s. 494.0023, F.S.; deleting the statutory disclosure form and revising the disclosure that must be provided to a borrower in writing; providing that there is a conflicting interest if a licensee or the licensee's relatives have a 1 percent or more interest in the person providing additional products or services; authorizing the commission to adopt rules; amending s. 494.0025, F.S.; prohibiting the alteration, withholding, concealment, or destruction of records relevant to regulated activities; creating s. 494.255, F.S.; providing for license violations and administrative penalties; authorizing a fine of $1,000 for each day of unlicensed activity up to $25,000; amending s. 494.0026, F.S.; conforming cross-references; amending s. 494.0028, F.S.; conforming terms; repealing ss. 494.0029 and 494.00295, F.S., relating to mortgage business schools and continuing education requirements; creating s. 494.00296, F.S.; providing for loan modification services; prohibiting certain related acts by a mortgage broker, mortgage brokerage business, correspondent mortgage lender, or mortgage lender; providing for a loan modification agreement and for the inclusion of a borrower's right of cancellation statement; providing remedies; amending s. 494.00295, F.S.; deleting references to a mortgage brokerage business and a correspondent mortgage lender, and adding reference to a loan originator; providing a directive to the Division of Statutory Revision; repealing s. 494.003, F.S., relating to exemptions from mortgage broker licensing and regulation; repealing s. 494.0031, F.S., relating to licensure as a mortgage brokerage business; creating s. 494.00312, F.S.; providing for the licensure of loan originators; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00313, F.S.; providing for the renewal of a loan originator license; repealing s. 494.0032, F.S., relating to renewal of a mortgage brokerage business license or branch office license; creating s. 494.00321, F.S.; providing for the licensure of mortgage brokers; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed by a certain date; creating s. 494.00322, F.S.; providing for the annual renewal of a mortgage broker

license; providing license renewal requirements; repealing s. 494.0033, F.S., relating to a mortgage broker license; amending s. 494.00331, F.S.; requiring a loan originator to be an employee or independent contractor for a mortgage broker or mortgage lender; repealing s. 494.0034, F.S., relating to renewal of mortgage broker license; amending s. 494.0035, F.S.; providing for the management of a mortgage broker by a principal loan originator and a branch office by a loan originator; providing minimum requirements; amending s. 494.0036, F.S.; revising provisions relating to the licensure of a mortgage broker's branch office; amending s. 494.0038, F.S.; revising provisions relating to loan origination and mortgage broker fees; amending s. 494.0039, F.S.; conforming terms; amending s. 494.004, F.S.; revising provisions relating to licensees; providing for registry requirements; deleting obsolete provisions; repealing s. 494.0041, F.S., relating to license violations and administrative penalties; providing additional grounds for assessing fines and penalties; amending s. 494.0042, F.S.; providing for loan origination fees; conforming terms; amending ss. 494.00421 and 494.0043, F.S.; conforming terms; repealing s. 494.006, F.S., relating to mortgage lender licensing and regulation; repealing s. 494.0061, F.S., relating to mortgage lender license requirements; creating s. 494.00611, F.S.; providing for the licensure of mortgage lenders; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00612, F.S.; providing for the renewal of a mortgage lender license; repealing s. 494.0062, F.S., relating to correspondent mortgage lender license requirements; amending s. 494.0063, F.S.; requiring a mortgage lender to obtain an annual financial audit report and submit a copy to the office within certain time periods; repealing s. 494.0064, F.S., relating to renewal of mortgage lender license; repealing s. 494.0065, F.S., relating to certain licenses and registrations that were converted into mortgage lender licenses; amending s. 494.0066, F.S.; revising provisions relating to a mortgage lender branch office license; creating s. 494.00665, F.S.; providing for a principal loan originator and branch manager for a mortgage lender; providing requirements and limitations; amending s. 494.0067, F.S.; revising requirements of mortgage lenders; providing for registry requirements; deleting obsolete provisions; providing for servicing agreements; amending ss. 494.0068, 494.0069, 494.007, and 494.0071, F.S.; conforming terms; repealing s. 494.0072, F.S., relating to license violations and administrative penalties; amending ss. 494.00721, 494.0073, 494.0075, 494.0076, 494.0077, and 501.1377 F.S.; redefining terms and conforming cross-references; amending ss. 201.23, 420.507, 520.52, 520.63, 607.0505, and 687.12, F.S.; conforming cross-references; providing for the termination of mortgage business school licenses; providing for the expiration of mortgage brokerage business licenses, mortgage broker licenses, and correspondent mortgage lender licenses; providing requirements for applying for a loan originator, mortgage broker and mortgage lender license by a certain date; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Wise—

CS for CS for SB 2482—A bill to be entitled An act relating to school improvement and accountability; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; repealing s. 1003.413(5), F.S., relating to a requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; correcting a cross-reference; amending s. 1003.429, F.S.; revising provisions relating to accelerated high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program beginning with students who enter grade 9 in the 2009-2010 school year; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate school districts as academically high-performing school districts if certain criteria are met; requiring that such designation occur at the next meeting of the State Board of Education on or after a specified date each year; providing that the designation is effective beginning the following school year; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.25, F.S.; requiring that each district school board annually post certain information on its Internet website; revising the date that each district school board is required to report certain information to the State Board of Education; amending s. 1008.36, F.S.; revising the date that school staff and the school advisory council are required to reach an agreement regarding the distribution of financial awards under the Florida School Recognition Program; providing an effective date.

—was placed on the Calendar.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2518—A bill to be entitled An act relating to the tax on transient rentals; amending s. 212.03, F.S.; redefining terms; requiring persons who engage in certain business activities to collect and remit the tax on transient rentals; prohibiting an owner, owner's representative, or operator from authorizing another person to facilitate the rental of transient rental accommodations unless the person agrees to collect and remit the tax on transient rentals; authorizing the Department of Revenue to provide by rule for a single registration for a dealer to register to collect the tourist development tax in certain political subdivisions; requiring dealers who engage in certain activities relating to transient rentals to separately state the taxes separately from the tangible personal property or services on the invoice; amending s. 212.06, F.S.; redefining the term "dealer"; authorizing the Department of Revenue to adopt emergency rules to implement the act; providing legislative intent; providing for prospective application of the act; providing an effective date.

—was referred to the Committee on Commerce; and the Policy and Steering Committee on Ways and Means.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	*For Term Ending*
State of Florida Correctional Medical Authority	
Appointee: Littles, Alma B., Quincy	09/30/2009

Referred to the Committee on Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 319 and HB 687 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative(s) Carroll, Bullard, Williams, A.—

HB 319—A bill to be entitled An act relating to recertification of minority business enterprises; amending s. 287.09451, F.S.; extending the period for recertification of a minority business enterprise; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Commerce; and General Government Appropriations.

By Representative(s) Boyd, Bembry, Fetterman—

HB 687—A bill to be entitled An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; directing the Department of Highway Safety and Motor Vehicles to include language on each application form for registration and renewal of registration permitting a contribution to Florida Sheriffs Youth Ranches, Inc.; requiring the department to transfer contributions collected each month to Florida Sheriffs Youth Ranches, Inc.; providing an effective date.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1740 by the required constitutional three-fifths vote of the membership of the House.

Robert L. "Bob" Ward, Clerk

The bill contained in the foregoing message was ordered enrolled.

CO-INTRODUCERS

Senators Aronberg—CS for CS for SB 1796, CS for SB 2018; Crist—CS for CS for SB 236, SB 434, CS for CS for SB 456, CS for SB 852; Gaetz—CS for SB 348, CS for CS for SB 1796; Siplin—SJR 1828; Storms—CS for CS for SB 1502; Wilson—CS for CS for SB 1548

Senator Deutch withdrew as co-introducer of SB 1124. Senator Fasano withdrew as co-introducer of CS for SB 242.

SENATE PAGES

April 20-24, 2009

Allan Abrantes, Jr., South Miami; Joshua Brinsley, Miami; Mary "Tory" Burnett, Jacksonville; Kendra Claude, Williston; Jarrod S. Fleming, Orlando; Clarance "Ren" Gowan, Boys Ranch; Shannon L. Hawkins, Orlando; Emmittcia "MiMi" Jones, Tallahassee; Delaitre "D.J." Hollinger, Tallahassee; Lilia "Lily" Maas, Tallahassee; Jade Martin, Ft. Lauderdale; William "Max" Moody, Tallahassee; Clarence Moore III, Miami; Robert "Cody" Pressley, Boys Ranch; Michael Prutsman, Tallahassee; Erin Riley, Sopchoppy; Jonathan Sanchez, Boys Ranch; David Sutkowy, Lehigh Acres; Alexander "Stryker" Watts, Sarasota; Jarrett Dean Williams, Valrico; Eleanor Wilson, Tallahassee

Journal of the Senate

Number 11—Regular Session **Wednesday, April 22, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 10:25 a.m. A quorum present—40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

PRAYER

The following prayer was offered by Pastor Todd Lamphere, First Baptist Church of Altamonte Springs, Longwood:

Gracious Father, we are so grateful to be able to call upon you. We are so thankful for your being such a good God. Before we ask for anything, we want to thank you for being so good to us, so good to this state. Lord, I would ask that you would bless these men and women here today that represent us. I pray, God, that you give them wisdom. Lord, we need it and we need direction. We ask, God, that you would give that to them today.

We pray your blessing upon their families. Father, we would ask that you just continue to bless them and the beautiful people in our state, God, that you would meet every need; that you would heal the hurts; that you would help where needed. God, we commit these folks to you today. May you bless them and may you bless them real good. It's in your wonderful name, we pray. Amen.

PLEDGE

Senate Pages Kendra Claude of Williston; Lilia "Lily" Maas of Tallahassee; Robert "Cody" Pressley of Boys Ranch; and David Sutkowy of Lehigh Acres led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Madelyn Butler of Tampa, sponsored by Senator Crist, as doctor of the day. Dr. Butler specializes in Obstetrics and Gynecology.

ADOPTION OF RESOLUTIONS

On motion by Senator Lawson—

By Senators Lawson, Atwater, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Hill, Jones, Joyner, Justice, King, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Storms, Villalobos, Wilson, and Wise—

SR 2742—A resolution honoring the life and legacy of Floridian of the Century Governor LeRoy Collins on the occasion of the 100th anniversary of his birth.

WHEREAS, Thomas LeRoy Collins was born in Tallahassee on March 10, 1909, and

WHEREAS, in 1934, LeRoy Collins was elected to the Florida House, where he served until 1940, when he was elected to the Florida Senate, and

WHEREAS, Leroy Collins served with honor and dignity in the Florida Senate, where he twice received the title of "Most Valuable Senator," resigning to fight with the United States Navy in World War II, and then returned to serve until 1954, and

WHEREAS, Leroy Collins was sworn in as the 33rd Governor of the State of Florida on January 4, 1955, as the civil rights movement entered a tumultuous era following the ruling of the United States Supreme Court in *Brown v. Board of Education*, and

WHEREAS, despite his initial disagreement with the high court's ruling in that case, Governor LeRoy Collins strongly opposed attempts on the part of the Florida Legislature to subvert the authority of the court through a policy known as interposition, writing after the Legislature passed a resolution that was not subject to veto,

> "(I)f this resolution declaring the decisions of the court to be 'null and void' is to be taken seriously, it is anarchy and rebellion against the nation which must remain 'indivisible under God' if it is to survive. Not only will I not condone 'interposition' as so many have sought me to do, I decry it as an evil thing, whipped up by the demagogues and carried on the hot and erratic winds of passion, prejudice, and hysteria. If history judges me right this day, I want it known that I did my best to avert this blot," and

WHEREAS, Governor LeRoy Collins' courageous leadership and legacy lives on in the 21st Century in the hearts and daily lives of all Floridians by virtue of the causes and legislation he championed and advanced, including:

— Civil rights, human rights, and the rule of law;

— The advancement of race relations and opportunity and equal protection for all;

— "Government in the Sunshine;"

— Education, advocating for additional funding, creating Florida's community college system, and launching the University of South Florida and Florida Atlantic University;

— Ethics in government;

— Transportation and the state turnpike systems;

— Environmental stewardship and the state parks system;

— Economic diversification;

— Apportionment and redistricting to achieve fair voting;

— Moral and ethical principles for justice and the greater good;

— Compassionate care for those with disabilities;

— Issues regarding the death penalty;

— Proper display of the Florida flag; and

— Public service the Florida Civil Service System, and

WHEREAS, Governor LeRoy Collins personified honor and good government, and is a worthy recipient of the title "Floridian of the Century," and

WHEREAS, the month of April 2009, which has been designated as "Florida Service Learning Month" by Governor Charlie Crist, is an appropriate time to publicly recognize and honor the service of Governor LeRoy Collins to the people of the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate honors the legacy of Governor LeRoy Collins, a visionary leader who possessed an uncommon understanding of the common man's plight, stood fast on principle and decency, and avoided taking the road of political expediency, but instead choosing to forge a path of public service that stands as a beacon for elected officials everywhere.

BE IT FURTHER RESOLVED that the Senate recognizes 2009, the centennial year of the birth of Governor LeRoy Collins, as a year of inspiration and aspiration for all youth, students, and educators involved in Florida Service Learning and for all Floridians.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the family of Governor LeRoy Collins as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Lawson, **SR 2742** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Lawson introduced the following guests who were present in the chamber: Mary Call Proctor and LeRoy Collins, Jr., children of the late Governor LeRoy Collins.

POINT OF PERSONAL PRIVILEGE

Senator Joyner made brief remarks about the late Sam Horton, a civil rights leader from Hillsborough County.

On motion by Senator Hill—

By Senators Hill, Atwater, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Jones, Joyner, Justice, King, Lawson, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Storms, Villalobos, Wilson, and Wise—

SR 2134—A resolution recognizing the 1958 Matthew Gilbert High School Panthers football team as a Florida High School Athletic Association Team of the Century.

WHEREAS, under Head Coach Earl Kitchings, Matthew Gilbert High School had the first "organized" high school football program in the City of Jacksonville, and

WHEREAS, the 1958 Matthew Gilbert High School Panthers football team has been recognized as one of the most talented in Florida history, and

WHEREAS, the 1958 Matthew Gilbert High School Panthers football team went 11-0 when it defeated Dillard High School in Ft. Lauderdale by a score of 14-7 in the first black high school state championship game in Florida, and

WHEREAS, the 1958 Matthew Gilbert High School Panthers football team was, and continues to be, a source of great pride in Jacksonville's black community, and

WHEREAS, the Florida High School Athletic Association in 2007 recognized the 1958 Matthew Gilbert High School Panthers football team as one of ten Teams of the Century, and

WHEREAS, 1958 Matthew Gilbert High School Panthers football Head Coach Earl Kitchings, coaches William Huggins and Alvin White, trainers Alfred Chambliss and Varn Ford, assistant trainer Oliver Seabrook, statistician Elbert Robinson, and teammates Cicero Bell, Bernard Berry, John Bush, Issac Carnes, Kenneth Clair, James Clark, Russell Davis, Donald Dixon, Lee Fayson, Eddie Griffin, Milton Griffin, Charles Grover, Eugene Hardy, Willie Haywood, Louis Hill, Walter Jackson, Jesse Johnson, Harold Jones, Oliver Joyce, Charles Kohn, Willie Kohn, Joseph Lane, Randolph Lee, Kirkland McKenzie, Roy Mitchell, Roosevelt Morrell, James Murphy, Oliver Nelson, Bobby Newsome, Charles Sapp, Leon Smith, Charles Spencer, Charles Sutton, Ulysees Walker, Enoch Webster, James Whaley, and Robert Williams recently celebrated the 50th anniversary of their championship season, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 1958 Matthew Gilbert High School Panthers football coaches, staff, and team be recognized by all Floridians for their outstanding skill, sportsmanship, and fierce competitiveness and for their recognition by the Florida High School Athletic Association as the top prep school football team of the 1950s and a Team of the Century.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to 1958 Matthew Gilbert High School Panthers football Head Coach Earl Kitchings as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Hill, **SR 2134** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Hill introduced the following guests who were present in the chamber: Members of the 1958 Matthew Gilbert High School Panthers football team and Earl Kitchings, Jr., son of the late Panthers Head Coach Earl Kitchings. The members sang the school song and several addressed the chamber.

At the request of Senator Wilson—

By Senator Wilson—

SR 90—A resolution recognizing April 17, 2009, as "STOP Day" in the State of Florida.

WHEREAS, violence in America's schools threatens the core of the educational process and deprives students and teachers of opportunities to learn and teach without the fear of harm, and

WHEREAS, "STOP Day" is intended to raise awareness of the growing epidemic of violence in America's schools and motivate those who incite violence to opt for peaceful resolution of their grievances and a path of self-improvement and healing, and

WHEREAS, students are urged to recite the "Stop Day" pledge, which states: "I pledge to be nonviolent and to respect my fellow classmates. I will report crime or acts of violence to appropriate officials or call Crime Stoppers to report incidents anonymously. I will not let the actions of a few make my school dangerous or unsafe. I want a safe learning environment and will work with my fellow students to make it so," and

WHEREAS, "STOP Day" participants are urged to show their support by developing anti-violence community service projects, inviting legal professionals to speak to student groups, conducting open-ended skits that allow student observers to predict outcomes of conflict based upon real-life choices, developing a process that encourages the reporting of school crime or violence, and conducting mock trials, and

WHEREAS, "STOP Day" will give every student in Florida an opportunity to evaluate this critical issue and assess his or her role in preventing crime or violence in our schools, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate is aware of the importance of stopping violence in schools and recognizes April 17, 2009, as "STOP Day" in the State of Florida.

—**SR 90** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 96—A resolution recognizing the week of April 12-18, 2009, as "Minority Cancer Awareness Week" in the State of Florida.

WHEREAS, there has been recent progress in the fight against cancer, yet many Floridians still suffer unequal rates of cancer incidence and mortality, and medically underserved populations have inadequate access to quality cancer prevention, screening, treatment, and rehabilitation services, and

WHEREAS, certain populations of Floridians, such as African Americans, Hispanics, Latinos, and the medically uninsured, experience higher rates of cancer incidence and death, and

WHEREAS, even when poverty levels are accounted for, African Americans, American Indians, Asian Americans, and Pacific Islanders have lower 5-year-cancer-survival rates than whites who are not of Hispanic descent, and

WHEREAS, among all racial and ethnic groups, African Americans experience the highest death rate from all cancers and the highest death rate from lung, colorectal, prostate, and cervical cancers, and

WHEREAS, Hispanics and Latinos are the fastest-growing segment of the nation's population, and Hispanics are now the largest minority population in Florida, and

WHEREAS, almost 35 percent of the Hispanic and Latino population have no health care coverage and almost 31 percent have no access to regular medical care, making Hispanics and Latinos the most medically underserved population among all racial and ethnic groups, and

WHEREAS, approximately 2.8 million or 19.2 percent of adult Floridians have no health insurance coverage and frequently lack access to quality health care, including potentially lifesaving services that screen for, detect, and treat cancer, and

WHEREAS, minority cancer awareness initiatives, such as those promoted by the American Cancer Society and Florida's recognition of the nationally observed Minority Cancer Awareness Week, will encourage efforts to reduce ethnic, racial, and socioeconomic cancer disparities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 12-18, 2009, as "Minority Cancer Awareness Week" in the State of Florida, and urges all Floridians to work with cancer-education providers, such as the American Cancer Society, to increase awareness of the disparities that minority populations face in the fight against cancer.

—**SR 96** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 934—A resolution recognizing and commending The Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of the State of Florida.

WHEREAS, on November 17, 1911, three Howard University undergraduate students, assisted by their faculty advisor, met and conceived the idea of founding Omega Psi Phi Fraternity, Inc., based on the cardinal principles of "manhood, scholarship, perseverance, and uplift," and

WHEREAS, Omega Psi Phi Fraternity, Inc., was the first fraternity founded at a Historically Black College or University, and, since its inception, has initiated more than 100,000 members in 700 chapters in 44 states, the District of Columbia, Europe, Asia, Africa, the Bahamas, the Virgin Islands, and Panama, and

WHEREAS, Omega Psi Phi Fraternity, Inc., is committed to rendering community service that makes a difference in quality of life, and has made invaluable contributions toward improving the educational, civic, and social lives of the people it has touched in Florida and throughout the world, and

WHEREAS, Brother Warren G. Lee, Jr., of Dallas, Texas, presently leads Omega Psi Phi Fraternity, Inc., serving as the Fraternity's 38th Grand Basileus; Brother Keith Jackson, of Snellville, Georgia is the National Representative for District 7, which includes Florida, Georgia, Alabama, and Mississippi; and Brother Anthony Brown of Miami, Florida is the National Representative for the State of Florida, and

WHEREAS, other distinguished Floridians who are Brothers of Omega Psi Phi Fraternity, Inc., include United States Congressman Kendrick Meek, State Senator Anthony C. "Tony" Hill, Sr., State Senator Gary Siplin, State Representative Darryl Rouson, Florida Secretary of Juvenile Justice and former State Representative Frank Peterman, Jr., Miami-Dade School Board Member and former State Representative Wilbert "Tee" Holloway, and Tallahassee Mayor John Marks, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of Florida and recognizes March 19, 2009, as "Omega Psi Phi Fraternity, Inc., Day" in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Warren G. Lee, Jr., Grand Basileus of Omega Psi Phi Fraternity, Inc., as a tangible token of the sentiments of the Florida Senate.

—**SR 934** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 970—A resolution recognizing September 2009 as "Prostate Cancer Awareness Month."

WHEREAS, prostate cancer is the most common cancer diagnosed among men in Florida, and the American Cancer Society estimates that more than 186,320 new cases of prostate cancer will be diagnosed among men in the United States during 2009, and

WHEREAS, the American Cancer Society also anticipates that there will be more than 2,570 deaths in Florida this year attributed to prostate cancer, and

WHEREAS, Florida has the second-highest number of prostate cancer cases and deaths in the United States, and

WHEREAS, African American and black men have the highest prostate cancer death rate in the world, and a mortality rate that is twice that of white men, and

WHEREAS, the American Cancer Society recommends that annual prostate cancer testing begin at age 50, except for men at high-risk, such as African Americans and men having a family history of the disease, who are advised to begin annual screening at age 45, and

WHEREAS, the 5-year survival rate for prostate cancer patients is 100 percent if the disease is diagnosed at the local and regional stages, otherwise known as the early stages, and

WHEREAS, the American Cancer Society supports African American Men's Health Summits in at least 16 major metropolitan areas across the state in an attempt to increase prostate cancer awareness and prostate screening among African American men in Florida, and

WHEREAS, the Man-to-Man Program of the American Cancer Society attempts to increase prostate cancer awareness, education, and support during the month of September and throughout the year, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That September 2009 is recognized as "Prostate Cancer Awareness Month" in Florida and all men are urged to understand the risks associated with prostate cancer, to take preventive steps to minimize those risks, and to talk to their doctor about annual prostate cancer screening and compliance with the prostate cancer screening guidelines recommended by the American Cancer Society.

—**SR 970** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 2722—A resolution acknowledging the 30th Anniversary of the Florida Resident Access Grant Program.

WHEREAS, Florida's 28 independent colleges and universities have long provided educational, cultural, scholarly, and scientific enrichment to Floridians, and

WHEREAS, independent colleges and universities are an integral component of the higher education system of the state, with tens of thousands of residents choosing this form of education annually, and

WHEREAS, a majority of students enrolled in seven of the 28 independent colleges and universities are minorities, with minority enrollment systemwide at 43 percent, and

WHEREAS, the Legislature created the Florida Resident Access Grant Program (FRAG) as a means of equalizing tuition for Florida residents attending independent institutions full-time, and

WHEREAS, the FRAG Program has assisted hundreds of thousands of Floridians in earning college degrees, and

WHEREAS, more than one-half of recipients of a Florida Resident Access Grant are pursuing degrees in areas of critical need for the Florida workforce, including nursing and allied health fields, teacher education, engineering, computer science, and biomedical professions, and

WHEREAS, the FRAG Program provides access to independent colleges and universities to tens of thousands of students every year, nearly one-half of them the first in their families to attend college and more than one-third coming from families having annual incomes of less than $60,000, and

WHEREAS, the business community as well as individuals in this state continue to give generously to the FRAG Program, and

WHEREAS, the stability and significance of the Florida Resident Access Grant Program is a primary catalyst for the creation of additional capacity in the state's independent colleges and universities, which is a critical component of expanding opportunity for Florida students, and

WHEREAS, nearly one-third of all baccalaureate and higher degrees in Florida are awarded by independent colleges and universities, which demonstrates that they add greatly to the economic vitality of Florida, and

WHEREAS, a strong and viable independent educational system reduces the tax burden on Florida's residents and is vital to this state's economic well-being, and

WHEREAS, the Florida Resident Access Grant Program has demonstrated a high-yield return on investment of state funds, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes the 30th Anniversary of the Florida Resident Access Grant Program and wholeheartedly commends and supports the independent colleges and universities of Florida for their significant contribution to all Floridians.

—**SR 2722** was introduced, read and adopted by publication.

At the request of Senator Lawson—

By Senator Lawson—

SR 2776—A resolution recognizing the week of September 1-7, 2009, as "Drowsy Driver Prevention Week" in Florida.

WHEREAS, a 2008 Sleep in America Poll reported that 32 percent of Americans reported driving while drowsy at least once per month in the previous year, and

WHEREAS, among Americans who drive, 36 percent have reported nodding off or falling asleep while driving, and

WHEREAS, drowsy driving is a silent killer that has resulted in thousands of injuries and deaths that were otherwise preventable, and

WHEREAS, the incidence of drowsy driving can be reduced by educating drivers of the risks of driving without adequate amounts of rest, and

WHEREAS, many Florida residents die each year from crashes that are related to drowsy, fatigued driving, including 8-year-old Ronshay Dugans, who died when a cement truck driven by a drowsy driver overturned on the bus she was riding in Tallahassee on September 5, 2008, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the week of September 1-7, 2009, is recognized as "Drowsy Driver Prevention Week" in Florida and all residents are encouraged to remember those Floridians who have died in collisions related to drowsy driving.

—**SR 2776** was introduced, read and adopted by publication.

SENATOR SIPLIN PRESIDING

BILLS ON THIRD READING

Consideration of **SB 1124** was deferred.

CS for SB 2188—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising the definition of the term "agency" for purposes of ch. 120, F.S.; providing legislative

intent; amending s. 120.525, F.S.; requiring each agency to give notice of public meetings, hearings, and workshops on the agency's website; requiring each agency to publish agendas and certain other materials on the agency's website; amending s. 120.54, F.S.; revising the definition of the term "small business" with regard to special matters to be considered by an agency in rule adoption; requiring an agency to ensure that staff be available at a public hearing regarding the proposed rule; requiring that certain materials submitted to the agency between the date of publication of the notice and the end of the final public hearing be considered by the agency and made a part of the record of the rulemaking proceeding; requiring that a change to a proposed rule be in response to written materials submitted to the agency within a specified time after the date of publication of the notice of intended agency action or submitted to the agency between the date of publication of the notice and the end of the final public hearing; requiring that a proposed rule become effective on a date specified in the notice of the agency's intended action; requiring that the statement of an agency's organization and operations be published on the agency's website; providing that a rule that adopts federal standards becomes effective upon the date designated by the agency in the notice of intent to adopt the rule; amending s. 120.80, F.S.; deleting a provision that prohibits the Department of Environmental Protection from adopting the lowest regulatory cost alternative under certain circumstances; authorizing an agency to grant a petition for a variance or a waiver to a rule that requires the commencement of a project that is the subject of a license within a specific time period; providing conditions for the grant of petition for a variance or a waiver; providing a timeframe; providing an effective date.

—as amended April 14 was read the third time by title.

MOTION

On motion by Senator Joyner, the rules were waived to allow the following amendment to be considered:

Senator Joyner moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (511486) (with title amendment)—Delete lines 571-579.

And the title is amended as follows:

Delete lines 36-41 and insert: circumstances; providing

On motion by Senator Joyner, **CS for SB 2188** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for SB 414—A bill to be entitled An act relating to the conveyance of bodies into, within, or out of the state; amending s. 406.61, F.S.; authorizing an accredited or certified entity to convey plastinated bodies into, within, or out of the state for exhibition and educational purposes; requiring that the entity provide prior notification and documentation to the anatomical board; providing an effective date.

—as amended April 16 was read the third time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (707390) (with title amendment)—Delete lines 33-41 and insert: *accredited by the American Association of Museums may transport plastinated bodies or parts of bodies into, within, or out of the state for exhibition and public educational purposes without the consent of the board if the accredited entity:*

(1) Notifies the board of the intended conveyance and the duration and location of the exhibition at least 30 days before the intended conveyance.

(2) Submits to the board a description of the bodies or parts of bodies and the name and address of the company from whom the bodies or parts of bodies were acquired.

(3) Submits to the board documentation that each body was donated by the decedent or his or her next of kin for purposes of plastination to the company from whom the bodies were acquired and that such company has a donation form on file for the body, or until January 2012, in lieu of such documentation for plastinated bodies exhibited in Florida by an entity accredited by the American Association of Museums before July 1, 2009, the company may provide an affidavit stating that such bodies or parts of bodies were legally acquired and the providing company has acquisition documentation on file for each body.

And the title is amended as follows:

Delete lines 4-5 and insert: authorizing an accredited entity to convey plastinated bodies or parts of bodies into, within, or out of the

On motion by Senator Crist, **CS for SB 414** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for SB 672—A bill to be entitled An act relating to road designations; designating the Stan Mayfield Memorial Highway in Indian River and Osceola Counties; designating the Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Bridge in Ocala; designating the Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; designating the Coach Jermaine D. Hall Memorial Highway in Duval County; designating Orange Bowl Way in Miami Lakes; designating the Andrew J. Capeletti Memorial Bridge in Miami-Dade County; designating the Johnny C. Treadwell Highway in Lake County; designating John Bruce Sweeny Street in St. Johns County; designating the Heather Hurd Memorial Highway in Polk County; designating the Trooper Charles Eugene Campbell Memorial Highway in Taylor County; designating the Samuel B. Love Memorial Highway in Marion County; directing the Department of Transportation to erect suitable markers;

designating the Ray Charles Memorial Parkway in Madison County; directing the Department of Transportation to erect suitable markers; designating the Frank Pasquarella Way in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating a specified portion of Southwest 67th Avenue in the City of South Miami and the Village of Pinecrest in Miami-Dade County as a state historic road; prohibiting the expenditure of public funds for certain purposes; providing construction; directing the Division of Historical Resources of the Department of State to provide for the erection of suitable markers; providing an effective date.

—as amended April 16 was read the third time by title.

Senator Oelrich moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (339056) (with title amendment)—Delete lines 35-53 and insert:

Section 1. *Stan Mayfield Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of State Road 60 beginning directly west of the Interstate 95 interchange in Indian River County and ending at State Road 441 in Osceola County is designated as the "Stan Mayfield Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Stan Mayfield Memorial Highway as described in subsection (1).

Section 2. *Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Overpass designated; Department of Transportation to erect suitable markers.—*

(1) The overpass on State Road 464/SW 17th Street in Ocala from SW 12th Avenue to U.S. Highway 27/301/441, State Road 25/500, SE Pine Avenue in Marion County is designated as the "Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Overpass."

(2) The Department of Transportation is directed to erect suitable markers designating the Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Overpass as described in subsection (1).

Section 3. *Deputy Hal P. Croft and Ronald Jackson Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of State Road 100 in Union County is designated as the "Deputy Hal P. Croft and Ronald Jackson Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Deputy Hal P. Croft and Ronald Jackson Memorial Highway as described in subsection (1).

Section 4. *Correctional Officer Adam Michael Sanderson Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of State Road 231 South beginning at the Lake Butler city limit sign in Union County and ending at the Bradford county line is designated as the "Correctional Officer Adam Michael Sanderson Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Correctional Officer Adam Michael Sanderson Memorial Highway as described in subsection (1).

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to road designations; designating the Stan Mayfield Memorial Highway in Indian River and Osceola Counties; designating the Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Overpass in Ocala; designating the Deputy Hal P. Croft and Ronald Jackson Memorial Highway in Union County; designating the Correctional Officer Adam Michael Sanderson Memorial Highway in Union County;

Senator Aronberg moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (770822) (with title amendment)—Between lines 110 and 111 insert:

Section 11. *Michael G. Rippe Parkway designated; Department of Transportation to erect suitable markers.—*

(1) Upon its completion, that portion of SR 739 in Lee County known as the Metro Parkway Extension between Six Mile Cypress Parkway and U.S. 41/Alico Road is designated as the "Michael G. Rippe Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating the Michael G. Rippe Parkway as described in subsection (1).

And the title is amended as follows:

Delete line 16 and insert: Taylor County; designating the Michael G. Rippe Parkway in Lee County; directing the Department of

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (727660) (with title amendment)—Between lines 143 and 144 insert:

Section 14. *Doolittle Raiders Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of State Road 285 in Okaloosa and Walton Counties that is north of College Boulevard in Niceville is designated as the "Doolittle Raiders Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Doolittle Raiders Highway as described in subsection (1).

And the title is amended as follows:

Delete line 23 and insert: Transportation to erect suitable markers; designating the Doolittle Raiders Highway in Okaloosa and Walton Counties; designating

Senator Bullard moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (180136) (with title amendment)—Delete lines 180-181 and insert:

(2) The Department of Transportation shall provide for the erection of suitable markers on

And the title is amended as follows:

Delete lines 29-30 and insert: the Department of Transportation to provide for the erection of suitable

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 5 (599664) (with title amendment)—Between lines 143 and 144 insert:

Section 14. *K. Earl Durden Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of State Road 79 between U.S. Highway 98 and the B.V. Buchanan Bridge in Bay County is designated as the "K. Earl Durden Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the K. Earl Durden Highway as described in subsection (1).

And the title is amended as follows:

Delete line 23 and insert: Transportation to erect suitable markers; designating the K. Earl Durden Highway designating

On motion by Senator Pruitt, further consideration of **CS for SB 672** as amended was deferred.

CS for CS for SB 2700—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; excluding cardio and strength training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Gelber, **CS for CS for SB 2700** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **SB 1480** was deferred.

On motion by Senator Haridopolos—

CS for SB 2666—A bill to be entitled An act relating to state construction management contracting; creating s. 255.32, F.S.; defining terms; authorizing the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects; providing criteria; authorizing the department to enter into continuing contracts under certain circumstances; providing that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond; requiring the department to adopt rules; amending s. 255.103, F.S.; replacing the term "local government" with "governmental entity"; defining the term "governmental entity"; authorizing governmental entities to enter into continuing contracts under certain circumstances; defining the term "continuing contract"; amending s. 287.055, F.S.; clarifying the definition of "continuing contract"; amending s. 287.057, F.S.; providing that for the purpose of exempting certain specified contractual services and commodities from competitive-solicitation requirements, the listed exemption for artistic services does not include advertising; defining the term "advertising"; amending s. 1013.45, F.S.; revising provisions relating to contracting and construction for educational facilities; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (495774) (with title amendment)—

In title, delete lines 2-3 and insert: An act relating to the public procurement of services; creating s. 255.32, F.S.; defining terms;

Amendment 2 (456276)—Delete lines 61-71 and insert: *to s. 287.055; and*

(b) Agree to follow the advertising and competitive bidding procedures that the department is required to follow if the department is managing the construction project directly.

(3) The department's authority under subsection (2) includes entering into a continuing contract for construction projects in which the estimated construction cost of each individual project under the contract does not exceed $2 million.

Amendment 3 (813960)—Delete lines 128-190 and insert:

(3) A *governmental entity* ~~local government~~ may select a program management entity, pursuant to the process provided by s. 287.055, which is to be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or construction to be performed as required by law. The program management entity may retain necessary design professionals selected under the process provided in s. 287.055. At the option of the *governmental entity* ~~local government~~, the program management entity, after having been selected and after competitive negotiations, may be required to offer a guaranteed maximum price and a guaranteed completion date or a lump-sum price and guaranteed completion date, in which case the program management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold design and construction subcontracts. If a project, as defined in s. 287.055(2)(f), solicited by a *governmental entity* ~~local government~~ under the process provided in s. 287.055 includes a grouping of substantially similar construction, rehabilitation, or renovation activities as permitted under s. 287.055(2)(f), the *governmental entity* ~~local government~~, after competitive negotiations, may require the program management entity to provide for a separate guaranteed maximum price or a lump-sum price and a separate guaranteed completion date for each grouping of substantially similar construction, rehabilitation, or renovation activities included within the project.

(4) A governmental entity's authority under subsections (2) and (3) includes entering into a continuing contract for construction projects, pursuant to the process provided in s. 287.055, in which the estimated construction cost of each individual project under the contract does not exceed $2 million. For purposes of this subsection, the term "continuing contract" means a contract with a construction management or program management entity for work during a defined period on construction projects described by type which may or may not be identified at the time of entering into the contract.

(5)~~(4)~~ This section does not prohibit a local government from procuring construction management services, including the services of a program management entity, pursuant to the requirements of s. 255.20.

Section 3. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which *the estimated* construction *cost of each individual project under the contract does* ~~costs do~~ not exceed *$2* ~~$1~~ million, for study activity *if* ~~when~~ the fee for ~~such~~ professional *services for each*

individual study under the contract does ~~service does~~ not exceed *$200,000* ~~$50,000~~, or for work of a specified nature as outlined in the contract required by the agency, *with the contract being for a fixed term or* with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

Amendment 4 (887944)—Delete lines 254-276 and insert:

(b) Design-build pursuant to s. 287.055.

(c) Selecting a construction management entity, pursuant to *s. 255.103 or* the process provided by s. 287.055, that would be responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely, and economical completion of the construction project. The construction management entity must consist of or contract with licensed or registered professionals for the specific fields or areas of construction to be performed, as required by law. At the option of the board, the construction management entity, after having been selected, may be required to offer a guaranteed maximum price or a guaranteed completion date; in which case, the construction management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold construction subcontracts. The criteria for selecting a construction management entity shall not unfairly penalize an entity that has relevant experience in the delivery of construction projects of similar size and complexity by methods of delivery other than construction management.

(d) Selecting a program management entity, pursuant to *s. 255.103 or* the process provided by s. 287.055, that would act as

Pursuant to Rule 4.19, **CS for SB 2666** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 482—A bill to be entitled An act relating to auctioneers; amending s. 468.385, F.S.; revising requirements for licensure as an auctioneer, auctioneer apprentice, and auction business; requiring the submission of fingerprints for a criminal records check; requiring that an applicant for a license bear the cost of fingerprinting and a criminal records check; prohibiting reissuance of a license for a specified period following license revocation; amending s. 468.3855, F.S.; requiring the sponsor of an auctioneer apprentice to review records of the apprentice; amending s. 468.389, F.S.; authorizing the board of auctioneers to impose penalties on a business that violates laws pertaining to auctions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 482** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 582** and **CS for SB 858** was deferred.

On motion by Senator Altman—

CS for CS for SB 926—A bill to be entitled An act relating to cemeteries; amending s. 497.260, F.S.; exempting from provisions governing cemeteries a columbarium consisting of 5 acres or less and located on the main campus of a state university; requiring a university or university direct-support organization that establishes the columbarium to ensure that it is constructed, kept, and maintained in a manner consistent with s. 497.260(2), F.S., and ch. 497, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 926** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gardiner—

CS for CS for SB 1100—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; reenacting and amending s. 20.24, F.S., relating to the establishment of the department; eliminating an obsolete reference to the Bureau of Motor Vehicle Inspection; providing for the implementation of a certain litigation settlement; providing eligibility and procedures to collect a credit on new or renewal registrations; providing a funding mechanism for the credit; requiring the credit amounts to be deducted from specified moneys deposited into the General Revenue Fund; providing that the credits are contingent on court approval of a final settlement; providing for expiration; amending s. 316.126, F.S.; requiring drivers of vehicles to behave in a specified fashion when approaching emergency vehicles or wreckers; amending s. 316.2085, F.S.; revising requirements for motorcycle and moped license tags; prohibiting devices and methods that conceal or obscure the license tag; amending s. 316.2122, F.S.; authorizing mini truck operation on local roads and urban minor arterial roads with specified restrictions; amending s. 320.01, F.S.; revising the definition of "motorcycle"; defining the term "mini truck"; creating s. 320.0847, F.S.; providing for issuance of unique license plates for low-speed vehicles and mini trucks; amending s. 320.0848, F.S.; providing an exemption for certain person obtaining a disabled parking permit; amending s. 322.0261, F.S.; requiring the department to screen crash reports to identify a third crash by the same operator within a specified period after the driver's first crash; requiring a driver who is convicted of or who pleads nolo contendere to a traffic offense giving rise to three or more crashes within a specified period to attend a department-approved driver improvement course in order to maintain his or her driving privileges; providing for content of the driving course; requiring successful completion of a behind-the-wheel examination; requiring that the department cancel an operator's driver's license if the operator fails to complete the course within a specified time; amending s. 322.03, F.S.; providing for part-time residents of the state to be issued a license that is valid within this state only and continue to hold such license until the next regularly scheduled renewal; providing a termination date for "Florida only" licenses; amending s. 322.08, F.S.; prohibiting the department from issuing a driver's license or identification card to an applicant if the applicant holds a valid driver's license or identification card issued by any state; amending s. 322.125, F.S.; authorizing the department to adopt rules relating to the Medical Advisory Board; amending s. 322.271, F.S.; authorizing the department to modify a revocation, cancellation, or suspension order; providing that the department may waive the hearing process for suspensions and revocations upon request by the driver under certain circumstances; amending s. 322.64, F.S.; providing for disqualification of a driver of a commercial motor vehicle for certain violations; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1100** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich, by two-thirds vote **HB 687** was withdrawn from the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Oelrich—

HB 687—A bill to be entitled An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; directing the Department of Highway Safety and Motor Vehicles to include language on each application form for registration and renewal of registration permitting a contribution to Florida Sheriffs Youth Ranches, Inc.; requiring the department to transfer contributions collected each month to Florida Sheriffs Youth Ranches, Inc.; providing an effective date.

—a companion measure, was substituted for **SB 1394** and read the second time by title.

Pursuant to Rule 4.19, **HB 687** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

CS for SB 1534—A bill to be entitled An act relating to money services businesses; amending s. 560.123, F.S.; requiring that a money services business keep records of certain transactions; amending s. 560.141, F.S.; requiring an applicant for a license as a money services business to submit an application that includes a nonrefundable fee for

each branch office and for each location of an authorized vendor; amending s. 560.143, F.S.; revising terminology relating to license fees for authorized vendors; amending s. 560.2085, F.S.; conforming terminology; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendment which was adopted:

Amendment 1 (830232)—Delete line 23 and insert: currency or other payment instrument, as prescribed by

Pursuant to Rule 4.19, **CS for SB 1534** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for CS for SB 1640—A bill to be entitled An act relating to public accountancy; amending s. 455.217, F.S.; providing that persons regulated as public accountants by the Department of Business and Professional Regulation under ch. 473, F.S., are exempt from certain requirement; amending s. 455.271, F.S.; providing that certain licensees are not subject to specified continuing education requirements for reactivation of a license; amending s. 473.302, F.S.; revising definitions; amending s. 473.303, F.S.; specifying that members of the Board of Accountancy and probable cause panels who hold licenses must be licensed in this state; providing that past board members of probable cause panels may be reappointed for additional terms; amending s. 473.304, F.S.; conforming provisions; amending s. 473.305, F.S.; deleting provisions requiring a late filing fee; amending s. 473.308, F.S.; revising educational requirements for applicants for licensure; providing an exception to a work experience requirement for certain persons; amending s. 473.309, F.S.; conforming provisions related to licensure requirements for firms licensed in other states; amending s. 473.3101, F.S.; requiring that certain firms hold a license; providing licensure exemptions for certain firms licensed in other states; amending s. 473.311, F.S.; deleting an examination requirement for licensure renewal; amending s. 473.312, F.S.; conforming provisions; amending s. 473.313, F.S.; deleting a minimum continuing education requirement for reactivating an inactive license; requiring certain continuing education hours in ethics in order to reactivate certain licenses; conforming provisions; amending s. 473.314, F.S.; providing temporary licensure exemptions for certain persons licensed in other states; creating s. 473.3141, F.S.; providing licensure exemptions for certain persons licensed in other states; providing that disciplinary action against certain individual or firm that practices public accounting is valid only under specified conditions; amending ss. 473.316, 473.318, 473.319, 473.3205, 473.321, and 473.322, F.S.; conforming provisions; amending s. 473.323, F.S.; conforming provisions relating to disciplinary actions; providing grounds for disciplinary actions against certain persons licensed in other states; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendments to be considered:

Senator Jones moved the following amendments which were adopted:

Amendment 1 (133732)—Delete line 555 and insert: *section may perform the services identified in s. 473.302(8)(a)*

Amendment 2 (299322)—Delete line 263 and insert: accounting, as defined in *s. 473.302(8)(a)* ~~s. 473.302(7)(a)~~, unless:

Amendment 3 (358990)—Delete line 290 and insert: practice of public accounting, as defined in *s. 473.302(8)(a)* ~~s. 473.302(7)(a)~~,

Amendment 4 (404164)—Delete line 241 and insert: accounting, as defined in *s. 473.302(8)(a)* ~~s. 473.302(7)(a)~~, unless:

Amendment 5 (770690)—Delete line 327 and insert: *473.302(8)(a)* ~~473.302(7)(a)~~, in this state must file an application for

Amendment 6 (896796)—Delete line 647 and insert: public accounting services as defined in *s. 473.302(8)(a)* ~~s. 473.302(7)(a)~~ and

Amendment 7 (827834)—Delete line 696 and insert: *s. 473.302(8)(a)* ~~s. 473.302(7)(a)~~ unless such person holds an active license

Amendment 8 (299200)—Delete lines 617-631 and insert: defined in *s. 473.302(8)(a)* ~~s. 473.302(7)(a)~~ and (c), and those that include tax filings with federal, state, or local government, shall not be offered or rendered for a fee contingent upon the findings or results of such service. This section does not apply to services involving federal, state, or other taxes in which the findings are those of the tax authorities and not those of the *certified public accountant or firm* ~~licensee~~. Fees to be fixed by courts or other public authorities, which are of an indeterminate amount at the time a public accounting service is undertaken, shall not be regarded as contingent fees for purposes of this section.

Section 18. Section 473.319, Florida Statutes, is amended to read:

473.319 Contingent fees.—Public accounting services as defined in *s. 473.302(8)(a)* ~~s. 473.302(7)(a)~~ and (c), and those that include tax

Pursuant to Rule 4.19, **CS for CS for SB 1640** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for SB 2252—A bill to be entitled An act relating to professional liability claims; amending s. 627.912, F.S.; revising requirements for reporting professional liability claims and actions; providing definitions; specifying events for which certain reports are required; requiring certain absence of claims submission reports to be filed under certain circumstances; providing requirements for treatment of reopened claims; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (298534)—Delete lines 88-90 and insert:

(g) Reports under this subsection shall be filed with the office no later than 30 days following the occurrence of *the first of* any event listed in paragraph *(c)*~~(a)~~. *An insurer is not required to file a new or amended report on a claim more than 1 year after submitting an initial report.*

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment which was adopted:

Amendment 2 (620988) (with title amendment)—Between lines 13 and 14 insert:

Section 1. Paragraph (e) of subsection (8) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(8)

(e) The commission shall adopt rules to implement this subsection, which rules must be in substantial conformity with the 1998 Model Rule Requiring Annual Audited Financial Reports adopted by the National Association of Insurance Commissioners *or subsequent amendments*, except where inconsistent with the requirements of this subsection. Any exception to, waiver of, or interpretation of accounting requirements of the commission must be in writing and signed by an authorized representative of the office. No insurer may raise as a defense in any action, any exception to, waiver of, or interpretation of accounting requirements, unless previously issued in writing by an authorized representative of the office.

And the title is amended as follows:

Delete line 2 and insert: An act relating to professional liability claims; amending s. 624.424, F.S.; clarifying a provision requiring that the Financial Services Commission adopt rules;

Pursuant to Rule 4.19, **CS for CS for SB 2252** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1950** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 672—A bill to be entitled An act relating to road designations; designating the Stan Mayfield Memorial Highway in Indian River and Osceola Counties; designating the Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Bridge in Ocala; designating the Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; designating the Coach Jermaine D. Hall Memorial Highway in Duval County; designating Orange Bowl Way in Miami Lakes; designating the Andrew J. Capeletti Memorial Bridge in Miami-Dade County; designating the Johnny C. Treadwell Highway in Lake County; designating John Bruce Sweeny Street in St. Johns County; designating the Heather Hurd Memorial Highway in Polk County; designating the Trooper Charles Eugene Campbell Memorial Highway in Taylor County; designating the Samuel B. Love Memorial Highway in Marion County; directing the Department of Transportation to erect suitable markers; designating the Ray Charles Memorial Parkway in Madison County; directing the Department of Transportation to erect suitable markers; designating the Frank Pasquarella Way in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating a specified portion of Southwest 67th Avenue in the City of South Miami and the Village of Pinecrest in Miami-Dade County as a state historic road; prohibiting the expenditure of public funds for certain purposes; providing construction; directing the Division of Historical Resources of the Department of State to provide for the erection of suitable markers; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Pruitt, **CS for SB 672** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Lawson, by two-thirds vote **HB 319** was withdrawn from the Committees on Governmental Oversight and Accountability; Commerce; and General Government Appropriations.

On motion by Senator Lawson—

HB 319—A bill to be entitled An act relating to recertification of minority business enterprises; amending s. 287.09451, F.S.; extending the period for recertification of a minority business enterprise; providing an effective date.

—a companion measure, was substituted for **SB 1480** and read the second time by title.

Pursuant to Rule 4.19, **HB 319** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 858—A bill to be entitled An act relating to driver licenses; amending s. 322.08, F.S.; requiring the driver license application form to include language permitting the applicant to make a voluntary contribution to Stop Heart Disease; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 858** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Garcia, by two-thirds vote **SB 640**, **SB 736**, **SB 822** and **SB 1630** were withdrawn from the committees of reference and further consideration.

On motion by Senator Jones, by two-thirds vote **SB 684**, **SB 686**, **SB 694**, **SB 696**, **SB 698**, **SB 700**, **SB 716**, **SB 790**, **SB 826**, **SB 828**, **SB 830**, **SB 832**, **SB 834**, **SB 838**, **SB 840** and **SB 1172** were withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committee on Ethics and Elections was granted permission to meet this day from 4:30 p.m. until 5:00 p.m.; and the Special Order Calendar Group was granted permission to meet this day from 1:30 p.m. until completion.

MOTION

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 23.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Governmental Operations submits the following bills to be placed on the Special Order Calendar for Wednesday, April 22, 2009: SB 1480 and CS for SB 2666.

Respectfully submitted,
Mike Haridopolos, Chair

The Policy and Steering Committee on Commerce and Industry submits the following bills to be placed on the Special Order Calendar for Wednesday, April 22, 2009: CS for SB 482, CS for SB 582, CS for SB 858, CS for CS for SB 926, CS for CS for SB 1100, SB 1394, CS for SB 1534, CS for CS for SB 1640, CS for CS for SB 2252, CS for CS for SB 1950.

Respectfully submitted,
Don Gaetz, Chair

The Committee on Judiciary recommends the following pass: CS for SB 1064; SB 2076

The bills were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 254

The bill was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 1462

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: SB 2412

The bill was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for CS for SB 126; CS for SB 578; CS for SB 2240

The bills were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for CS for SB 206

The Special Master on Claim Bills recommends the following pass: SB 58 with 1 amendment

The bills contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 1912

The Committee on Judiciary recommends the following pass: SB 2640

The bills contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 344

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: SB 216; SB 498; CS for SB's 674 and 1422; SB 872; SB 2064; SB 2330

The Policy and Steering Committee on Ways and Means recommends the following pass: SB 1222

The bills were placed on the Calendar.

The Committee on Finance and Tax recommends a committee substitute for the following: SB 2504

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Finance and Tax recommends a committee substitute for the following: SB 2454

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Finance and Tax recommends a committee substitute for the following: SB 2578

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 422

The bill with committee substitute attached was referred to the Committee on Finance and Tax under the original reference.

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 1894

The Committee on Judiciary recommends a committee substitute for the following: SB 2074

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 2078

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 2658

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends a committee substitute for the following: CS for SB 2094

The Committee on Finance and Tax recommends committee substitutes for the following: CS for SB 942; CS for SB 1042; CS for SB 2244

The Committee on Judiciary recommends a committee substitute for the following: CS for CS for SB 1180

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 1212

The bills with committee substitute attached contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Finance and Tax recommends committee substitutes for the following: SB 418; CS for SB 424; CS for CS for SB 2034; CS for SB 2248

The bills with committee substitute attached were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends committee substitutes for the following: CS for CS for SB 236; CS for CS for SB 448; SB 502; CS for SB 526; CS for CS for SB 2684

The Committee on Criminal Justice recommends a committee substitute for the following: CS for CS for SB 478

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 682; CS for SB 752; CS for SB 2072; CS for CS for SB 2104

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 2284; CS for SB 2614

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 342; CS for SB 2572

The bills with committee substitute attached were placed on the Calendar.

INTRODUCTION AND REFERENCE OF BILLS

ADDITIONAL REFERENCES

By Senator Pruitt—

SB 58—A bill to be entitled An act for the relief of Jorge and Debbie Garcia-Bengochea and their adoptive children, Brian, Matthew, and James, by the Department of Children and Family Services; providing an appropriation to compensate them for injuries and damages sustained as a result of negligence by employees of the department or its predecessor agency; providing a limitation on the payment of attorney's fees and lobbying fees; providing legislative intent with respect to ratification of terms of the parties' settlement agreement and waiver of lien interests held by the state; providing an effective date.

—was also referred to the Policy and Steering Committee on Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; and Criminal Justice; and Senators Dean, Aronberg, Baker, and Crist—

CS for CS for CS for SB 236—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services; providing that such violation is a first-degree misdemeanor; providing for prima facie evidence of intent to violate such prohibition; providing that theft of utility services for the purpose of manufacturing a controlled substance is a first-degree misdemeanor; providing penalties; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators King, Hill, and Wise—

CS for SB 342—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the St. Johns River license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

By the Committee on Finance and Tax; and Senator Sobel—

CS for SB 418—A bill to be entitled An act relating to enterprise zones; creating s. 290.0078, F.S.; authorizing the cities of Hollywood, Hallandale Beach, Pembroke Park, and West Park to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of a single enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone; providing for the creation of the Energy Economic Zone Pilot Program by Office of Tourism, Trade, and Economic Development; providing powers and duties of the office relating to the pilot program; providing for the designation of a pilot program community and providing guidelines and requirements for the conduct of the program within the community; providing for reports by the office; providing an effective date.

By the Committees on Community Affairs; and Transportation; and Senator Gardiner—

CS for CS for SB 422—A bill to be entitled An act relating to transportation; amending s. 163.3180, F.S., relating to transportation concurrency; exempting hangars for the assembly or manufacture of aircraft from such requirements; defining the term "backlog" for purposes of calculating fair-share mitigation; amending s. 316.2015, F.S.; providing restraint requirements relating to certain truck operators who carry minor children in the bed of such truck upon a highway maintained by the state, a county, or a municipality at a speed exceeding 35 miles per hour; providing exceptions; providing a penalty; amending s. 316.29545, F.S.; excluding vehicles owned or leased by private investigative services from certain restrictions when used in specified activities; amending s. 316.515, F.S.; clarifying that manufactured buildings are not divisible loads for the purposes of issuing special permits for overlength trailers; revising the maximum length of such overlength trailers; amending s. 316.535, F.S.; increasing the weight limits for certain highways; amending s. 316.545, F.S.; increasing the maximum weight limits on certain vehicles to compensate for weight increases that result from the installation of idle-reduction technologies; amending s. 316.613, F.S.; clarifying provisions related to required child restraint devices; amending s. 324.021, F.S.; clarifying imposition of financial liability and liability on entities renting or leasing motor vehicles; creating s. 336.445, F.S.; authorizing counties to enter into agreements with private entities for the building, operation, ownership, or financing of toll facilities; requiring a public declaration; requiring a public hearing; requiring that the county make certain determinations prior to awarding a project; providing requirements for an agreement; amending s. 337.0261, F.S.; providing findings recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s. 339.2818, F.S., relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; amending s. 348.51, F.S.; revising the definition of the term "bonds"; amending s. 348.54, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to make and issue notes, refunding bonds, and other evidences of indebtedness or obligations for specified purposes relating to the expressway system; prohibiting the authority from pledging the credit or taxing power of the state; providing that the authority's obligations are not obligations of the state, a political subdivision, or agency; providing that the state, a political subdivision, or agency is not liable for the payment of principal or interest on the authority's obligations; amending s. 348.545, F.S.; authorizing costs of authority improvements to be financed by bonds issued on behalf of the authority pursuant to the State Bond Act or bonds issued by the authority pursuant to ch. 348, F.S.; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority pursuant to ch. 348, F.S.; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act, or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds issued according to part IV of ch. 348, F.S., and the State Constitution; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of certain bonds for the refunding of any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act; amending s. 348.70, F.S.; providing that part IV of ch. 348, F.S., relating to the Tampa-Hillsborough County Express Authority, does not repeal, rescind, or modify certain laws; designating parts I and II of ch. 479, F.S.; creating part III of ch. 479, F.S.; providing legislative intent; providing that the county court and circuit court have concurrent jurisdic-

tion; requiring that all costs incurred by the department to remove signs in certain locations on the interstate highway system, the federal-aid primary highway system, or the State Highway System to be assessed and collected from certain persons under certain conditions; amending s. 705.18, F.S.; removing references to public-use airports or its directors; removing required disposition of moneys from sale of property abandoned at a public-use airport; creating s. 705.182, F.S., relating to the disposal of personal property found on public-use airports; providing a timeframe for property to be claimed; providing options for disposing of personal property; providing procedures for selling abandoned personal property; providing for the notice of sale; permitting an airport tenant to establishing its own lost and found procedures; providing that the purchaser holds title to the property; creating s. 705.183, F.S., relating to derelict or abandoned aircraft on the premises of public-use airports; creating procedures for the disposal of derelict or abandoned aircraft on the premises of public-use airports; requiring a record of when an aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; requiring a determination of an aircraft owner and persons having legal interest in the aircraft; requiring notification of the aircraft owner and all persons having an equitable or legal interest in the aircraft; providing items to be included in the notice; providing an exception; providing for notice if the owner of the aircraft is unknown or cannot be found; providing the form of notice; providing for placement of the notice; providing procedures for failure to remove an aircraft and pay fees; requiring any sale of aircraft to be at a public auction; providing notice requirements for the public auction; providing procedures for disposing of an aircraft; providing for liability of charges and costs related to aircraft are less than what is obtained from a sale; providing for a lien by the airport and for all fees and charges related to the aircraft; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring that the purchaser or recipient notify the Federal Aviation Administration of the change in ownership; providing for deduction of the costs if the aircraft sold at public sale; requiring that the balance be deposited in an interest-bearing account; providing a timeframe for the owner to claim the funds; providing that the balance may be retained by the airport; authorizing an airport to issue documents relating to the aircraft disposal; creating s. 705.184, F.S., relating to derelict or abandoned motor vehicles on the premises of public-use airports; creating procedures for the disposal of derelict or abandoned motor vehicles on public-use airports; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; permitting a vehicle to be removed from the airport premises; requiring a determination of the owner of the motor vehicle and the insurance company insuring the motor vehicle; requiring notification of the owner, insurer, and lienholder; providing items to be included in the notice; providing for an exception; providing for the notice form; providing for placing of the notice; providing a minimum time for the notice; providing procedures for failure to remove the motor vehicle and pay fees; requiring any sale of a motor vehicle to be at a public auction; providing notice requirement for a public auction; providing procedures for disposing of the motor vehicle; providing for liability if charges and costs related to motor vehicle are less than what is obtained from sale; providing for a lien by the airport for all fees and charges related to the motor vehicle; providing for notice of the lien; requiring the filing of a claim of lien, providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of rights of persons holding legal or equitable interest in the motor vehicle; providing an effective date.

By the Committees on Finance and Tax; and Transportation; and Senator Gardiner—

CS for CS for SB 424—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; providing that the executive director of the Florida Transportation Commission is in the Senior Management Service; amending s. 120.52, F.S.; redefining the term "agency" for purposes of ch. 120, F.S., to include certain regional transportation and transit authorities; amending s. 125.42, F.S.; providing for counties to incur certain costs related to the relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities may not be designated as developments of regional impact under certain circumstances; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; requiring the department to advertise certain contracts as design-build contracts; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring that a copy be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies as well as construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing the collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending s. 348.0003, F.S.; requiring transportation, bridge, and toll authorities to comply with the financial disclosure requirements of the State Constitution; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; clarifying that a municipality or county is authorized to make a determination of customary use with respect to regulations governing commercial wall murals and that such determination must be accepted in lieu of any agreement between the state and the United States Department of Transportation; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway

system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor and report to the Governor, the Legislature, and the affected metropolitan planning organizations; repealing part III of ch. 343 F.S., relating to the Tampa Bay Commuter Transit Authority; transferring any assets to the Tampa Bay Area Regional Transportation Authority; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Agriculture; and Criminal Justice; and Senator Rich—

CS for CS for CS for SB 448—A bill to be entitled An act relating to sexual activities involving animals; creating s. 828.126, F.S.; providing definitions; prohibiting knowing sexual conduct or sexual contact with an animal; prohibiting specified related activities; providing penalties; providing that the act does not apply to certain husbandry, conformation judging, and veterinary practices; providing an effective date.

By the Committees on Criminal Justice; Commerce; and Community Affairs; and Senators Baker and Lynn—

CS for CS for CS for SB 478—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding cardio and strength-training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods; amending s. 538.21, F.S.; providing that the procedures governing hold notices issued when a law enforcement officer has reasonable cause to believe that certain regulated metals in the possession of a secondary metals recycler have been stolen are of statewide application, and that the state therefore preempts municipal or county ordinances enacted after a specified date which specifically relate to secondary metals recyclers holding such metals; providing an effective date.

By the Committee on Criminal and Civil Justice Appropriations; and Senators Dockery and Crist—

CS for SB 502—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; providing that a person commits a misdemeanor if he or she transports an individual into this state from another country and knows, or should know, that the individual is illegally entering the United States; providing criminal penalties; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; and Criminal Justice; and Senators Lynn and Crist—

CS for CS for SB 526—A bill to be entitled An act relating to court costs; amending s. 938.10, F.S.; expanding the list of provisions of law for which a court is required to impose an additional court cost for certain pleadings or findings relating to offenses against a minor and certain other offenses; increasing the amount of the court cost; providing an effective date.

By the Committees on General Government Appropriations; and Regulated Industries; and Senator Fasano—

CS for CS for SB 682—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; repealing s. 509.233(1) and (7), F.S., relating to a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments; abrogating the repeal of the program; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing an effective date.

By the Committees on General Government Appropriations; and Finance and Tax; and Senators Richter and Fasano—

CS for CS for SB 752—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include additional information relating to past and proposed millage rates and ad valorem taxes and assessment reductions and exemptions; defining a term; amending ss. 192.0105 and 200.065, F.S.; conforming cross-references; providing an effective date.

By the Committees on Finance and Tax; and Commerce; and Senators Sobel and Bennett—

CS for CS for SB 942—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer the program; authorizing the commission to adopt rules; providing for the commission to enter into contracts or memoranda of agreement with other state agencies or partnerships; providing an effective date.

By the Committees on Finance and Tax; and Community Affairs; and Senator Bennett—

CS for CS for SB 1042—A bill to be entitled An act relating to affordable housing; amending s. 159.807, F.S.; providing limitations on the Florida Housing Finance Corporation's access to the state allocation pool; deleting a provision exempting the corporation from the applicability of certain uses of the state allocation pool; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 196.196, F.S.; providing additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to an exemption from ad valorem taxation; providing a definition; subjecting organizations owning certain property to ad valorem taxation under certain circumstances; providing for tax liens; providing for penalties and interest; providing an exception; providing notice requirements; amending s. 196.1978, F.S.; providing that property owned by certain nonprofit entities or Florida-based limited partnerships and used or held for the purpose of providing affordable housing to certain income-qualified persons is exempt from ad valorem taxation; revising legislative intent; amending s. 201.15, F.S.; removing a limitation on the amount of proceeds from excise taxes on documents which may be deposited into the State Housing Trust Fund on or after a specified date; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 420.503, F.S.; defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; amending s. 420.622, F.S.; authorizing the agencies that provide a local homeless assistance continuum of care to use homeless housing assistance grants, provided by the State Office of Homelessness within the Department of Children and Family Services, to acquire transitional or permanent housing units for homeless persons; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions;

amending s. 420.9072, F.S.; conforming a cross-reference; authorizing counties and eligible municipalities to use funds from the State Housing Initiatives Partnership Program to provide relocation grants for persons who are evicted from rental properties that are in foreclosure; providing eligibility requirements for receiving a grant; providing that authorization for the relocation grants expires July 1, 2010; amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution which may be used for manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; providing for retroactive application; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by the local housing assistance trust fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; revising notice requirements for public hearings of the advisory committee; requiring the committee's final report, evaluation, and recommendations to be submitted to the corporation; deleting cross-references to conform to changes made by the act; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; providing an effective date.

By the Committees on Judiciary; Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senators Wise and Dockery—

CS for CS for CS for SB 1180—A bill to be entitled An act relating to forensic mental health policy; providing for the creation of a workgroup to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system; providing for administrative and assistance; providing for membership, organization, and meetings; specifying that members serve without compensation; specifying procedures for reimbursement of travel expenses; specifying components of the review; authorizing use of outside research organizations; providing for interim and final reports; providing for future termination of the workgroup and expiration of the provisions creating it; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; and Judiciary; and Senators Constantine, Gardiner, Baker, Haridopolos, and Altman—

CS for CS for SB 1212—A bill to be entitled An act relating to public transit; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation; amending s. 341.302, F.S.; revising certain citations; revising the time period within which the department must revise the rail system plan and requiring a report; providing additional duties for the department relating to a regional rail system plan; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; authorizing the closing of the pending Central Florida Rail Corridor acquisition; amending s. 212.0606, F.S.; authorizing a county to impose a county surcharge upon the lease or rental of a motor vehicle licensed for hire; requiring that the county surcharge may be used solely to fund the transportation needs of the county as determined by the county commission; requiring the county commission to place the county surcharge on the ballot of the next general election for a vote by the electors; providing an effective date.

By the Committees on Finance and Tax; and Judiciary; and Senators Bennett and Baker—

CS for CS for SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; providing for the nonapplication of certain provisions of state law to surplus lines insurance authorized under the Surplus Lines Law; providing an exception; amending s. 626.924, F.S.; requiring that surplus lines policies issued on or after a specified date have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for severability; providing for the retroactive applicability of certain provisions; providing an effective date.

By the Committees on Finance and Tax; Governmental Oversight and Accountability; Commerce; and Commerce—

CS for CS for CS for SB 2034—A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall

begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending s. 212.097, F.S.; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising a definition; revising criteria for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; amending s. 288.9015, F.S.; specifying that Enterprise Florida, Inc., is responsible for responding to inquiries related to the state's business incentives and opportunities; amending s. 288.9622, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; amending s. 288.9624, F.S.; providing a limitation on how the originally appropriated funds may be invested; allowing the Florida Opportunity Fund to form or create other entities for investment purposes; revising a reporting requirement; providing an effective date.

By the Committees on General Government Appropriations; and Judiciary; and Senators Richter and Baker—

CS for CS for SB 2072—A bill to be entitled An act relating to workers' compensation; repealing s. 440.105(3)(c), F.S., relating to the prohibition against a fee, consideration, or gratuity for an attorney or other person for certain services; amending s. 440.20, F.S.; requiring that a judge of compensation claims enter an order determining the portion of settlement proceeds to be allocated to child support arrearages; deleting the requirement that a judge of compensation claims approve the attorney's fees paid by a claimant; deleting the requirement that parties to a settlement submit information or documentation to support the settlement; exempting settlement attorney's fees from certain provisions of state law; limiting the amount of attorney's fees paid by a claimant; requiring payment of a settlement within a specified time after a judge determines the portion of the settlement amount allocated to child support; amending s. 440.34, F.S.; providing that a claimant is responsible for the payment of his or her attorney's fees; providing exceptions; specifying a schedule for the determination of attorney's fees to be paid by a carrier or employer; requiring that a judge of compensation claims determine the amount of attorney's fees unless the parties agree otherwise; deleting certain restrictions on the amount of attorney's fees; deleting requirements relating to offers of settlement; preserving the right of a claimant to contract with an attorney for representation in connection with certain claims; prohibiting the recovery of attorney's fees under certain circumstances; prohibiting the recoupment of certain attorney's fees and costs by a carrier; prohibiting the inclusion of such fees or costs in any rate base or rate filing and the use of such fees or costs to justify a rate or rate change; providing that the finder of fact and law is not bound by provisions of state law relating to the provision of indemnity or medical benefits for employment-related accidents or injuries involving exposure to a toxic substance or occupational disease when awarding attorney's fees in cases involving first responders; requiring that the finder of fact and law consider certain factors when awarding attorney's fees in such cases; defining the term "occupational disease" for specified purposes; deleting provisions authorizing a judge of compensation claims to approve alternative attorney's fees under certain circumstances; providing legislative findings; providing an effective date.

By the Committee on Judiciary; and Senator Crist—

CS for SB 2074—A bill to be entitled An act relating to the resale of tickets; amending s. 817.36, F.S.; limiting the amount above the original price for which a ticket to an event sponsored by or benefiting certain charitable organizations may be sold; requiring certain binding contractual agreements between charitable organizations and registered ticket resellers for certain purposes; providing penalties; providing an effective date.

By the Committees on Criminal Justice; and Banking and Insurance; and Senator Justice—

CS for CS for SB 2078—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.711, F.S.; deleting provisions requiring an insurer to accept certain uniform mitigation verification forms; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; and Children, Families, and Elder Affairs; and Senator Crist—

CS for CS for SB 2094—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 435.04, F.S., relating to level 2 screening standards; correcting a cross-reference; amending s. 984.03, F.S.; expanding the meaning of the term "child in need of services" to include a child 9 years of age or younger at the time of referral to the Department of Juvenile Justice; amending s. 985.02, F.S.; providing additional legislative findings and intent; amending s. 985.03, F.S.; redefining the term "child in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the department; defining the term "ordinary medical care in department facilities and programs"; amending s. 985.125, F.S.; encouraging law enforcement agencies, school dis-

tricts, counties, municipalities, and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs for first-time misdemeanor offenders who are 9 years of age or younger; amending s. 985.441, F.S.; providing that a court may commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.601, F.S.; requiring that the department adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities; amending s. 985.644, F.S.; eliminating the exemption from background screening previously granted to a volunteer who assists on an intermittent basis for less than 40 hours per month in programs serving children if the volunteer was under direct and constant supervision by persons who meet the screening requirements; eliminating the Juvenile Justice Standards and Training Commission; providing that the department rather than the commission is responsible for juvenile justice staff development and training; detailing the minimum qualifications for juvenile justice staff of the department and contract providers who deliver direct-care services to children; amending s. 985.664, F.S.; specifying the persons, entities, and organizations with which the juvenile justice circuit boards and county councils are required to collaborate in order to facilitate interagency cooperation and information sharing; requiring the interagency collaboration agreement to specify how the entities will share information to achieve certain goals; requiring juvenile justice circuit boards and county councils to use due diligence in notifying the community of board vacancies; providing an effective date.

By the Committees on General Government Appropriations; Community Affairs; and Environmental Preservation and Conservation; and Senator Constantine—

CS for CS for CS for SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire state land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.7829, F.S.; conforming a cross-reference; amending s. 253.783, F.S.; revising provisions relating to the disposition of surplus lands; authorizing the Department of Environmental Protection to extend the second right of refusal to the current owner of adjacent lands affected by acquired surplus lands under certain circumstances; authorizing the department to extend the third right of refusal to the original owner or the original owner's heirs of lands acquired by the Canal Authority of the State of Florida or the United States Army Corps of Engineers; authorizing the department to extend the fourth right of refusal to any person having a leasehold interest in the land from the canal authority; conforming cross-references; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring an affirmative vote of six members of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; requiring that certain proceeds from the Florida Forever Trust Fund be spent on capital projects within a year after acquisition rather than only at the time of acquisition; requiring an affirmative vote of six members of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; requiring the department to recover notification costs from responsible parties; providing an exception; amending s. 403.0876, F.S.; providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; providing an effective date.

By the Committees on Finance and Tax; and Environmental Preservation and Conservation; and Senator Altman—

CS for CS for SB 2244—A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; specifying conservation purposes for which land must be used in order to qualify for an ad valorem tax exemption; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; defining terms; providing for the assessment and ad valorem taxation of real property within an area perpetually encumbered by a conservation easement or other instrument and which contains improvements; requiring land that is exempt from ad valorem taxation and used for agricultural or silvicultural purposes be managed pursuant to certain best-management practices; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; providing that land of less than a certain acreage does not qualify for the ad valorem tax exemption; providing exceptions; requiring the Department of Revenue to adopt rules; requiring the Department of Environmental Protection to adopt by rule a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years;

requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the value adjustment board to grant late applications for such assessments if extenuating circumstances are shown; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring property owners to notify the property appraiser of changes in the use of exempt properties; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act; providing an effective date.

By the Committees on Finance and Tax; and Transportation; and Senators Hill and Lynn—

CS for CS for SB 2248—A bill to be entitled An act relating to the taxation of public-private transportation facilities; amending s. 334.30, F.S.; exempting certain public-private transportation facilities from certain specified taxes and special assessments; excluding certain taxes from such exemption; providing an effective date.

By the Committees on Health and Human Services Appropriations; and Higher Education; and Senator Haridopolos—

CS for CS for SB 2284—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; revising the definition of the term "approved program" and defining terms for purposes of the Nurse Practice Act; amending s. 464.019, F.S.; revising provisions for the approval of nursing programs by the Board of Nursing; requiring institutions wishing to conduct certain nursing programs to submit a program application and pay a program review fee to the Department of Health; specifying that a program application is deemed approved if the board does not act within specified timeframes; providing application requirements and procedures; providing standards for the approval of nursing programs; specifying that, upon the board's approval of a program application, the program becomes an approved program; providing that programs provisionally approved by the board, and certain programs on probationary status, as of a specified date are approved programs under the act; providing that certain programs on probationary status as of a specified date remain on probationary status; requiring such programs on probationary status to comply within a specified period with a requirement related to program graduate passage rates; requiring the board to terminate programs that do not comply; requiring approved programs to annually submit a report; specifying contents of annual reports; providing for denial of program applications; providing procedures for processing incomplete program applications; requiring the board to provide a notice of intent to deny a program application that does not document compliance with certain standards; authorizing an administrative hearing for review of a notice of intent to deny an application; requiring the board to publish on its Internet website certain data about nursing programs; requiring that a nursing program be placed on probation under certain circumstances; requiring programs placed on probation to disclose certain information to students and applicants; requiring the board to terminate a nursing program under certain circumstances; requiring a nursing program that closes to notify the board of certain information; specifying that the board, with certain exceptions, does not have rulemaking authority to administer the act; specifying that the board may not impose any condition or requirement on program approval or retention except as expressly provided in the act; requiring the board to repeal certain rules in existence as of a specified date; requiring the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; providing an effective date.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2454—A bill to be entitled An act relating to the assessment of residential property; creating s. 193.624, F.S.; providing definitions; prohibiting a property appraiser from considering certain improvements to real property in determining the assessed value of residential property; providing application; amending s. 196.012, F.S.; deleting a definition; conforming a cross-reference; amending ss. 196.121 and 196.1995, F.S.; conforming cross-references; repealing s. 196.175, F.S., relating to the renewable energy source property tax exemption; providing an effective date.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2504—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; and Agriculture; and Senators Dean and Baker—

CS for CS for SB 2572—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative findings; defining the term "rural agricultural industrial center"; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing requirements for such application; requiring that the local government amend its comprehensive plan within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing that such presumption may be rebutted by a preponderance of the evidence; providing an exception for optional sector plans and rural land stewardship areas; clarifying that any land area that is not designated as a rural area of critical economic concern does not hold any of the rights or benefits derived from such designation; amending ss. 163.3184 and 380.06, F.S.; conforming cross-references; providing an effective date.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2578—A bill to be entitled An act relating to the Department of Revenue; amending s. 55.204, F.S.; providing for the duration of certain judgment liens; amending s. 72.011, F.S.; clarifying the date by which an action to contest any tax, interest, or penalties must be filed; conforming cross-references; authorizing the Department of Revenue, the Department of Highway Safety and Motor Vehicles, and the Department of Business and Professional Regulation to adopt rules for the waiver of the requirement for the payment of uncontested amounts and the deposit of security in actions to contest the legality of any tax, interest, or penalty; amending s. 95.091, F.S.; providing that the duration of a tax lien relating to certain unemployment compensation taxes expires 10 years following a certain date; amending s. 202.125, F.S.; clarifying that an exemption from the communications services tax does not apply to a residence that is all or part of a transient public lodging

establishment; amending s. 212.08, F.S.; providing criteria to determine the tax on a package that contains taxable nonfood products and exempt food products; clarifying that the sales tax exemption for building materials used in the rehabilitation of real property located in an enterprise zone applies only during the rehabilitation of the real property; authorizing a single application for a tax refund for certain contiguous parcels of real property; revising information that must be included in the application for the tax refund; providing that the tax exemption for building materials used in an enterprise zone may inure to a unit of government; amending s. 213.053, F.S.; providing that the Department of Revenue may share certain information with the Florida Energy and Climate Commission; providing that the Department of Revenue may share taxpayer names and identification numbers for purposes of information-sharing agreements with financial institutions; providing that provisions restricting the disclosure of confidential information do not apply to certain methods of electronic communication for certain purposes; providing that the Department of Revenue may release information relating to outstanding tax warrants to the Department of Business and Professional Regulation; authorizing the Department of Revenue to publish a list of taxpayers against whom it has filed a warrant or judgment lien certificate; requiring the department to update the list at least monthly; authorizing the Department of Revenue to adopt rules; creating s. 213.0532, F.S.; defining terms; requiring the Department of Revenue to enter into information-sharing agreements with certain financial institutions; requiring the department to pay a reasonable fee to a financial institution for certain costs; providing that financial institutions do not need to provide notice of information-sharing agreements to accountholders; providing that financial institutions are not liable for certain acts taken in connection with information-sharing agreements; authorizing the Department of Revenue to adopt rules; amending s. 213.25, F.S.; authorizing the Department of Revenue to reduce a tax refund or a tax credit to the extent of liability for unemployment compensation taxes; amending s. 213.50, F.S.; authorizing the Department of Business and Professional Regulation to revoke the hotel or restaurant license of a licenseholder having an outstanding tax warrant for a certain period; authorizing the Department of Business and Professional Regulation to deny an application to renew the hotel or restaurant license of a licenseholder having an outstanding tax warrant for a certain period; amending s. 213.67, F.S.; clarifying the date by which an action to contest a notice of intent to levy must be filed; creating s. 213.758, F.S.; defining terms; providing for the transfer of tax liabilities to the transferee of a business or a stock of goods under certain circumstances; providing exceptions; requiring a taxpayer who quits a business to file a final tax return; authorizing the Department of Legal Affairs to seek injunctions to prevent business activities until taxes are paid; requiring the transferor of a business or stock of goods to file a final tax return and make a full tax payment after a transfer; authorizing a transferee of a business or stock of goods to withhold a portion of the consideration for the transfer for the payment of certain taxes; authorizing the Department of Legal Affairs to seek an injunction to prevent business activities by a transferee until the taxes are paid; providing that the transferees are jointly and severally liable with the transferor for the payment of taxes, interest, or penalties under certain circumstances; limiting the transferee's liability to the value or purchase price of the transferred property; authorizing the Department of Revenue to adopt rules; amending s. 220.192, F.S.; providing for the administration of certain portions of the renewable energy technologies tax credit program by the Florida Energy and Climate Commission; providing for retroactive application; amending s. 336.021, F.S.; revising the distribution of the ninth-cent fuel tax on motor fuel and diesel fuel; amending s. 443.036, F.S.; providing for the treatment of a single-member limited liability company as the employer; amending s. 443.1215, F.S.; correcting a cross-reference; amending s. 443.1316, F.S.; conforming cross-references; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; creating s. 213.691, F.S.; authorizing the Department of Revenue to file an integrated warrant or judgment lien for a taxpayer's total liability for taxes, fees, or surcharges; requiring the integrated warrant or judgment lien certificate to itemize amounts due for each tax, fee, or surcharge; creating s. 213.692, F.S.; authorizing the Department of Revenue to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant or tax lien; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the Department of Revenue from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant or tax lien certificate; authorizing the department to adopt rules; repealing s. 195.095, F.S., relating to the authority of the Department of Revenue to develop lists of bidders that are approved to contract with property appraisers, tax collectors, or county commissions for assessment or collection services; repealing s. 213.054, F.S., relating to monitoring and reporting on the use of a tax deduction claimed by international banking institutions; providing effective dates.

By the Committees on Health and Human Services Appropriations; and Health Regulation; and Senator Gaetz—

CS for CS for SB 2614—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.;

providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; creating s. 385.401, F.S.; authorizing the department to establish a direct-support organization; providing definitions; providing for a board of directors; providing terms; providing for membership; authorizing the department to allow the direct-support organization to use the department's fixed property and facilities within the state public health system; providing an exception; requiring that the direct-support organization submit certain federal forms to the department; requiring that the direct-support organization provide an annual financial audit; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

By the Committees on Criminal Justice; and Health Regulation; and Senator Baker—

CS for CS for SB 2658—A bill to be entitled An act relating to the licensure of home health agencies, home medical equipment providers, and health care clinics; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; creating s. 408.8065, F.S.; providing requirements for licensure of home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; requiring demonstration of financial viability; providing limitations on licensing of home health agencies in certain counties; providing an exception for existing applicants accredited or pending accreditation by an organization recognized by the Agency for Health Care Administration; providing penalties; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Criminal Justice; Military Affairs and Domestic Security; and Military Affairs and Domestic Security—

CS for CS for CS for SB 2684—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; requiring the department to provide assessment briefings to seaport authority governing boards and local regional domestic security task force co-chairs at least once per year; requiring certain board members to attend assessment briefings; adding the department to those entities responsible for allocating funds for security projects; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing a contingency with respect to assessment briefings conducted by the department; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Transportation and Economic Development Appropriations; and Judiciary; and Senators Constantine, Gardiner, Baker, Haridopolos, and Altman—

CS for CS for SB 1212—A bill to be entitled An act relating to public transit; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation; amending s. 341.302, F.S.; revising certain citations; revising the time period within which the department must revise the rail system plan and requiring a report; providing additional duties for the department relating to a regional rail system plan; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; authorizing the closing of the pending Central Florida Rail Corridor acquisition; amending s. 212.0606, F.S.; authorizing a county to impose a county surcharge upon the lease or rental of a motor vehicle licensed for hire; requiring that the county surcharge may be used solely to fund the transportation needs of the county as determined by the county commission; requiring the county commission to place the county surcharge on the ballot of the next general election for a vote by the electors; providing an effective date.

—was placed on the Calendar.

By the Committees on Finance and Tax; and Judiciary; and Senators Bennett and Baker—

CS for CS for SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; providing for the nonapplication of certain provisions of state law to surplus lines insurance authorized under the Surplus Lines Law; providing an exception; amending s. 626.924, F.S.; requiring that surplus lines policies issued on or after a specified date have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for severability; providing for the retroactive applicability of certain provisions; providing an effective date.

—was placed on the Calendar.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senators Diaz de la Portilla and Storms—

CS for CS for SB 1978—A bill to be entitled An act relating to classroom expenditures; creating s. 1010.2155, F.S.; requiring that school districts spend a minimum percentage of the district general fund on expenditures in the classroom; requiring that the Department of Education develop a uniform calculation and a common format for district reporting; requiring that school districts publish information regarding classroom expenditures; requiring that the department analyze the expenditures of school districts that fail to meet required classroom expenditure levels; authorizing the department to provide technical assistance upon request by a school district; requiring that the Commissioner of Education make written recommendations to the superintendent of schools and the school board; authorizing the State Board of Education to adopt rules; providing an effective date.

—was placed on the Calendar.

By the Committees on Finance and Tax; Governmental Oversight and Accountability; Commerce; and Commerce—

CS for CS for CS for SB 2034—A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending s. 212.097, F.S.; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of

critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising a definition; revising criteria for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; amending s. 288.9015, F.S.; specifying that Enterprise Florida, Inc., is responsible for responding to inquiries related to the state's business incentives and opportunities; amending s. 288.9622, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; amending s. 288.9624, F.S.; providing a limitation on how the originally appropriated funds may be invested; allowing the Florida Opportunity Fund to form or create other entities for investment purposes; revising a reporting requirement; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2454—A bill to be entitled An act relating to the assessment of residential property; creating s. 193.624, F.S.; providing definitions; prohibiting a property appraiser from considering certain improvements to real property in determining the assessed value of residential property; providing application; amending s. 196.012, F.S.; deleting a definition; conforming a cross-reference; amending ss. 196.121 and 196.1995, F.S.; conforming cross-references; repealing s. 196.175, F.S., relating to the renewable energy source property tax exemption; providing an effective date.

—was referred to the Committee on Community Affairs; and the Policy and Steering Committee on Ways and Means.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2504—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

—was placed on the Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 63, HB 73, HB 255, CS for HB 285, HB 393, CS for HB 599, HB 713, HB 743, HB 773, CS for HB 801, HB 877, CS for HB 965, HB 967, CS for HB 1059, HB 1063, CS for CS for CS for HB 1147, CS for HB 1235, HB 1371, CS for HB 1431, CS for HB 1433, CS for HB 1435, CS for HB 1541; has passed as amended CS for CS for HB 405, CS for CS for HB 873 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By General Government Policy Council and Representative(s) Boyd, Heller—

CS for HB 63—A bill to be entitled An act relating to auctioneers; amending s. 468.385, F.S.; revising requirements for licensure as an auctioneer, auctioneer apprentice, and auction business; requiring the submission of fingerprints for a criminal records check; requiring that an applicant for a license bear the cost of fingerprinting and a criminal records check; prohibiting reissuance of a license for a specified period following license revocation; amending s. 468.3855, F.S.; requiring the sponsor of an auctioneer apprentice to review records of the apprentice; amending s. 468.389, F.S.; authorizing the Florida Board of Auctioneers to impose penalties on a business that violates laws pertaining to auctions; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and General Government Appropriations.

By Representative(s) Schenck, Drake, Ford, Horner, Mayfield, Murzin, Precourt—

HB 73—A bill to be entitled An act relating to expedited permitting process for economic development projects; providing a short title; creating s. 380.0657, F.S.; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain economic development projects; providing an exception; requiring municipalities and counties to identify certain businesses by commission resolution; requiring a pre-application review; providing a timeframe for permit application approval or denial; providing that projects designated as target industry businesses and located in charter counties that meet certain criteria are eligible for expedited permitting; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; Commerce; and General Government Appropriations.

By Representative(s) Bembry, Bullard, Crisafulli, Soto, Zapata—

HB 255—A bill to be entitled An act relating to pest control; creating s. 570.345, F.S.; enacting the Pest Control Compact; requiring the Commissioner of Agriculture to administer the compact; requiring that an application for assistance under the compact be made by the commissioner; providing findings; providing definitions; providing for the establishment of the Pest Control Insurance Fund to finance pest-control operations under the compact; providing for the fund to be administered by a governing board and executive committee; providing for the internal operations and management of the governing board; requiring an annual report to the governor and legislature of each state participating in the compact; providing for the administration of the fund; providing procedures to apply for expenditures from the fund; providing for a determination regarding expenditures from the fund and for review of such expenditures; authorizing the governing board to establish advisory and technical committees; providing for an application for assistance from the fund on behalf of a nonparty state; providing requirements for the fund regarding budgets and maintaining financial assets; prohibiting a pledge of the assets of a state that is a party to the compact; providing for

the compact to enter into force upon its enactment by five or more states; providing a procedure for a state to withdraw from the compact; providing for construction and severability; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; Judiciary; and General Government Appropriations.

By Health Care Regulation Policy Committee and Representative(s) Patronis, Burgin, Drake, Flores, Hudson, Nehr, O'Toole, Schenck, Zapata—

CS for HB 285—A bill to be entitled An act relating to the Medicaid low-income pool and disproportionate share program; amending s. 409.911, F.S.; expanding the membership of the Medicaid Low-Income Pool Council; providing for composition of expanded membership; designating a council chair; providing restrictions on specified appointments; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Poppell—

HB 393—A bill to be entitled An act relating to the Viera Stewardship District, Brevard County; amending chapter 2006-360, Laws of Florida; amending the district boundaries; providing for a referendum; providing effective dates.

—was referred to the Committee on Rules.

By Governmental Affairs Policy Committee and Representative(s) Hukill, Grady—

CS for HB 599—A bill to be entitled An act relating to administration of estates; amending s. 731.201, F.S.; revising definitions; amending s. 732.108, F.S.; providing for nonapplication of certain limitations of actions provisions to certain paternity determinations; amending s. 732.2025, F.S.; revising a definition; amending s. 732.2045, F.S.; expanding an exclusion from application of certain provisions of law; amending s. 732.2075, F.S.; revising provisions for satisfaction of an elective share; providing additional requirements; amending s. 732.2085, F.S.; correcting a cross-reference; amending s. 732.2135, F.S.; revising criteria for time of an election; providing for award of attorney fees and costs for elections made in bad faith; amending s. 732.402, F.S.; revising criteria for certain household items, motor vehicles, and tuition programs as exempt property; amending s. 733.201, F.S.; revising a criterion for proof of wills to conform; amending s. 733.504, F.S.; revising a criterion for removal of a personal representative to conform; amending s. 733.602, F.S.; removing a cross-reference; amending s. 735.203, F.S.; revising requirements for a petition for summary administration; amending s. 739.102, F.S.; revising a definition; amending s. 739.104, F.S.; excluding from court approval certain disclaimers of interests in property; amending s. 739.201, F.S.; providing an additional rule applicable to disclaimers of interests in property ;amending s. 739.207, F.S.; limiting a criterion for effectiveness of a disclaimer of power held in a fiduciary capacity; amending s. 739.402, F.S.; correcting terminology; amending s. 739.501, F.S.; preserving application of certain provisions to effectiveness of certain disclaimers or transfers; amending ss. 660.417, 736.0802, and 895.02, F.S.; correcting cross-references to conform; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

By Representative(s) Proctor, Carroll—

HB 713—A bill to be entitled An act relating to the Lake Asbury Municipal Service Benefit District, Clay County; amending chapter 86-392, Laws of Florida; increasing the special assessment against lots in the district under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Domino—

HB 743—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida, as amended; expanding the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Porth—

HB 773—A bill to be entitled An act relating to the Plantation Acres Improvement District, Broward County; providing legislative intent; amending chapter 2002-367, Laws of Florida; redesignating the board of supervisors as the board of commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Porth—

CS for HB 801—A bill to be entitled An act relating to Broward County; providing for annexation and deannexation of certain described lands within the municipal limits of the Town of Southwest Ranches and the Town of Davie; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Weinstein—

HB 877—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; increasing the permitted rate of investment in fixed real estate assets by the Jacksonville Police and Fire Pension Board of Trustees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Civil Justice & Courts Policy Committee and Representative(s) Grady, Hukill—

CS for HB 965—A bill to be entitled An act relating to trust administration; amending s. 736.0103, F.S.; revising a definition to exclude certain interests as beneficial interests; providing construction; amending s. 736.0105, F.S.; providing an additional limitation on terms of a trust prevailing over provisions of the Florida Trust Code; amending s. 736.0302, F.S.; revising representation authority for holders of a power of appointment; providing a definition; amending s. 736.0306, F.S.; authorizing trust instruments to authorize certain persons to designate one or more persons to represent and bind a beneficiary and receive certain information; amending s. 736.0703, F.S.; authorizing a cotrustee to delegate investment decisions to a cotrustee; revising provisions for absence of liability of excluded trustees under certain circumstances; amending s. 736.0807, F.S.; providing that a cotrustee who has delegated investment functions is not liable for investment decisions; amending s. 736.1106, F.S.; revising a definition applicable to antilapse of a trust distribution; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Representative(s) Domino—

HB 967—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended by chapter 2004-467, Laws of Florida; revising district boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Porth—

CS for HB 1059—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending chapter 98-501, Laws of Florida, as amended; providing for flood protection services; revising the geographical boundaries of the district; revising powers of the district with respect to construction; deleting or updating obsolete language; revising the geographical boundaries of district zones for the election of commissioners; revising residency requirements for commissioner qualification; revising requirements for the filling of vacancies on the board of commissioners; revising provisions relating to filing fees and oath of office; providing the procedure for selection of chair and vice chair in the event of a deadlock; revising quorum requirements; requiring certain commissioners to preside over meetings of the board in the absence of the chair and vice chair; deleting provisions relating to a special warrant for collection of drainage taxes; revising powers of the board in carrying out the state comprehensive water management plan; revising rulemaking authority of the board; revising eminent domain provisions; revising language relating to obstruction of certain district facilities; clarifying language relating to the adoption of certain subdivision regulations; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Abruzzo—

HB 1063—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; codifying, reenacting, amending, and repealing chapters 98-525, 99-422, and 2003-344, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Finance & Tax Council, Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Schenck—

CS for CS for CS for HB 1147—A bill to be entitled An act relating to the Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections and establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Reagan—

CS for HB 1235—A bill to be entitled An act relating to the Lakewood Ranch Stewardship District, Manatee and Sarasota Counties; amending chapter 2005-338, Laws of Florida; revising the boundaries of the district; amending district powers to allow the district to provide sustainable or green infrastructure improvements, facilities, and services; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Coley—

HB 1371—A bill to be entitled An act relating to Panama City, Bay County; amending chapter 63-1757, Laws of Florida, as amended; deleting provisions relating to specific items the planning board must take into consideration in its plans; removing the requirement that the members of the city commission and the city manager be ex officio members of the planning board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Evers—

CS for HB 1431—A bill to be entitled An act relating to the City of Pensacola, Town of Century, and Escambia County; providing definitions; creating the Escambia County Consolidation Study Commission to develop a consolidation plan or unification of services for the City of Pensacola, Town of Century, and Escambia County; providing for the membership of the commission; providing for special advisory committees and membership; providing for meetings; providing for submission of a status report and a proposed consolidation plan; specifying sources of funding; providing for private contributions; providing for clerical, technical, and legal assistance; requiring a referendum for approval of the consolidation plan; providing for dissolution of the commission and reversion of commission property to the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Nelson—

CS for HB 1433—A bill to be entitled An act relating to the City of Orlando Firefighter Pension Fund, Orange County; amending chapter 23444, Laws of Florida, 1945, as amended; providing a member with 20 years or more of service who is involuntarily determined to be permanently and totally disabled not in the line of duty the right to elect a normal service retirement under certain conditions; providing for a change in the accrual rate for normal retirement benefit; providing for a change of the accrual rate for line of duty death benefits if member has completed more than 23.53 years of service; changing the Back Deferred Retirement Option Program (DROP) from 36 months to 60 months; revising provisions relating to DROP accounts; providing that distributions comply with the Internal Revenue Code; providing for changes necessary to maintain tax qualification; authorizing the legislative body of the City of Orlando to adjust the pension plan to comply with the Internal Revenue Code and to create a SHARE program or plan to provide for certain extra benefits; providing that benefit changes are not

retroactive; specifying this act does not provide additional benefits to certain members and beneficiaries; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Public Safety & Domestic Security Policy Committee and Representative(s) Williams, T.—

CS for HB 1435—A bill to be entitled An act relating to the Lee County Sheriff's Office; revising qualifications for employment; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Abruzzo—

CS for HB 1541—A bill to be entitled An act relating to the Pine Tree Water Control District, Palm Beach County; codifying the district's charter; providing legislative intent; amending, codifying, reenacting, and repealing chapters 80-572, 82-358, and 2005-295, Laws of Florida; providing for the applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing for liberal construction; providing a savings clause in the event any of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Economic Development & Community Affairs Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Nelson, Drake, Plakon, Sachs, Workman—

CS for CS for HB 405—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the terms "golf cart," "residential area," and "seasonal delivery personnel"; authorizing the use of golf carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; requiring specified vehicles to be equipped with safety equipment; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

By Health & Family Services Policy Council, Health Care Regulation Policy Committee and Representative(s) Williams, A., Coley, Rehwinkel Vasilinda—

CS for CS for HB 873—A bill to be entitled An act relating to inactive licenses and certificates of need for health care providers; amending s. 408.040, F.S.; extending the period for which a certificate of need is valid; amending s. 408.808, F.S.; providing for renewal of inactive license status for statutory rural hospitals under certain circumstances; requiring plan approval and commencement of construction under certain circumstances; requiring certain proof of enforceable capital expenditures under certain circumstances; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 2600, SB 2602, CS for CS for SB 1012, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1720, CS for SB 1722, CS for CS for SB 1724, CS for SB 1726, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for SB 1786, CS for SB 1798, CS for SB 1802, CS for SB 1806, and CS for CS for SB 1840, with amendments, and that the Senate be asked to concur with the bills as passed by the House, or failing such concurrence, the House agrees to conference.

Robert L. "Bob" Ward, Clerk

CONFEREES APPOINTED

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2600, SB 2602, CS for CS for SB 1012, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1720, CS for SB 1722, CS for CS for SB 1724, CS for SB 1726, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for SB 1786, CS for SB 1798, CS for SB 1802, CS for SB 1806, and CS for CS for SB 1840: Chairs: Rep. Rivera and Llorente; Members At Large: Rep. Bogdanoff, Cannon, Galvano, Hasner, Lopez-Cantera, Reagan, Fitzgerald, Saunders, Skidmore; Criminal & Civil Justice Appropriations: Chair: Rep. Adams; Thompson, N., Rouson, Eisnaugle, Planas, Snyder, Soto, Taylor, P.; Gov't Operations Appropriations: Chair: Rep. Hays; Hooper, Braynon, Ford, McBurney, Nelson, Schultz, Williams, A.; Health Care Appropriations: Chair: Rep. Ambler; Patronis, Brandenburg, Frishe, Grimsley, Homan, Jones, Kreegel, Renuart; Healthy Seniors Appropriations: Chair: Rep. Domino; Anderson, Schwartz, Hudson, Nehr, Pafford; Human Services Appropriations: Chair: Rep. Zapata; Holder, Roberson, Y., Roberson, K., Van Zant, Rader, Rogers; Natural Resources Appropriations: Chair: Rep. Poppell; Williams, T., Boyd, Bembry, Crisafulli, Fetterman, Mayfield, Plakon, Troutman; Pre-K-12 Appropriations: Chair: Rep. Flores; Legg, Kiar, Adkins, Bullard, Coley, Clarke-Reed, Culp, Fresen, Stargel, Weinstein; State Universities & Private Colleges Appropriations: Chair: Rep. Proctor; Precourt, Heller, Burgin, Dorworth, O'Toole, Patterson, Reed, Taylor, D.; State & Community Colleges & Workforce Appropriations: Chair: Rep. Weatherford; McKeel, Brise, Kelly, Thompson, G., Tobia; Transportation & Economic Development Appropriations: Chair: Rep. Glorioso; Evers, Gibbons, Aubuchon, Bovo, Carroll, Drake, Gibson, Horner, Hukill, Long, Murzin, Ray, Sachs, Schenck, Steinberg, Thurston.

Robert L. "Bob" Ward, Clerk

CONFEREES APPOINTED

The President appointed the following conferees on **SB 2600, SB 2602, CS for CS for SB 1012, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1720, CS for SB 1722, CS for CS for SB 1724, CS for SB 1726, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for SB 1786, CS for SB 1798, CS for SB 1802, CS for SB 1806,** and **CS for CS for SB 1840**: Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Haridopolos and Lawson, Members at Large; Appropriations Conference Committee on Criminal and Civil Justice: Senator Crist, Chair; Senators Jones, Joyner, Villalobos and Wilson; Appropriations Conference Committee on Education Pre-K - 12: Senator Wise, Chair; Senators Bullard, Detert, Garcia, Richter and Siplin; Appropriations Conference Committee on Finance and Tax: Senator Altman, Chair; Senators Bennett, Justice, Pruitt and Ring; Appropriations Conference Committee on General Government: Senator Baker, Chair; Senators Aronberg, Dean, Lawson and Oelrich; Appropriations Conference Committee on Health and Human Services: Senator Peaden, Chair; Senators Gaetz, Haridopolos, Rich and Sobel; Appropriations Conference Committee on Higher Education: Senator Lynn, Chair; Senators Constantine, Deutch, Gelber and King; and Appropriations Conference Committee on Transportation and Economic Development: Senator Fasano, Chair; Senators Diaz de la Portilla, Dockery, Gardiner, Hill, Smith and Storms.

The action of the Senate was certified to the House.

ENROLLING REPORTS

SB 318 and CS for SB 1740 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 22, 2009.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 16 and 21 were corrected and approved.

CO-INTRODUCERS

Senators Crist—CS for CS for SB 168, CS for SB 198, SB 316, SB 502, CS for SB 508, CS for CS for SB 526; Gaetz—CS for SJR 1302; Joyner—SR 662; Siplin—SB 1480

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:56 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, April 23 or upon call of the President.

Journal of the Senate

Number 12—Regular Session **Thursday, April 23, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:45 a.m. A quorum present—40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

PRAYER

The following prayer was offered by Pastor Willie J. Cook, Allen Temple AME Church, Tampa:

"O Lord, our Lord, how excellent, how wonderful, and how great is your name in the entire universe!"

O Lord God, you have been our help in ages past; you are the hope for the years to come; you are our shelter, and stronghold from the stormy blast; you are our eternal home.

Almighty God, our heavenly creator, you are the sovereign God who rules all of the affairs of humankind. We pause now to give thanks for allowing us to rest last night and for waking us up this morning. We give you the praise, the honor, and the glory for filling our hearts with godly wisdom and knowledge to face this new day that is full of challenges, problems, and conflicts. Lord, we know that with your help we will do great things in your name. Lord God, lead us and guide us to do your sovereign will.

Lord God, I pray for the leaders in this chamber. I not only pray for these, but I also pray for all of the leaders of this great State of Florida. I pray that this day and every day that your spirit, knowledge, and wisdom be in this chamber, and in the hearts and minds of all who would enter it.

Lord, we pray that you send to each member that is in this place the skill and godly wisdom to do justly and love mercy. Let all that we do today and every day be done knowing that we all must give an account of what you have entrusted to us.

Now Lord, help all of our leaders to have hearts and ears that are attentive to your godly counsel. Make us women and men of your integrity, that we may lead a quiet and peaceful life in godliness and honesty.

Lord, we call upon you to bless every one that is under the sound of my voice. Bless their families, friends, and neighbors. Bless this session of Senate deliberations so that all that is done will be according to your divine will.

In the name of the one who is known by many names, we give honor, praise and thanksgiving forever. Amen and amen.

PLEDGE

Senate Pages Delaitre "D.J." Hollinger, William "Max" Moody and Eleanor Wilson of Tallahassee; and Jade Martin of Fort Lauderdale, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dan Boggus of Tavares, sponsored by Senator Baker, as doctor of the day. Dr. Boggus specializes in Family Practice.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SB 258**, **CS for CS for SB 604**, **SB 1862**, and **CS for SB 2408** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for SB 744** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; **CS for CS for SB 868**, **SB 1426**, **CS for SB 2306**, and **SB 2310** were withdrawn from the Committee on Finance and Tax; **CS for SB 746** and **CS for SB 2296** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 392** and **CS for SB 2282** were withdrawn from the Policy and Steering Committee on Ways and Means; and **SB 2246** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motion by Senator Villalobos, by two-thirds vote **CS for SB 264**, **CS for SB 270**, **SB 658**, **CS for SB 748**, **CS for SB 750**, **SB 754**, **CS for SB 1268**, **CS for SB 1290**, **CS for SB 1342**, **CS for SB 1348**, **CS for SB 1400**, **CS for SB 1826**, **CS for SB 1834**, **CS for SB 1902**, **CS for SB 1912**, **CS for CS for SB 2126**, **CS for SB 2158**, **CS for SB 2324**, and **CS for SB 2374** were withdrawn from the Committee on Rules.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Alexander, the rules were waived and the Policy and Steering Committee on Ways and Means was granted permission to meet this day from 2:02 p.m. until 4:00 p.m. to consider **CS for SB 732**, **CS for CS for SB 2226**, **CS for SB 2088**, **CS for SB 1126**, **SB 58**, **CS for CS for SB 1372**, **CS for SB 2546**, **CS for CS for SB 1468**, **CS for CS for SB 2244**, **CS for SB 1114**, and **CS for CS for SB 1502.**

SPECIAL ACADEMIC RECOGNITIONS BY THE PRESIDENT

Members, I have spoken numerous times about the importance of developing intellectual capital and how Florida will be better for it. Our state has the potential to become an epicenter for thriving and diversified business opportunities, biotech communities, and technology centers. These institutes provide high-tech career opportunities, are on the cutting edge of new inventions, and new cures for diseases. It is our challenge and our responsibility to equip our children with the tools necessary to compete in the new global economy.

Today, I have the honor of welcoming to the Florida Senate, university students who have achieved high academic honors. These students represent the intellectual capital that we hope to build in every child. All too often, academic achievements are only recognized on the academic platform. Today, we broaden that platform to acknowledge and give tribute to students who have exceeded most learning standards and are making indelible marks worldwide in areas of biochemistry, education, mathematics, environmental sciences, and public service.

Senators, please join me in honoring the following students for their outstanding academic achievements.

THE 2009 BARRY M. GOLDWATER SCHOLARSHIP

Available to college juniors and seniors who have demonstrated potential for and commitment to a career in mathematics, the natural sciences, or engineering. Goldwater scholars must be nominated by his or her college or university, followed by an extensive interview conducted by the Foundation's independent review committee.

FLORIDA STATE UNIVERSITY

Scholar: Alan Douglas Kuhnle
Bio: Alan is a fourth-year student majoring in mathematics. During the summers of 2007 and 2008, he studied the properties of Niobium-Tin, a superconductor, both experimentally and through computer simulations. He has been studying models of biological evolution, and has contributed to a study on simulated iron nanopillars. He plans to pursue a doctorate in mathematics.

UNIVERSITY OF FLORIDA

Scholar: Mehrnoosh Arrar
Bio: Mehrnoosh is a junior majoring in chemistry. She has been doing research in the Quantum Theory Project for the past two years. She completed a National Science Foundation-funded program in Argentina last summer and has been selected for another research experience at the prestigious Curie Institute in Paris. She plans to earn a doctorate in chemistry.

Scholar: Christopher James Marth
Bio: Christopher is a sophomore pursuing dual degrees in chemistry and microbiology. He graduated high school as a National Merit Scholar. Christopher is involved in research investigating the environmental impact of Triclosan and also research involving the development of self-assembling molecular systems that transport charge. He intends to pursue a doctorate in organic synthesis.

Scholar: Miorel Lucian Palii
Bio: Miorel is a National Merit Scholar triple majoring in physics, computer science, and biochemistry and molecular biology. He has conducted research since his freshman year, funded by the Howard Hughes Medical Institute and the American Cancer Society.

UNIVERSITY OF SOUTH FLORIDA

Scholar: Jordan B. Markel
Bio: Jordan is a biology major, and is concurrently earning a Graduate Certificate in Clinical Investigation through the College of Medicine. In addition to an MD, he plans to pursue a PhD in Clinical Sciences. Jordan earned a 2009 American Society of Microbiology Undergraduate Research Fellowship and has accepted a summer internship at the Harvard Medical School Catalyst Program.

Goldwater Scholarship Recipients Not In Attendance:

ECKERD COLLEGE

Scholar: Samuel James Murphy
Bio: Samuel Murphy is in the Ford Apprentice Scholar Program and has been active in ongoing research with Eckerd College faculty.

Scholar: Lily Lambert Raines
Bio: Lily plans to use her Goldwater scholarship to cover part of her tuition during her senior year. She will continue her research upon graduation, studying vaccine development and drug discovery. In 2008, Lily received a summer internship from the NASA Astrobiology Institute.

THE 2009 HARRY S. TRUMAN SCHOLARSHIP

A merit-based scholarship awarded to junior-level college students who have exceptional leadership potential and who are committed to careers in government or elsewhere in public service. In order to qualify for this scholarship, scholars must receive a nomination by his or her institution, undergo a rigorous interview process by a regional selection committee, be in the upper quarter of his or her class and have an extensive record of public and community service. This scholarship provides assistance to these scholars to pursue a graduate degree relating to public service and also requires the recipients to commit to working in public service for a minimum of three years.

FLORIDA STATE UNIVERSITY

Scholar: Alexander Merkovic-Orenstein
Bio: Alexander is a third-year student majoring in Middle Eastern Studies. He co-founded Global Peace Exchange, a student-run non-governmental organization that engages in grass-roots development world-wide. He has led projects in Ghana and Rwanda, working with orphans, students, refugees and ex-child soldiers.

UNIVERSITY OF FLORIDA

Scholar: Adam Amir
Bio: Adam is a third year student majoring in political science and history. He speaks German and Hebrew. He is committed to public service, scholarship and leadership, which earned him the Harry S. Truman Scholarship. Adam plans to pursue a career in civil rights law and constitutional law.

THE 2009 MORRIS K. UDALL SCHOLARSHIP

Scholars are selected on the basis of demonstrated commitment to environmental or natural resource issues, tribal public policy, or Native American health care. Udall Scholarship recipients are scholars who are interested in careers that make significant contributions to the shaping of environmental public policy, tribal public policy or Native American health care issues, whether through scientific advances, public service, or community action.

FLORIDA STATE UNIVERSITY

Scholar: Ashley Danley
Bio: Ashley is a third-year civil and environmental engineering double major. One of her key interests is in developing sanitation systems and providing safe drinking water for developing countries. She co-founded the group "Dare to Love: Project Haiti."

Scholar: Brandy Saffell
Bio: Brandy is a junior majoring in international affairs with a concentration in geography and environmental analysis. She is conducting honors thesis research on the biogeography of Haiti to identify reforestation practices that cooperate with agricultural development.

Udall Scholarship Recipients Not In Attendance:

NEW COLLEGE OF FLORIDA

Scholar: Elizabeth Hamman
Bio: Elizabeth is a junior majoring in Marine Biology with a minor in Applied Mathematics. She plans on pursuing a PhD in Marine Biology.

Scholar: Nancy Spector
Bio: Nancy is a junior majoring in Environmental Studies. She plans on pursuing a PhD in Environmental Science, Policy, and Management.

STETSON UNIVERSITY

Scholar: Heather Grove
Bio: Heather is a sophomore majoring in Geography and Environmental Science with a minor in German. This past summer, Heather was selected to spend a month in rural Guatemala where she spent the days planting trees and building fuel-efficient stoves. She has studied abroad in Guanajuato, Mexico, where she tutored at an-all girls orphanage.

THE 2009 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) ERNEST F. HOLLINGS SCHOLARSHIP

Designed to recruit and prepare students for public service careers with natural resource and science agencies. Scholars at the sophomore level who are majoring in a discipline area related to oceanic, atmospheric science, research, technology or education are chosen for this scholarship based on relevant course work, education plan and career interest, extracurricular activities, and non-academic volunteer work.

NEW COLLEGE OF FLORIDA

Scholar: Michael J. Dexter-Luffberry
Bio: Michael is a sophomore majoring in Political Science and Biology. This semester he is interning with the Collins Institute for Public Policy in Tallahassee, working with the Council for A Sustainable Florida and the Century Commission. He plans on pursuing a Masters in International Development Policy and a J.D.

THE 2009-10 FULBRIGHT U.S. STUDENT PROGRAM SCHOLARSHIP

Award grants to U.S. students to study, do research or assistant-teach overseas for one academic year. Students must undergo a rigorous selection process that evaluates students on the basis of academic record, language proficiency, feasibility of the overseas project proposal, commitment to promoting mutual understanding among nations, and other personal qualifications.

FLORIDA STATE UNIVERSITY

Scholar: Lulio Vargas-Cohen
Bio: Lulio will be representing the United States as a Fulbright Fellow to Spain. His interests center on national security and foreign policy, embodied through his cadetship in Air Force ROTC and internships with the U.S. Department of State and Presidential Classroom. As a Public Policy and International Affairs Fellow at Princeton University's prestigious Woodrow Wilson School, Lulio studied U.S.-European Union relations.

Scholar: Travis Smith
Bio: Travis will be representing the United States as a Fulbright Fellow in Russia. He will graduate next week with degrees in Russian and International Affairs. Travis has worked in youth ministry, first as an intern and now as youth director at his church. He hopes to work for the State Department.

UNIVERSITY OF FLORIDA

Scholar: Gloria Tavera
Bio: Gloria is a neurobiological science major with a double major in political science and a minor in public health. She has received several grants and awards for her research, including funding from the Howard Hughes Medical Institute. As a Fulbright recipient, Gloria will research the localization of Dengue hemorrhagic fever in mice at the National Institute of Public Health in Cuernavaca, Mexico.

Scholar: Carol Reyes
Bio: Carol will graduate with a BA in journalism and three minors in French, Portuguese, and Latin American Studies. In 2007, she won a grant to volunteer with a non-governmental organization in Portugal, where she began learning about non-profit management and immigration. As a Fulbright recipient, Carole will spend 11 months in Taiwan. Upon her return, Carol plans to study international law and immigration.

Fulbright Scholarship Recipients Not In Attendance:

FLORIDA STATE UNIVERSITY

Scholar: Carly Nasehi
Bio: Carly is a senior seeking dual degrees in International Affairs and Religion, as well as a minor in German. She is president of the German Association. She served an internship with the State Department at the US Embassy in Vienna. She plans to pursue an MPA in Public and Nonprofit Management and Policy at New York University's Wagner School of Public Service.

NEW COLLEGE OF FLORIDA

Scholar: Evan Axelrad
Bio: Evan will graduate in May with a double major in Political Science and Environmental Studies. Next year in Norway he will conduct research at the Norwegian Center for Biosafety.

Scholar: Mackenzie Karp
Bio: Mackenzie will graduate in May with a major in Art History and minor in German Language and Literature. She will go to Germany as an English Teaching Assistant.

Scholar: Claire Michelsen
Bio: Claire majored in Anthropology with a minor in Philosophy. She will go to Hanover, Germany to work with the Midwifery Research Unit on an assessment project.

Scholar: Lee Ellen Reed
Bio: Lee Ellen will graduate in May with a double major in German Studies and Anthropology. She will go to Germany as an English Teaching Assistant.

Scholar: Adam Schafer
Bio: Adam will graduate in May with a double major in History and British & American Literature. He will go to Spain as an English Teaching Assistant.

SPECIAL PRESENTATION

University Presidents T.K. Wetherell, Florida State University; Mike Michalson, New College; and Judy Genshaft, University of South Florida were invited to the rostrum. Students from the University of Florida were escorted to the rostrum by the following Senators: Alexander, Dockery, Gelber, and Lynn. Students from Florida State University were escorted to the rostrum by the following Senators: Dean, King, Lawson, Oelrich, Smith, and Villalobos. Students from the University of South Florida and New College were escorted to the rostrum by the following Senators: Crist, Justice, and Storms. The students were each presented with the Senate Medallion of Excellence.

The President recognized the following guests who were also present in the chamber: Meredith Simpson, Assistant Director of the Office of National Fellowships, Florida State University; Regan Garner, Assis-

tant Director of the University of Florida Honors Program; Linda Collins, Government Relations, University of Florida; and Kathleen Betancourt, Associate Vice President, Office of Government Relations, University of South Florida.

ADOPTION OF RESOLUTIONS

On motion by Senator Lawson—

By Senators Lawson, Atwater, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Hill, Jones, Joyner, Justice, King, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Storms, Villalobos, Wilson, and Wise—

SR 2782—A resolution recognizing FSU Head Coach Sue Semrau upon her selection as ACC Women's Basketball Coach of the Year for 2009 and commending her for community leadership.

WHEREAS, Coach Sue Semrau has served as head women's basketball coach at Florida State University for 12 years, and has earned the title of the winningest coach in the history of Seminole women's basketball, and

WHEREAS, Coach Semrau has coached not only winning athletic teams, but also winning academic teams, leading the Atlantic Coast Conference with 65 ACC Academic Honor Roll selections, and

WHEREAS, Coach Semrau has demonstrated determination and ingenuity in building interest in women's basketball at Florida State University, among other things, leading a 48-hour "Tents-for-Tickets" campaign during which she camped in a tent outside the Donald L. Tucker Civic Center in an effort to sell 3,000 tickets, resulting in record women's basketball ticket sales, and

WHEREAS, Coach Semrau is active in the community and serves on the Board of Directors of the Women's Basketball Coaches Association, and

WHEREAS, Coach Semrau has taken a team that was winless in the ACC prior to her selection as head coach to four consecutive NCAA tournaments, with 12 consecutive victories over in-state rivals, and has led the team to 75 ACC victories, and

WHEREAS, Florida State University has earned 20 All-ACC awards during Coach Semrau's tenure and groomed two All-American players, currently playing in the WNBA, and

WHEREAS, Coach Semrau has for 3 seasons been named Coach of the Year by the ACC, America's top-rated conference, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Senate recognizes FSU Head Coach Sue Semrau's selection as ACC Women's Basketball Coach of the Year for 2009 and congratulates her for her contributions to Florida State University, the Tallahassee community, and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Sue Semrau as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Lawson, **SR 2782** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Lawson introduced Florida State University Women's Basketball Head Coach Sue Semrau, who was present in the chamber.

On motion by Senator Lawson—

By Senators Lawson, Atwater, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Hill, Jones, Joyner, Justice, King, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Storms, Villalobos, Wilson, and Wise—

SR 2780—A resolution recognizing FSU Head Coach Leonard Hamilton's selection as ACC Men's Basketball Coach of the Year and Basketball Times' National Men's Basketball Coach of the Year for 2009 and commending his community leadership.

WHEREAS, Coach Leonard Hamilton has served as head men's basketball coach at Florida State University for 7 seasons, and he has played an active and vital role in coaching and mentoring young men and boys in the state of Florida throughout his tenure, and

WHEREAS, Coach Leonard Hamilton is one of the top 25 all-time most winning coaches in Atlantic Coast Conference history, leading the Florida State men's basketball program to three consecutive postseason appearances as he continues to cement the Seminoles as one of the top basketball programs in the nation, and

WHEREAS, Coach Hamilton annually attracts the nation's top talent to the State of Florida, including two of the only three players in FSU history to earn All-ACC honors, and

WHEREAS, Coach Hamilton helps his players reach their goals both on and off the court, with 17 of 20 seniors earning their degrees during his tenure at FSU, and

WHEREAS, prior to joining the Seminoles, Leonard Hamilton had already twice earned the distinction of being named Big East Conference Coach of the year and United Press International National Coach of the Year, and had coached many young men to all-conference standings, and

WHEREAS, in 2009 Coach Hamilton led the Florida State men's basketball team to the NCAA Tournament for the first time since 1998 and to the Atlantic Coast Conference tournament championship game for the first time in school history, and has been named ACC 2009 Coach of the Year and *Basketball Times'* 2009 National Coach of the Year, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate commends Coach Leonard Hamilton for his outstanding leadership as FSU head basketball coach, mentor, and community servant, and congratulates him on his contributions to Florida State University, the Tallahassee community, and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Leonard Hamilton as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Lawson, **SR 2780** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Lawson introduced Florida State University Men's Basketball Head Coach Leonard Hamilton, who was present in the chamber.

On motion by Senator Hill—

By Senators Hill, Joyner, Atwater, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Jones, Justice, King, Lawson, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Storms, Villalobos, Wilson, and Wise—

SR 662—A resolution recognizing February 12, 2009, as "NAACP Day" in Florida.

WHEREAS, beginning with the moral conscience and guiding principles of Dr. William Edward Burghardt Dubois, Henry Moskowitz, Ida B. Wells-Barnett, Mary White Ovington, Oswald Garrison Villard, and William English Walling, the National Association for the Advancement of Colored People, the "NAACP," was founded on February 12, 1909, in New York City, with 60 signatories forming the creation of a civil rights organization that has built a 100-year legacy of constantly challenging

the tenets of social unrest, racial hatred, racial inequality, and economic and political injustice, and

WHEREAS, a call was led by abolitionist Mary White Ovington following the summer of 1908, when citizens were shocked by the account of race riots in Springfield, Illinois, the home of Abraham Lincoln, where a mob of the town's "best citizens" raged lawlessly for two days, killing and wounding scores of African Americans, sparing neither sex nor age nor youth and driving thousands from the city, and

WHEREAS, in the years that followed, in open acceptance of the disenfranchisement of millions, the Supreme Court of the United States, supposedly a bulwark of American liberties, passed laws avowedly discriminatory and enforced in such a manner that African-American citizens were not recognized as human beings, and

WHEREAS, records reflect that, during these times of racial hatred and discrimination, African Americans were ineligible to vote, assemble, and share the same public accommodations and educational institutions as their white counterparts, and

WHEREAS, in 1905, the Niagara Movement, an organization of people of color formed by Dr. W.E.B. DuBois from Atlanta University, held conferences at Niagara, Harper's Ferry, and Boston, the platform of which consisted of freedom of speech and criticism; an unfettered and unsubsidized press; manhood suffrage; the abolition of all caste distinctions based simply on race and color; the recognition of the principle of human brotherhood as a practical, present creed; the recognition of the highest and best training as the monopoly of no class or race; a belief in the dignity of labor; and a united effort to realize these ideals under wise and courageous leadership, and

WHEREAS, on February 12, 1909, the National Negro Committee, an organization that emerged from the Niagara Movement, was founded in New York City and, at their second conference on May 30, 1910, chose the name the National Association for the Advancement of Colored People, and

WHEREAS, in 1910, Dr. W.E.B. Dubois assumed the role of Director of Publicity and Research for the NAACP and created The Crisis magazine, the official magazine of the NAACP, to serve as the premier literary publication advocating for civil rights, and

WHEREAS, the Supreme Court decision in Brown vs. Board of Education in 1954 allowed for the integration of public schools and is recognized as the pinnacle of the NAACP's advocacy work, laying the foundation for future progress in civil and human rights in the United States, and

WHEREAS, the passage of the Civil Rights Act of 1964 further removed segregation and apartheid in the United States, permitting once disenfranchised people of color to gain access to the "American Dream" through the equal protection of the law, and

WHEREAS, the Voting Rights Act of 1965 granted African Americans the right to vote with the necessary protections and safeguards against historical barriers of exclusion, and

WHEREAS, throughout its 100-year history, the NAACP has been instrumental in social, economic, educational, and political gains for a once disenfranchised race of people, establishing itself as the oldest civil rights organization in our nation, committed to the ongoing struggle against disparities in these areas through a network of 2,200 branches currently exceeding 500,000 members, and

WHEREAS, the NAACP Florida State Conference, through its 32 branches, continues the national and local fight for equality and justice for people of color, whether it be through honoring the lives of Harry T. or Harriett Moore or obtaining justice for Martin Lee Anderson, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate, in recognition of the organization's countless historical contributions to the United States of America and the state of Florida over the past century as the champion for justice and racial equality for all citizens, duly strengthening the Constitutions of the state of Florida and the United States of America, commends the National Association for the Advancement of Colored People and its 32 Florida branches and proudly recognizes February 12, 2009, as "NAACP Day" in Florida.

—was introduced out of order and read by title. On motion by Senator Hill, **SR 662** was read the second time in full and adopted.

At the request of Senator Jones—

By Senator Jones—

SR 2770—A resolution honoring the memory of Jade Thomas Moore and posthumously commending him for his dedication to the preservation of public education in Florida.

WHEREAS, Jade Thomas Moore embraced the Jeffersonian principle that education is the great equalizer for all children and devoted his life to opening the doors of opportunity and learning for generations of Floridians, and

WHEREAS, Jade Moore, born in Altoona, Pennsylvania, was raised in Pinellas County, where he attended Pinellas County public schools, graduated from Clearwater High School in 1965, and received his bachelor's and master's degrees from the University of South Florida, and

WHEREAS, Jade Moore began his career as a teacher, influencing the lives of many Pinellas County students who still remember him today, and

WHEREAS, Jade Moore became Executive Director of the Pinellas Classroom Teachers Association in 1974, a position he proudly held until his death, championing the needs of public school students, teachers, and support staff, and

WHEREAS, Jade Moore was recognized for his detailed understanding of education funding, and his professional, nonpartisan manner earned the respect of school board members and five different school superintendents, and

WHEREAS, Jade Moore's knowledge of the state's finance and tax system led to his appointment to Florida's Taxation and Budget Reform Commission in 1990 and again in 2007, both times appointed by the Senate President, and

WHEREAS, Jade Moore, armed with a keen intellect and irreverent sense of humor, traveled frequently and tirelessly to the State Capitol to advocate for public schools, befriending many in government with his colorful, outspoken style, and

WHEREAS, Jade Moore, a staunch Democrat, counted many Republicans among his closest friends, with candidates from both parties seeking his counsel and the endorsement of the organization he led, and

WHEREAS, Jade Moore was a founding member and president of the Suncoast Tiger Bay Club, advocating for a better public understanding of public officials and government, and

WHEREAS, Jade Moore was also a faithful leader, elder, and Sunday school teacher at Trinity Presbyterian Church in Clearwater, and served as moderator of the Presbytery of Tampa Bay, and

WHEREAS, Jade Moore will be remembered by many, including numerous members of this legislative body, past and present, as a unique individual who had a powerful intellect and the personality to rival it, and whose friendship was cherished and will be sorely missed, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate does pause in its deliberations to honor the memory of Jade Thomas Moore, gratefully acknowledging his years of service, and posthumously commending him for his dedication to the preservation of public education in Florida.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to his beloved wife of 38 years, Sue, daughters Jennifer and Michelle, and granddaughter Rowan Jade, as a tangible token of the sentiments of the Florida Senate.

—**SR 2770** was introduced, read and adopted by publication.

At the request of Senator Detert—

By Senator Detert—

SR 2778—A resolution recognizing May 7, 2009, as "Children's Mental Health Awareness Day" in Florida.

WHEREAS, the importance of meeting the mental health needs of Florida's youngest and most vulnerable residents is widely recognized, and

WHEREAS, an estimated one in five children has a mental health disorder, and early intervention and appropriate help and support improve the chances of Florida's children reaching adulthood and leading healthy and more successful lives, and

WHEREAS, the most effective children's mental health services are collaborative, community based, and family driven, and

WHEREAS, multiple state agencies, including the Department of Children and Family Services, the Department of Education, the Department of Health, the Department of Juvenile Justice, and the Agency for Health Care Administration, as well as the Sarasota Partnership for Children's Mental Health, work with Florida's cities, counties, community agencies, and mental health professionals to serve children and adolescents by caring for their mental health needs, and

WHEREAS, May is National Mental Health Month, and

WHEREAS, Children's Mental Health Awareness Day helps inform the residents of Florida of the critical need for effective care and special programs designed to assist children and youth with mental health needs and their families, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes May 7, 2009, as "Children's Mental Health Awareness Day" in Florida.

—**SR 2778** was introduced, read and adopted by publication.

RECONSIDERATION OF BILL

On motion by Senator Pruitt, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 672—A bill to be entitled An act relating to road designations; designating the Stan Mayfield Memorial Highway in Indian River and Osceola Counties; designating the Kenneth H. "Buddy" MacKay and Jim H. Williams Memorial Overpass in Ocala; designating the Deputy Hal P. Croft and Ronald Jackson Memorial Highway in Union County; designating the Correctional Officer Adam Michael Sanderson Memorial Highway in Union County; designating the Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; designating the Coach Jermaine D. Hall Memorial Highway in Duval County; designating Orange Bowl Way in Miami Lakes; designating the Andrew J. Capeletti Memorial Bridge in Miami-Dade County; designating the Johnny C. Treadwell Highway in Lake County; designating John Bruce Sweeny Street in St. Johns County; designating the Heather Hurd Memorial Highway in Polk County; designating the Trooper Charles Eugene Campbell Memorial Highway in Taylor County; designating the Michael G. Rippe Parkway in Lee County; designating the Samuel B. Love Memorial Highway in Marion County; directing the Department of Transportation to erect suitable markers; designating the Ray Charles Memorial Parkway in Madison County; directing the Department of Transportation to erect suitable markers; designating the Frank Pasquarella Way in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating the Doolittle Raiders Highway in Okaloosa and Walton Counties; designating the K. Earl Durden Highway; designating a specified portion of Southwest 67th Avenue in the City of South Miami and the Village of Pinecrest in Miami-Dade County as a state historic road; directing the Department of Transportation to erect suitable markers; prohibiting the expenditure of public funds for certain purposes; providing construction; directing the Department of Transportation to provide for the erection of suitable markers; providing an effective date.

—as amended passed April 22.

Senator Hill moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (427866) (with title amendment)—Between lines 198 and 199 insert:

Section 19. *Earl S. "Coach" Kitchings Avenue designated; Department of Transportation to erect suitable markers.—*

(1) The portion of Edgewood Avenue West between New Kings Road/U.S. 1 and Lem Turner Road in Duval County is designated as Earl S. "Coach" Kitchings Avenue.

(2) The Department of Transportation is directed to erect suitable markers designating Earl S. "Coach" Kitchings Avenue as described in subsection (1).

And the title is amended as follows:

Delete line 30 and insert: Counties; designating the K. Earl Durden Highway; directing the Department of Transportation to erect suitable markers; designating Earl S. "Coach" Kitchings Avenue; directing the Department of Transportation to erect suitable markers;

On motion by Senator Pruitt, **CS for SB 672** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

SENATOR OELRICH PRESIDING

BILLS ON THIRD READING

SB 1124—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes that have six or fewer residents located within a planned residential community are not required to obtain local government approval regardless of their proximity to each other; providing an effective date.

—as amended April 14 was read the third time by title.

Senator Altman moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (531914) (with title amendment)—Between lines 12 and 13 insert:

Section 1. Subsection (2) of section 393.501, Florida Statutes, is amended to read:

393.501 Rulemaking.—

(2) Such rules shall address the number of facilities on a single lot or on adjacent lots, *except that there shall be no restriction on the number of facilities designated as community residential homes pursuant to s. 419.001(1)(a) located within a planned residential community as defined in s. 419.001(1)(f)*. In adopting rules, an alternative living center and an independent living education center, as described in s. 393.18, shall be subject to the provisions of s. 419.001, except that such centers shall be exempt from the 1,000-foot-radius requirement of s. 419.001(2) if:

(a) The centers are located on a site zoned in a manner that permits all the components of a comprehensive transitional education center to be located on the site; or

(b) There are no more than three such centers within a radius of 1,000 feet.

And the title is amended as follows:

Delete line 2 and insert: An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community;

On motion by Senator Altman, **SB 1124** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

HB 319—A bill to be entitled An act relating to recertification of minority business enterprises; amending s. 287.09451, F.S.; extending the period for recertification of a minority business enterprise; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **HB 319** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Oelrich

CS for SB 2666—A bill to be entitled An act relating to the public procurement of services; creating s. 255.32, F.S.; defining terms; authorizing the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects; providing criteria; authorizing the department to enter into continuing contracts under certain circumstances; providing that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond; requiring the department to adopt rules; amending s. 255.103, F.S.; replacing the term "local government" with "governmental entity"; defining the term "governmental entity"; authorizing governmental entities to enter into continuing contracts under certain circumstances; defining the term "continuing contract"; amending s. 287.055, F.S.; clarifying the definition of "continuing contract"; amending s. 287.057, F.S.; providing that for the purpose of exempting certain specified contractual services and commodities from competitive-solicitation requirements, the listed exemption for artistic services does not include advertising; defining the term "advertising"; amending s. 1013.45, F.S.; revising provisions relating to contracting and construction for educational facilities; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2666** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 12:00 p.m.

On motion by Senator Baker, by two-thirds vote **CS for HB 63** was withdrawn from the Committees on Regulated Industries; Criminal Justice; and General Government Appropriations.

On motion by Senator Baker, by two-thirds vote—

CS for HB 63—A bill to be entitled An act relating to auctioneers; amending s. 468.385, F.S.; revising requirements for licensure as an auctioneer, auctioneer apprentice, and auction business; requiring the submission of fingerprints for a criminal records check; requiring that an applicant for a license bear the cost of fingerprinting and a criminal records check; prohibiting reissuance of a license for a specified period following license revocation; amending s. 468.3855, F.S.; requiring the sponsor of an auctioneer apprentice to review records of the apprentice; amending s. 468.389, F.S.; authorizing the Florida Board of Auctioneers to impose penalties on a business that violates laws pertaining to auctions; providing an effective date.

—a companion measure, was substituted for **CS for SB 482** and read the second time by title.

On motion by Senator Baker, by two-thirds vote **CS for HB 63** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Lynn
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Villalobos
Detert	Justice	Wilson
Deutch	King	Wise
Diaz de la Portilla	Lawson	

Nays—2

Oelrich	Storms

CS for SB 858—A bill to be entitled An act relating to driver licenses; amending s. 322.08, F.S.; requiring the driver license application form to include language permitting the applicant to make a voluntary contribution to Stop Heart Disease; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 858** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for SB 926—A bill to be entitled An act relating to cemeteries; amending s. 497.260, F.S.; exempting from provisions governing cemeteries a columbarium consisting of 5 acres or less and located on the main campus of a state university; requiring a university or university direct-support organization that establishes the columbarium to ensure that it is constructed, kept, and maintained in a manner consistent with s. 497.260(2), F.S., and ch. 497, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for CS for SB 926** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Alexander	Altman
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Oelrich	
Gaetz	Peaden	

Nays—None

CS for CS for SB 1100—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; reenacting and amending s. 20.24, F.S., relating to the establishment of the department; eliminating an obsolete reference to the Bureau of Motor Vehicle Inspection; providing for the implementation of a certain litigation settlement; providing eligibility and procedures to collect a credit on new or renewal registrations; providing a funding mechanism for the credit; requiring the credit amounts to be deducted from specified moneys deposited into the General Revenue Fund; providing that the credits are contingent on court approval of a final settlement; providing for expiration; amending s. 316.126, F.S.; requiring drivers of vehicles to behave in a specified fashion when approaching emergency vehicles or wreckers; amending s. 316.2085, F.S.; revising requirements for motorcycle and moped license tags; prohibiting devices and methods that conceal or obscure the license tag; amending s. 316.2122, F.S.; authorizing mini truck operation on local roads and urban minor arterial roads with specified restrictions; amending s. 320.01, F.S.; revising the definition of "motorcycle"; defining the term "mini truck"; creating s. 320.0847, F.S.; providing for issuance of unique license plates for low-speed vehicles and mini trucks; amending s. 320.0848, F.S.; providing an exemption for certain person obtaining a disabled parking permit; amending s. 322.0261, F.S.; requiring the department to screen crash reports to identify a third crash by the same operator within a specified period after the driver's first crash; requiring a driver who is convicted of or who pleads nolo contendere to a traffic offense giving rise to three or more crashes within a specified period to attend a department-approved driver improvement course in order to maintain his or her driving privileges; providing for content of the driving course; requiring successful completion of a behind-the-wheel examination; requiring that the department cancel an operator's driver's license if the operator fails to complete the course within a specified time; amending s. 322.03, F.S.; providing for part-time residents of the state to be issued a license that is valid within this state only and continue to hold such license until the next regularly scheduled renewal; providing a termination date for "Florida only" licenses; amending s. 322.08, F.S.; prohibiting the department from issuing a driver's license or identification card to an applicant if the applicant holds a valid driver's license or identification card issued by any state; amending s. 322.125, F.S.; authorizing the department to adopt rules relating to the Medical Advisory Board; amending s. 322.271, F.S.; authorizing the department to modify a revocation, cancellation, or suspension order; providing that the department may waive the hearing process for suspensions and revocations upon request by the driver under certain circumstances; amending s. 322.64, F.S.; providing for disqualification of a driver of a commercial motor vehicle for certain violations; providing effective dates.

—was read the third time by title.

On motion by Senator Gardiner, **CS for CS for SB 1100** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Deutch
Alexander	Constantine	Diaz de la Portilla
Aronberg	Crist	Dockery
Baker	Dean	Fasano
Bennett	Detert	Gaetz

Garcia	King	Ring
Gardiner	Lawson	Siplin
Gelber	Lynn	Smith
Haridopolos	Oelrich	Sobel
Hill	Peaden	Storms
Jones	Pruitt	Villalobos
Joyner	Rich	Wilson
Justice	Richter	Wise

Nays—None

Vote after roll call:

Yea—Altman

HB 687—A bill to be entitled An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; directing the Department of Highway Safety and Motor Vehicles to include language on each application form for registration and renewal of registration permitting a contribution to Florida Sheriffs Youth Ranches, Inc.; requiring the department to transfer contributions collected each month to Florida Sheriffs Youth Ranches, Inc.; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 687** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for SB 1534—A bill to be entitled An act relating to money services businesses; amending s. 560.123, F.S.; requiring that a money services business keep records of certain transactions; amending s. 560.141, F.S.; requiring an applicant for a license as a money services business to submit an application that includes a nonrefundable fee for each branch office and for each location of an authorized vendor; amending s. 560.143, F.S.; revising terminology relating to license fees for authorized vendors; amending s. 560.2085, F.S.; conforming terminology; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Storms, **CS for SB 1534** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dean	Gelber
Alexander	Detert	Haridopolos
Altman	Deutch	Hill
Aronberg	Diaz de la Portilla	Jones
Baker	Dockery	Joyner
Bennett	Fasano	Justice
Bullard	Gaetz	King
Constantine	Garcia	Lawson
Crist	Gardiner	Lynn
Oelrich	Ring	Villalobos
Peaden	Siplin	Wilson
Pruitt	Smith	Wise
Rich	Sobel	
Richter	Storms	

Nays—None

CS for CS for SB 1640—A bill to be entitled An act relating to public accountancy; amending s. 455.217, F.S.; providing that persons regulated as public accountants by the Department of Business and Professional Regulation under ch. 473, F.S., are exempt from certain requirement; amending s. 455.271, F.S.; providing that certain licensees are not subject to specified continuing education requirements for reactivation of a license; amending s. 473.302, F.S.; revising definitions; amending s. 473.303, F.S.; specifying that members of the Board of Accountancy and probable cause panels who hold licenses must be licensed in this state; providing that past board members of probable cause panels may be reappointed for additional terms; amending s. 473.304, F.S.; conforming provisions; amending s. 473.305, F.S.; deleting provisions requiring a late filing fee; amending s. 473.308, F.S.; revising educational requirements for applicants for licensure; providing an exception to a work experience requirement for certain persons; amending s. 473.309, F.S.; conforming provisions related to licensure requirements for firms licensed in other states; amending s. 473.3101, F.S.; requiring that certain firms hold a license; providing licensure exemptions for certain firms licensed in other states; amending s. 473.311, F.S.; deleting an examination requirement for licensure renewal; amending s. 473.312, F.S.; conforming provisions; amending s. 473.313, F.S.; deleting a minimum continuing education requirement for reactivating an inactive license; requiring certain continuing education hours in ethics in order to reactivate certain licenses; conforming provisions; amending s. 473.314, F.S.; providing temporary licensure exemptions for certain persons licensed in other states; creating s. 473.3141, F.S.; providing licensure exemptions for certain persons licensed in other states; providing that disciplinary action against certain individual or firm that practices public accounting is valid only under specified conditions; amending ss. 473.316, 473.318, 473.319, 473.3205, 473.321, and 473.322, F.S.; conforming provisions; amending s. 473.323, F.S.; conforming provisions relating to disciplinary actions; providing grounds for disciplinary actions against certain persons licensed in other states; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 1640** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Hill

CS for CS for SB 2252—A bill to be entitled An act relating to professional liability claims; amending s. 624.424, F.S.; clarifying a provision requiring that the Financial Services Commission adopt rules; amending s. 627.912, F.S.; revising requirements for reporting profes-

sional liability claims and actions; providing definitions; specifying events for which certain reports are required; requiring certain absence of claims submission reports to be filed under certain circumstances; providing requirements for treatment of reopened claims; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Baker, **CS for CS for SB 2252** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR

CS for CS for SB 456—A bill to be entitled An act relating to mental illness; amending s. 394.455, F.S.; defining the term "electronic means"; amending s. 394.462, F.S.; requiring a law enforcement agency that transports persons to a receiving facility to have a memorandum of understanding with the facility; requiring that custody of a person who is transported to a receiving or treatment facility be relinquished to a responsible person at the facility; amending ss. 394.4655 and 394.467, F.S.; specifying that a psychiatric examination by certain personnel be conducted face-to-face, in person or by electronic means; providing an effective date.

—was read the second time by title.

On motion by Senator Gaetz, further consideration of **CS for CS for SB 456** was deferred.

SENATOR JUSTICE PRESIDING

On motion by Senator Fasano—

CS for CS for SB 770—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; revising provisions relating to the Department of Elderly Affairs; deleting references to the boards of area agencies on aging; designating area agencies on aging as nongovernmental not-for-profit corporations; amending s. 430.203, F.S.; extending the period of designation as a lead agency; requiring that each area agency on aging, rather than the department, develop request for proposals for a community care for the elderly lead agency; providing for the development of a dispute resolution mechanism relating to the request-for-proposal process developed by the area agencies; amending s. 430.2053, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 770** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 892** was deferred.

On motion by Senator Joyner—

CS for CS for SB 1548—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the minimum amount of value attributed to certain emergency medical equipment and law enforcement equipment for the theft to reach the threshold for a second-degree felony; increasing the minimum value attributed to certain property for the theft to reach the threshold for a third-degree felony; authorizing a law enforcement officer who has probable cause to believe that a defendant has committed retail theft to issue a notice to appear in lieu of arresting the defendant under certain circumstances; authorizing a state attorney to establish a retail-theft diversion program for the purpose of diverting defendants from criminal prosecution if the defendant meets certain criteria; providing eligibility criteria for participating in a retail-theft diversion program; requiring the state attorney to mail a notice to appear to a defendant upon referral to a diversion program; setting forth the conditions that each participant in the retail-theft diversion program must complete; providing that a defendant may be prosecuted for the retail theft if all conditions in the diversion program are not fulfilled; authorizing a state attorney to collect a fee from each participant in the program; setting a limit on the fee for each defendant; amending s. 812.015, F.S.; increasing the value attributed to property taken during the commission of retail theft to reach the threshold amount for a third-degree felony offense; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1548** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, the Senate resumed consideration of—

CS for CS for SB 456—A bill to be entitled An act relating to mental illness; amending s. 394.455, F.S.; defining the term "electronic means"; amending s. 394.462, F.S.; requiring a law enforcement agency that transports persons to a receiving facility to have a memorandum of understanding with the facility; requiring that custody of a person who is transported to a receiving or treatment facility be relinquished to a responsible person at the facility; amending ss. 394.4655 and 394.467, F.S.; specifying that a psychiatric examination by certain personnel be conducted face-to-face, in person or by electronic means; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for CS for SB 456** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 767** was withdrawn from the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Bennett, by two-thirds vote—

HB 767—A bill to be entitled An act relating to mental health and substance abuse services; creating s. 394.4612, F.S.; authorizing the Agency for Health Care Administration to license facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; providing eligibility criteria for treatment services; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 892** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 767** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 278**, **CS for CS for SB 1616** and **CS for CS for SB 2482** was deferred.

On motion by Senator Detert—

CS for CS for SB 2538—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring that each supplemental educational services provider report certain information to the Department of Education regarding services to public school students in the district by a specified date each year; requiring that the department post a uniform survey on its Internet website to be completed online by principals and school districts; requiring that the department evaluate each provider based on such information and assign a service designation; providing an exception for such designation; requiring that the department adopt rules specifying the threshold requirements for such designation; requiring that the department report the service designations to the providers, the school districts, parents, and the public by a specified date each year; authorizing school districts to use certain funds to meet the requirements in the act; requiring that the State Board of Education adopt rules; requiring that the board's rules include an internal complaint procedure; providing guidelines for such procedure; requiring that the department approve certain methods for measuring student learning gains; requiring that a provider use acceptable methods for measuring student learning gains as a condition for state approval; requiring that a provider report data on individual student learning gains to the department; providing an exception; requiring that the report contain certain information; providing an effective date.

—was read the second time by title.

Senator Detert moved the following amendment which was adopted:

Amendment 1 (610470) (with title amendment)—Delete line 78 and insert: *State Board of Education shall specify, by rule, the threshold requirements*

And the title is amended as follows:

Delete line 13 and insert: for such designation; requiring that the State Board of Education

Pursuant to Rule 4.19, **CS for CS for SB 2538** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

CS for SB 554—A bill to be entitled An act relating to the legal jurisdiction of campus police; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" to authorize state university police officers to enforce laws within a specified jurisdictional area as agreed upon in a mutual aid agreement; amending s. 316.640, F.S.; authorizing university police officers to enforce traffic violations committed within a specified distance from property under the supervision or control of the university; amending s. 1012.97, F.S.; authorizing university police officers to arrest persons for violations that occur within a specified distance from property owned or controlled by the university or a direct-support organization of the university; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 554** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

CS for CS for SB 278—A bill to be entitled An act relating to charter schools; amending ss. 11.45, 218.39, 218.50, and 218.501, F.S., relating to audit reports by the Auditor General; conforming provisions to changes made by the act; amending ss. 218.503 and 218.504, F.S.; providing that a charter technical career center is subject to certain requirements in a financial emergency; requiring that the sponsor be notified of certain conditions; providing for the development of a financial recovery plan, which may be approved by the Commissioner of Education; amending s. 1002.33, F.S.; providing for duties of a charter school sponsor and governing board if a charter school or charter technical career center experiences a deteriorating financial condition or is in a financial emergency; specifying forms to be used by a charter school applicant and sponsor; requiring applicant training and documentation; deleting requirements relating to auditing and being in a state of financial emergency; requiring charter schools to disclose the identity of relatives of charter school personnel; providing that the immediate termination of a charter is exempt from requirements for an informal hearing or for a hearing under ch. 120, F.S.; providing for the disclosure of the performance of a charter school that is not given a school grade or school improvement rating; revising the requirements for providing certain information to the public; providing reporting requirements; providing restrictions for the employment of relatives by charter school personnel; providing that members of a charter school governing board are subject to certain standards of conduct specified in ss. 112.313 and 112.3143, F.S.; amending s. 1002.34, F.S.; providing additional duties for charter technical career centers, applicants, sponsors, and governing boards; requiring the Department of Education to offer or arrange training and assistance to applicants for a charter technical career center; requiring that an applicant participate in the training; creating s. 1002.345, F.S.; establishing criteria and requirements for charter schools and charter technical career centers that have a deteriorating financial condition or are in a state of financial emergency; establishing requirements for charter schools, charter technical career centers, governing bodies, and sponsors; providing for corrective action and financial recovery plans; providing for duties of auditors, the Commissioner of Education, and the Department of Education; requiring the State Board of Education to adopt rules; providing grounds for termination or nonrenewal of a charter; providing an effective date.

—was read the second time by title.

Senator Gaetz moved the following amendments which were adopted:

Amendment 1 (628772) (with directory and title amendments)—Between lines 816 and 817 insert:

(10) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. *Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district.*

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) ~~(d)~~ District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 10 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued.

(20) SERVICES.—

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school*, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district*; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district. A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b) for all students. However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 500 students. For charter schools with a population of 501 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2). Each charter school shall receive 100 percent of the funds awarded to that school pursuant to s. 1012.225. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5-percent administrative fee withheld pursuant to this paragraph.

And the directory clause is amended as follows:

Delete line 330 and insert: subsection (9), paragraph (a) of subsection (10), present paragraph (d) of subsection (17) is redesignated as paragraph (e) and a new paragraph (d) is added to that subsection, paragraph (a) of subsection (20), and subsections (21) and (23) of section

And the title is amended as follows:

Delete line 24 and insert: hearing or for a hearing under ch. 120, F.S.; providing that good cause for allowing an interdistrict transfer includes, but is not limited to, geographic proximity to a charter school; providing for charter schools to be included in requests for federal stimulus funds and federal competitive grants; revising provisions relating to certain administrative and educational services provided by sponsors to charter schools;

Amendment 2 (303378) (with directory and title amendments)—Between lines 927 and 928 insert:

(26) ~~(24)~~ RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. *The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a charter model application form, evaluation instrument, and charter and charter renewal formats in accordance with this section.*

And the directory clause is amended as follows:

Delete line 332 and insert: of that section is redesignated as subsection (26) and amended, and new

And the title is amended as follows:

Delete line 34 and insert: 112.3143, F.S.; requiring that the State Board of Education adopt rules to implement a charter model application form, evaluation instrument, and charter and charter renewal formats; amending s. 1002.34, F.S.; providing

Amendment 3 (733110) (with directory and title amendments)—Between lines 1060 and 1061 insert:

(18) RULES.—The State Board of Education shall adopt rules, pursuant to *ss. 120.536(1) and 120.54* ~~chapter 120~~, relating to the implementation of charter technical career centers*, including rules to implement a charter model application form and an evaluation instrument in accordance with this section.*

And the directory clause is amended as follows:

Delete line 930 and insert: (f) of subsection (11), and subsections (13) and (18) of section 1002.34,

And the title is amended as follows:

Delete line 40 and insert: applicant participate in the training; requiring that the State Board of Education adopt rules to implement a charter model application form and an evaluation instrument relating to charter technical career centers; creating s.

Pursuant to Rule 4.19, **CS for CS for SB 278** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich—

CS for CS for SB 1616—A bill to be entitled An act relating to career and adult education; amending s. 20.15, F.S.; renaming the Division of Workforce Education within the Department of Education as the "Division of Career and Adult Education"; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council by replacing the chancellor of the Community College System with the Commissioner of Education; amending s. 446.045, F.S.; revising definitions; revising the membership of the State Apprenticeship Advisory Council; prohibiting members from being reimbursed for per diem and travel expenses; providing that meetings may be held via teleconference or other electronic means; amending s. 1003.4285, F.S.; providing for a standard high school diploma designation for completed industry certifications; conforming a cross-reference; conforming provisions to changes made by the act; amending s. 1003.43, F.S.; providing an exception for adult high school students regarding certain prerequisites for high school graduation; repealing s. 1003.431, F.S., relating to career education certification; amending s. 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Oelrich moved the following amendment which was adopted:

Amendment 1 (823812) (with title amendment)—Between lines 176 and 177 insert:

Section 8. *By January 15, 2010, the Office of Program Policy Analysis and Government Accountability shall submit a report on workforce education programs to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must:*

(1) Review student outcomes in workforce education degree and certificate programs offered by community colleges, school districts, and independent institutions which prepare students for occupations not included on the locally targeted occupations lists developed by Workforce Florida, Inc., or on the statewide occupational forecasting list developed by the Workforce Estimating Conference. The review must include an examination of:

(a) Successful program completion and licensure passage rates.

(b) Employment placement rates and wages earned according to industry. Such examination must:

1. Survey a statistically reliable sample of former students to determine the rates at which students became employed, and the wages earned, in the occupation for which the workforce education program prepared the student. Survey responses shall be cross-checked against available state data.

2. Consider the effect that students who became self-employed have on the employment rates determined under subparagraph 1.

3. Examine full-time, part-time, and contracted employment as compared to other professions.

4. Examine how the percentage of commission impacts total wages as compared to other professions.

5. Compare the demand rate resulting from job openings annually to the demand rate for other professions.

6. Examine program enrollment demographics by gender and ethnicity as compared to such demographics for the occupation.

(2) Examine the cost-effectiveness of state funding for the workforce education programs reviewed under subsection (1) versus the provision of state financial assistance to students for attendance at independent institutions that offer such programs. Such examination must consider the availability of tuition waivers, scholarships, and loans and the total cost to students for workforce education programs at public and independent institutions.

(3) Examine the requirements for student enrollment in the workforce education programs reviewed under subsection (1) at public and independent institutions.

(4) Review the funding model used to determine funding for school district workforce education programs and provide options for modifying the funding system which will ensure equity among districts and access to these programs for students statewide.

And the title is amended as follows:

Delete line 25 and insert: provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability review and provide a report on workforce education programs for occupations not included on specific occupation lists and on funding options; requiring that such report be submitted to the Governor and the Legislature by a specified date; providing requirements for the report; providing an

Pursuant to Rule 4.19, **CS for CS for SB 1616** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:55 a.m. to reconvene at 1:00 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:13 p.m. A quorum present— 40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

SPECIAL ORDER CALENDAR, continued

SENATOR JUSTICE PRESIDING

On motion by Senator Pruitt—

CS for CS for SB 762—A bill to be entitled An act relating to state university tuition and fees; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.24, F.S.; revising provisions relating to the use of the student financial aid fee; deleting obsolete provisions; revising provisions relating to the establishment of a tuition differential; providing requirements for the assessment and expenditure of a tuition differential; providing requirements for a university board of trustees to submit a proposal to the Board of Governors to implement a tuition differential; requiring the Board of Governors' review and approval of a proposal; requiring the Board of Governors to report specified information annually to the Legislature and the Governor; providing for application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 762** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich, by two-thirds vote **HB 7121** was withdrawn from the Committees on Higher Education; and Higher Education Appropriations.

On motion by Senator Oelrich, by two-thirds vote—

HB 7121—A bill to be entitled An act relating to postsecondary distance learning; creating s. 1004.091, F.S.; establishing the Florida Distance Learning Consortium to facilitate collaboration among public postsecondary educational institutions in the use of distance learning; providing for oversight of the consortium and administrative services; providing duties of the consortium; amending ss. 1009.23 and 1009.24, F.S.; defining a distance learning course for purposes of assessing distance learning course user fees for community college and state university students; providing requirements for the link to the Florida Higher Education Distance Learning Catalog on an institution's website; providing an effective date.

—a companion measure, was substituted for **CS for SB 844** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 7121** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich—

CS for SB 2096—A bill to be entitled An act relating to nonpublic postsecondary educational institutions; amending s. 1005.32, F.S.; revising the criteria for licensure by means of accreditation for an independent postsecondary educational institution; requiring that, in order to maintain its license, an institution file a report with the Commission for Independent Education which includes the results of a site visit performed by an accrediting agency; requiring that each institution request such site visits; authorizing the commission to request a site visit performed by an accrediting agency; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2096** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

CS for CS for SB 2682—A bill to be entitled An act relating to the Florida College System; amending s. 20.15, F.S.; renaming the Division of Community Colleges as the Division of Florida Colleges; amending s. 1000.21, F.S.; defining the terms "Florida college" and "community college"; specifying the counties served by each Florida college; renaming

specified Florida colleges; amending s. 1001.60, F.S.; providing that the Florida College System consists of specified Florida colleges; authorizing a Florida college to change the institution's name to include "college" or "state college" under specified circumstances; requiring the district board of trustees to seek statutory codification of name changes; conforming provisions to changes made by the act; amending s. 1004.65, F.S.; providing that each Florida college shall be governed by a district board of trustees; defining a Florida college district; providing that the open-door admission policy of Florida colleges applies to lower-division programs; providing that the primary mission of Florida colleges includes the provision of upper-level instruction and baccalaureate degrees as authorized by law; conforming provisions to changes made by the act; repealing s. 1004.73, F.S., relating to St. Petersburg College; repealing s. 1004.875, F.S., relating to the State College Pilot Project; amending s. 1007.23, F.S.; providing that associate in arts graduates of Florida colleges must be granted admission to the upper division of a Florida college and shall receive priority for such admission over out-of-state students; requiring specified publications of Florida colleges and state universities to include certain information; conforming provisions to changes made by the act; amending s. 1007.33, F.S.; providing a definition for the term "district"; providing that Florida colleges may offer specified baccalaureate degree programs through agreements with regionally accredited postsecondary educational institutions; authorizing Florida colleges to offer baccalaureate degree programs authorized by law prior to the act's effective date; requiring State Board of Education approval for baccalaureate degree programs proposed by a Florida college after the act's effective date; specifying the purposes for which a baccalaureate degree program may be proposed; providing an exemption from the requirement for State Board of Education approval for specified baccalaureate degree programs offered by St. Petersburg College; authorizing the Division of Florida Colleges to accept and review applications from Florida colleges to obtain an exemption from the requirement for State Board of Education approval if certain conditions are met; providing eligibility criteria for such exemption; requiring that the division recommend an institution for exemption to the board; requiring that the board review such recommendation for approval or disapproval; requiring that all Florida Colleges engage in need, demand, and impact discussions; requiring that documentation, data, and other information be provided to certain educational entities; providing for a compliance review of approved baccalaureate degree programs; specifying the approval process for baccalaureate degree programs; specifying contents of a proposal for a baccalaureate degree program; specifying requirements for Florida colleges offering baccalaureate degree programs; requiring that the State Board of Education adopt specified rules; conforming provisions to changes made by the act; amending ss. 120.65, 288.8175, 1004.70, 1004.87, and 1009.23, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (908452)—Delete lines 103-104 and insert:

(g) Florida *State* ~~Community~~ College at Jacksonville*, which serves Duval and Nassau Counties*.

Senator Detert moved the following amendment which was adopted:

Amendment 2 (728160)—Delete lines 117-118 and insert:

(n) *State College of Florida, Manatee-Sarasota, which serves Manatee and Sarasota Counties* ~~Manatee Community College~~.

Senator Justice offered the following amendment which was moved by Senator Pruitt and adopted:

Amendment 3 (292452)—Delete line 399 and insert: *inform the program approval process. Employment at St. Petersburg College is governed by the same laws that govern community colleges, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching. Employee records for all personnel shall be maintained as required by s. 1012.81.*

Senator Pruitt moved the following amendments which were adopted:

Amendment 4 (243324)—Delete lines 478-485 and insert:

(f) The Florida college to obtain from the Commission on Colleges of the Southern Association of Colleges and Schools accreditation as a baccalaureate-degree-granting institution if approved by the State Board of Education to offer its first baccalaureate degree program.

(g) The Florida college to notify the Commission on Colleges of the Southern Association of Colleges and Schools of subsequent degree programs that are approved by the State Board of Education and to comply with the association's required substantive change protocols for accreditation purposes.

Amendment 5 (776014)—Delete line 563 and insert: *proposals under subsection (5).*

Senator King offered the following amendment which was moved by Senator Pruitt and adopted:

Amendment 6 (739412) (with directory and title amendments)—Between lines 587 and 588 insert:

(i) Florida-West Africa Institute (Florida Agricultural and Mechanical University, University of North Florida, and Florida *State* ~~Community~~ College at Jacksonville).

Section 10. Subsection (1) of section 1001.61, Florida Statutes, is amended to read:

1001.61 Community college boards of trustees; membership.—

(1) Community college boards of trustees shall be comprised of five members when a community college district is confined to one school board district; seven members when a community college district is confined to one school board district and the board of trustees so elects; and not more than nine members when the district contains two or more school board districts, as provided by rules of the State Board of Education. However, Florida *State* ~~Community~~ College at Jacksonville shall have an odd number of trustees.

And the directory clause is amended as follows:

Delete lines 581-582 and insert:

Section 9. Paragraphs (c) and (i) of subsection (5) of section 288.8175, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 71 and insert: by the act; amending ss.120.65, 288.8175, 1001.61, 1004.70,

Pursuant to Rule 4.19, **CS for CS for SB 2682** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for CS for CS for SB 462—A bill to be entitled An act relating to prescription drugs; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic database system to monitor the prescribing and dispensing of certain controlled substances; requiring specified prescribing and dispensing information to be reported to the electronic database system; requiring the department to establish policies and procedures for the system; requiring the department, in consultation with the Office of Drug Control and specified organizations, to adopt by rules appropriate for the prescription drug monitoring program; providing reporting requirements; providing a reporting period; providing exemptions from participation in the system; authorizing the department to establish when to suspend and when to resume reporting requirements during declared emergencies; requiring all nonexempt, dispensing pharmacists and practitioners to submit information in a specified format; providing that the cost to the dispenser in submitting the required information may not be material or extraordinary; specifying costs that are not material or extraordinary; providing access to information reported to the system under certain circumstances; providing that information in the database for the electronic prescription drug monitoring system is not discoverable or admissible in any civil or administrative action; providing exceptions; providing for the use of data for specified purposes;

providing requirements for verification of information requested; requiring data transmission to comply with state and federal privacy and security laws; authorizing an agency or person to maintain the data for a specified period if the data is pertinent to active health care or law enforcement investigation or prosecution; requiring the annual reporting of certain performance measures to the Governor and Legislature; providing performance measure criteria; providing criminal penalties for violations; requiring that all costs incurred by the department for the program be funded through federal grants or available private funding sources; providing requirements for seeking funding and procuring goods or services; authorizing the Office of Drug Control, in coordination with the department, to establish a direct-support organization; providing a definition; providing for a board of directors appointed by the director of the office; requiring the director to provide guidance to the board regarding acceptance of moneys from appropriate sources; requiring the direct-support organization to operate under written contract with the office; providing contract requirements; providing requirements for the direct-support organization's collecting, expending, and providing of funds; requiring department approval of activities of the direct-support organization; authorizing the office to adopt rules for the use of certain facilities and services; providing for audits; prohibiting the direct-support organization from exercising certain powers; establishing that a prescriber or dispenser is not liable for good faith use of the department-provided controlled substance prescription information of a patient; requiring the department, in collaboration with the office, to study the feasibility of enhancing the prescription drug monitoring program for specified purposes to the extent that funding is provided for such purpose; requiring certain persons to present specified identification in order to obtain controlled substances; providing for recordkeeping for certain transactions; requiring the Agency for Health Care Administration to continue the promotion of electronic prescribing and an electronic prescribing clearinghouse; requiring the department to adopt rules; establishing a Program Implementation and Oversight Task Force; providing for membership; providing for reimbursement of certain member expenses; providing for meetings; providing the purpose of the task force; requiring reports to the Governor and Legislature; providing for the creation, membership, and duties of subcommittees; authorizing the direct-support organization to collect, expend, and provide funds and other assistance to the department; providing for a final report and the termination of the task force; amending ss. 458.309 and 459.005, F.S.; requiring certain physicians who engage in pain management to register their clinics with the department by a specified date; prohibiting certain physicians from practicing in a pain-management clinic that has not registered with the department; requiring the department to inspect each facility; providing for exceptions; requiring the physician seeking to register the clinic to pay the costs of registration and inspection or accreditation; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt rules setting forth standards of practice for certain physicians who engage in pain management; providing criteria for the rules; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendments which were adopted:

Amendment 1 (734344)—Delete line 266 and insert:

(b) The department, when the direct support organization receives at least $20,000 in nonstate moneys or the state receives at least $20,000 in federal grants for the

Amendment 2 (160682)—Delete line 331 and insert:

(5) When the following acts of dispensing or administering occur, the following are exempt from reporting under this section for that specific act of dispensing or administration:

Amendment 3 (716074) (with directory and title amendments)—Between lines 828-829 and insert:

(6) A privately owned clinic, facility, or office that advertises in any medium for any type of pain-management services or employs one or more physicians who are primarily engaged in the treatment of pain by prescribing or dispensing controlled substances is exempt from the registration provisions in subsection (4) if the majority of the physicians who provide services in the clinic, facility, or office primarily provide surgical services.

And the directory clause is amended as follows:

Delete lines 773-774 and insert:

Section 3. Subsections (4), (5), and (6) are added to section 458.309, Florida Statutes, to read:

And the title is amended as follows:

Delete line 89 and insert: with the department by a specified date; providing an exception; prohibiting

Amendment 4 (530824) (with directory and title amendments)—Between lines 885 and 886 insert:

(5) A privately owned clinic, facility, or office that advertises in any medium for any type of pain-management services or employs one or more physicians who are primarily engaged in the treatment of pain by prescribing or dispensing controlled substances is exempt from the registration provisions in subsection (3) if the majority of the physicians who provide services in the clinic, facility, or office primarily provide surgical services.

And the directory clause is amended as follows:

Delete lines 829-830 and insert:

Section 4. Subsections (3), (4), and (5) are added to section 459.005, Florida Statutes, to read:

And the title is amended as follows:

Delete line 89 and insert: with the department by a specified date; providing an exception; prohibiting

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 462** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for SB 1570** was withdrawn from the Committee on Finance and Tax; **CS for SB 616**, **CS for SB 1024**, **SB 2080**, and **CS for CS for SB 2326** were withdrawn from the Committee on General Government Appropriations; **CS for SB 2240** and **CS for CS for SB 2658** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for CS for SB 206**, **CS for CS for SB 362**, **CS for CS for SB 918**, **CS for CS for SB 942**, **CS for SB 1122**, **CS for CS for SB 1560**, **CS for SB 1580**, and **CS for SB 2036** were withdrawn from the Policy and Steering Committee on Ways and Means; **CS for SB 2016** was withdrawn from the Committee on Communications, Energy, and Public Utilities; **SB 2416** was withdrawn from the Committee on Community Affairs; **CS for SB 2606** was withdrawn from the Committee on Environmental Preservation and Conservation; and **SB 1066** and **SB 1574** were withdrawn from the Committee on Rules.

On motion by Senator Pruitt, by two-thirds vote **SB 644** was withdrawn from the Committee on Higher Education.

MOTION

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Special Order Calendar Group was granted permission to meet 15 minutes upon announcement this day.

RECESS

On motion by Senator Villalobos, the Senate recessed at 1:50 p.m. to reconvene at 4:15 p.m. or 15 minutes upon recess of the Policy and Steering Committee on Ways and Means.

CALL TO ORDER

The Senate was called to order by President Atwater at 4:23 p.m. A quorum present— 40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Deutch—

SB 902—A bill to be entitled An act relating to the Florida Public Health Foundation, Inc.; amending ss. 381.855, 381.911, and 381.912, F.S.; conforming terminology to changes made by the act; amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; modifying the purpose of the institute; deleting the mission of the institute; revising the membership of the board of directors and the term of membership; deleting the duties of the institute to facilitate communication between biomedical researchers and health care providers, to provide an annual report of its finances, and to provide an annual report of its activities to the Governor and the Florida Center for Universal Research to Eradicate Disease; amending s. 381.981, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment which was adopted:

Amendment 1 (137876) (with title amendment)—Between lines 283 and 284 insert:

Section 6. Paragraph (t) of subsection (2) of section 499.01, Florida Statutes, is amended to read:

499.01 Permits.—

(2) The following permits are established:

(t) *Health care clinic establishment permit.*—Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location owned and operated by a professional corporation or professional limited liability company described in chapter 621, or a corporation that employs a veterinarian as a qualifying practitioner. For the purpose of this paragraph, the term "qualifying practitioner" means a licensed health care practitioner defined in s. 456.001 or a veterinarian licensed under chapter 474, who is authorized under the appropriate practice act to prescribe and administer a prescription drug.

1. An establishment must provide, as part of the application required under s. 499.012, designation of a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. In addition, the designated qualifying practitioner shall be the practitioner whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment. Upon initial appointment of a qualifying practitioner, the qualifying practitioner and the health care clinic establishment shall notify the department on a form furnished by the department within 10 days after such employment. In addition, the qualifying practitioner and health care clinic establishment shall notify the department within 10 days after any subsequent change.

2. The health care clinic establishment must employ a qualifying practitioner at each establishment.

3. In addition to the remedies and penalties provided in this part, a violation of this chapter by the health care clinic establishment or qualifying practitioner constitutes grounds for discipline of the qualifying practitioner by the appropriate regulatory board.

4. The purchase of prescription drugs by the health care clinic establishment is prohibited during any period of time when the establishment does not comply with this paragraph.

5. A health care clinic establishment permit is not a pharmacy permit or otherwise subject to chapter 465. A health care clinic establishment that meets the criteria of a modified Class II institutional pharmacy under s. 465.019 is not eligible to be permitted under this paragraph.

6. A business entity governed by s. 466.0285 may pay for prescription drugs obtained by a practitioner licensed under chapter 466, and the licensed practitioner is deemed the purchaser and owner of the prescription drugs.

7. ~~6.~~ This paragraph does not prohibit a qualifying practitioner from purchasing prescription drugs.

And the title is amended as follows:

Delete lines 2-18 and insert: An act relating to public health; amending ss. 381.855, 381.911, and 381.912, F.S.; conforming terminology to changes made by the act; amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; modifying the purpose of the institute; deleting the mission of the institute; revising the membership of the board of directors and the term of membership; deleting the duties of the institute to facilitate communication between biomedical researchers and health care providers, to provide an annual report of its finances, and to provide an annual report of its activities to the Governor and the Florida Center for Universal Research to Eradicate Disease; amending s. 381.981, F.S.; conforming terminology to changes made by the act; amending s. 499.01, F.S.; revising the criteria for health care clinic establishment permits; providing an effective date.

Pursuant to Rule 4.19, **SB 902** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 948—A bill to be entitled An act relating to emergency medical services; amending s. 401.2701, F.S.; revising requirements for the field internship experience in paramedic programs; authorizing the Department of Health to adopt rules; amending s. 401.281, F.S.; revising the documented requirements for a driver of an emergency vehicle; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 948** was placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner—

SB 1050—An act relating to Medicaid; requiring the Agency for Health Care Administration to report to the Governor and the Legislature regarding Medicaid's refusal to provide reimbursement for preventable medical errors; requiring the agency to identify preventable medical errors that are not reimbursed by Medicaid programs in other states, the Medicare program, and private insurers and recommend to the Governor and the Legislature an expanded list of preventable medical errors for which the Medicaid program may refuse reimbursement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1050** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 1144—A bill to be entitled An act relating to manufacturers and purchasers of prescription drugs; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; amending s. 499.003, F.S.; defining new terms and redefining terms related to the Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; authorizing a prescription drug manufacturer's distributor permit and revising the requirements related to certain other permits; conforming a cross-reference; amending s. 499.012, F.S.; restricting issuance of a permit for a prescription drug manufacturer's distributor at certain addresses; amending s. 499.0121, F.S.; eliminating cross-references to defined terms and clarifying a recordkeeping requirement related to pedigree papers; amending s. 499.01211, F.S.; eliminating cross-references for certain defined terms; amending s. 499.01212, F.S.; revising requirements for a pedigree paper; amending s. 499.03, F.S.; eliminating cross-references for certain defined terms; amending s. 499.041, F.S.; establishing a fee for the prescription drug manufacturer's distributor permit; authorizing the Department of Health to retain a specified monetary amount as a fee if an application submitted under the Florida Drug and Cosmetic Act is withdrawn or becomes void; amending ss. 499.05 and 794.075, F.S.; conforming cross-references; authorizing certain statements to be used on certain pedigree papers until a specified date; providing an appropriation and authorizing additional positions; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendments to be considered:

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (312402) (with title amendment)—Delete lines 936-1262 and insert:

Section 6. Paragraph (e) of subsection (6) of section 499.0121, Florida Statutes, is amended to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.—The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(6) RECORDKEEPING.—The department shall adopt rules that require keeping such records of prescription drugs as are necessary for the protection of the public health.

(e) *When pedigree papers are required by this part,* a wholesale distributor must maintain *the* pedigree papers separate and distinct from other records required under this *part* ~~chapter~~.

Section 7. Paragraph (b) of subsection (2) of section 499.01212, Florida Statutes, is amended to read:

499.01212 Pedigree paper.—

(2) FORMAT.—A pedigree paper must contain the following information:

(b) For all other wholesale distributions of prescription drugs:

1. The quantity, dosage form, and strength of the prescription drugs.

2. The lot numbers of the prescription drugs.

3. The name and address of each owner of the prescription drug and his or her signature.

4. Shipping information, including the name and address of each person certifying delivery or receipt of the prescription drug.

5. An invoice number, a shipping document number, or another number uniquely identifying the transaction.

6. A certification that the recipient wholesale distributor has authenticated the pedigree papers.

7. The unique serialization of the prescription drug, if the manufacturer or repackager has uniquely serialized the individual prescription drug unit.

8. The name, address, telephone number, and, if available, e-mail contact information of each wholesale distributor involved in the chain of the prescription drug's custody.

When an affiliated group member obtains title to a prescription drug before distributing the prescription drug as the manufacturer under s. 499.003(31)(e), information regarding the distribution between those affiliated group members may be omitted from a pedigree paper required under this paragraph for subsequent distributions of that prescription drug.

And the title is amended as follows:

Delete lines 14-30 and insert: clarifying that a wholesale distributor is required to maintain pedigree papers separately from other records of prescription drugs under certain circumstances; amending s. 499.01212, F.S.; revising requirements for a pedigree paper;

Amendment 2 (242696) (with title amendment)—Delete lines 35-935 and insert:

Section 1. Subsection (31) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(31) "Manufacturer" means:

(a) A person who prepares, derives, manufactures, or produces a drug, device, or cosmetic*;* ~~.~~

(b) The holder or holders of a New Drug Application (NDA), an Abbreviated New Drug Application (ANDA), a Biologics License Application (BLA), or a New Animal Drug Application (NADA), provided such application has become effective or is otherwise approved consistent with s. 499.023;

(c) A private label distributor for whom the private label distributor's prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged; ~~or the distribution point for the manufacturer, contract manufacturer, or private label distributor whether the establishment is a member of the manufacturer's affiliated group or is a contract distribution site.~~

(d) A person registered under the federal act as a manufacturer of a prescription drug, who is described in paragraph (a), paragraph (b), or paragraph (c), who has entered into a written agreement with another prescription drug manufacturer that authorizes either manufacturer to distribute the prescription drug identified in the agreement as the manufacturer of that drug consistent with the federal act and its implementing regulations;

(e) A member of an affiliated group that includes, but is not limited to, persons described in paragraph (a), paragraph (b), paragraph (c), or paragraph (d), which member distributes prescription drugs, whether or not obtaining title to the drugs, only for the manufacturer of the drugs who is also a member of the affiliated group. As used in this paragraph, the term "affiliated group" means an affiliated group as defined in s. 1504 of the Internal Revenue Code of 1986, as amended. The manufacturer must disclose the names of all of its affiliated group members to the department; or

(f) A person permitted as a third party logistics provider, only while providing warehousing, distribution, or other logistics services on behalf of a person described in paragraph (a), paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

The term *does not include a pharmacy* ~~excludes pharmacies~~ that *is* ~~are~~ operating in compliance with pharmacy practice standards as defined in chapter 465 and rules adopted under that chapter.

Section 2. Paragraphs (a), (c), and (t) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(a) *Prescription drug manufacturer permit.*—A prescription drug manufacturer permit is required for any person that *is a manufacturer of* ~~manufactures~~ a prescription drug *and that manufactures or distributes such prescription drugs* in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in wholesale distribution of prescription drugs manufactured at that establishment and must comply with all *of* the provisions of this part*, except s. 499.01212,* and the rules adopted under this part*, except s. 499.01212,* that apply to a wholesale distributor.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

(c) *Nonresident prescription drug manufacturer permit.*—A nonresident prescription drug manufacturer permit is required for any person that is a manufacturer of prescription drugs, ~~or the distribution point for a manufacturer of prescription drugs~~ unless permitted as a third party logistics provider, ~~and~~ located outside of this state~~,~~ or ~~that is an entity to whom an approved new drug application has been issued by the United States Food and Drug Administration, or the contracted manufacturer of the approved new drug application holder, and located~~ outside the United States *and that*~~, which~~ engages in the wholesale distribution in this state of *such* ~~the~~ prescription drugs ~~it manufactures or is responsible for manufacturing~~. Each such manufacturer ~~or entity~~ must be permitted by the department and comply with all *of* the provisions required of a wholesale distributor under this part, except s. 499.01212.

1. A person that distributes prescription drugs *for which the person is not the manufacturer* ~~that it did not manufacture~~ must also obtain an out-of-state prescription drug wholesale distributor permit *or third party logistics provider permit* pursuant to this section to engage in the wholesale distribution of *such* ~~the~~ prescription drugs ~~manufactured by another person and comply with the requirements of an out-of-state prescription drug wholesale distributor~~. *This subparagraph does not apply to a manufacturer as defined in s. 499.003(31)(e).*

2. Any such person must comply with the licensing or permitting requirements of the jurisdiction in which the establishment is located and the federal act, and any product wholesaled into this state must comply with this part. If a person intends to import prescription drugs from a foreign country into this state, the nonresident prescription drug manufacturer must provide to the department a list identifying each prescription drug it intends to import and document approval by the United States Food and Drug Administration for such importation.

3. A nonresident prescription drug manufacturer permit is not required for a manufacturer to distribute a prescription drug active pharmaceutical ingredient that it manufactures to a prescription drug manufacturer permitted in this state in limited quantities intended for research and development and not for resale, or human use other than lawful clinical trials and biostudies authorized and regulated by federal law. A manufacturer claiming to be exempt from the permit requirements of this subparagraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212. The prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall maintain on file a record of the FDA registration number; the out-of-state license, permit, or registration number; and, if available, a copy of the most current FDA inspection report, for all manufacturers from whom they purchase active pharmaceutical ingredients under this section. The department shall specify by rule the allowable number of transactions within a given period of time and the amount of active pharmaceutical ingredients that qualify as limited quantities for purposes of this exemption. The failure to comply with the requirements of this subparagraph, or rules adopted by the department to administer this subparagraph, for the purchase of prescription drug active pharmaceutical ingredients is a violation of s. 499.005(14).

(t) *Health care clinic establishment permit.*—Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location *that provides health care or veterinary services, which is* owned and operated by a *business entity that has been issued a federal employer tax identification number* ~~professional corporation or professional limited liability company described in chapter 621, or a corporation that employs a veterinarian as a qualifying practitioner~~. For the purpose of this paragraph, the term "qualifying practitioner" means a licensed health care practitioner defined in s. 456.001*,* or a veterinarian licensed under chapter 474, who is authorized under the appropriate practice act to prescribe and administer a prescription drug.

1. An establishment must provide, as part of the application required under s. 499.012, designation of a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. In addition, the designated qualifying practitioner shall be the practitioner whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment. Upon initial appointment of a qualifying practitioner, the qualifying practitioner and the health care clinic establishment shall notify the department on a form furnished by the department within 10 days after such employment. In addition, the qualifying practitioner and health care clinic establishment shall notify the department within 10 days after any subsequent change.

2. The health care clinic establishment must employ a qualifying practitioner at each establishment.

3. In addition to the remedies and penalties provided in this part, a violation of this chapter by the health care clinic establishment or qualifying practitioner constitutes grounds for discipline of the qualifying practitioner by the appropriate regulatory board.

4. The purchase of prescription drugs by the health care clinic establishment is prohibited during any period of time when the establishment does not comply with this paragraph.

5. A health care clinic establishment permit is not a pharmacy permit or otherwise subject to chapter 465. A health care clinic establishment that meets the criteria of a modified Class II institutional pharmacy under s. 465.019 is not eligible to be permitted under this paragraph.

6. This paragraph does not *apply to the purchase of a prescription drug by* ~~prohibit~~ a *licensed* ~~qualifying~~ practitioner *under his or her license* ~~from purchasing prescription drugs~~.

And the title is amended as follows:

Delete lines 2-13 and insert: An act relating to prescription drugs; amending s. 499.003, F.S.; revising the definition of the term "manufacturer" for purposes of the Florida Drug and Cosmetic Act; requiring certain manufacturers to disclose the names of affiliated group members to the Department of Health; amending s. 499.01, F.S.; revising requirements for a prescription drug manufacturer permit, nonresident prescription drug manufacturer permit, and health care clinic establishment permit; amending s. 499.0121, F.S.;

Pursuant to Rule 4.19, **CS for CS for SB 1144** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **HB 7077** was withdrawn from the Committee on Health and Human Services Appropriations.

On motion by Senator Peaden—

HB 7077—A bill to be entitled An act relating to trust funds; amending s. 20.425, F.S.; providing an additional source of funds for the Grants and Donations Trust Fund within the Agency for Health Care Administration; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising the date of reversion of undisbursed balances in the fund; amending s. 400.179, F.S.; requiring that a leasehold licensee fee be deposited into the Grants and Donations Trust Fund of the agency; amending s. 409.916, F.S.; requiring that funds from nursing home facility quality assessments, certain grants and donations, and leasehold licensee fees be deposited into the Grant and Donations Trust Fund of the agency; amending ss. 893.165 and 938.23, F.S.; requiring that certain assessments for alcohol and drug abuse treatment programs collected by clerks of the circuit courts be deposited into the Grants and Donations Trust Fund of the Department of Children and Family Services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1346** and read the second time by title.

Pursuant to Rule 4.19, **HB 7077** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 1592—A bill to be entitled An act relating to nurse registries and companion-homemaker organizations; creating s. 400.510, F.S.; requiring nurse registries and organizations that provide companion or homemaker services to provide notice to patients or clients; specifying the contents of the notice; requiring the notice to be kept for a specified number of years; providing an exception; requiring the Agency for Health Care Administration to develop a form for the notice; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1592** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber—

SB 1628—An act relating to long-term care services; amending s. 430.707, F.S.; requiring the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to accept and forward to the Centers for Medicare and Medicaid Services an application for expansion of a pilot project from an entity that provides certain benefits under a federal program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1628** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 1868—A bill to be entitled An act relating to prescribed drugs; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; amending s. 893.04, F.S.; authorizing a pharmacist to dispense a controlled substance and require photographic identification without documenting certain information; authorizing a pharmacist to dispense a controlled substance without verification of certain information by the prescriber under certain circumstances; providing an effective date.

—was read the second time by title.

Senators Sobel and Haridopolos offered the following amendment which was moved by Senator Sobel and adopted:

Amendment 1 (585012)—Delete lines 68-75 and insert:

(e) Provide a mechanism to obtain consent from the prescriber prior to dispensing any substitution of drugs by using a method of communication designated by the prescriber on the prescription for such purposes. The method of communication designated by the prescriber shall be noted in the patient's chart.

Pursuant to Rule 4.19, **CS for CS for SB 1868** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 6:00 p.m.

SENATOR JUSTICE PRESIDING

On motion by Senator Gaetz—

SB 1896—An act relating to the Florida Patient Safety Corporation; repealing s. 381.0271, F.S., relating to the Florida Patient Safety Corporation; repealing s. 381.0273, F.S., relating to a public-records exemption for patient safety data or other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors, with certain exceptions, and relating to a public-meetings exemption for portions of meetings held by the corporation or its subsidiaries, advisory committees, or contractors during which information that is confidential and exempt from disclosure is discussed; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1896** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1986** was deferred.

On motion by Senator Crist—

CS for SB 412—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; deleting a prohibition on additional fees for certain documents; exempting the state and its agencies from increased fees or additional fees required for alias and pluries; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S.; providing for the selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or lienholder, or the debtor's or lienholder's attorney of record, a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose, unless an affidavit discloses that the property is subject to a re-

corded mortgage, financing statement, tax warrant, or other lien that is junior in priority to the judgment lien; requiring a levying creditor to deliver the affidavit to the sheriff at the time of the levy request setting forth certain information and attestations; requiring certain information to be contained in the certified copy of recordation of lien; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of the court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of the court before attempting service; authorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; authorizing a law enforcement officer to arrest a person suspected of violating a condition of pretrial release if the original arrest was for an act of dating violence; amending s. 901.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 412** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 599** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Aronberg—

CS for HB 599—A bill to be entitled An act relating to administration of estates; amending s. 731.201, F.S.; revising definitions; amending s. 732.108, F.S.; providing for nonapplication of certain limitations of actions provisions to certain paternity determinations; amending s. 732.2025, F.S.; revising a definition; amending s. 732.2045, F.S.; expanding an exclusion from application of certain provisions of law; amending s. 732.2075, F.S.; revising provisions for satisfaction of an elective share; providing additional requirements; amending s. 732.2085, F.S.; correcting a cross-reference; amending s. 732.2135, F.S.; revising criteria for time of an election; providing for award of attorney fees and costs for elections made in bad faith; amending s. 732.402, F.S.; revising criteria for certain household items, motor vehicles, and tuition programs as exempt property; amending s. 733.201, F.S.; revising a criterion for proof of wills to conform; amending s. 733.504, F.S.; revising a criterion for removal of a personal representative to conform; amending s. 733.602, F.S.; removing a cross-reference; amending s. 735.203, F.S.; revising requirements for a petition for summary administration; amending s. 739.102, F.S.; revising a definition; amending s. 739.104, F.S.; excluding from court approval certain disclaimers of interests in property; amending s. 739.201, F.S.; providing an additional rule applicable to disclaimers of interests in property ;amending s. 739.207, F.S.; limiting a criterion for effectiveness of a disclaimer of power held in a fiduciary capacity; amending s. 739.402, F.S.; correcting terminology; amending s. 739.501, F.S.; preserving application of certain provisions to effectiveness of certain disclaimers or transfers; amending ss. 660.417, 736.0802, and 895.02, F.S.; correcting cross-references to conform; providing an effective date.

—a companion measure, was substituted for **SB 1396** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 599** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1552—A bill to be entitled An act relating to lis pendens; amending s. 48.23, F.S.; permitting property to be sold exempt from claims asserted in an action when the lis pendens has expired or been withdrawn or discharged; requiring a notice of lis pendens to include the date of the action or the case number of the action; extending the time in which the holder of an unrecorded interest or lien may intervene in a pending action; providing for the control and discharge of a lis pendens that no longer affects the property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1552** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber, by two-thirds vote **CS for HB 965** was withdrawn from the Committees on Judiciary; and Banking and Insurance.

On motion by Senator Gelber—

CS for HB 965—A bill to be entitled An act relating to trust administration; amending s. 736.0103, F.S.; revising a definition to exclude certain interests as beneficial interests; providing construction; amending s. 736.0105, F.S.; providing an additional limitation on terms of a trust prevailing over provisions of the Florida Trust Code; amending s. 736.0302, F.S.; revising representation authority for holders of a power of appointment; providing a definition; amending s. 736.0306, F.S.; authorizing trust instruments to authorize certain persons to designate one or more persons to represent and bind a beneficiary and receive certain information; amending s. 736.0703, F.S.; authorizing a cotrustee to delegate investment decisions to a cotrustee; revising provisions for absence of liability of excluded trustees under certain circumstances; amending s. 736.0807, F.S.; providing that a cotrustee who has delegated investment functions is not liable for investment decisions; amending s. 736.1106, F.S.; revising a definition applicable to antilapse of a trust distribution; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1958** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 965** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 68** was deferred.

On motion by Senator Bullard—

CS for SB 110—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; expanding the definition of the term "blighted area" to include land previously used as a military facility; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 110** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for CS for SB 148—A bill to be entitled An act relating to mangrove protection; amending s. 403.121, F.S.; expanding the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9325, F.S.; revising the definition of "riparian mangrove fringe"; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited natural islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 148** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

CS for CS for CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring the Agency for Health Care Administration to use specified documents from a provider's records to calculate an overpayment by the Medicaid program; prohibiting a provider from using certain documents or data as evidence when challenging a claim of overpayment by the Agency for Health Care Administration; providing an exception; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permitee for certain misconduct by the permitee, or persons affiliated with the permitee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191; F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be

accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium"; amending s. 651.118, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Senator Gaetz moved the following amendment:

Amendment 1 (868070) (with directory and title amendments)—Delete lines 411-715 and insert: *interest has been administratively sanctioned by the agency during the two years prior to the submission of the licensure renewal application for one or more of the following acts:*

(a) An intentional or negligent act that materially affects the health or safety of a client of the provider;

(b) Knowingly providing home health services in an unlicensed assisted living facility or unlicensed adult family-care home, unless the home health agency or employee reports the unlicensed facility or home to the agency within 72 hours after providing the services;

(c) Preparing or maintaining fraudulent patient records, such as, but not limited to, charting ahead, recording vital signs or symptoms which were not personally obtained or observed by the home health agency's staff at the time indicated, borrowing patients or patient records from other home health agencies to pass a survey or inspection, or falsifying signatures;

(d) Failing to provide at least one service directly to a patient for a period of 60 days;

(e) Demonstrating a pattern of falsifying documents relating to the training of home health aides or certified nursing assistants or demonstrating a pattern of falsifying health statements for staff who provide direct care to patients. A pattern may be demonstrated by a showing of at least three fraudulent entries or documents;

(f) Demonstrating a pattern of billing any payor for services not provided. A pattern may be demonstrated by a showing of at least three billings for services not provided within a 12-month period;

(g) Demonstrating a pattern of failing to provide a service specified in the home health agency's written agreement with a patient or the patient's legal representative, or the plan of care for that patient, unless a reduction in service is mandated by Medicare, Medicaid, or a state program or as provided in s. 400.492(3). A pattern may be demonstrated by a showing of at least three incidents, regardless of the patient or service, in which the home health agency did not provide a service specified in a written agreement or plan of care during a 3-month period;

(h) Giving remuneration to a case manager, discharge planner, facility-based staff member, or third-party vendor who is involved in the discharge planning process of a facility licensed under chapter 395, chapter 429, or this chapter from whom the home health agency receives referrals or gives remuneration as prohibited in s. 400.474(6)(a);

(i) Giving cash, or its equivalent, to a Medicare or Medicaid beneficiary;

(j) Demonstrating a pattern of billing the Medicaid program for services to Medicaid recipients which are medically unnecessary as determined by a final order. A pattern may be demonstrated by a showing of at least two such medically unnecessary services within one Medicaid program integrity audit period;

(k) Providing services to residents in an assisted living facility for which the home health agency does not receive fair market value remuneration; or

(l) Providing staffing to an assisted living facility for which the home health agency does not receive fair market value remuneration.

(11) The agency may not issue an initial or change of ownership license to a home health agency under part III of chapter 400 or this part for the purpose of opening a new home health agency until July 1, 2010, in any county that has at least one actively licensed home health agency and a population of persons 65 years of age or older, as indicated in the most recent population estimates published by the Executive Office of the Governor, of fewer than 1,200 per home health agency. In such counties, for any application received by the agency prior to July 1, 2009, which has been deemed by the agency to be complete except for proof of accreditation, the agency may issue an initial or a change of ownership license only if the applicant has applied for accreditation before May 1, 2009, from an accrediting organization that is recognized by the agency.

Section 5. Subsection (6) of section 400.474, Florida Statutes, is amended to read:

400.474 Administrative penalties.—

(6) The agency may deny, revoke, or suspend the license of a home health agency and shall impose a fine of $5,000 against a home health agency that:

(a) Gives remuneration for staffing services to:

1. Another home health agency with which it has formal or informal patient-referral transactions or arrangements; or

2. A health services pool with which it has formal or informal patient-referral transactions or arrangements,

unless the home health agency has activated its comprehensive emergency management plan in accordance with s. 400.492. This paragraph does not apply to a Medicare-certified home health agency that provides fair market value remuneration for staffing services to a non-Medicare-certified home health agency that is part of a continuing care facility licensed under chapter 651 for providing services to its own residents if each resident receiving home health services pursuant to this arrangement attests in writing that he or she made a decision without influence from staff of the facility to select, from a list of Medicare-certified home health agencies provided by the facility, that Medicare-certified home health agency to provide the services.

(b) Provides services to residents in an assisted living facility for which the home health agency does not receive fair market value remuneration.

(c) Provides staffing to an assisted living facility for which the home health agency does not receive fair market value remuneration.

(d) Fails to provide the agency, upon request, with copies of all contracts with assisted living facilities which were executed within 5 years before the request.

(e) Gives remuneration to a case manager, discharge planner, facility-based staff member, or third-party vendor who is involved in the discharge planning process of a facility licensed under chapter 395*, chapter 429,* or this chapter from whom the home health agency receives referrals.

(f) Fails to submit to the agency, within 15 days after the end of each calendar quarter, a written report that includes the following data based on data as it existed on the last day of the quarter:

1. The number of insulin-dependent diabetic patients receiving insulin-injection services from the home health agency;

2. The number of patients receiving both home health services from the home health agency and hospice services;

3. The number of patients receiving home health services from that home health agency; and

4. The names and license numbers of nurses whose primary job responsibility is to provide home health services to patients and who received remuneration from the home health agency in excess of $25,000 during the calendar quarter.

(g) Gives cash, or its equivalent, to a Medicare or Medicaid beneficiary.

(h) Has more than one medical director contract in effect at one time or more than one medical director contract and one contract with a physician-specialist whose services are mandated for the home health agency in order to qualify to participate in a federal or state health care program at one time.

(i) Gives remuneration to a physician without a medical director contract being in effect. The contract must:

1. Be in writing and signed by both parties;

2. Provide for remuneration that is at fair market value for an hourly rate, which must be supported by invoices submitted by the medical director describing the work performed, the dates on which that work was performed, and the duration of that work; and

3. Be for a term of at least 1 year.

The hourly rate specified in the contract may not be increased during the term of the contract. The home health agency may not execute a subsequent contract with that physician which has an increased hourly rate and covers any portion of the term that was in the original contract.

(j) Gives remuneration to:

1. A physician, and the home health agency is in violation of paragraph (h) or paragraph (i);

2. A member of the physician's office staff; or

3. An immediate family member of the physician, if the home health agency has received a patient referral in the preceding 12 months from that physician or physician's office staff.

(k) Fails to provide to the agency, upon request, copies of all contracts with a medical director which were executed within 5 years before the request.

(l) Demonstrates a pattern of billing the Medicaid program for services to Medicaid recipients which are medically unnecessary as determined by a final order. A pattern may be demonstrated by a showing of at least two such medically unnecessary services within one Medicaid program integrity audit period.

Nothing in paragraph (e) or paragraph (j) shall be interpreted as applying to or precluding any discount, compensation, waiver of payment, or payment practice permitted by 52 U.S.C. s. 1320a-7(b) or regulations adopted thereunder, including 42 C.F.R. s. 1001.952, or 42 U.S.C. s. 1395nn or regulations adopted thereunder.

Section 6. Section 408.8065, Florida Statutes, is created to read:

408.8065 Additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics.—

(1) An applicant for initial licensure, or initial licensure due to a change of ownership, as a home health agency, home medical equipment provider, or health care clinic shall:

(a) Demonstrate financial ability to operate, as required under s. 408.810(8) and this section. If the applicant's assets, credit, and projected revenues meet or exceed projected liabilities and expenses, and the applicant provides independent evidence that the funds necessary for startup costs, working capital, and contingency financing exist and will be available as needed, the applicant has demonstrated the financial ability to operate.

(b) Submit pro forma financial statements, including a balance sheet, income and expense statement, and a statement of cash flows for the first 2 years of operation which provide evidence that the applicant has sufficient assets, credit, and projected revenues to cover liabilities and expenses.

(c) Submit a statement of the applicant's estimated startup costs and sources of funds through the break-even point in operations demonstrating that the applicant has the ability to fund all startup costs, working capital, and contingency financing. The statement must show that the applicant has at a minimum 3 months of average projected expenses to cover startup costs, working capital, and contingency financing. The minimum amount for contingency funding may not be less than 1 month of average projected expenses.

All documents required under this subsection must be prepared in accordance with generally accepted accounting principles and may be in a compilation form. The financial statements must be signed by a certified public accountant.

(2) For initial, renewal, or change of ownership licenses for a home health agency, a home medical equipment provider, or a health care clinic, applicants and controlling interests who are nonimmigrant aliens, as described in 8 U.S.C. s. 1101, must file a surety bond of at least $500,000, payable to the agency, which guarantees that the home health agency, home medical equipment provider, or health care clinic will act in full conformity with all legal requirements for operation.

(3) In addition to the requirements of s. 408.812, any person who offers services that require licensure under part VII or part X of chapter 400, or who offers skilled services that require licensure under part III of chapter 400, without obtaining a valid license; any person who knowingly files a false or or misleading license or license renewal application or who submits false or misleading information related to such application, and any person who violates or conspires to violate this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Subsection (3) and paragraph (a) of subsection (5) of section 408.810, Florida Statutes, are amended to read:

408.810 Minimum licensure requirements.—In addition to the licensure requirements specified in this part, authorizing statutes, and applicable rules, each applicant and licensee must comply with the requirements of this section in order to obtain and maintain a license.

(3) Unless otherwise specified in this part, authorizing statutes, or applicable rules, any information required to be reported to the agency must be submitted within 21 calendar days after the report period or effective date of the information*, whichever is earlier, including, but not limited to, any change of:*

(a) Information contained in the most recent application for licensure.

(b) Required insurance or bonds.

(5)(a) On or before the first day services are provided to a client, a licensee must inform the client and his or her immediate family or representative, if appropriate, of the right to report:

1. Complaints. The statewide toll-free telephone number for reporting complaints to the agency must be provided to clients in a manner that is clearly legible and must include the words: "To report a complaint regarding the services you receive, please call toll-free (phone number)."

2. Abusive, neglectful, or exploitative practices. The statewide toll-free telephone number for the central abuse hotline must be provided to clients in a manner that is clearly legible and must include the words: "To report abuse, neglect, or exploitation, please call toll-free (phone number)."

3. Medicaid fraud. An agency-written description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline must be provided to clients in a manner that is clearly legible and must include the words: "To report suspected Medicaid fraud, please call toll-free (phone number)."

The agency shall publish a minimum of a 90-day advance notice of a change in the toll-free telephone numbers.

Section 8. Subsection (4) is added to section 408.815, Florida Statutes, to read:

408.815 License or application denial; revocation.—

(4) In addition to the grounds provided in authorizing statutes, the agency shall deny an application for a license or license renewal if the applicant or a person having a controlling interest in an applicant has been:

(a) Convicted of, or enters a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such convictions or plea ended more than fifteen years prior to the date of the application;

(b) Terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent five years; or

(c) Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from the federal Medicare program or from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent five years and the termination occurred at least 20 years prior to the date of the application.

Section 9. Subsection (4) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(4) HOME HEALTH CARE SERVICES.—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides services pursuant to this subsection shall be licensed under part III of chapter 400. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility.

(a) In providing home health care services, the agency may require prior authorization of care based on diagnosis*, utilization rates, or billing rates. The agency shall require prior authorization for visits for home health services that are not associated with a skilled nursing visit when the home health agency billing rates exceed the state average by 50 percent or more. The home health agency must submit the recipient's plan of care and documentation that supports the recipient's diagnosis to the agency when requesting prior authorization.*

(b) The agency shall implement a comprehensive utilization management program that requires prior authorization of all private duty nursing services, an individualized treatment plan that includes information about medication and treatment orders, treatment goals, methods of care to be used, and plans for care coordination by nurses and other health professionals. The utilization management program shall also include a process for periodically reviewing the ongoing use of private duty nursing services. The assessment of need shall be based on a child's condition, family support and care supplements, a family's ability to provide care, and a family's and child's schedule regarding work, school, sleep, and care for other family dependents. When implemented, the private duty nursing utilization management program shall replace the current authorization program used by the Agency for Health Care Administration and the Children's Medical Services program of the Department of Health. The agency may competitively bid on a contract to select a qualified organization to provide utilization management of private duty nursing services. The agency is authorized to seek federal waivers to implement this initiative.

(c) The agency may not pay for home health services, unless the services are medically necessary, and:

1. The services are ordered by a physician.

2. The written prescription for the services is signed and dated by the recipient's physician before the development of a plan of care and before any request requiring prior authorization.

3. The physician ordering the services is not employed, under contract with, or otherwise affiliated with the home health agency rendering the services. However, this subparagraph does not apply to a home health agency affiliated with a retirement community, of which the parent corporation or a related legal entity owns a rural health clinic certified under 42 C.F.R. part 491, subpart A, ss. 1-11, a nursing home licensed under part II of chapter 400, or an apartment or single-family home for independent living.

4. The physician ordering the services has examined the recipient within the 30 days preceding the initial request for the services and biannually thereafter.

5. The written prescription for the services includes the recipient's acute or chronic medical condition or diagnosis, the home health service required, and, for skilled nursing services, the frequency and duration of the services.

6. The national provider identifier, Medicaid identification number, or medical practitioner license number of the physician ordering the services is listed on the written prescription for the services, the claim for home health reimbursement, and the prior authorization request.

Section 10. Paragraph (a) of subsection (9) of section 409.907, Florida Statutes, is amended to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider

agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(9) Upon receipt of a completed, signed, and dated application, and completion of any necessary background investigation and criminal history record check, the agency must either:

(a) Enroll the applicant as a Medicaid provider upon approval of the provider application. The enrollment effective date shall be the date the agency receives the provider application. With respect to a provider that requires a Medicare certification survey, the enrollment effective date is the date the certification is awarded. With respect to a provider that completes a change of ownership, the effective date is the date the agency received the application, the date the change of ownership was complete, or the date the applicant became eligible to provide services under Medicaid, whichever date is later. With respect to a provider of emergency medical services transportation or emergency services and care, the effective date is the date the services were rendered. Payment for any claims for services provided to Medicaid recipients between the date of receipt of the application and the date of approval is contingent on applying any and all applicable audits and edits contained in the agency's claims adjudication and payment processing systems. *The agency may enroll a provider located outside the State of Florida if the provider's location is no more than 50 miles from the Florida state line, and the agency determines a need for that provider type to ensure adequate access to care*; or

And the directory clause is amended as follows:

Delete line 402 and insert:

Section 4. Subsections (10) and (11) are added to section 400.471

And the title is amended as follows:

Delete lines 16-27 and insert: certain misconduct; providing limitations on licensing of home health agencies in certain counties; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; providing that certain discounts, compensations, waivers of payments, or payment practices; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances;

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendments to be considered:

Senator Gaetz moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (187642)—Delete line 404 and insert: *more than 50 miles from the Florida state line, or the agency*

Amendment 1B (158306) (with title amendment)—Between lines 177 and 178 insert:

Section 6. Paragraph (a) of subsection (15) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(15)(a) The agency may deny, suspend, or revoke the license of a nurse registry and shall impose a fine of $5,000 against a nurse registry that:

1. Provides services to residents in an assisted living facility for which the nurse registry does not receive fair market value remuneration.

2. Provides staffing to an assisted living facility for which the nurse registry does not receive fair market value remuneration.

3. Fails to provide the agency, upon request, with copies of all contracts with assisted living facilities which were executed within the last 5 years.

4. Gives remuneration to a case manager, discharge planner, facility-based staff member, or third-party vendor who is involved in the discharge planning process of a facility licensed under chapter 395 or this chapter and from whom the nurse registry receives referrals. *A nurse registry is exempt from this subparagraph if it does not bill the Florida Medicaid program or the Medicare program or share a controlling interest with any entity licensed, registered, or certified under part II of chapter 408 that bills the Florida Medicaid program or the Medicare program.*

5. Gives remuneration to a physician, a member of the physician's office staff, or an immediate family member of the physician, and the nurse registry received a patient referral in the last 12 months from that physician or the physician's office staff. *A nurse registry is exempt from this subparagraph if it does not bill the Florida Medicaid program or the Medicare program or share a controlling interest with any entity licensed, registered, or certified under part II of chapter 408 that bills the Florida Medicaid program or the Medicare program.*

And the title is amended as follows:

Delete line 426 and insert: payment practices; exempting nurse registries that meet certain conditions from a prohibition; creating s. 408.8065, F.S.; providing

Amendment 1 as amended was adopted.

Senator Peaden moved the following amendment:

Amendment 2 (333902) (with directory and title amendments)—Delete lines 780-830 and insert:

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such ~~an~~ entity must be licensed under chapter 624, chapter 636, or chapter 641*, or authorized under paragraph (c),* and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve ~~provisions of~~ procurements related to children in the department's care or custody *before* ~~prior to~~ enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and *are* ~~shall be~~ subject to this paragraph. Each entity must offer *a* sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph *must* ~~shall~~ require 80 percent of the capi-

tation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. *If* ~~In the event~~ the managed care plan expends less than 80 percent of the capitation paid ~~pursuant to this paragraph~~ for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the ~~managed care~~ plan with a certification letter indicating the amount of capitation paid during each calendar year for ~~the provision of~~ behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations *are* ~~shall be~~ eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts *must* ~~shall~~ be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under ~~the provisions of~~ s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided ~~for~~ in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider *may* ~~shall~~ not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, *that* ~~who~~ are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies ~~either~~ through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency *may* ~~is authorized to~~ seek ~~any~~ federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system and who reside in AHCA area 10 are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd).

(14)(a) The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use *of* services *and to eliminate services that are medically unnecessary. The agency shall track Medicaid provider prescription and billing patterns and evaluate them against Medicaid medical necessity criteria and coverage and limitation guidelines adopted by rule. Medical necessity determination requires that service be consistent with symptoms or confirmed diagnosis of illness or injury under treatment and not in excess of the patient's needs. The agency shall conduct reviews of provider exceptions to peer group norms and shall, using statistical methodologies, provider profiling, and analysis of billing patterns, detect and investigate abnormal or unusual increases in billing or payment of claims for Medicaid services and medically unnecessary provision of services. Providers that demonstrate a pattern of submitting claims for medically unnecessary services shall be referred to the Medicaid program integrity unit for investigation. In its annual report, required in s. 409.913, the agency shall report on its efforts to control overutilization as described in this paragraph.*

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If the agency determines that the increased reimbursement is cost-effective, the agency shall recommend a change in the reimbursement schedule for that particular good or service. If, within 12 months after implementing any rate change under this procedure, the agency determines that costs were not offset by the increased reimbursement schedule, the agency may revert to the former reimbursement schedule for the particular good or service.

(17) An entity contracting on a prepaid or fixed-sum basis shall *meet the* ~~, in addition to meeting any applicable statutory~~ surplus requirements *of s. 641.225* ~~, also maintain at all times in the form of cash, investments that mature in less than 180 days allowable as admitted assets by the Office of Insurance Regulation, and restricted funds or deposits controlled by the agency or the Office of Insurance Regulation, a surplus amount equal to one and one-half times the entity's monthly Medicaid prepaid revenues. As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities.~~ If an entity's surplus falls below an amount equal to *the surplus requirements of s. 641.225* ~~one-and-one-half times the entity's monthly Medicaid prepaid revenues~~, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and *may* ~~shall~~ not renew the entity's contract until the required balance is achieved. ~~The requirements of this subsection do not apply:~~

~~(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or~~

~~(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:~~

~~1. Has been in operation for at least 5 years and has assets in excess of $50 million; or~~

~~2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.~~

And the directory clause is amended as follows:

Delete lines 716-717 and insert:

Section 12. Paragraph (b) of subsection (4), subsection (14), and subsection (17) of section 409.912, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete lines 49-53 and insert: providers; amending s. 409.912, F.S.; requiring that certain entities that provide comprehensive behavioral health care services to certain Medicaid recipients be licensed or authorized; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; revising the requirement for an entity that contracts on a prepaid or fixed-sum basis to meet certain surplus requirements; deleting the requirement that an entity maintain certain investments and restricted funds or deposits; revising the circumstances in which the agency must prohibit the entity from engaging in certain activities, cease to process new enrollments, and not renew the entity's contract; deleting certain exemptions; amending s.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following substitute amendment:

Amendment 3 (884730) (with directory and title amendments)—Delete lines 780-830 and insert:

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such ~~an~~ entity must be licensed under chapter 624, chapter 636, or chapter 641*, or authorized under paragraph (c),* and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve ~~provisions of~~ procurements related to children in the department's care or custody *before* ~~prior to~~ enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and *are* ~~shall be~~ subject to this paragraph. Each entity must offer *a* sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph *must* ~~shall~~ require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. *If* ~~In the event~~ the managed care plan expends less than 80 percent of the capitation paid ~~pursuant to this paragraph~~ for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the ~~managed care~~ plan with a certification letter indicating the amount of capitation paid during each calendar year for ~~the provision of~~ behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and

substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations *are* ~~shall be~~ eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts *must* ~~shall~~ be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under ~~the provisions of~~ s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided ~~for~~ in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider *may* ~~shall~~ not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, *that* ~~who~~ are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies ~~either~~ through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency *may* ~~is authorized to~~ seek ~~any~~ federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system and who reside in AHCA area 10 are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd).

(14)(a) The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use *of* services *and to eliminate services that are medically unnecessary. The agency shall track Medicaid provider prescription and billing patterns and evaluate them against Medicaid medical necessity criteria and coverage and limitation guidelines adopted by rule. Medical necessity determination requires that service be consistent with symptoms or confirmed diagnosis of illness or injury under treatment and not in excess of the patient's needs. The agency shall conduct reviews of provider exceptions to peer group norms and shall, using statistical methodologies, provider profiling, and analysis of billing patterns, detect and investigate abnormal or unusual increases in billing or payment of claims for Medicaid services and medically unnecessary provision of services. Providers that demonstrate a pattern of submitting claims for medically unnecessary services shall be referred to the Medicaid program integrity unit for investigation. In its annual report, required in s. 409.913, the agency shall report on its efforts to control overutilization as described in this paragraph.*

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If the agency determines that the increased reimbursement is cost-effective, the agency shall recommend a change in the reimbursement schedule for that particular good or service. If, within 12 months after implementing any rate change under this procedure, the agency determines that costs were not offset by the increased reimbursement schedule, the agency may revert to the former reimbursement schedule for the particular good or service.

(17) An entity contracting on a prepaid or fixed-sum basis shall *meet the* ~~, in addition to meeting any applicable statutory~~ surplus requirements *of s. 641.225* ~~, also maintain at all times in the form of cash, investments that mature in less than 180 days allowable as admitted assets by the Office of Insurance Regulation, and restricted funds or deposits controlled by the agency or the Office of Insurance Regulation, a surplus amount equal to one and one half times the entity's monthly~~

~~Medicaid prepaid revenues~~. ~~As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities.~~ If an entity's surplus falls below an amount equal to *the surplus requirements of s. 641.225* ~~one and one half times the entity's monthly Medicaid prepaid revenues~~, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and *may* ~~shall~~ not renew the entity's contract until the required balance is achieved. The requirements of this subsection do not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.

And the directory clause is amended as follows:

Delete lines 716-717 and insert:

Section 12. Paragraph (b) of subsection (4), subsection (14), and subsection (17) of section 409.912, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete lines 49-53 and insert: providers; amending s. 409.912, F.S.; requiring that certain entities that provide comprehensive behavioral health care services to certain Medicaid recipients be licensed or authorized; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; revising the requirement for an entity that contracts on a prepaid or fixed-sum basis to meet certain surplus requirements; deleting the requirement that an entity maintain certain investments and restricted funds or deposits; revising the circumstances in which the agency must prohibit the entity from engaging in certain activities, cease to process new enrollments, and not renew the entity's contract; amending s.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (553800)—Delete line 19 and insert: shall approve provisions of procurements related to children in

Amendment 3 as amended was adopted.

Senator Gaetz moved the following amendment which was adopted:

Amendment 4 (801926) (with directory and title amendments)—Delete lines 1066-1514 and insert:

(24) If the agency imposes an administrative sanction pursuant to subsection (13), subsection (14), or subsection (15), except paragraphs (15)(e) and (o), upon any provider or *any principal, officer, director, agent, managing employee, or affiliated person of the provider* ~~other person~~ who is regulated by another state entity, the agency shall notify that other entity of the imposition of the sanction *within 5 business days*. Such notification must include the provider's or person's name and license number and the specific reasons for sanction.

(25)(a) The agency *shall* ~~may~~ withhold Medicaid payments, in whole or in part, to a provider upon receipt of reliable evidence that the circumstances giving rise to the need for a withholding of payments involve fraud, willful misrepresentation, or abuse under the Medicaid program, or a crime committed while rendering goods or services to Medicaid recipients. If it is determined that fraud, willful misrepresentation, abuse, or a crime did not occur, the payments withheld must be paid to the provider within 14 days after such determination with interest at the rate of 10 percent a year. Any money withheld in accordance with this paragraph shall be placed in a suspended account, readily accessible to the agency, so that any payment ultimately due the provider shall be made within 14 days.

(b) The agency *shall* ~~may~~ deny payment, or require repayment, if the goods or services were furnished, supervised, or caused to be furnished by a person who has been suspended or terminated from the Medicaid program or Medicare program by the Federal Government or any state.

(c) Overpayments owed to the agency bear interest at the rate of 10 percent per year from the date of determination of the overpayment by the agency, and payment arrangements must be made at the conclusion of legal proceedings. A provider who does not enter into or adhere to an agreed-upon repayment schedule may be terminated by the agency for nonpayment or partial payment.

(d) The agency, upon entry of a final agency order, a judgment or order of a court of competent jurisdiction, or a stipulation or settlement, may collect the moneys owed by all means allowable by law, including, but not limited to, notifying any fiscal intermediary of Medicare benefits that the state has a superior right of payment. Upon receipt of such written notification, the Medicare fiscal intermediary shall remit to the state the sum claimed.

(e) The agency may institute amnesty programs to allow Medicaid providers the opportunity to voluntarily repay overpayments. The agency may adopt rules to administer such programs.

(27) When the Agency for Health Care Administration has made a probable cause determination and alleged that an overpayment to a Medicaid provider has occurred, the agency, after notice to the provider, *shall* ~~may~~:

(a) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, any medical assistance reimbursement payments until such time as the overpayment is recovered, unless within 30 days after receiving notice thereof the provider:

1. Makes repayment in full; or

2. Establishes a repayment plan that is satisfactory to the Agency for Health Care Administration.

(b) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, medical assistance reimbursement payments if the terms of a repayment plan are not adhered to by the provider.

(30) The agency *shall* ~~may~~ terminate a provider's participation in the Medicaid program if the provider fails to reimburse an overpayment that has been determined by final order, not subject to further appeal, within 35 days after the date of the final order, unless the provider and the agency have entered into a repayment agreement.

(31) If a provider requests an administrative hearing pursuant to chapter 120, such hearing must be conducted within 90 days following assignment of an administrative law judge, absent exceptionally good cause shown as determined by the administrative law judge or hearing officer. Upon issuance of a final order, the outstanding balance of the amount determined to constitute the overpayment shall become due. If a provider fails to make payments in full, fails to enter into a satisfactory repayment plan, or fails to comply with the terms of a repayment plan or settlement agreement, the agency *shall* ~~may~~ withhold medical assistance reimbursement payments until the amount due is paid in full.

(36) *At least three times a year,* the agency shall provide to each Medicaid recipient or his or her representative an explanation of benefits in the form of a letter that is mailed to the most recent address of the recipient on the record with the Department of Children and Family Services. The explanation of benefits must include the patient's name, the name of the health care provider and the address of the location where the service was provided, a description of all services billed to Medicaid in terminology that should be understood by a reasonable

person, and information on how to report inappropriate or incorrect billing to the agency or other law enforcement entities for review or investigation. *At least once a year, the letter also must include information on how to report criminal Medicaid fraud, the Medicaid Fraud Control Unit's toll-free hotline number, and information about the rewards available under s. 409.9203.* The explanation of benefits may not be mailed for Medicaid independent laboratory services as described in s. 409.905(7) or for Medicaid certified match services as described in ss. 409.9071 and 1011.70.

(37) The agency shall post on its website a current list of each Medicaid provider, including any principal, officer, director, agent, managing employee, or affiliated person of the provider, or any partner or shareholder having an ownership interest in the provider equal to 5 percent or greater, who has been terminated for cause from the Medicaid program or sanctioned under this section. The list must be searchable by a variety of search parameters and provide for the creation of formatted lists that may be printed or imported into other applications, including spreadsheets. The agency shall update the list at least monthly.

(38) In order to improve the detection of health care fraud, use technology to prevent and detect fraud, and maximize the electronic exchange of health care fraud information, the agency shall:

(a) Compile, maintain, and publish on its website a detailed list of all state and federal databases that contain health care fraud information and update the list at least biannually;

(b) Develop a strategic plan to connect all databases that contain health care fraud information to facilitate the electronic exchange of health information between the agency, the Department of Health, the Department of Law Enforcement, and the Attorney General's Office. The plan must include recommended standard data formats, fraud-identification strategies, and specifications for the technical interface between state and federal health care fraud databases;

(c) Monitor innovations in health information technology, specifically as it pertains to Medicaid fraud prevention and detection; and

(d) Periodically publish policy briefs that highlight available new technology to prevent or detect health care fraud and projects implemented by other states, the private sector, or the Federal Government which use technology to prevent or detect health care fraud.

Section 14. Subsections (1) and (2) of section 409.920, Florida Statutes, are amended, present subsections (8) and (9) of that section are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

409.920 Medicaid provider fraud.—

(1) For the purposes of this section, the term:

(a) "Agency" means the Agency for Health Care Administration.

(b) "Fiscal agent" means any individual, firm, corporation, partnership, organization, or other legal entity that has contracted with the agency to receive, process, and adjudicate claims under the Medicaid program.

(c) "Item or service" includes:

1. Any particular item, device, medical supply, or service claimed to have been provided to a recipient and listed in an itemized claim for payment; or

2. In the case of a claim based on costs, any entry in the cost report, books of account, or other documents supporting such claim.

(d) "Knowingly" means that the act was done voluntarily and intentionally and not because of mistake or accident. As used in this section, the term "knowingly" also includes the word "willfully" or "willful" which, as used in this section, means that an act was committed voluntarily and purposely, with the specific intent to do something that the law forbids, and that the act was committed with bad purpose, either to disobey or disregard the law.

(e) "Managed care plans" means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641, the Children's Medical Services Network authorized under chapter 391, a prepaid health plan authorized under chapter 409, a provider service network authorized under chapter 409, a minority physician network authorized under chapter 409, and an emergency department diversion program authorized under chapter 409 or the General Appropriations Act, providing health care services pursuant to a contract with the Medicaid program.

(2)*(a) A person may not* ~~It is unlawful to~~:

1. ~~(a)~~ Knowingly make, cause to be made, or aid and abet in the making of any false statement or false representation of a material fact, by commission or omission, in any claim submitted to the agency or its fiscal agent *or a managed care plan* for payment.

2. ~~(b)~~ Knowingly make, cause to be made, or aid and abet in the making of a claim for items or services that are not authorized to be reimbursed by the Medicaid program.

3. ~~(c)~~ Knowingly charge, solicit, accept, or receive anything of value, other than an authorized copayment from a Medicaid recipient, from any source in addition to the amount legally payable for an item or service provided to a Medicaid recipient under the Medicaid program or knowingly fail to credit the agency or its fiscal agent for any payment received from a third-party source.

4. ~~(d)~~ Knowingly make or in any way cause to be made any false statement or false representation of a material fact, by commission or omission, in any document containing items of income and expense that is or may be used by the agency to determine a general or specific rate of payment for an item or service provided by a provider.

5. ~~(e)~~ Knowingly solicit, offer, pay, or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under the Medicaid program, or in return for obtaining, purchasing, leasing, ordering, or arranging for or recommending, obtaining, purchasing, leasing, or ordering any goods, facility, item, or service, for which payment may be made, in whole or in part, under the Medicaid program.

6. ~~(f)~~ Knowingly submit false or misleading information or statements to the Medicaid program for the purpose of being accepted as a Medicaid provider.

7. ~~(g)~~ Knowingly use or endeavor to use a Medicaid provider's identification number or a Medicaid recipient's identification number to make, cause to be made, or aid and abet in the making of a claim for items or services that are not authorized to be reimbursed by the Medicaid program.

(b)1. A person who violates this subsection *and receives or endeavors to receive anything of value of:*

a. Ten thousand dollars or less commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. More than $10,000, but less than $50,000, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

c. Fifty thousand dollars or more commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. The value of separate funds, goods, or services that a person received or attempted to receive pursuant to a scheme or course of conduct may be aggregated in determining the degree of the offense.

3. In addition to the sentence authorized by law, a person who is convicted of a violation of this subsection shall pay a fine in an amount equal to five times the pecuniary gain unlawfully received or the loss incurred by the Medicaid program or managed care organization, whichever is greater.

(8) A person who provides the state, any state agency, any of the state's political subdivisions, or any agency of the state's political subdivisions with information about fraud or suspected fraud by a Medicaid provider,

including a managed care organization, is immune from civil liability for providing the information unless the person acted with knowledge that the information was false or with reckless disregard for the truth or falsity of the information.

Section 15. Section 409.9203, Florida Statutes, is created to read:

409.9203 Rewards for reporting Medicaid fraud.—

(1) The Department of Law Enforcement or director of the Medicaid Fraud Control Unit shall, subject to availability of funds, pay a reward to a person who furnishes original information relating to and reports a violation of the state's Medicaid fraud laws, unless the person declines the reward, if the information and report:

(a) Is made to the Office of the Attorney General, the Agency for Health Care Administration, the Department of Health, or the Department of Law Enforcement;

(b) Relates to criminal fraud upon Medicaid funds or a criminal violation of Medicaid laws by another person; and

(c) Leads to a recovery of a fine, penalty, or forfeiture of property.

(2) The reward may not exceed the lesser of 25 percent of the amount recovered or $500,000 in a single case.

(3) The reward shall be paid from the Legal Affairs Revolving Trust Fund from moneys collected pursuant to s. 68.085.

(4) A person who receives a reward pursuant to this section is not eligible to receive any funds pursuant to the Florida False Claims Act for Medicaid fraud for which a reward is received pursuant to this section.

Section 16. Subsection (11) is added to section 456.004, Florida Statutes, to read:

456.004 Department; powers and duties.—The department, for the professions under its jurisdiction, shall:

(11) Work cooperatively with the Agency for Health Care Administration and the judicial system to recover Medicaid overpayments by the Medicaid program. The department shall investigate and prosecute health care practitioners who have not remitted amounts owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement.

Section 17. Present subsections (6) through (10) of section 456.041, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and a new subsection (6) is added to that section, to read:

456.041 Practitioner profile; creation.—

(6) The Department of Health shall provide in each practitioner profile for every physician or advanced registered nurse practitioner terminated for cause from participating in the Medicaid program, pursuant to s. 409.913, or sanctioned by the Medicaid program a statement that the practitioner has been terminated from participating in the Florida Medicaid program or sanctioned by the Medicaid program.

Section 18. Paragraph (o) of subsection (3) of section 456.053, Florida Statutes, is amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(o) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. The following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice; provided, however, that effective July 1, 1999, a physician licensed pursuant to chapter 458, chapter 459, chapter 460, or chapter 461 may refer a patient to a sole provider or group practice for diagnostic imaging services, excluding radiation therapy services, for which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider. The group practice or sole provider may accept no more than 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

h. By a urologist for lithotripsy services.

i. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

j. By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

k. By a nephrologist for renal dialysis services and supplies, except laboratory services.

l. By a health care provider whose principal professional practice consists of treating patients in their private residences for services to be rendered in such private residences, except for services rendered by a home health agency licensed under chapter 400. For purposes of this sub-subparagraph, the term "private residences" includes patient's private homes, independent living centers, and assisted living facilities, but does not include skilled nursing facilities.

m. By a health care provider for sleep related testing.

Section 19. Section 456.0635, Florida Statutes, is created to read:

456.0635 Medicaid fraud; disqualification for license, certificate, or registration.—

(1) Medicaid fraud in the practice of a health care profession is prohibited.

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue or renew a license, certificate, or registration to any applicant if the candidate or applicant or any principle, officer, agent, managing employee, or affiliated person of the applicant, has been:

(a) Convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or pleas ended more than fifteen years prior to the date of the application;

(b) Terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent five years;

(c) Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from any other state Medicaid program or the federal Medicare program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent five years and the termination occurred at least 20 years prior to the date of the application.

(3) Licensed health care practitioners shall report allegations of Medicaid fraud to the department, regardless of the practice setting in which the alleged Medicaid fraud occurred.

(4) The acceptance by a licensing authority of a candidate's relinquishment of a license which is offered in response to or anticipation of the filing of administrative charges alleging Medicaid fraud or similar charges constitutes the permanent revocation of the license.

Section 20. Paragraphs (ii), (jj), (kk), and (ll) are added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(ii) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.

(jj) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement.

(kk) Being terminated from the state Medicaid program pursuant to s. 409.913, any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.

(ll) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

Section 21. Subsection (1) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, *to:*

(a) A felony under chapter 409, chapter 817, or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396*; or* ~~.~~

(b) A misdemeanor or felony under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518 or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.

Section 22. Subsections (2) and (3) of section 465.022, Florida Statutes, are amended, present subsections (4), (5), (6), and (7) of that section are renumbered as subsections (5), (6), (7), and (8), respectively, and a new subsection (4) is added to that section, to read:

465.022 Pharmacies; general requirements; fees.—

(2) A pharmacy permit shall be issued only to a person who is at least 18 years of age*, a partnership whose partners are all at least 18 years of age,* or to a corporation *that* ~~which~~ is registered pursuant to chapter 607 or chapter 617 whose officers*, directors, and shareholders* are at least 18 years of age.

(3) Any person*, partnership,* or corporation before engaging in the operation of a pharmacy shall file with the board a sworn application on forms provided by the department.

(a) An application for a pharmacy permit must include a set of fingerprints from each person having an ownership interest of 5 percent or greater and from any person who, directly or indirectly, manages, oversees, or controls the operation of the applicant, including officers and members of the board of directors of an applicant that is a corporation. The applicant must provide payment in the application for the cost of state and national criminal history records checks.

1. For corporations having more than $100 million of business taxable assets in this state, in lieu of these fingerprint requirements, the department shall require the prescription department manager who will be directly involved in the management and operation of the pharmacy to submit a set of fingerprints.

2. A representative of a corporation described in subparagraph 1. satisfies the requirement to submit a set of his or her fingerprints if the fingerprints are on file with the department or the Agency for Health Care Administration, meet the fingerprint specifications for submission by the Department of Law Enforcement, and are available to the department.

(b) The department shall submit the fingerprints provided by the applicant to the Department of Law Enforcement for a state criminal history records check. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check.

(4) The department or board shall deny an application for a pharmacy permit if the applicant or an affiliated person, partner, officer, director, or prescription department manager of the applicant has:

(a) Obtained a permit by misrepresentation or fraud;

(b) Attempted to procure, or has procured, a permit for any other person by making, or causing to be made, any false representation;

(c) Been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of pharmacy;

(d) Been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud;

(e) Been terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from any state Medicaid program or the federal Medicare program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent five years and the termination occurred at least 20 years ago; or

And the directory clause is amended as follows:

Delete line 832 and insert: (24), (25), (27), (30), (31), and (36) of section

And the title is amended as follows:

Delete lines 76-106 and insert: affiliated persons; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention

and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; amending s. 456.053, F.S.; excluding referrals to a sleep care provider for sleep related testing to the definition of a referral; requiring the

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following amendment which was adopted:

Amendment 5 (131462) (with title amendment)—Between lines 830 and 831 insert:

Section 13. Section 409.91207, Florida Statutes, is created to read:

409.91207 Medical Home Pilot Project.—

(1) The agency shall develop a plan to implement a medical home pilot project that utilizes primary care case management enhanced by medical home networks to provide coordinated and cost-effective care that is reimbursed on a fee-for-service basis and to compare the performance of the medical home networks with other existing Medicaid managed care models. The agency is authorized to seek a federal Medicaid waiver or an amendment to any existing Medicaid waiver, except for the current 1115 Medicaid waiver authorized in s. 409.91211, as needed, to develop the pilot project created in this section but must obtain approval of the Legislature prior to implementing the pilot project.

(2) Each medical home network shall:

(a) Provide Medicaid recipients primary care, coordinated services to control chronic illness, pharmacy services, specialty physician services, and hospital outpatient and inpatient services.

(b) Coordinate with other health care providers, as necessary, to ensure that Medicaid recipients receive efficient and effective access to other needed medical services, consistent with the scope of services provided to Medipass recipients.

(c) Consist of primary care physicians, federally qualified health centers, clinics affiliated with Florida medical schools or teaching hospitals, programs serving children with special health care needs, medical school faculty, statutory teaching hospitals, and other hospitals that agree to participate in the network. A managed care organization is eligible to be designated as a medical home network if it documents policies and procedures consistent with subsection (3).

(3) The medical home pilot project developed by the agency must be designed to modify the processes and patterns of health care service delivery in the Medicaid program by requiring a medical home network to:

(a) Assign a personal medical provider to lead an interdisciplinary team of professionals who share the responsibility for ongoing care to a specific panel of patients.

(b) Require the personal medical provider to identify the patient's health care needs and respond to those needs either directly or through arrangements with other qualified providers.

(c) Coordinate or integrate care across all parts of the health care delivery system.

(d) Integrate information technology into the health care delivery system to enhance clinical performance and monitor patient outcomes.

(4) The agency shall have the following duties, and responsibilities with respect to the development of the medical home pilot project:

(a) To develop and recommend a medical home pilot project in at least two geographic regions in the state that will facilitate access to specialty services in the state's medical schools and teaching hospitals.

(b) To develop and recommend funding strategies that maximize available state and federal funds, including:

1. Enhanced primary care case management fees to participating federally qualified health centers and primary care clinics owned or operated by a medical school or teaching hospital.

2. Enhanced payments to participating medical schools through the supplemental physician payment program using certified funds.

3. Reimbursement for facility costs, in addition to medical services, for participating outpatient primary or specialty clinics.

4. Supplemental Medicaid payments through the low-income pool and exempt fee-for-service rates for participating hospitals.

5. Enhanced capitation rates for managed care organizations designated as medical home networks to reflect enhanced fee-for-service payments to medical home network providers.

(c) To develop and recommend criteria to designate medical home networks as eligible to participate in the pilot program and recommend incentives for medical home networks to participate in the medical home pilot project, including bonus payments and shared saving arrangements.

(d) To develop a comprehensive fiscal estimate of the medical home pilot project that includes, but is not limited to, anticipated savings to the Medicaid program and any anticipated administrative costs.

(e) To develop and recommend which medical services the medical home network would be responsible for providing to enrolled Medicaid recipients.

(f) To develop and recommend methodologies to measure the performance of the medical home pilot project including patient outcomes, cost-effectiveness, provider participation, recipient satisfaction, and accountability to ensure the quality of the medical care provided to Medicaid recipients enrolled in the pilot.

(g) To recommend policies and procedures for the medical home pilot project administration including, but not limited to: an implementation timeline, the Medicaid recipient enrollment process, recruitment and enrollment of Medicaid providers, and the reimbursement methodologies for participating Medicaid providers.

(h) To determine and recommend methods to evaluate the medical home pilot project including but not limited to the comparison of the Medicaid fee-for service system, Medipass system, and other Medicaid managed care programs.

(i) To develop and recommend standards and designation requirements for a medical home network that include, but are not limited to: medical care provided by the network, referral arrangements, medical record requirements, health information technology standards, follow-up care processes, and data collection requirements.

(5) The Secretary of Health Care Administration shall appoint a task force by August 1, 2009, to assist the agency in the development and implementation of the medical home pilot project. The task force must include, but is not limited to, representatives of providers who could potentially participate in a medical home network, Medicaid recipients, and existing Medipass and managed care providers. Members of the task force shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(6) The agency shall submit an implementation plan for the medical home pilot project authorized in this section to the Speaker of the House of Representatives, the President of the Senate, and the Governor by February 1, 2010. The implementation plan must include any approved waivers, waiver applications, or state plan amendments necessary to implement the medical home pilot project.

(a) The agency shall post any waiver applications, or waiver amendments, authorized under this section on its Internet website 15 days before submitting the applications to the United States Centers for Medicare and Medicaid Services.

(b) The implementation of the medical home pilot project, including any Medicaid waivers authorized in this section, is contingent upon review and approval by the Legislature.

(c) Upon legislative approval to implement the medical home pilot project, the agency may initiate the adoption of administrative rules to implement and administer the medical home pilot project created in this section.

And the title is amended as follows:

Delete line 53 and insert: the overutilization of Medicaid services; creating s. 409.91207; requiring the agency to develop a plan to create a medical home pilot project; providing waiver authority for the agency; providing an exception; requiring each medical home network to provide specified services; providing responsibilities of the agency; requiring the Secretary of the agency to appoint a task force; requiring the agency to submit a medical home implementation plan; specifying that implementation of the medical home pilot project is contingent upon legislative approval; authorizing the agency to develop rules; amending s.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted:

Amendment 6 (333562)—Delete line 689 and insert: *home for independent living. For purposes of this subparagraph, the agency may, on a case-by-case basis, provide an exception for medically fragile children who are younger than 21 years of age.*

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment:

Amendment 7 (109328) (with title amendment)—Between lines 520 and 521 insert:

Section 7. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, having 100 or fewer licensed beds and an emergency room, which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile;

2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county;

3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

4. A hospital in a constitutional charter county with a population of over 1 million persons that has imposed a local option health service tax pursuant to law and in an area that was directly impacted by a catastrophic event on August 24, 1992, for which the Governor of Florida declared a state of emergency pursuant to chapter 125, and has 120 beds or less that serves an agricultural community with an emergency room utilization of no less than 20,000 visits and a Medicaid inpatient utilization rate greater than 15 percent;

5. A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this subparagraph, the term "service area" means the fewest number of zip codes that account for 75 percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or

6. A hospital designated as a critical access hospital, as defined in s. 408.07(15).

Population densities used in this paragraph must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, *2015* ~~2012~~, if the hospital continues to have 100 or fewer licensed beds and an emergency room, or meets the criteria of subparagraph 4. An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this paragraph shall be granted such designation upon application, including supporting documentation to the Agency for Health Care Administration.

Section 8. Paragraph (a) of subsection (2) of section 408.040, Florida Statutes, is amended to read:

408.040 Conditions and monitoring.—

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate 18 months after the date of issuance*, except a certificate of need of an entity which was issued on or before January 1, 2009, shall terminate 36 months after the date of issuance*. The agency shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application, and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a good-faith effort, as defined by rule, to meet it.

Section 9. Subsection (43) of section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(43) "Rural hospital" means an acute care hospital licensed under chapter 395, having 100 or fewer licensed beds and an emergency room, and which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county;

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

(d) A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this paragraph, the term "service area" means the fewest number of zip codes that account for 75 percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or

(e) A critical access hospital.

Population densities used in this subsection must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, *2015* ~~2012~~, if the hospital continues to have 100 or fewer licensed beds and an emergency room, or meets the criteria of s. 395.602(2)(e)4. An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this subsection shall be granted such designation upon application, in-

cluding supporting documentation, to the Agency for Health Care Administration.

And the title is amended as follows:

Delete line 24 and insert: nurse registry; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term "rural hospital" relating to hospital licensing and regulation and health care administration; amending s. 408.040, F.S.; providing an exception to the termination of certain certificates of need; creating s. 408.8065, F.S.; providing

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment to **Amendment 7** which was adopted:

Amendment 7A (297104)—Delete line 64 and insert: *April 1, 2009, shall terminate 36 months after the date of*

Amendment 7 as amended was adopted.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 8 (953014) (with directory and title amendments)—Between lines 3473 and 3474 insert:

(4) ANNUAL REPORTS.—

(a) Where coverage for routine patient care costs associated with care provided in a phase 1, phase 2, phase 3, or phase 4 cancer clinical trial is denied, a carrier shall, after consulting academic and community oncologists involved in cancer care and clinical research, submit to the Office of Insurance Regulation in a format prescribed by rule, an annual report that shall include:

1. The number of denials for coverage of routine patient care cost as defined in paragraph (c) in cancer clinical trials; and

2. A comparison of the costs of routine patient care provided in the trials in question compared to the costs of standard therapies for the same diagnosis.

(b) The Office of Insurance Regulation shall provide annual reports required under paragraph (a) to the Governor, President of the Senate, the Speaker of the House of Representatives, and the Secretary for Health Care Administration no later than 30 days before the regular legislative session.

(c) For purposes of this section, the term "routine patient care cost" means physician fees, laboratory expenses, and expenses associated with the hospitalization, administration of treatment, and evaluation of a patient during the course of treatment which are consistent with usual and customary patterns and standards of care incurred whenever an enrollee, subscriber, or insured receives medical care associated with an approved cancer clinical trial, and which would be covered if such items and services were provided other than in connection with an approved cancer clinical trial but does not include the direct cost of the clinical trial.

And the directory clause is amended as follows:

Delete lines 3462-3463 and insert:

Section 66. Paragraph (b) of subsection (1) of section 627.4239, Florida Statutes, is amended, present subsection (4) is renumbered as subsection (5), and a new subsection (4) is added to that section to read:

And the title is amended as follows:

Delete lines 284-286 and insert: F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; requiring a carrier to submit an annual report regarding the coverage of routine patient care costs to the Office of Insurance Regulation under certain circumstances; requiring the Office of Insurance Regulation to provide the annual report to the Governor, Legislature, and the Secretary of Health Care Administration; providing a definition; amending s. 651.118, F.S.; conforming a

Pursuant to Rule 4.19, **CS for CS for CS for SB 1986** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for SB 306—A bill to be entitled An act relating to vessel safety; amending s. 327.39, F.S.; revising certain requirements for operating personal watercraft; amending s. 327.54, F.S.; revising the requirements relating to the boating safety course required for leasing or renting a personal watercraft from a livery; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 306** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB 1004—A bill to be entitled An act relating to coral reefs; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1004** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for SB 1078—A bill to be entitled An act relating to the limitation of liability of water management districts; amending s. 373.1395, F.S.; applying the limitation of liability of a water management district to the water areas of the district; providing that certain commercial activities do not terminate the limitation of liability of a water management district; providing that the protections, immunities, and limitations of liability provided to a water management district apply regardless of whether any claimant or person was engaged in an outdoor recreational purpose at the time of an accident or occurrence; providing liability protection to an owner of private land used as an easement or other right by a water management district for the purpose of providing access to lands or water areas that the water management district makes available to the public for outdoor recreational activities; defining the term "park area, district or other lands, or water areas"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1078** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **HB 255** was withdrawn from the Committees on Agriculture; Governmental Oversight and Accountability; Judiciary; and General Government Appropriations.

On motion by Senator Dean—

HB 255—A bill to be entitled An act relating to pest control; creating s. 570.345, F.S.; enacting the Pest Control Compact; requiring the Commissioner of Agriculture to administer the compact; requiring that an application for assistance under the compact be made by the commissioner; providing findings; providing definitions; providing for the establishment of the Pest Control Insurance Fund to finance pest-control operations under the compact; providing for the fund to be administered by a governing board and executive committee; providing for the internal operations and management of the governing board; requiring an annual report to the governor and legislature of each state participating in the compact; providing for the administration of the fund; providing procedures to apply for expenditures from the fund; providing for a determination regarding expenditures from the fund and for review of such expenditures; authorizing the governing board to establish advisory and technical committees; providing for an application for assistance from the fund on behalf of a nonparty state; providing requirements for the fund regarding budgets and maintaining financial assets; prohibiting a pledge of the assets of a state that is a party to the compact; providing for the compact to enter into force upon its enactment by five or more states; providing a procedure for a state to withdraw from the compact; providing for construction and severability; providing an effective date.

—a companion measure, was substituted for **SB 1286** and read the second time by title.

Pursuant to Rule 4.19, **HB 255** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 2150—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; requiring that applications for all recreational activity licenses include a provision for the license applicant to make a voluntary contribution to Southeastern Guide Dogs, Inc.; providing for the use of funds raised by such contributions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2150** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

SB 2656—A bill to be entitled An act relating to arboriculture; creating ch. 598, F.S.; providing a short title; providing a purpose statement; providing definitions; providing exceptions; providing powers and duties of the Department of Agriculture and Consumer Services; providing rulemaking authority; establishing a maximum annual fee for licensure; providing for deposit and use of fee proceeds; establishing licensure procedures and requirements to practice arboriculture and provide arboriculture services; providing for issuance of a license; providing grounds for denial of a license or refusal to renew a license; providing for license suspension or revocation; providing for license renewal; providing for reactivation of a license under certain conditions; providing for issuance of a duplicate license under certain circumstances; requiring a roster of licensed arborists; amending s. 604.15, F.S.; revising a definition to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (970250)—Delete lines 71-76 and insert:

(c) This chapter does not:

1. Prohibit any person from practicing arboriculture or providing arboriculture services as defined in this chapter if such person does not hold himself or herself out as a state-licensed arborist unless he or she is licensed in compliance with this chapter.

2. Require any person to be a member of the International Society of Arboriculture in order to be licensed under this chapter.

(d) A landscape architect licensed under part II of chapter 481 is authorized to practice arboriculture; however, as provided in s. 598.006(4), only a person licensed under this chapter may hold herself or himself out as a state-licensed arborist.

(e) To prevent injury to life or property after a disaster,

Amendment 2 (962438)—Delete line 161 and insert: *International Society of Arboriculture as a Board Certified Arborist*

Amendment 3 (824986) (with directory and title amendments)—Between lines 237 and 238 insert:

598.012 The department may enforce the provisions of this chapter by the use of notices to desist, appropriate judicial proceedings, or administrative proceedings under chapter 120.

And the directory clause is amended as follows:

Delete line 29 and insert: 598.007, 598.008, 598.009, 598.011, and 598.012, is created to read:

And the title is amended as follows:

Delete line 18 and insert: requiring a roster of licensed arborists; authorizing the department to enforce certain provisions of state law by specified means; amending s.

Pursuant to Rule 4.19, **SB 2656** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

THE PRESIDENT PRESIDING

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, April 24.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jones, by two-thirds vote **SB 1162** was withdrawn from the committees of reference and further consideration.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Social Responsibility submits the following bills to be placed on the Special Order Calendar for Thursday, April 23, 2009: CS for CS for SB 456, CS for CS for SB 770, CS for SB 892, CS for CS for SB 1548, CS for CS for SB 278, CS for CS for SB 1616, CS for CS for SB 2482, CS for CS for SB 2538, CS for SB 554, CS for CS for SB 762, CS for SB 844, CS for SB 2096, CS for CS for SB 2682, CS for CS for CS for CS for SB 462, SB 902, CS for SB 948, SB 1050, CS for CS for SB 1144, CS for SB 1346, CS for SB 1592, SB 1628, CS for CS for SB 1868, SB 1896, CS for CS for CS for SB 1986, CS for SB 412, SB 1396, CS for CS for SB 1552, CS for CS for SB 1958.

Respectfully submitted,
Ken Pruitt, Chair

The Policy and Steering Committee on Energy, Environment, and Land Use submits the following bills to be placed on the Special Order

Calendar for Thursday, April 23, 2009: SB 68, CS for SB 110, CS for CS for SB 148, CS for SB 306, CS for CS for CS for SB 1004, CS for CS for SB 1078, SB 1286, CS for CS for SB 2150, SB 2656.

Respectfully submitted,
James E. "Jim" King, Jr., Chair

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 2062

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Policy and Steering Committee on Ways and Means recommends the following pass: SB 234; CS for SB 718; CS for CS for SB 728; CS for CS for SB 798; CS for SB 800; CS for SB 1126; CS for CS for CS for SB 1128; CS for CS for SB 1310; CS for CS for SB 1372; CS for CS for SB 1468; CS for CS for SB 2226

The bills were placed on the Calendar.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 2038

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1040

The bill with committee substitute attached was referred to the Committee on Finance and Tax under the original reference.

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 792; CS for SB 1898

The Committee on Judiciary recommends a committee substitute for the following: SB 1864

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2286

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: CS for CS for SB 1182

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 340

The bills with committee substitute attached contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 1824; SB 1838; SB 2032

The Policy and Steering Committee on Ways and Means recommends a committee substitute for the following: CS for SJR 1302

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 398

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 880; CS for SB 1602; SB 2198; CS for CS for SB 2630

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: SB 58; CS for SB 712; CS for SB 810; CS for CS for SB 904; CS for CS for SB 1022; CS for CS for SB 1138; CS for CS for SB 1154; CS for CS for SB 2004

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Policy and Steering Committee on Ways and Means; and Senator Pruitt—

CS for SB 58—A bill to be entitled An act for the relief of Jorge and Debbie Garcia-Bengochea and their adoptive children, Brian, Matthew, and James, by the Department of Children and Family Services; providing an appropriation to compensate them for injuries and damages sustained as a result of negligence by employees of the department or its predecessor agency; providing a limitation on the payment of attorney's fees and lobbying fees; providing legislative intent with respect to ratification of terms of the parties' settlement agreement and waiver of lien interests held by the state; providing an effective date.

By the Committees on Judiciary; and Criminal Justice; and Senator Ring—

CS for CS for SB 340—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 847.0135 and 847.0138, F.S.; removing residency requirements in statutes relating to computer pornography involving minor children and the transmission of material harmful to a minor by electronic device or equipment, respectively; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Sobel—

CS for SB 398—A bill to be entitled An act relating to district and school advisory councils; amending s. 1001.452, F.S.; requiring that a district school board make a good faith effort to advertise and open the school advisory council to members of the community; providing that a majority of the members of a school advisory council not be employed by the school; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Community Affairs; and Senator Pruitt—

CS for CS for SB 712—A bill to be entitled An act relating to special districts; creating s. 189.4221, F.S.; authorizing special districts to purchase commodities and contractual services from purchasing agreements of other special districts, municipalities, or counties; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senators Baker and Justice—

CS for SB 792—A bill to be entitled An act relating to firefighter death benefits; amending s. 112.191, F.S.; revising provisions providing death benefits for firefighters; expanding activities entitling firefighters to death benefits to include participation in training exercises; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Commerce; and Senators Garcia and Hill—

CS for CS for SB 810—A bill to be entitled An act relating to the Unemployment Compensation Trust Fund; amending s. 443.1217, F.S.; raising the amount of an employee's wages subject to an employer's contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer's contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer's contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor's designee to request advances; creating s. 443.1117, F.S.; establishing temporary state extended benefits for claims between July 5, 2009, and December 26, 2009; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing that the act fulfills an important state interest; providing effective dates.

By the Committees on Judiciary; and Regulated Industries; and Senators Fasano and Ring—

CS for CS for SB 880—A bill to be entitled An act relating to community associations; amending s. 718.110, F.S.; providing for the application of certain amendments to a declaration of condominium to certain unit owners; amending s. 718.111, F.S.; providing penalties for any person who knowingly or intentionally defaces or destroys certain records of an association with the intent to harm the association or any of its members; providing that an association is not responsible for the use or misuse of certain information obtained pursuant to state law requiring the maintenance of certain records of an association; providing an exception; providing that, notwithstanding the other requirements, certain records are not accessible to unit owners; requiring that any rules adopted for the purpose of setting forth accounting principles or addressing financial reporting requirements include certain provisions and standards; amending s. 718.112, F.S.; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; providing that a director or officer delinquent in the payment of fee, fine, regular assessment, or special assessments by more than a specified number of days is deemed to have abandoned the office; requiring that a director charged by information or indictment of certain offenses involving an association's funds or property be removed from office; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.116, F.S.; limiting the amount of certain costs to the unit owner; providing an exception; authorizing an association to demand future regular assessments related to the condominium unit under specified conditions; providing that the demand is continuing in nature; requiring that a tenant continue to pay assessments until the occurrence of specified events; requiring the delivery of notice of such demand; limiting the liability of a tenant; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; excluding certain common elements from such authorization; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain notice requirements; providing circumstances under which such notice requirements do not apply; providing procedures and notice requirements for levying a fine or imposing a suspension; authorizing an association to suspend voting rights due to nonpayment of assessments, fines, or other charges delinquent by a specified number of days under certain circumstances; amending s. 718.103, F.S.; expanding the definition of "developer" to include a bulk assignee or bulk buyer; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect not less than a majority of the members of the board of administration of an association; creating part VII of ch. 718, F.S.; providing a short title; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from taking certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association and requiring that such bulk assignee comply with certain requirements; requiring that a bulk assignee or bulk buyer comply with certain requirements regarding certain contracts; providing unit owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a unit; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing for the determination of the date of acquisition of a parcel; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; preserving certain liabilities for certain parties; amending s. 719.108, F.S.; authorizing an association to recover charges incurred in connection with collecting a delinquent assessment up to a specified maximum amount; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; authorizing an association to demand future regular assessments related to a unit under specified conditions; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing the association to suspend certain rights under certain circumstances; providing that certain provisions regarding the suspension-of-use rights of an association do not apply to certain portions of common areas; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.3085, F.S.; authorizing an association to demand future regular assessments related to a parcel under specified conditions; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; amending s. 721.05, F.S.; limiting the definition of "facility" to certain permanent amenities; repealing s. 553.509(2), F.S., relating to public elevators and emergency operation plans in certain condominiums and multifamily dwellings; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.306, F.S.; providing requirements for secret ballots; creating s. 720.315, F.S.;

prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; amending s. 723.071, F.S.; revising notice requirements relating to the sale of mobile home parks; revising provisions relating to a homeowners' association's right to purchase the mobile home park; providing requirements for the purchase of the park by a homeowners' association; requiring that a park owner comply with certain provisions of state law if the mobile home owners have informed the park owner that they are ready and willing to purchase the park; providing that the park owner has no obligation to comply with such provisions under certain circumstances; providing requirements for the homeowners' expression of readiness and willingness to purchase the park; deleting definitions to conform to changes made by the act; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Deutch—

CS for CS for CS for SB 904—A bill to be entitled An act relating to parental responsibility and time-sharing; amending s. 61.046, F.S.; redefining the terms "parenting plan," "parenting plan recommendations," and "time-sharing schedule"; creating s. 61.125, F.S.; providing for parenting coordination as an alternative dispute resolution process to resolve parenting plan disputes; providing for court referral; providing for domestic violence situations; providing the qualifications required for a parenting coordinator and for the disqualification of a coordinator; providing for the payment of parenting coordination fees and costs; providing for confidentiality; providing for emergency reporting to the court by the coordinator; providing a limitation on the coordinator's liability; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that shared parental responsibility is detrimental to a child when a parent is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of substantially changed circumstances; requiring a court to make explicit written findings if, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms "other person," "parent," and "relocation"; substituting the term "access to" for "visitation"; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, 61.21, and 61.30, F.S.; conforming provisions to changes made by the act; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Health Regulation; and Banking and Insurance; and Senators Altman, Fasano, Detert, Rich, Hill, and Siplin—

CS for CS for CS for SB 1022—A bill to be entitled An act relating to Medicare; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

By the Committees on Judiciary; and Community Affairs; and Senator Bennett—

CS for CS for SB 1040—A bill to be entitled An act relating to affordable housing; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Higher Education; and Communications, Energy, and Public Utilities; and Senator Gaetz—

CS for CS for CS for SB 1138—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4621, F.S.; requiring an application for workers' compensation coverage issued by a group self-insurance fund to notify applicants that policyholders must make additional contributions to the fund if the fund is unable to pay its obligations; creating s. 624.4626, F.S.; authorizing any two or more electric cooperatives to operate a self-insurance fund for certain purposes; providing for membership in the fund; requiring that the fund fulfill certain criteria; providing for the applicability of certain assessments and certain provisions of state law to such a fund; amending s. 626.89, F.S.; requiring certain administrators to submit certain statements within a specified period after the end of the administrator's fiscal year; amending s. 631.904, F.S.; exempting certain self-insurance funds from specified provisions of state law; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Environmental Preservation and Conservation; and Communications, Energy, and Public Utilities; and Senator King—

CS for CS for CS for SB 1154—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to reduce greenhouse gas emissions through the direct end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 403.503, F.S.; revising the definition of "electrical power plant"; amending s. 525.09, F.S.; imposing a fee on alternative fuel containing alcohol; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

By the Committees on Governmental Oversight and Accountability; Ethics and Elections; and Community Affairs; and Senators Fasano, Gaetz, and Dockery—

CS for CS for CS for SB 1182—A bill to be entitled An act relating to the state retirement system; amending s. 121.021, F.S.; redefining the terms "employer," "termination," and "retiree"; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; amending s. 121.052, F.S.; limiting the membership of elected officers of a municipality or special district in the Elected Officers Class unless designated for inclusion during a specified period; amending s. 121.053, F.S.; prohibiting elected officials who retire after a certain date from reenrolling in the Florida Retirement System; amending s. 121.055, F.S.; prohibiting elected officials who retire after a certain date from renewing membership in the Senior Management Service Class or in the

Senior Management Service Optional Annuity Program; revising provisions relating to de minimum accounts; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; providing that retirees of a state-administered retirement system may not be reemployed by an employer participating in the Florida Retirement System for 6 months; deleting limitations relating to reemploying retires within 12 months after retirement; revising provisions relating to the Deferred Retirement Option Program; extending DROP participation for instructional personnel employed by a developmental research school; clarifying that DROP participation cannot be canceled; revising DROP provisions for elected officials; providing that DROP participants who end DROP after a certain date may not renew membership in a state-administered retirement system; deleting obsolete provisions; amending s. 121.122, F.S.; prohibiting a retiree from renewing membership in the State Retirement System; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.35, F.S.; revising provisions relating to participation in the state university optional retirement program; defining the term "retiree"; amending s. 121.4501, F.S.; revising the term "eligible employee"; amending s. 121.591, F.S.; conforming provisions; amending ss. 238.183 and 1012.33, F.S.; conforming cross-references; repealing ss. 121.093 and 121.094, F.S., relating to the reemployment of instructional personnel after retirement from a developmental research school, the Florida School for the Deaf and the Blind, or a charter school, the provisions of which are included in ss. 238.183 and 238.184, F.S.; providing a declaration of important state interest; requiring the Department of Management Services to request an actuarial study to determine the effect of the act on employer contributions and to notify the Governor and Legislature of the results; providing a contingent effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Finance and Tax; and Senators Gardiner, Deutch, Baker, and Gaetz—

CS for CS for SJR 1302—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of a new section in Article XII of the State Constitution to provide an additional property tax exemption for members of the military who receive a homestead exemption and who were deployed outside the United States during the preceding year.

By the Committees on Judiciary; and Community Affairs; and Senator Baker—

CS for CS for SB 1602—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; defining the term "compact, urban, mixed-use district"; amending s. 190.006, F.S.; providing for application of certain board of supervisors election time periods to compact, urban, mixed-use districts; providing for retroactive application; amending ss. 190.005, 190.011, 190.016, 190.021, and 348.968, F.S.; conforming cross-references; amending s. 190.012, F.S.; revising deed restriction enforcement rulemaking authority of boards of directors of community development districts; authorizing certain property owners to elect a district board advisor; providing advisor responsibilities; providing requirements for district board advisor review and recommendations relating to enforcement of the district rules outside the boundaries of the district; requiring creation of a district board advisor seat after an interlocal agreement is entered into; providing for election of the advisor and the term of office; providing election procedures and requirements; amending s. 190.046, F.S.; revising procedures and requirements to amend the boundaries of a community development district; revising procedures and requirements to merge community development districts; providing limitations; providing for petition filing fees; preserving rights of creditors, liens upon property, and claims and pending actions or proceedings; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Community Affairs—

CS for SB 1824—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to an exemption from public-records requirements for information that would identify or locate a child who participates in a government-sponsored recreation program or a parent or guardian of the child; providing definitions; reorganizing the exemption and making editorial changes; saving the exemption from repeal under the Open Government Sunset Review Act; repealing s. 2, ch. 2004-32, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Governmental Oversight and Accountability—

CS for SB 1838—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S.; providing that social security numbers of current and former agency employees held by the employing agency are confidential and exempt from public-records requirements; providing for future review and repeal of the exemption; requiring that an agency identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers and ensure compliance therewith; requiring notice as to whether collection of a social security number is authorized or mandatory under federal or state law; delineating conditions under which social security numbers held by an agency may be disclosed; redefining the term "commercial activity" for purposes of provisions authorizing the disclosure of a social security number under limited circumstances; eliminating provisions requiring that agencies report requests for social security numbers by commercial entities; clarifying that specified provisions do not supersede federal or state requirements regarding the collection, use, or release of social security numbers; reenacting ss. 119.0714(1)(i), (2)(e), and (3)(b) and 1007.35(8)(b), F.S., relating to social security numbers contained in records that are made part of a court file, a future requirement of court clerks to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to court clerks with respect to court records, the availability of social security numbers as part of official records, a future requirement of county recorders to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to county recorders with respect to official records, and access to specified information under the Florida Partnership for Minority and Underrepresented Student Achievement, respectively, for the purpose of incorporating the amendment to s. 119.071, F.S., in references thereto; providing a statement of public necessity; providing an effective date.

By the Committee on Judiciary; and Senator Baker—

CS for SB 1864—A bill to be entitled An act relating to aircraft safety; providing a short title; creating s. 379.2293, F.S.; providing legislative findings and intent; exempting airport authorities and other entities from penalties, restrictions, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defining the term "authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards"; providing that federal or state authorizations for such actions prevail over certain other regulations, permits, comprehensive plans, and laws; providing immunity from penalties with respect to authorized action for certain individuals; providing exceptions; providing an effective date.

By the Committees on Governmental Oversight and Accountability; Environmental Preservation and Conservation; and Environmental Preservation and Conservation—

CS for CS for SB 1898—A bill to be entitled An act relating to water management; reenacting ss. 373.069, 373.0693, 373.0695, 373.073, and 373.083, F.S., relating to the creation of the water management districts, pursuant to the provisions of the Florida Government Accountability Act; amending s. 350.031, F.S.; redesignating the Florida Public Service Commission Nominating Council as the "Legislative Nominating Council"; providing council members authority to nominate water management district governing board members; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.323, F.S.; providing for an applicant who meets certain conditions to be certified as a licensed water well contractor; amending s. 373.536, F.S.; authorizing certain chairs of committees of the Senate and the House of Representatives to submit comments and objections to proposed district budgets; amending s. 373.079, F.S.; providing for the delegation of permit decisions to the executive director of a water management district; revising meeting requirements for members of the governing boards, committees, and advisory boards of the water management districts, as provided in s. 120.54, F.S.; creating s. 373.0725, F.S.; providing for the Legislative Nominating Council to nominate

candidates for appointment to the water management boards; providing requirements; amending s. 373.073, F.S.; providing conforming changes; amending s. 373.083, F.S.; providing conforming changes; prohibiting the governing board of a water management district from interfering during review of permits; amending s. 373.118, F.S.; providing conforming changes; amending s. 373.584, F.S.; providing for a cap on revenues pledged for debt service; providing for legislative approval to exceed the cap; amending s. 373.59, F.S.; allowing for the use of funds to pay for nominating council activities; clarifying conditions under which payment in lieu of taxes shall be paid; amending s. 373.236, F.S.; providing for 25-year permits for renewable energy generating facilities under certain conditions; providing for a compliance report every 5 years during the term of the permit; encouraging participation in and contributions to alternative water supply development projects by private rural landowners; providing 50-year permits for such projects under certain conditions; granting the water management district authority to modify such permits to ensure compliance; amending s. 373.243, F.S.; providing for revocation authority to the governing board under certain conditions; repealing ss. 373.465 and 373.466, F.S., relating to the Lake Panasoffkee Restoration Council and the restoration program; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Criminal Justice; and Transportation; and Senator Altman—

CS for CS for CS for SB 2004—A bill to be entitled An act relating to uniform traffic control; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program; authorizing the Department of Highway Safety and Motor Vehicles, a county, or municipality to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer to issue and enforce a citation for such violation; providing exemptions from citations; providing procedures for disposition and enforcement of citations; providing that certain evidence is admissible for enforcement; providing penalties for submission of a false affidavit; providing that the act does not preclude the issuance of citations by law enforcement officers; establishing a fine of a certain amount; providing for disposition of revenue collected; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; providing that certain persons may not be issued a license plate or revalidation sticker; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; providing for preexisting equipment; creating s. 316.0776, F.S.; providing for placement and installation of detectors on certain roads; amending s. 316.640, F.S.; requiring the Department of Highway Safety and Motor Vehicles to develop training and qualification standards for traffic infraction enforcement officers; amending s. 316.650, F.S.; requiring a traffic enforcement agency to provide a replica of the citation data by electronic transmission under certain conditions; amending s. 318.14, F.S.; providing an exception from provisions requiring a person cited for an infraction for failing to stop at a traffic control signal steady red light to sign and accept a citation indicating a promise to appear; amending s. 318.18, F.S.; increasing certain fines; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; allowing the clerk of court to dismiss certain cases upon receiving documentation that the uniform traffic citation was issued in error; amending s. 322.27, F.S.; providing that no points may be assessed against the drivers license for infractions enforced by a traffic infraction enforcement officer; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, and certain nursing homes; providing for severability; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Commerce—

CS for SB 2032—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding Scripps Florida Funding Corporation; amending s. 288.955, F.S.; clarifying the definition of "grantee"; amending s. 288.9551, F.S.; narrowing the public-records exemption for specified information held by the Scripps Florida Funding Corporation and the public-meetings exemption for portions of meetings of the board of directors of the corporation at which confidential and exempt information is discussed; removing the application of the exemptions with respect to the Office of Tourism, Trade, and Economic Development; reorganizing and conforming provisions; making editorial changes and removing superfluous provisions; providing a penalty; delaying the scheduled repeal of the exemption; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Detert—

CS for SB 2038—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "weapon" and "controlled substance"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Judiciary; and Senator Haridopolos—

CS for SB 2198—A bill to be entitled An act relating to tobacco settlement agreements; amending s. 569.23, F.S.; providing definitions; requiring trial courts to stay the execution of all judgments in favor of certain former class action members during appellate proceedings upon the posting of a supersedeas bond or other surety by signatories, parents, successors, or affiliates of a signatory to a tobacco settlement agreement applicable to all such judgments; limiting the total cumulative value of all supersedeas bonds or other surety to a certain amount; permitting a court to order a specific defendant that dissipates assets to avoid payment of a judgment to increase the surety; providing applicability; providing an effective date.

By the Committees on Judiciary; and Health Regulation; and Senator Gardiner—

CS for CS for SB 2286—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; providing that certain administrative penalties do not apply to or preclude certain discounts, compensations, waivers of payment, or payment practices; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the

Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring the Agency for Health Care Administration to use specified documents from a provider's records to calculate an overpayment by the Medicaid program; prohibiting a provider from using certain documents or data as evidence when challenging a claim of overpayment by the Agency for Health Care Administration; providing an exception; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care plan"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permitee for certain misconduct by the permitee, or persons affiliated with the permitee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; conforming a cross-reference; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191; F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9905, F.S.; revising the definition of the term "clinic" as it relates to the Health Care Clinic Act; excluding certain entities from the definition and from licensure requirements of the act; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an over-capacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement

that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; revising the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium"; amending s. 651.105, F.S.; revising the time period in which the Office of Insurance Regulation is required to examine the business of an applicant for a certificate of authority and a provider engaged in the execution of continuing care contracts; amending s. 651.118, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on Judiciary; Commerce; and Transportation; and Senator Haridopolos—

CS for CS for CS for SB 2630—A bill to be entitled An act relating to motor vehicle dealerships; amending s. 320.64, F.S.; revising provisions prohibiting certain acts by a motor vehicle manufacturer, factory branch, distributor, or importer licensed under specified provisions; revising conditions and procedures for certain audits; making rebuttable a presumption that a dealer had no actual knowledge and should not have known that a customer intended to export or resell a motor vehicle; clarifying a dealer's eligibility requirements for licensee-offered program bonuses, incentives, and other benefits; requiring certain payments if a termination, cancellation, or nonrenewal of a dealer's franchise is the result of cessation of manufacture or distribution of a line-make or a bankruptcy or reorganization; amending s. 320.642, F.S.; revising provisions for establishing an additional motor vehicle dealership in or relocating an existing dealer to a location within a community or territory where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; revising requirements for protests; revising provisions for denial of an application for a motor vehicle dealer license in any community or territory; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles when evaluating the application; revising provisions under which a dealer has standing to protest a proposed additional or relocated motor vehicle dealer; amending s. 320.643, F.S.; revising provisions for a transfer, assignment, or sale of franchise agreements; prohibiting rejection of proposed transfer of interest in a motor vehicle dealer entity to a trust or other entity, or a beneficiary thereof, which is established for estate-planning purposes; prohibiting placing certain conditions on such transfer; revising provisions for a hearing by the department or a court relating to a proposed transfer; amending s. 320.696, F.S.; revising warranty responsibility provisions; providing for severability; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Judiciary; and Health Regulation; and Senator Gardiner—

CS for CS for SB 2286—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; providing that certain administrative penalties do not apply to or preclude certain discounts, compensations, waivers of payment, or payment practices; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring the Agency for Health Care Administration to use specified documents from a provider's records to calculate an overpayment by the Medicaid program; prohibiting a provider from using certain documents or data as evidence when challenging a claim of overpayment by the Agency for Health Care Administration; providing an exception; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care plan"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the li-

cense of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permitee for certain misconduct by the permitee, or persons affiliated with the permitee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; conforming a cross-reference; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191; F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9905, F.S.; revising the definition of the term "clinic" as it relates to the Health Care Clinic Act; excluding certain entities from the definition and from licensure requirements of the act; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an over-capacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; revising the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium"; amending s. 651.105, F.S.; revising the time period in which the Office of Insurance Regulation is required to examine the business of an applicant for a certificate of authority and a provider engaged in the execution of continuing care contracts; amending s. 651.118, F.S.; conforming a cross-reference; providing an effective date.

—was placed on the Calendar.

By the Committee on Finance and Tax; and Senator Altman—

CS for SB 2578—A bill to be entitled An act relating to the Department of Revenue; amending s. 55.204, F.S.; providing for the duration of certain judgment liens; amending s. 72.011, F.S.; clarifying the date by which an action to contest any tax, interest, or penalties must be filed; conforming cross-references; authorizing the Department of Revenue, the Department of Highway Safety and Motor Vehicles, and the Department of Business and Professional Regulation to adopt rules for the waiver of the requirement for the payment of uncontested amounts and the deposit of security in actions to contest the legality of any tax, interest, or penalty; amending s. 95.091, F.S.; providing that the duration of a tax lien relating to certain unemployment compensation taxes expires 10 years following a certain date; amending s. 202.125, F.S.; clarifying that an exemption from the communications services tax does not apply to a residence that is all or part of a transient public lodging establishment; amending s. 212.08, F.S.; providing criteria to determine the tax on a package that contains taxable nonfood products and exempt food products; clarifying that the sales tax exemption for building materials used in the rehabilitation of real property located in an enterprise zone applies only during the rehabilitation of the real property; authorizing a single application for a tax refund for certain contiguous parcels of real property; revising information that must be included in the application for the tax refund; providing that the tax exemption for building materials used in an enterprise zone may inure to a unit of government; amending s. 213.053, F.S.; providing that the Department of Revenue may share certain information with the Florida Energy and Climate Commission; providing that the Department of Revenue may share taxpayer names and identification numbers for purposes of information-sharing agreements with financial institutions; providing that provisions restricting the disclosure of confidential information do not apply to certain methods of electronic communication for certain purposes; providing that the Department of Revenue may release information relating to outstanding tax warrants to the Department of Business and Professional Regulation; authorizing the Department of Revenue to publish a list of taxpayers against whom it has filed a warrant or judgment lien certificate; requiring the department to update the list at

least monthly; authorizing the Department of Revenue to adopt rules; creating s. 213.0532, F.S.; defining terms; requiring the Department of Revenue to enter into information-sharing agreements with certain financial institutions; requiring the department to pay a reasonable fee to a financial institution for certain costs; providing that financial institutions do not need to provide notice of information-sharing agreements to accountholders; providing that financial institutions are not liable for certain acts taken in connection with information-sharing agreements; authorizing the Department of Revenue to adopt rules; amending s. 213.25, F.S.; authorizing the Department of Revenue to reduce a tax refund or a tax credit to the extent of liability for unemployment compensation taxes; amending s. 213.50, F.S.; authorizing the Department of Business and Professional Regulation to revoke the hotel or restaurant license of a licenseholder having an outstanding tax warrant for a certain period; authorizing the Department of Business and Professional Regulation to deny an application to renew the hotel or restaurant license of a licenseholder having an outstanding tax warrant for a certain period; amending s. 213.67, F.S.; clarifying the date by which an action to contest a notice of intent to levy must be filed; creating s. 213.758, F.S.; defining terms; providing for the transfer of tax liabilities to the transferee of a business or a stock of goods under certain circumstances; providing exceptions; requiring a taxpayer who quits a business to file a final tax return; authorizing the Department of Legal Affairs to seek injunctions to prevent business activities until taxes are paid; requiring the transferor of a business or stock of goods to file a final tax return and make a full tax payment after a transfer; authorizing a transferee of a business or stock of goods to withhold a portion of the consideration for the transfer for the payment of certain taxes; authorizing the Department of Legal Affairs to seek an injunction to prevent business activities by a transferee until the taxes are paid; providing that the transferees are jointly and severally liable with the transferor for the payment of taxes, interest, or penalties under certain circumstances; limiting the transferee's liability to the value or purchase price of the transferred property; authorizing the Department of Revenue to adopt rules; amending s. 220.192, F.S.; providing for the administration of certain portions of the renewable energy technologies tax credit program by the Florida Energy and Climate Commission; providing for retroactive application; amending s. 336.021, F.S.; revising the distribution of the ninth-cent fuel tax on motor fuel and diesel fuel; amending s. 443.036, F.S.; providing for the treatment of a single-member limited liability company as the employer; amending s. 443.1215, F.S.; correcting a cross-reference; amending s. 443.1316, F.S.; conforming cross-references; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; creating s. 213.691, F.S.; authorizing the Department of Revenue to file an integrated warrant or judgment lien for a taxpayer's total liability for taxes, fees, or surcharges; requiring the integrated warrant or judgment lien certificate to itemize amounts due for each tax, fee, or surcharge; creating s. 213.692, F.S.; authorizing the Department of Revenue to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant or tax lien; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the Department of Revenue from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant or tax lien certificate; authorizing the department to adopt rules; repealing s. 195.095, F.S., relating to the authority of the Department of Revenue to develop lists of bidders that are approved to contract with property appraisers, tax collectors, or county commissions for assessment or collection services; repealing s. 213.054, F.S., relating to monitoring and reporting on the use of a tax deduction claimed by international banking institutions; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 177, CS for CS for HB 179, CS for CS for HB 333, CS for CS for HB 453, CS for HB 1269, HB 7117, HB 7121; has passed as amended CS for CS for HB 55, CS for HB 739, HB 767, CS for CS for HB 845, CS for CS for HB 991, CS for CS for HB 1209 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Policy Council and Representative(s) Adams, Proctor—

CS for HB 177—A bill to be entitled An act relating to firearms transactions; amending s. 790.335, F.S.; clarifying that violations of provisions prohibiting keeping any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms may be committed by entities as well as individuals; requiring that secondhand dealers and pawnbrokers who electronically submit certain firearm transaction records to law enforcement agencies submit certain specified information in Florida Crime Information Center coding; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By Finance & Tax Council, Military & Local Affairs Policy Committee and Representative(s) Nelson, Schultz—

CS for CS for HB 179—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property appraisers' authority to inspect property for assessment purposes to include use of image technology in lieu of physical inspection; requiring the Department of Revenue to establish minimum standards for use of image technology; providing a criterion; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee and Representative(s) Workman—

CS for CS for HB 333—A bill to be entitled An act relating to off-highway vehicles; amending ss. 261.03, 316.2074, and 317.0003, F.S.; revising the definitions of the terms "ATV," "all-terrain vehicle," and "off-highway vehicle" and defining the term "ROV" for purposes of provisions relating to the sale and use of motorized off-highway vehicles; providing an effective date.

—was referred to the Committees on Agriculture; and Transportation; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council, PreK-12 Policy Committee and Representative(s) Weatherford, Adkins, Ambler, Burgin, Bush, Ford, Fresen, Grady, Heller, Holder, Horner, Hudson, Kreegel, Legg, Long, Murzin, Plakon, Planas, Precourt, Reagan, Renuart, Rouson, Williams, T., Workman, Zapata—

CS for CS for HB 453—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.186, F.S.; providing that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax; amending s. 220.187, F.S.; defining the term "direct certification list"; expanding the Corporate Income Tax Credit Scholarship Program to include insurance premium

tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; providing that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax; imposing an additional requirement on the Department of Education; specifying school district tax credit scholarship notification requirements and limitations; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; providing conforming revisions; authorizing certain insurers that made past contributions to the Florida Tax Credit Scholarship Program to claim the credits against future corporate income tax liability; requiring the insurer to apply to the Department of Revenue for the tax credits; requiring such insurers to file amended corporate income tax and insurance premium tax returns; providing severability; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

By Health & Family Services Policy Council and Representative(s) Homan, Anderson, Bullard, Garcia, Kiar, Plakon, Roberson, Y., Rogers, Steinberg, Taylor, P., Waldman, Zapata—

CS for HB 1269—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Education Policy Council and Representative(s) Culp—

HB 7117—A bill to be entitled An act relating to student records; amending s. 1002.21, F.S.; deleting provisions relating to the rights parents have regarding their children's postsecondary student records to conform to changes made by the act; amending s. 1002.22, F.S.; deleting certain provisions governing the release of K-12 student records and reports to specified parties; deleting definitions; defining the terms "agency" and "institution"; requiring that the State Board of Education comply with federal law with respect to the release of education records; requiring that the State Board of Education adopt rules; creating s. 1002.225, F.S.; defining the term "education records" for purposes of records of students in public postsecondary educational institutions; requiring that a public postsecondary educational institution comply with federal law; authorizing such institution to charge a fee for furnishing copies of education records; prohibiting an institution from charging a fee that exceeds the actual cost incurred by the institution for producing such copies; prohibiting the institution from including the costs of searching for or retrieving the records in the fee; providing an aggrieved student with the right to bring an action in court; providing for the award of attorney's fees and court costs; amending ss. 220.187, 1002.39, 1003.451, and 1009.94, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations.

By Education Policy Council and Representative(s) Culp, Coley—

HB 7121—A bill to be entitled An act relating to postsecondary distance learning; creating s. 1004.091, F.S.; establishing the Florida Distance Learning Consortium to facilitate collaboration among public postsecondary educational institutions in the use of distance learning; providing for oversight of the consortium and administrative services; providing duties of the consortium; amending ss. 1009.23 and 1009.24, F.S.; defining a distance learning course for purposes of assessing distance learning course user fees for community college and state university students; providing requirements for the link to the Florida Higher Education Distance Learning Catalog on an institution's website; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By Finance & Tax Council, Economic Development Policy Committee and Representative(s) Jenne, Clarke-Reed, Holder, Hudson, Porth, Rogers—

CS for CS for HB 55—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on the consideration for short sale transfers of real property; excluding certain unpaid indebtedness from such consideration; defining the term "short sale"; authorizing the Department of Revenue to adopt rules establishing arm's length criteria for short sale purposes; providing an effective date.

—was referred to the Committees on Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By State & Community Colleges & Workforce Policy Committee and Representative(s) Chestnut, Bembry—

CS for HB 739—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By Representative(s) Fitzgerald, Reagan, Rogers, Rouson—

HB 767—A bill to be entitled An act relating to mental health and substance abuse services; creating s. 394.4612, F.S.; authorizing the Agency for Health Care Administration to license facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; providing eligibility criteria for treatment services; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

By General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Drake, Williams, T.—

CS for CS for HB 845—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4621, F.S.; requiring an application for workers' compensation coverage issued by a group self-insurance fund to notify applicants that policyholders must make additional contributions to the fund if the fund is unable to pay its obligations; creating s. 624.4626, F.S.; authorizing certain electric cooperatives to operate a self-insurance fund for certain purposes; providing requirements; subjecting such funds to certain assessments; exempting such funds from certain group self-insurance fund requirements under certain circumstances; amending s. 626.89, F.S.; requiring certain administrators to submit fiscal year statements within a specific time; amending s. 631.904, F.S.; revising the definition of "self-insurance fund" under the Florida Workers' Compensation Insurance Guaranty Association Act to exclude certain types of self-insurance funds; providing an effective date.

—was referred to the Committees on Banking and Insurance; Communications, Energy, and Public Utilities; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Full Appropriations Council on Education & Economic Development, PreK-12 Policy Committee and Representative(s) Grady, Burgin, Crisafulli, Fresen, O'Toole, Precourt, Van Zant, Weatherford, Zapata—

CS for CS for HB 991—A bill to be entitled An act relating to school improvement and accountability; providing a short title; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improve-

ment and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the state board to adopt rules in compliance with the ESEA and rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying and turning around low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the state board to prescribe reporting requirements to review and monitor the progress of schools; requiring that the department create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing another option under certain circumstances; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring the state board to adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent and provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

—was referred to the Committee on Education Pre-K - 12 Appropriations.

By Government Accountability Act Council, State & Community Colleges & Workforce Policy Committee and Representative(s) Grimsley—

CS for CS for HB 1209—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; revising the definition of the term "approved program" and defining terms for purposes of the Nurse Practice Act; amending s. 464.019, F.S.; revising provisions for the approval of nursing programs by the Board of Nursing; requiring institutions wishing to conduct certain nursing programs to submit a program application and pay a program review fee to the Department of Health; specifying that a program application is deemed approved if the board does not act within specified timeframes; providing application requirements and procedures; providing standards for the approval of nursing programs; specifying that, upon the board's approval of a program application, the program becomes an approved program; providing that programs provisionally approved by the board, and certain programs on probationary status, as of a specified date are approved programs under the act; providing that certain programs on probationary status as of a specified date remain on probationary status; requiring such programs on probationary status to comply within a specified period with a requirement related to program graduate passage rates; requiring the board to terminate programs that do not comply; requiring approved programs to annually submit a report; specifying contents of annual reports; providing for denial of program applications; providing procedures for processing incomplete program applications; requiring the board to provide a notice of intent to deny a program application that does not document compliance with certain standards; authorizing an administrative hearing for review of a notice of intent to deny an application; requiring the board to publish on its Internet website certain data about nursing programs; requiring that a nursing program be placed on probation under certain circumstances; requiring programs placed on probation to disclose certain information to students and applicants; requiring the board to terminate a nursing program under certain circumstances; requiring a nursing program that closes to notify the board of certain information; specifying that the board, with certain exceptions, does not have rulemaking authority to administer the act; specifying that the board may not impose any condition or requirement on program approval or retention except as expressly provided in the act; requiring the board to repeal certain rules in existence as of a specified date; requiring the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Health Regulation; Higher Education; and Health and Human Services Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 22 was corrected and approved.

CO-INTRODUCERS

Senators Baker—CS for CS for CS for SB 494; Bullard—CS for CS for CS for CS for SB 1540; Detert—CS for CS for SB 1042; Rich—CS for CS for SB 274

RECESS

On motion by Senator Villalobos, the Senate recessed at 5:56 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, April 24 or upon call of the President.

Journal of the Senate

Number 13—Regular Session **Friday, April 24, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 10:00 a.m. A quorum present—39:

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Excused: Senator Pruitt

PRAYER

The following prayer was offered by James Bridwell, Youth Pastor, First Baptist Church, Crawfordville:

God, we thank you for the opportunity to gather today and make our country and our state better. You have given us this privilege to oversee the lives of your people. We acknowledge that the decisions being made today will affect generations to come.

So we ask that you, Lord, give us wisdom to make the proper choices. Help our egos and our agenda come second to the good of the people. God, guide us today and may our work be pleasing in your sight. Please also be with our brothers across the nation who have the same task that we do, from the local to the national levels. Bless our troops with safety and a quick return.

Lord, be with our families and keep your hand of protection upon them. Lord, there is no one like you. We praise you for who you are, and thank you for all the good you have brought to our lives. Amen.

PLEDGE

Senate Pages Joshua Brinsley of Miami; Allan Abrantes, Jr. of South Miami; Mary "Tory" Burnett of Jacksonville; Jarrod S. Fleming of Orlando; and Emmittcia "MiMi" Jones of Tallahassee led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Temple O. Robinson of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Robinson specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Garcia—

By Senator Garcia—

SR 944—A resolution recognizing April 2009 as "Fair Housing Month."

WHEREAS, the federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, gender, national origin, disability, or familial status, and

WHEREAS, the Florida Legislature enacted the Florida Fair Housing Act in 1983 to ensure that the state makes every effort to provide fair housing opportunities to all persons, and to prohibit discrimination in the sale or rental of housing due to race, color, national origin, gender, or religion, and

WHEREAS, the Florida Legislature subsequently amended the Florida Fair Housing Act to expand the prohibition on discrimination to include familial status and persons with disabilities, and

WHEREAS, according to the United States Department of Housing and Urban Development, one out of every four or five Hispanic, African-American, Asian, or Native-American persons still faces discrimination when attempting to rent, purchase, or finance housing, and

WHEREAS, low-income and disabled persons and the elderly who attempt to purchase, refinance, or secure a reverse mortgage are targets for predatory lending and fraudulent loan practices, and

WHEREAS, the Secretary of the United States Department of Housing and Urban Development has proclaimed April 2009 as "National Fair Housing Month" and, further, has asked communities to remember the past and celebrate 41 years of housing successes, and to ensure justice and housing opportunities for all, and

WHEREAS, Florida has one of the highest foreclosure rates in the country resulting in an alarming number of residents losing their homes and being forced to find alternative housing, and

WHEREAS, thorough and timely investigations conducted by the Florida Commission on Human Relations found that, in 2007-2008, housing discrimination on the basis of disability, race, familial status, and national origin continued to occur in Florida, and

WHEREAS, the Florida Commission on Human Relations continues to expand its efforts to reach out to and educate members of the housing industry on fair housing laws and on industry responsibilities in providing fair housing opportunities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 2009 is recognized as "Fair Housing Month" in the State of Florida, and the Florida Senate calls upon state and local government leaders, communities within the state, and all of the people of Florida to observe Fair Housing Month through activities and ceremonies that celebrate historical and future efforts to ensure fair and equal access to housing for all people in this state.

—was introduced out of order and read by title. On motion by Senator Garcia, **SR 944** was read the second time in full and adopted.

At the request of Senator Fasano—

By Senator Fasano—

SR 2702—A resolution honoring Captain Scott Michael Bierwiler and extending the sympathy of the members of the Florida Senate to his family and his extended law enforcement family.

WHEREAS, Scott Michael Bierwiler was born in Cold Spring, New York, on March 21, 1966, and

WHEREAS, Captain Bierwiler began work at the Hernando County Sheriff's Office as a deputy sheriff in October 1986, and rose through the ranks to Sergeant in 1998, to Lieutenant in 2003, and to Captain and Operations Bureau Commander in January 2008, and

WHEREAS, Captain Scott Michael Bierwiler served the residents of Hernando County as special operations section commander and vice and narcotics unit supervisor, he served in the STEP (traffic) unit, the criminal investigations division, and the intelligence unit, and also served as a patrol supervisor, and

WHEREAS, Captain Scott Michael Bierwiler was a graduate of the Command Officer Management School at St. Leo University and the F.B.I. National Academy in Quantico, Virginia, and

WHEREAS, Captain Scott Michael Bierwiler received numerous commendations throughout the course of his law enforcement career, including a Medal of Valor from the Hernando County Sheriff's Office, a Medal of Valor and the Combat Cross from the Fair Lawn Police Department, citations from the New Jersey Senate and the New Jersey General Assembly, a Meritorious Service Award and Departmental Citation from the Bergen County Prosecutor's Office and the Bergen County Police Chief's Association, and a Valor Citation from the Bergen County Conference of the New Jersey State Policeman's Association, and

WHEREAS, on February 19, 2009, Captain Scott Michael Bierwiler died in the line of duty, just 1 month shy of his 43rd birthday, and

WHEREAS, Captain Scott Michael Bierwiler is survived by his wife of 20 years, Angie, and three children, daughters Kayla, 18, and Kiley, 16, and son Scottie, 9, who are devastated by their loss, but forever grateful for having been loved and inspired by him, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate hereby honors Captain Scott Michael Bierwiler for his outstanding and selfless service to the people of Hernando County and the State of Florida, and extends its deepest sympathy to his family and his extended law enforcement family.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Angie, Kayla, Kiley, and Scottie Bierwiler as a tangible token of the sentiments of the Florida Senate.

—**SR 2702** was introduced, read and adopted by publication.

At the request of Senator Pruitt—

By Senator Pruitt—

SR 2734—A resolution honoring the career and life of Judge David Harper.

WHEREAS, Judge David Harper graduated from the University of Southwestern Louisiana in 1967 and from the Tulane University School of Law in 1970, the same year he was admitted to The Florida Bar, and

WHEREAS, in 1971, Judge David Harper was first elected as a Martin County judge, a position he retained through numerous elections throughout his career on the bench, and

WHEREAS, Judge David Harper served his community with fairness, justice, honesty, and humor, and treated every citizen who came through his courtroom with dignity and respect, and

WHEREAS, Judge David Harper was known for his exceedingly down-to-earth manner, treating each member of the courthouse staff as an equal and a friend, and

WHEREAS, Judge Harper's fellow judges revered him as a statesman and one-of-a-kind jurist, qualities that were reflected through his mentoring of countless young attorneys on the Treasure Coast, and

WHEREAS, Judge David Harper not only gave back to his community through his civic duties, but through volunteering, especially with the Boy Scouts of America, of which he was a devoted champion, and

WHEREAS, Judge David Harper was an avid outdoorsman as a Life Member of the National Rifle Association and Executive Director of the Martin County Sportsmen's Association, which he founded with Don Lindh in 1978 from the floor of his courtroom, and

WHEREAS, Judge David Harper was a family man, eternally devoted to his children and grandchildren, and

WHEREAS, Judge David Harper was a 38-year veteran of the bench in Martin County and the longest-serving county court judge in the State of Florida, and

WHEREAS, Judge David Harper died on March 17, 2009, at the age of 63, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes the life and passing of Judge David Harper by posthumously commending his numerous contributions and outstanding service to the Nineteenth Judicial Circuit of Florida, the Treasure Coast communities, and the people of Martin County.

—**SR 2734** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 2766—A resolution commending Dr. Walter L. Smith for his accomplishments in the field of education.

WHEREAS, each year, the National Education Association's Applegate-Dorros Peace and International Understanding Award is presented to an individual whose activities in education contribute to international understanding and cooperation among people and nations of the world, and

WHEREAS, this year's recipient of the award, Dr. Walter L. Smith, has spent decades as a champion for education both at home and abroad, and

WHEREAS, with a bachelor's degree and a master's degree from Florida A & M University, Dr. Smith became a leader in education, serving as Chairman of the Science Department at Hillsborough County's Marshall High School, bringing about the involvement of the first Black students in the Kennedy Space Center programs, and assisting the United States Office of Education in developing school district desegregation plans and graduate education training centers for Black administrators, and

WHEREAS, after receiving his Ph.D. in Higher Education Organization and Management from Florida State University, Dr. Smith became President of Roxbury Community College in Boston, Massachusetts, and

in 1977 became the seventh President of Florida A & M University and served until 1985, and

WHEREAS, under Dr. Smith's presidency at Florida A & M University, new colleges and graduate education programs were established, the Presidential Scholars Program was created to recruit some of the best and brightest students, student services were improved, and major construction projects were implemented in academic and athletic areas, and

WHEREAS, after leaving the presidency, Dr. Smith was selected as a Senior Fulbright Scholar and, through his research at the University of Malawi in Central Africa, brought about innovation in graduate education at the university, and

WHEREAS, as an outgrowth of his work in Malawi, Dr. Smith established an educational "think tank" at Florida A & M University, called "Peoples and Places Around the World," and

WHEREAS, in 1987, Dr. Smith began providing educational orientation to South African educators in preparation for the transition from apartheid to democracy and led efforts in developing a master plan for the implementation of community colleges in the Republic of South Africa, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Dr. Walter L. Smith is commended for his accomplishments in the field of education and congratulated as the recipient of the National Education Association's 2009 Applegate-Dorros Peace and International Understanding Award.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Walter L. Smith as a tangible token of the sentiments of the Florida Senate.

—**SR 2766** was introduced, read and adopted by publication.

At the request of Senator Wise—

By Senator Wise—

SR 2784—A resolution calling on the United States Congress to authorize and President Barack Obama to convene a White House Conference on Children and Youth in 2010.

WHEREAS, many children in the United States face serious challenges, including an estimated 3 million reports of child abuse and neglect, and nearly 900,000 reports of child abuse and neglect are substantiated each year, and

WHEREAS, more than 500,000 children and youth are in foster care at the end of the federal fiscal year and nearly 800,000 spend at least some time in care throughout the year, and

WHEREAS, while 50,000 children are adopted from the public child welfare system each year, more than 117,000 children are waiting to be adopted, and

WHEREAS, each year approximately 22,000 youth leave the foster care system not because they have found a permanent family but because they have reached the age at which foster care assistance ends, and

WHEREAS, there is an over-representation of certain populations, including Native Americans and African Americans, within the child welfare system, and

WHEREAS, the number of children being raised by grandparents and other relatives is increasing and should be encouraged, and the Federal Government has recognized through federal law that kinship care is an important permanency and placement option for many children, and

WHEREAS, the state courts are key decisionmakers in the lives of children involved in the child welfare system and should be supported as they determine whether abuse or neglect has occurred, whether a child should be reunified with his or her family, or whether the child should be adopted or placed in another setting, and

WHEREAS, the child welfare system includes a professional workforce in the courts, public and private child welfare agencies, mental health and health care programs, education settings, citizen review panels, and volunteers such as court-appointed special advocates, which should be strengthened, and

WHEREAS, the challenge of child abuse cannot be effectively addressed in a sustained manner until the nation addresses the outcomes for children in a comprehensive way, and

WHEREAS, the White House Conference on Children and Youth had been the oldest White House conference starting in 1909 and continuing every 10 years until the last conference in 1970, and

WHEREAS, these conferences resulted in significant policies over the decades, including the creation of the Children's Bureau and standards of care for children, and focused attention on critical needs of American's children, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate respectfully calls on the United States Congress to authorize and President Barack Obama to convene a White House Conference on Children and Youth in 2010.

—**SR 2784** was introduced, read and adopted by publication.

At the request of Senator Storms—

By Senator Storms—

SR 2796—A resolution recognizing the Florida Strawberry Festival for its preservation of community and celebration of harvest.

WHEREAS, the Florida Strawberry Festival originated in 1930 to celebrate Plant City's blessed heritage, including a bountiful harvest of strawberries, and

WHEREAS, the Florida Strawberry Festival continues to preserve and enhance the agricultural and historical legacy of the Florida strawberry, and

WHEREAS, Plant City produces three-fourths of the nation's midwinter strawberries, which are grown on 8,650 acres, generate an annual revenue of more than $343 million, and account for 40 percent of Hillsborough County's total agriculture sales, and

WHEREAS, the Florida Strawberry Festival has become one of the best strawberry festivals across the nation and was ranked 35th on the list of "Top 50 North American Fairs" in 2008, and

WHEREAS, the Florida Strawberry Festival is a community-oriented event governed by a devoted board of directors and has never been subsidized by taxpayers, and

WHEREAS, every year the Florida Strawberry Festival holds a pageant and selects a festival queen and court, and

WHEREAS, throughout the years the Florida Strawberry Association has awarded 299 scholarships, totaling $206,500 for the educational benefit of young people, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes the Florida Strawberry Festival for its preservation of community and celebration of harvest, commends the thousands of volunteers who give of their time to guarantee the success of the festival each year, and encourages all Floridians to visit the Florida Strawberry Festival and join in this celebration of Plant City's rich heritage.

—**SR 2796** was introduced, read and adopted by publication.

At the request of Senator Wise—

By Senator Wise—

SR 2802—A resolution celebrating the 50th Anniversary of the Florida Society of Association Executives (FSAE) and the 25th Anniversary of the Florida Society of Association Executives Foundation on July 10, 2009.

WHEREAS, the Florida Society of Association Executives (FSAE) held its first annual meeting on November 16, 1959, and the FSAE Foundation's Articles of Incorporation were approved on December 7, 1984, and

WHEREAS, FSAE is the gateway to associations in Florida, with more than 800 executive and associate members, including those who manage trade and professional associations, individual membership societies, charitable organizations, and other not-for-profit organizations, and

WHEREAS, FSAE and its foundation provide education, training, research, and certification for its members to further their professional development and to advance association management, and

WHEREAS, FSAE brings together groups of people who find strength in numbers in sharing common interests of industries, professions, charities, hobbies, or philanthropic action, and

WHEREAS, FSAE was founded upon the principles of democracy, volunteerism, and common interest that are the heart of the American experience and exists for the mutual protection and advancement of its members, and

WHEREAS, FSAE serves associations representing an enormous collective presence, with members' work woven throughout the fabric of society and a public that has come to depend on the social and economic benefits that their association members afford, and

WHEREAS, were it not for the associations that FSAE represents, government at all levels and the other institutions on which the public relies would face added burdens in the vital activities they perform, with associations providing assistance in setting and enforcing product and safety standards, stimulating and organizing volunteerism, conducting industry research, disseminating valuable information, conducting continuing education and ethics training, funding political campaigns, and organizing and providing community service, and

WHEREAS, the estimate of the direct economic value of FSAE members to the State of Florida is over $1.7 billion each year, including payroll, rent and mortgage expenses, transportation, printing, office supplies, postage, lodging and facility accommodations, and educational programs, and

WHEREAS, the association community in Florida provides nearly 60,000 white-collar jobs, accommodates more than 3 million meeting attendees, and spends $122 million at hotels, and

WHEREAS, associations sponsor more than 25,000 events in Florida annually, such as trade shows, committee and board meetings, and conventions and education programs, and

WHEREAS, associations pay nearly $52 million in taxes each year, and

WHEREAS, association staff and members donate more than 10 million hours of service to their associations and communities each year, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate celebrates the 50th anniversary of the Florida Society of Association Executives and the 25th anniversary of the Florida Society of Association Executives Foundation on July 10, 2009.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Society of Association Executives and the Florida Society of Association Executives Foundation as a tangible token of the sentiments of the Florida Senate.

—**SR 2802** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SB 2592** was withdrawn from the Committee on Finance and Tax; and **CS for SB 978** was withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz, by two-thirds vote **CS for CS for SB 2100** was withdrawn from the Committee on Banking and Insurance; and **CS for SB 1380** was withdrawn from the Committee on Commerce.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for SB 1666** was withdrawn from the Committee on Governmental Oversight and Accountability.

On motion by Senator King, by two-thirds vote **CS for SB 1680** was withdrawn from the Committee on Education Pre-K - 12; **CS for SB 2018** was withdrawn from the Committee on Health Regulation; **SB 1136**, **CS for SB 1418**, **SB 1566**, and **CS for CS for SB 2040** were withdrawn from the Committee on Higher Education; and **CS for SB 968** was withdrawn from the Committee on Judiciary.

On motion by Senator Villalobos, by two-thirds vote **SM 1330**, **CS for CS for SB 440**, **CS for SB 1824**, **CS for SB 1838**, and **CS for SB 2032** were withdrawn from the Committee on Rules.

BILLS ON THIRD READING

On motion by Senator Bennett, by unanimous consent—

HB 767—A bill to be entitled An act relating to mental health and substance abuse services; creating s. 394.4996, F.S.; authorizing the Agency for Health Care Administration to license facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; providing eligibility criteria for treatment services; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Bennett, **HB 767** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

On motion by Senator Bennett, by unanimous consent—

CS for CS for SB 1552—A bill to be entitled An act relating to lis pendens; amending s. 48.23, F.S.; permitting property to be sold exempt from claims asserted in an action when the lis pendens has expired or been withdrawn or discharged; requiring a notice of lis pendens to include the date of the action or the case number of the action; extending the time in which the holder of an unrecorded interest or lien may intervene in a pending action; providing for the control and discharge of a lis pendens that no longer affects the property; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Bennett, **CS for CS for SB 1552** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

On motion by Senator Bennett, by unanimous consent—

CS for CS for SB 2150—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; requiring that applications for all recreational activity licenses include a provision for the license applicant to make a voluntary contribution to Southeastern Guide Dogs, Inc.; providing for the use of funds raised by such contributions; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Bennett, **CS for CS for SB 2150** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

On motion by Senator Gaetz, by unanimous consent—

CS for CS for CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; providing limitations on licensing of home health agencies in certain counties; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; providing that certain discounts, compensations, waivers of payments, or payment practices; exempting nurse registries that meet certain conditions from a prohibition; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term "rural hospital" relating to hospital licensing and regulation and health care administration; amending s. 408.040, F.S.; providing an exception to the termination of certain certificates of need; creating s. 408.8065, F.S.; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring that certain entities that provide comprehensive behavioral health care services to certain Medicaid recipients be licensed or authorized; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; revising the requirement for an entity that contracts on a prepaid or fixed-sum basis to meet certain surplus requirements; deleting the requirement that an entity maintain certain investments and restricted funds or deposits; revising the circumstances in which the agency must prohibit the entity from engaging in certain activities, cease to process new enrollments, and not renew the entity's contract; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; amending s. 456.053, F.S.; excluding referrals to a sleep care provider for sleep related testing to the definition of a referral; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of

Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permitee for certain misconduct by the permitee, or persons affiliated with the permitee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191; F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; requiring a carrier to submit an annual report regarding the coverage of routine patient care costs to the Office of Insurance Regulation under certain circumstances; requiring the Office of Insurance Regulation to provide the annual report to the Governor, Legislature, and the Secretary of Health Care Administration; providing a definition; amending s. 651.118, F.S.; conforming a cross-reference; creating s. 409.91207; requiring the agency to develop a plan to create a medical home pilot project; providing waiver authority for the agency; providing an exception; requiring each medical home network to provide specified services; providing responsibilities of the agency; requiring the Secretary of the agency to appoint a task force; requiring the agency to submit a medical home implementation plan; specifying that implementation of the medical home pilot project is contingent upon legislative approval; authorizing the agency to develop rules; providing an effective date.

—as amended April 23 was taken up out of order and read the third time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (162158) (with title amendment)—Between lines 440 and 441 insert:

Section 4. Subsection (6) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(6) *A* ~~No~~ specialty hospital *may not* ~~shall~~ provide any service or regularly serve any population group beyond those services or groups specified in its license. *A specialty-licensed children's hospital that is authorized to provide pediatric cardiac catheterization and pediatric open heart surgery services may provide cardiovascular service to adults who, as children, were previously served by the hospital for congenital heart disease, or to those patients who are referred for a specialized procedure only for congenital heart disease by an adult hospital, without obtaining additional licensure as a provider of adult cardiovascular services. The agency may request documentation as needed to support patient selection and treatment. This subsection does not apply to a specialty-licensed children's hospital that is already licensed to provide adult cardiovascular services.*

And the title is amended as follows:

Delete line 12 and insert: certain circumstances; amending s. 395.003, F.S.; authorizing a specialty-licensed children's hospital to provide cardiology services to adults for congenital heart disease under certain circumstances without obtaining additional licensure as a provider of adult cardiology services; providing an exception; amending s. 400.471, F.S.;

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (480586) (with directory and title amendments)—Delete lines 4161-4190.

And the directory clause is amended as follows:

Delete lines 4148-4150 and insert:

627.4239, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 307-313 and insert: amending

On motion by Senator Gaetz, further consideration of **CS for CS for CS for SB 1986** as amended was deferred.

MOTION

On motion by Senator Villalobos, the rules were waived and the Claim Bill Calendar was scheduled for consideration at 11:30 a.m.

SENATOR BENNETT PRESIDING

CS for CS for SB 456—A bill to be entitled An act relating to mental illness; amending s. 394.455, F.S.; defining the term "electronic means"; amending s. 394.462, F.S.; requiring a law enforcement agency that transports persons to a receiving facility to have a memorandum of understanding with the facility; requiring that custody of a person who is transported to a receiving or treatment facility be relinquished to a responsible person at the facility; amending ss. 394.4655 and 394.467, F.S.; specifying that a psychiatric examination by certain personnel be conducted face-to-face, in person or by electronic means; providing an effective date.

—was read the third time by title.

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (762318)—Delete lines 45-160 and insert:

(2) INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. A patient *who is being recommended for involuntary outpatient placement by* ~~may be retained by a receiving facility upon the recommendation of~~ the administrator of *the* ~~a~~ receiving facility where the patient has been examined *may be retained by the facility* ~~and~~ after adherence to the notice ~~of hearing~~ procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that *a* ~~no~~ psychiatrist or clinical psychologist is *not* available to provide the second opinion, the second opinion may be provided by a licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse ~~as defined in this chapter~~. *Any second opinion authorized in this subparagraph may be conducted through a face-to-face examination, in person or by electronic means.* Such ~~a~~ recommendation must be entered on an involuntary outpatient placement certificate *that authorizes*~~, which certificate must authorize~~ the receiving facility to retain the patient pending completion of a hearing. The certificate shall be made a part of the patient's clinical record.

2. If the patient has been stabilized and no longer meets the criteria for involuntary examination pursuant to s. 394.463(1), the patient must be released from the receiving facility while awaiting the hearing for involuntary outpatient placement. *Before* ~~Prior to~~ filing a petition for involuntary outpatient treatment, the administrator of a receiving facility or a designated department representative *must* ~~shall~~ identify the service provider that will have primary responsibility for service provision under an order for involuntary outpatient placement, unless the person is otherwise participating in outpatient psychiatric treatment and is not in need of public financing for that treatment, in which case the individual, if eligible, may be ordered to involuntary treatment pursuant to the existing psychiatric treatment relationship.

3. The service provider shall prepare a written proposed treatment plan in consultation with the patient or the patient's guardian advocate, if appointed, for the court's consideration for inclusion in the involuntary outpatient placement order. The service provider shall also provide a copy of the proposed treatment plan to the patient and the administrator of the receiving facility. The treatment plan must specify the nature and extent of the patient's mental illness,~~. The treatment plan must~~ address the reduction of symptoms that necessitate involuntary outpatient placement, and include measurable goals and objectives for the services and treatment that are provided to treat the person's mental illness and ~~to~~ assist the person in living and functioning in the community or to ~~attempt to~~ prevent a relapse or deterioration. Service providers may select and *supervise* ~~provide supervision to~~ other individuals to implement specific aspects of the treatment plan. The services in the treatment plan must be deemed ~~to be~~ clinically appropriate by a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker~~, as defined in this chapter,~~ who consults with, or is employed or contracted by, the service provider. The service provider must certify to the court in the proposed treatment plan whether sufficient services for improvement and stabilization are currently available and whether the service provider agrees to provide those services. If the service provider certifies that the services in the proposed treatment plan are not available, the petitioner may not file the petition.

(b) If a patient in involuntary inpatient placement meets the criteria for involuntary outpatient placement, the administrator of the treatment facility may, before the expiration of the period during which the treatment facility is authorized to retain the patient, recommend involuntary outpatient placement. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that *a* ~~no~~ psychiatrist or clinical psychologist is *not* available to provide the second opinion, the second opinion may be provided by a

licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse ~~as defined in s. 394.455(23)~~. *Any second opinion authorized in this subparagraph may be conducted through a face-to-face examination, in person or by electronic means.* Such ~~a~~ recommendation must be entered on an involuntary outpatient placement certificate, and the certificate *must* ~~shall~~ be made a part of the patient's clinical record.

Section 4. Subsection (2) of section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary inpatient placement.—

(2) ADMISSION TO A TREATMENT FACILITY.—A patient may be retained by a receiving facility or involuntarily placed in a treatment facility upon the recommendation of the administrator of *the* ~~a~~ receiving facility where the patient has been examined and after adherence to the notice and hearing procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary inpatient placement are met. However, in *a county that has a population of fewer* ~~counties of less~~ than 50,000 ~~population~~, if the administrator certifies that *a* ~~no~~ psychiatrist or clinical psychologist is *not* available to provide the second opinion, *the* ~~such~~ second opinion may be provided by a licensed physician *who has* ~~with~~ postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse ~~as defined in s. 394.455(23)~~. *Any second opinion authorized in this subsection may be conducted through a face-to-face examination, in person or by electronic means.* Such recommendation shall be entered on an involuntary inpatient placement certificate *that authorizes*~~, which certificate shall authorize~~ the receiving facility to retain the patient pending transfer to a treatment facility or completion of a hearing.

On motion by Senator Gaetz, **CS for CS for SB 456** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for CS for SB 770—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; revising provisions relating to the Department of Elderly Affairs; deleting references to the boards of area agencies on aging; designating area agencies on aging as nongovernmental not-for-profit corporations; amending s. 430.203, F.S.; extending the period of designation as a lead agency; requiring that each area agency on aging, rather than the department, develop request for proposals for a community care for the elderly lead agency; providing for the development of a dispute resolution mechanism relating to the request-for-proposal process developed by the area agencies; amending s. 430.2053, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **CS for CS for SB 770** to **CS for CS for CS for HB 935**.

Pending further consideration of **CS for CS for SB 770** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 935** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

On motion by Senator Fasano, the rules were waived and by two-thirds vote—

CS for CS for CS for HB 935—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; requiring the Department of Elderly Affairs to contract with area agencies on aging to fulfill programmatic and funding requirements; revising responsibilities of the governing body of an area agency on aging and the executive director of the agency; amending s. 430.203, F.S.; revising the definition of "lead agency"; removing obsolete language; revising requirements with respect to the request for proposal process for the designation of a lead agency for community care for the elderly; requiring the Department of Elderly Affairs to create a dispute resolution mechanism by rule; providing requirements with respect to the dispute resolution mechanism; specifying required standards for a bid protest; providing for specified entitlement of litigants when certain lead agency designations are the subject matter of litigation; eliminating provisions that require an area agency on aging to exempt specified providers from the competitive bid process; amending s. 430.2053, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 770** as amended and by two-thirds vote read the second time by title.

On motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 935** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for CS for SB 1548—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the minimum amount of value attributed to certain emergency medical equipment and law enforcement equipment for the theft to reach the threshold for a second-degree felony; increasing the minimum value attributed to certain property for the theft to reach the threshold for a third-degree felony; authorizing a law enforcement officer who has probable cause to believe that a defendant has committed retail theft to issue a notice to appear in lieu of arresting the defendant under certain circumstances; authorizing a state attorney to establish a retail-theft diversion program for the purpose of diverting defendants from criminal prosecution if the defendant meets certain criteria; providing eligibility criteria for participating in a retail-theft diversion program; requiring the state attorney to mail a notice to appear to a defendant upon referral to a diversion program; setting forth the conditions that each participant in the retail-theft diversion program must complete; providing that a defendant may be prosecuted for the retail theft if all conditions in the diversion program are not fulfilled; authorizing a state attorney to collect a fee from each participant in the program; setting a limit on the fee for each defendant; amending s. 812.015, F.S.; increasing the value attributed to property taken during the commission of retail theft to reach the threshold amount for a third-degree felony offense; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Oelrich, the rules were waived to allow the following amendment to be considered:

Senator Oelrich moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (606868) (with title amendment)—Delete lines 68-72 and insert: valued at $300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or

4. The property stolen is law enforcement equipment, valued at $300 or more, that is taken from an authorized emergency

And the title is amended as follows:

Delete lines 3-6 and insert: increasing the

On motion by Senator Joyner, **CS for CS for SB 1548** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—1

Aronberg

CS for CS for SB 278—A bill to be entitled An act relating to charter schools; amending ss. 11.45, 218.39, 218.50, and 218.501, F.S., relating to audit reports by the Auditor General; conforming provisions to changes made by the act; amending ss. 218.503 and 218.504, F.S.; providing that a charter technical career center is subject to certain requirements in a financial emergency; requiring that the sponsor be notified of certain conditions; providing for the development of a financial recovery plan, which may be approved by the Commissioner of Education; amending s. 1002.33, F.S.; providing for duties of a charter school sponsor and governing board if a charter school or charter technical career center experiences a deteriorating financial condition or is in a financial emergency; specifying forms to be used by a charter school applicant and sponsor; requiring applicant training and documentation; deleting requirements relating to auditing and being in a state of financial emergency; requiring charter schools to disclose the identity of relatives of charter school personnel; providing that the immediate termination of a charter is exempt from requirements for an informal hearing or for a hearing under ch. 120, F.S.; providing that good cause for allowing an interdistrict transfer includes, but is not limited to, geographic proximity to a charter school; providing for charter schools to be included in requests for federal stimulus funds and federal competitive grants; revising provisions relating to certain administrative and educational services provided by sponsors to charter schools; providing for the disclosure of the performance of a charter school that is not given a school grade or school improvement rating; revising the requirements for providing certain information to the public; providing reporting requirements; providing restrictions for the employment of relatives by charter school personnel; providing that members of a charter school governing board are subject to certain standards of conduct specified in ss. 112.313 and 112.3143, F.S.; requiring that the State Board of Education adopt rules to implement a charter model application form, evaluation instrument, and charter and charter renewal formats; amending s. 1002.34, F.S.; providing additional duties for charter technical career centers, applicants, sponsors, and governing boards; requiring the Department of Education to offer or arrange training and assistance to applicants for a charter technical career center; requiring that an applicant participate in the training; requiring that the State Board of Education adopt rules to implement a charter model application form and an evaluation instrument relating to charter technical career centers; creating s. 1002.345, F.S.; establishing criteria and requirements for charter schools and charter technical career centers that have a deteriorating financial condition or are in a state of financial emergency; establishing requirements for charter schools, charter technical career centers, governing bodies, and sponsors; providing for corrective action and financial recovery plans; providing for duties of auditors, the Commissioner of Education, and the Department of Education; requiring the State Board of Education to adopt rules; providing grounds for termination or nonrenewal of a charter; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Gaetz, **CS for CS for SB 278** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for CS for SB 1616—A bill to be entitled An act relating to career and adult education; amending s. 20.15, F.S.; renaming the Division of Workforce Education within the Department of Education as the "Division of Career and Adult Education"; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council by replacing the chancellor of the Community College System with the Commissioner of Education; amending s. 446.045, F.S.; revising definitions; revising the membership of the State Apprenticeship Advisory Council; prohibiting members from being reimbursed for per diem and travel expenses; providing that meetings may be held via teleconference or other electronic means; amending s. 1003.4285, F.S.; providing for a standard high school diploma designation for completed industry certifications; conforming a cross-reference; conforming provisions to changes made by the act; amending s. 1003.43, F.S.; providing an exception for adult high school students regarding certain prerequisites for high school graduation; repealing s. 1003.431, F.S., relating to career education certification; amending s. 1011.62, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability review and provide a report on workforce education programs for occupations not included on specific occupation lists and on funding options; requiring that such report be submitted to the Governor and the Legislature by a specified date; providing requirements for the report; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Oelrich moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (156970)—Delete line 169 and insert: professional academy program under *ss. 1003.491, 1003.492, and*

On motion by Senator Oelrich, **CS for CS for SB 1616** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for CS for SB 2538—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring that each supplemental educational services provider report certain information to the Department of Education regarding services to public school students in the district by a specified date each year; requiring that the department post a uniform survey on its Internet website to be completed online by principals and school districts; requiring that the department evaluate each provider based on such information and assign a service designation; providing an exception for such designation; requiring that the State Board of Education adopt rules specifying the threshold requirements for such designation; requiring that the department report the service designations to the providers, the school districts, parents, and the public by a specified date each year; authorizing school districts to use certain funds to meet the requirements in the act; requiring that the State Board of Education adopt rules; requiring that the board's rules include an internal complaint procedure; providing guidelines for such procedure; requiring that the department approve certain methods for measuring student learning gains; requiring that a provider use acceptable methods for measuring student learning gains as a condition for state approval; requiring that a provider report data on individual student learning gains to the department; providing an exception; requiring that the report contain certain information; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Detert, **CS for CS for SB 2538** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Mr. President

The Senate resumed consideration of—

CS for CS for CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; providing limitations on licensing of home health agencies in certain counties; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; providing that certain discounts, compensations, waivers of payments, or payment practices; exempting nurse registries that meet certain conditions from a prohibition; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term "rural hospital" relating to hospital licensing and regulation and health care administration; amending s. 408.040, F.S.; providing an exception to the termination of certain certificates of need; creating s. 408.8065, F.S.; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring that certain entities that provide comprehensive behavioral health care services to certain Medicaid recipients be licensed or authorized; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; revising the requirement for an entity that contracts on a prepaid or fixed-sum basis to meet certain surplus requirements; deleting the requirement that an entity maintain certain investments and restricted funds or deposits; revising the circumstances in which the agency must prohibit the entity from engaging in certain activities, cease to process new enrollments, and not renew the entity's contract; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or

deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; amending s. 456.053, F.S.; excluding referrals to a sleep care provider for sleep related testing to the definition of a referral; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permitee for certain misconduct by the permitee, or persons affiliated with the permitee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191; F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; requiring a carrier to submit an annual report regarding the coverage of routine patient care costs to the Office of Insurance Regulation under certain circumstances; requiring the Office of Insurance Regulation to provide the annual report to the Governor, Legislature, and the Secretary of Health Care Administration; providing a definition; amending s. 651.118, F.S.; conforming a cross-reference; creating s. 409.91207; requiring the agency to develop a plan to create a medical home pilot

project; providing waiver authority for the agency; providing an exception; requiring each medical home network to provide specified services; providing responsibilities of the agency; requiring the Secretary of the agency to appoint a task force; requiring the agency to submit a medical home implementation plan; specifying that implementation of the medical home pilot project is contingent upon legislative approval; authorizing the agency to develop rules; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (180402)—In title, between lines 43 and 44 insert: providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; providing a penalty;

On motion by Senator Gaetz, **CS for CS for CS for SB 1986** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for SB 554—A bill to be entitled An act relating to the legal jurisdiction of campus police; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" to authorize state university police officers to enforce laws within a specified jurisdictional area as agreed upon in a mutual aid agreement; amending s. 316.640, F.S.; authorizing university police officers to enforce traffic violations committed within a specified distance from property under the supervision or control of the university; amending s. 1012.97, F.S.; authorizing university police officers to arrest persons for violations that occur within a specified distance from property owned or controlled by the university or a direct-support organization of the university; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for SB 554** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dean	Haridopolos
Alexander	Detert	Hill
Altman	Deutch	Jones
Aronberg	Diaz de la Portilla	Joyner
Baker	Dockery	Justice
Bennett	Fasano	King
Bullard	Gaetz	Lawson
Constantine	Garcia	Lynn
Crist	Gardiner	Oelrich
Peaden	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise
Ring	Storms	

Nays—None

Vote after roll call:

Yea—Gelber

Consideration of **CS for CS for SB 762** was deferred.

HB 7121—A bill to be entitled An act relating to postsecondary distance learning; creating s. 1004.091, F.S.; establishing the Florida Distance Learning Consortium to facilitate collaboration among public postsecondary educational institutions in the use of distance learning; providing for oversight of the consortium and administrative services; providing duties of the consortium; amending ss. 1009.23 and 1009.24, F.S.; defining a distance learning course for purposes of assessing distance learning course user fees for community college and state university students; providing requirements for the link to the Florida Higher Education Distance Learning Catalog on an institution's website; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **HB 7121** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for SB 2096—A bill to be entitled An act relating to nonpublic postsecondary educational institutions; amending s. 1005.32, F.S.; revising the criteria for licensure by means of accreditation for an independent postsecondary educational institution; requiring that, in order to maintain its license, an institution file a report with the Commission for Independent Education which includes the results of a site visit performed by an accrediting agency; requiring that each institution request such site visits; authorizing the commission to request a site visit performed by an accrediting agency; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for SB 2096** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Constantine	Fasano
Alexander	Crist	Gaetz
Altman	Dean	Garcia
Aronberg	Detert	Gardiner
Baker	Deutch	Gelber
Bennett	Diaz de la Portilla	Haridopolos
Bullard	Dockery	Hill

Jones	Oelrich	Smith
Joyner	Peaden	Sobel
Justice	Rich	Storms
King	Richter	Villalobos
Lawson	Ring	Wilson
Lynn	Siplin	Wise

Nays—None

CS for CS for SB 2682—A bill to be entitled An act relating to the Florida College System; amending s. 20.15, F.S.; renaming the Division of Community Colleges as the Division of Florida Colleges; amending s. 1000.21, F.S.; defining the terms "Florida college" and "community college"; specifying the counties served by each Florida college; renaming specified Florida colleges; amending s. 1001.60, F.S.; providing that the Florida College System consists of specified Florida colleges; authorizing a Florida college to change the institution's name to include "college" or "state college" under specified circumstances; requiring the district board of trustees to seek statutory codification of name changes; conforming provisions to changes made by the act; amending s. 1004.65, F.S.; providing that each Florida college shall be governed by a district board of trustees; defining a Florida college district; providing that the open-door admission policy of Florida colleges applies to lower-division programs; providing that the primary mission of Florida colleges includes the provision of upper-level instruction and baccalaureate degrees as authorized by law; conforming provisions to changes made by the act; repealing s. 1004.73, F.S., relating to St. Petersburg College; repealing s. 1004.875, F.S., relating to the State College Pilot Project; amending s. 1007.23, F.S.; providing that associate in arts graduates of Florida colleges must be granted admission to the upper division of a Florida college and shall receive priority for such admission over out-of-state students; requiring specified publications of Florida colleges and state universities to include certain information; conforming provisions to changes made by the act; amending s. 1007.33, F.S.; providing a definition for the term "district"; providing that Florida colleges may offer specified baccalaureate degree programs through agreements with regionally accredited postsecondary educational institutions; authorizing Florida colleges to offer baccalaureate degree programs authorized by law prior to the act's effective date; requiring State Board of Education approval for baccalaureate degree programs proposed by a Florida college after the act's effective date; specifying the purposes for which a baccalaureate degree program may be proposed; providing an exemption from the requirement for State Board of Education approval for specified baccalaureate degree programs offered by St. Petersburg College; authorizing the Division of Florida Colleges to accept and review applications from Florida colleges to obtain an exemption from the requirement for State Board of Education approval if certain conditions are met; providing eligibility criteria for such exemption; requiring that the division recommend an institution for exemption to the board; requiring that the board review such recommendation for approval or disapproval; requiring that all Florida Colleges engage in need, demand, and impact discussions; requiring that documentation, data, and other information be provided to certain educational entities; providing for a compliance review of approved baccalaureate degree programs; specifying the approval process for baccalaureate degree programs; specifying contents of a proposal for a baccalaureate degree program; specifying requirements for Florida colleges offering baccalaureate degree programs; requiring that the State Board of Education adopt specified rules; conforming provisions to changes made by the act; amending ss.120.65, 288.8175, 1001.61, 1004.70, 1004.87, and 1009.23, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendments to be considered:

Senator Lynn moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (665798) (with directory amendment)—Between lines 598 and 599 insert:

(k) Florida-Mexico Institute (Florida International University and Polk *State* ~~Community~~ College).

And the directory clause is amended as follows:

Delete line 589 and insert:

Section 9. Paragraphs (c), (i), and (k) of subsection (5) of

Amendment 2 (112268)—Delete line 131 and insert:

(u) Polk *State* College*, which serves Polk County*.

On motion by Senator Lynn, **CS for CS for SB 2682** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for CS for CS for CS for SB 462—A bill to be entitled An act relating to prescription drugs; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic database system to monitor the prescribing and dispensing of certain controlled substances; requiring specified prescribing and dispensing information to be reported to the electronic database system; requiring the department to establish policies and procedures for the system; requiring the department, in consultation with the Office of Drug Control and specified organizations, to adopt by rules appropriate for the prescription drug monitoring program; providing reporting requirements; providing a reporting period; providing exemptions from participation in the system; authorizing the department to establish when to suspend and when to resume reporting requirements during declared emergencies; requiring all nonexempt, dispensing pharmacists and practitioners to submit information in a specified format; providing that the cost to the dispenser in submitting the required information may not be material or extraordinary; specifying costs that are not material or extraordinary; providing access to information reported to the system under certain circumstances; providing that information in the database for the electronic prescription drug monitoring system is not discoverable or admissible in any civil or administrative action; providing exceptions; providing for the use of data for specified purposes; providing requirements for verification of information requested; requiring data transmission to comply with state and federal privacy and security laws; authorizing an agency or person to maintain the data for a specified period if the data is pertinent to active health care or law enforcement investigation or prosecution; requiring the annual reporting of certain performance measures to the Governor and Legislature; providing performance measure criteria; providing criminal penalties for violations; requiring that all costs incurred by the department for the program be funded through federal grants or available private funding sources; providing requirements for seeking funding and procuring goods or services; authorizing the Office of Drug Control, in coordination with the department, to establish a direct-support organization; providing a definition; providing for a board of directors appointed by the director of the office; requiring the director to provide guidance to the board regarding acceptance of moneys from appropriate sources; requiring the direct-support organization to operate under written contract with the office; providing contract requirements; providing requirements for the direct-support organization's collecting, expending, and providing of funds; requiring department approval of activities of the direct-support

organization; authorizing the office to adopt rules for the use of certain facilities and services; providing for audits; prohibiting the direct-support organization from exercising certain powers; establishing that a prescriber or dispenser is not liable for good faith use of the department-provided controlled substance prescription information of a patient; requiring the department, in collaboration with the office, to study the feasibility of enhancing the prescription drug monitoring program for specified purposes to the extent that funding is provided for such purpose; requiring certain persons to present specified identification in order to obtain controlled substances; providing for recordkeeping for certain transactions; requiring the Agency for Health Care Administration to continue the promotion of electronic prescribing and an electronic prescribing clearinghouse; requiring the department to adopt rules; establishing a Program Implementation and Oversight Task Force; providing for membership; providing for reimbursement of certain member expenses; providing for meetings; providing the purpose of the task force; requiring reports to the Governor and Legislature; providing for the creation, membership, and duties of subcommittees; authorizing the direct-support organization to collect, expend, and provide funds and other assistance to the department; providing for a final report and the termination of the task force; amending ss. 458.309 and 459.005, F.S.; requiring certain physicians who engage in pain management to register their clinics with the department by a specified date; providing an exception; prohibiting certain physicians from practicing in a pain-management clinic that has not registered with the department; requiring the department to inspect each facility; providing for exceptions; requiring the physician seeking to register the clinic to pay the costs of registration and inspection or accreditation; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt rules setting forth standards of practice for certain physicians who engage in pain management; providing criteria for the rules; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Fasano, **CS for CS for CS for CS for SB 462** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Consideration of **SB 902** was deferred.

CS for SB 948—A bill to be entitled An act relating to emergency medical services; amending s. 401.2701, F.S.; revising requirements for the field internship experience in paramedic programs; authorizing the Department of Health to adopt rules; amending s. 401.281, F.S.; revising the documented requirements for a driver of an emergency vehicle; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 948** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett
Bullard	Gardiner	Peaden
Constantine	Gelber	Rich
Crist	Haridopolos	Richter
Dean	Hill	Ring
Detert	Jones	Siplin
Deutch	Joyner	Smith
Diaz de la Portilla	Justice	Sobel
Dockery	King	Storms
Fasano	Lawson	Villalobos
Gaetz	Lynn	Wilson
Garcia	Oelrich	Wise

Nays—None

SB 1050—A bill to be entitled An act relating to Medicaid; requiring the Agency for Health Care Administration to report to the Governor and the Legislature regarding Medicaid's refusal to provide reimbursement for preventable medical errors; requiring the agency to identify preventable medical errors that are not reimbursed by Medicaid programs in other states, the Medicare program, and private insurers and recommend to the Governor and the Legislature an expanded list of preventable medical errors for which the Medicaid program may refuse reimbursement; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **SB 1050** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for CS for SB 1144—A bill to be entitled An act relating to prescription drugs; amending s. 499.003, F.S.; revising the definition of the term "manufacturer" for purposes of the Florida Drug and Cosmetic Act; requiring certain manufacturers to disclose the names of affiliated group members to the Department of Health; amending s. 499.01, F.S.; revising requirements for a prescription drug manufacturer permit, nonresident prescription drug manufacturer permit, and health care clinic establishment permit; amending s. 499.0121, F.S.; clarifying that a wholesale distributor is required to maintain pedigree papers separately from other records of prescription drugs under certain circumstances; amending s. 499.01212, F.S.; revising requirements for a pedigree paper; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1144** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Diaz de la Portilla
Alexander	Constantine	Dockery
Altman	Crist	Fasano
Aronberg	Dean	Gaetz
Baker	Detert	Garcia
Bennett	Deutch	Gardiner

Gelber	Lawson	Siplin
Haridopolos	Lynn	Smith
Hill	Oelrich	Sobel
Jones	Peaden	Storms
Joyner	Rich	Villalobos
Justice	Richter	Wilson
King	Ring	Wise

Nays—None

SENATOR VILLALOBOS PRESIDING

HB 7077—A bill to be entitled An act relating to trust funds; amending s. 20.425, F.S.; providing an additional source of funds for the Grants and Donations Trust Fund within the Agency for Health Care Administration; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising the date of reversion of undisbursed balances in the fund; amending s. 400.179, F.S.; requiring that a leasehold licensee fee be deposited into the Grants and Donations Trust Fund of the agency; amending s. 409.916, F.S.; requiring that funds from nursing home facility quality assessments, certain grants and donations, and leasehold licensee fees be deposited into the Grant and Donations Trust Fund of the agency; amending ss. 893.165 and 938.23, F.S.; requiring that certain assessments for alcohol and drug abuse treatment programs collected by clerks of the circuit courts be deposited into the Grants and Donations Trust Fund of the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **HB 7077** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for SB 1592—A bill to be entitled An act relating to nurse registries and companion-homemaker organizations; creating s. 400.510, F.S.; requiring nurse registries and organizations that provide companion or homemaker services to provide notice to patients or clients; specifying the contents of the notice; requiring the notice to be kept for a specified number of years; providing an exception; requiring the Agency for Health Care Administration to develop a form for the notice; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 1592** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Gaetz
Alexander	Dean	Garcia
Altman	Detert	Gardiner
Baker	Diaz de la Portilla	Gelber
Bennett	Dockery	Haridopolos
Constantine	Fasano	Hill
Jones	Oelrich	Smith
Joyner	Peaden	Sobel
Justice	Rich	Storms
King	Richter	Villalobos
Lawson	Ring	Wilson
Lynn	Siplin	Wise

Nays—2

Aronberg	Deutch

Vote after roll call:

Nay—Bullard

SENATOR BENNETT PRESIDING

Pursuant to the motion by Senator Villalobos, the hour of 11:30 a.m. having arrived, the Senate proceeded to consideration of—

CLAIM BILL CALENDAR

SB 30—A bill to be entitled An act for the relief of Sheila and John Forehand by the City of Jacksonville; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of an employee of the City of Jacksonville; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following amendment which was moved by Senator Hill and adopted:

Amendment 1 (335670)—Delete lines 74-78 and insert:

Section 2. *The City of Jacksonville is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw warrants, payable to Sheila and John Forehand, as compensation for injuries and damages sustained, as follows:*

(1) $250,000 upon this act becoming a law; and

(2) $250,000 on October 1, 2009.

On motions by Senator Hill, by two-thirds vote **SB 30** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dockery	Peaden
Alexander	Fasano	Rich
Altman	Garcia	Richter
Aronberg	Gardiner	Ring
Baker	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Hill	Sobel
Crist	Jones	Storms
Dean	Joyner	Villalobos
Detert	Justice	Wilson
Deutch	Lawson	
Diaz de la Portilla	Lynn	

Nays—5

Bennett	King	Wise
Gaetz	Oelrich	

CS for SB 40—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham which was due to the negligence of employees of the City of Ft.

Lauderdale; providing for attorney's fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **CS for SB 40** was read the third time by title. On motion by Senator Deutch further consideration of **CS for SB 40** was deferred.

CS for SB 46—A bill to be entitled An act for the relief of Raul Otero by the South Broward Hospital District; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of Memorial Regional Hospital; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motions by Senator Ring, by two-thirds vote **CS for SB 46** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dockery	Lynn
Alexander	Fasano	Peaden
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Dean	Jones	Sobel
Detert	Joyner	Storms
Deutch	Justice	Villalobos
Diaz de la Portilla	Lawson	Wilson

Nays—6

Bennett	Gaetz	Oelrich
Crist	King	Wise

The Senate resumed consideration of—

CS for SB 40—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham which was due to the negligence of employees of the City of Ft. Lauderdale; providing for attorney's fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

—which was previously considered this day.

On motions by Senator Deutch **CS for SB 40** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fasano	Lynn
Alexander	Gaetz	Peaden
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Dean	Jones	Sobel
Detert	Joyner	Storms
Deutch	Justice	Wilson
Diaz de la Portilla	King	
Dockery	Lawson	

Nays—4

Bennett	Crist	Oelrich
Wise		

Vote after roll call:

Yea to Nay—Gaetz, King

CS for SB 52—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; authorizing the Sheriff of Broward County to execute an assignment to the legal guardians of Eric Brody of all claims the Broward County Sheriff's Office has against its insurer arising out of its handling of the claim against the Broward County Sheriff's Office; providing that the Broward County Sheriff's Office has a complete and absolute covenant on the part of Eric Brody and his legal guardians never to enforce the act, any award pursuant to the act, or the Brody's final judgment and cost judgment directly against the Broward County Sheriff's Office under certain circumstances; requiring the legal guardians to execute a satisfaction and release under certain conditions; providing legislative intent to permit the prosecution of a bad faith claim; providing a limitation on the payment of fees and costs; providing an exception to that limitation on the payment of fees and costs related to the prosecution of an assigned claim; providing an effective date.

—was read the second time by title. On motions by Senator Deutch, by two-thirds vote **CS for SB 52** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Oelrich
Altman	Fasano	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Wilson
Deutch	Lawson	

Nays—4

Crist	Gaetz	King
Wise		

Votes Recorded:

April 28, 2009: Yea—Gelber

DISCLOSURE

I am an attorney in the law firm Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

My firm represented the Broward County Sheriff's Office in the lawsuit underlying claim bill **SB 52**.

Therefore, I believe that, in abundance of caution, I should disclose the above facts pursuant to Senate Rule 1.39.

Senator Christopher L. Smith, District 29

CS for SB 522—A bill to be entitled An act for the relief of Vincent Merriweather by the Palm Beach County School Board; providing for an appropriation to compensate Vincent Merriweather for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motions by Senator Smith, by two-thirds vote **CS for SB 522** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dockery	Lynn
Alexander	Fasano	Peaden
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Dean	Jones	Sobel
Detert	Joyner	Villalobos
Deutch	Justice	Wilson
Diaz de la Portilla	Lawson	

Nays—6

Bennett	Gaetz	Oelrich
Crist	King	Wise

Vote after roll call:

Yea—Storms

SB 524—A bill to be entitled An act for the relief of Joseph Fatta, Jr., and Josephine Fatta by the Broward County Sheriff's Office; providing for an appropriation to compensate them for the death of their son, Deputy Todd Fatta, as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motions by Senator Smith, by two-thirds vote **SB 524** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—30

Mr. President	Diaz de la Portilla	Lawson
Alexander	Dockery	Lynn
Altman	Fasano	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Dean	Jones	Smith
Detert	Joyner	Sobel
Deutch	Justice	Wilson

Nays—6

Bennett	Gaetz	Oelrich
Crist	King	Wise

Vote after roll call:

Yea—Storms

DISCLOSURE

I am of counsel at Akerman Senterfitt, a large law firm with more than 500 attorneys and consultants who provide legal services to clients in offices around the United States.

One of the firm's clients is Grossman & Roth, P.A., the attorneys representing the plaintiffs in the referenced claims bill, **SB 524**.

Even though I believe that Rule 1.39 disclosure in the Senate Journal is not required under these circumstances, in an abundance of caution and to avoid even a perception of impropriety, I am hereby disclosing said relationship and recusing myself from any legislative function relating to this bill.

Senator J. Alex Villalobos, District 38

DISCLOSURE

I am of counsel at Akerman Senterfitt, a large law firm with more than 500 attorneys and consultants who provide legal services to clients in offices around the United States.

One of the firm's clients is Grossman & Roth, P.A., the attorneys representing the plaintiffs in the referenced claims bill, **SB 524**.

Even though I believe that Rule 1.39 disclosure in the Senate Journal is not required under these circumstances, in an abundance of caution and to avoid even a perception of impropriety, I am hereby disclosing said relationship and recusing myself from any legislative function relating to this bill.

Senator Dan Gelber, District 35

By the direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

SB 1628—A bill to be entitled An act relating to long-term care services; amending s. 430.707, F.S.; requiring the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to accept and forward to the Centers for Medicare and Medicaid Services an application for expansion of a pilot project from an entity that provides certain benefits under a federal program; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **SB 1628** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for CS for SB 1868—A bill to be entitled An act relating to prescribed drugs; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; amending s. 893.04, F.S.; authorizing a pharmacist to dispense a controlled substance and require photographic identification without documenting certain information; authorizing a pharmacist to dispense a controlled substance without verification of certain information by the prescriber under certain circumstances; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Peaden moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (448248) (with title amendment)—Delete lines 28-86.

And the title is amended as follows:

Delete lines 2-10 and insert: An act relating to prescribed drugs;

Amendment 2 (422628) (with title amendment)—Between lines 122 and 123 insert:

Section 5. Section 465.1901, Florida Statutes, is created to read:

465.1901 Practice of orthotics and pedorthics.—The provisions of chapter 468 relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as set forth in s. 465.003(13), and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics is not precluded from continuing that practice pending adoption of these rules.

Section 6. *Subsection (3) of section 468.812, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 2-17 and insert: An act relating to the practice of pharmacy; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; creating s. 465.1901, F.S.; providing that provisions of ch. 468, F.S., relating to orthotics and pedorthics do not apply to pharmacists; requiring the Board of Pharmacy to develop rules regarding the practice of orthotics and pedorthics by a pharmacist; repealing s. 468.812(3), F.S., relating to the practice of orthotics and pedorthics; amending s. 893.04, F.S.; authorizing

On motion by Senator Peaden, **CS for CS for SB 1868** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Consideration of **SB 1896** was deferred.

CS for SB 412—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; deleting a prohibition on additional fees for certain documents; exempting the state and its agencies from increased fees or additional fees required for alias and pluries; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S.; providing for the selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or lienholder, or the debtor's or lienholder's attorney of record, a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose, unless an affidavit discloses that the property is subject to a recorded mortgage, financing statement, tax warrant, or other lien that is junior in priority to the judgment lien; requiring a levying creditor to deliver the affidavit to the sheriff at the time of the levy request setting forth certain information and attestations; requiring certain information to be contained in the certified copy of recordation of lien; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of the court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of the court before attempting service; authorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; authorizing a law enforcement officer to arrest a person suspected of violating a condition of pretrial release if the original arrest was for an act of dating violence; amending s. 901.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (625522)—Delete line 257 and insert: *property is situated, or that he or she has performed or reviewed a title*

On motion by Senator Crist, **CS for SB 412** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for HB 599—A bill to be entitled An act relating to administration of estates; amending s. 731.201, F.S.; revising definitions; amending s. 732.108, F.S.; providing for nonapplication of certain limitations of actions provisions to certain paternity determinations; amending s.

732.2025, F.S.; revising a definition; amending s. 732.2045, F.S.; expanding an exclusion from application of certain provisions of law; amending s. 732.2075, F.S.; revising provisions for satisfaction of an elective share; providing additional requirements; amending s. 732.2085, F.S.; correcting a cross-reference; amending s. 732.2135, F.S.; revising criteria for time of an election; providing for award of attorney fees and costs for elections made in bad faith; amending s. 732.402, F.S.; revising criteria for certain household items, motor vehicles, and tuition programs as exempt property; amending s. 733.201, F.S.; revising a criterion for proof of wills to conform; amending s. 733.504, F.S.; revising a criterion for removal of a personal representative to conform; amending s. 733.602, F.S.; removing a cross-reference; amending s. 735.203, F.S.; revising requirements for a petition for summary administration; amending s. 739.102, F.S.; revising a definition; amending s. 739.104, F.S.; excluding from court approval certain disclaimers of interests in property; amending s. 739.201, F.S.; providing an additional rule applicable to disclaimers of interests in property ;amending s. 739.207, F.S.; limiting a criterion for effectiveness of a disclaimer of power held in a fiduciary capacity; amending s. 739.402, F.S.; correcting terminology; amending s. 739.501, F.S.; preserving application of certain provisions to effectiveness of certain disclaimers or transfers; amending ss. 660.417, 736.0802, and 895.02, F.S.; correcting cross-references to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 599** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for HB 965—A bill to be entitled An act relating to trust administration; amending s. 736.0103, F.S.; revising a definition to exclude certain interests as beneficial interests; providing construction; amending s. 736.0105, F.S.; providing an additional limitation on terms of a trust prevailing over provisions of the Florida Trust Code; amending s. 736.0302, F.S.; revising representation authority for holders of a power of appointment; providing a definition; amending s. 736.0306, F.S.; authorizing trust instruments to authorize certain persons to designate one or more persons to represent and bind a beneficiary and receive certain information; amending s. 736.0703, F.S.; authorizing a cotrustee to delegate investment decisions to a cotrustee; revising provisions for absence of liability of excluded trustees under certain circumstances; amending s. 736.0807, F.S.; providing that a cotrustee who has delegated investment functions is not liable for investment decisions; amending s. 736.1106, F.S.; revising a definition applicable to antilapse of a trust distribution; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **CS for HB 965** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Baker	Crist
Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Diaz de la Portilla	Jones	Richter
Dockery	Joyner	Ring
Fasano	Justice	Siplin
Gaetz	King	Smith
Garcia	Lawson	Sobel
Gardiner	Lynn	Storms
Gelber	Oelrich	Villalobos
Haridopolos	Peaden	Wilson
Hill	Rich	Wise

Nays—None

CS for SB 110—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; expanding the definition of the term "blighted area" to include land previously used as a military facility; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **CS for SB 110** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Consideration of **CS for CS for SB 148** was deferred.

CS for SB 306—A bill to be entitled An act relating to vessel safety; amending s. 327.39, F.S.; revising certain requirements for operating personal watercraft; amending s. 327.54, F.S.; revising the requirements relating to the boating safety course required for leasing or renting a personal watercraft from a livery; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, further consideration of **CS for SB 306** was deferred.

Consideration of **CS for CS for CS for SB 1004** was deferred.

CS for CS for SB 1078—A bill to be entitled An act relating to the limitation of liability of water management districts; amending s. 373.1395, F.S.; applying the limitation of liability of a water management district to the water areas of the district; providing that certain commercial activities do not terminate the limitation of liability of a water management district; providing that the protections, immunities, and limitations of liability provided to a water management district apply regardless of whether any claimant or person was engaged in an outdoor recreational purpose at the time of an accident or occurrence; providing liability protection to an owner of private land used as an easement or other right by a water management district for the purpose of providing access to lands or water areas that the water management district makes available to the public for outdoor recreational activities; defining the term "park area, district or other lands, or water areas"; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for SB 1078** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Hill	Sobel
Crist	Jones	Storms
Dean	Joyner	Villalobos
Detert	Justice	Wilson
Deutch	King	Wise
Diaz de la Portilla	Lawson	

Nays—1

Ring

HB 255—A bill to be entitled An act relating to pest control; creating s. 570.345, F.S.; enacting the Pest Control Compact; requiring the Commissioner of Agriculture to administer the compact; requiring that an application for assistance under the compact be made by the commissioner; providing findings; providing definitions; providing for the establishment of the Pest Control Insurance Fund to finance pest-control operations under the compact; providing for the fund to be administered by a governing board and executive committee; providing for the internal operations and management of the governing board; requiring an annual report to the governor and legislature of each state participating in the compact; providing for the administration of the fund; providing procedures to apply for expenditures from the fund; providing for a determination regarding expenditures from the fund and for review of such expenditures; authorizing the governing board to establish advisory and technical committees; providing for an application for assistance from the fund on behalf of a nonparty state; providing requirements for the fund regarding budgets and maintaining financial assets; prohibiting a pledge of the assets of a state that is a party to the compact; providing for the compact to enter into force upon its enactment by five or more states; providing a procedure for a state to withdraw from the compact; providing for construction and severability; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **HB 255** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Consideration of **SB 2656** was deferred.

RECESS

On motion by Senator Villalobos, the Senate recessed at 12:11 p.m. to reconvene at 1:11 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Bennett at 1:22 p.m. A quorum present—39:

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 306—A bill to be entitled An act relating to vessel safety; amending s. 327.39, F.S.; revising certain requirements for operating personal watercraft; amending s. 327.54, F.S.; revising the requirements relating to the boating safety course required for leasing or renting a personal watercraft from a livery; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senator King moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (951490) (with directory and title amendments)—Between lines 43 and 44 insert:

(7) This section does not apply to*:*

(a) A performer engaged in a professional exhibition or a person preparing to participate or participating in a regatta, race, marine parade, tournament, or exhibition held in compliance with s. 327.48*; or*

(b) An operator of a personal watercraft between the ages of 14 and 16, inclusive, who has completed a state-approved boating safety course or is in possession of a boating safety certificate on or before July 1, 2009.

And the directory clause is amended as follows:

Delete lines 12-13 and insert:

Section 1. Subsections (5), (6), and (7) of section 327.39, Florida Statutes, are amended, to read:

And the title is amended as follows:

Delete line 4 and insert: personal watercraft; providing that the certain provisions relating to vessel safety do not apply to certain persons; amending s. 327.54, F.S.;

On motion by Senator Rich, by two-thirds vote **CS for SB 306** as amended was read the third time by title and failed to pass. The vote was:

Yeas—15

Altman	Gelber	Rich
Aronberg	Hill	Ring
Detert	Joyner	Siplin
Deutch	Justice	Sobel
Dockery	Lawson	Wilson

Nays—19

Alexander	Fasano	Lynn
Baker	Gaetz	Oelrich
Bennett	Garcia	Peaden
Constantine	Gardiner	Richter
Crist	Haridopolos	Wise
Dean	Jones	
Diaz de la Portilla	King	

Vote after roll call:

Yea—Smith

Nay—Bullard, Storms

SPECIAL ORDER CALENDAR

On motion by Senator Aronberg, by unanimous consent—

SB 68—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; defining the term "equine"; requiring a child younger than a specified age to wear a helmet when riding an equine in certain locations; providing requirements for helmets; requiring a person renting or leasing an equine for riding by a child younger than a specified age to provide a helmet if the child does not have a helmet; prohibiting a parent or guardian of a child younger than a specified age from authorizing or permitting the child to engage in certain conduct; providing a penalty; providing exceptions; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Aronberg moved the following amendments which were adopted:

Amendment 1 (720400) (with title amendment)—Delete line 26 and insert:

Section 3. Section 773.06, Florida Statutes, is created to read:

773.06 Helmet requirements; penalties.—

And the title is amended as follows:

Delete line 3 and insert: short title; providing legislative intent; creating s. 773.06, F.S.; defining

Amendment 2 (827340)—Delete lines 35-36 and insert:

(a) A public roadway or right-of-way;

Amendment 3 (682544)—Delete lines 55-57 and insert:

(a) Practicing for or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;

(b) Riding on privately owned land even if the land is occasionally separated by a public road or right-of-way that must be crossed; or

Pursuant to Rule 4.19, **SB 68** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR ARONBERG PRESIDING

On motion by Senator King—

CS for SB 342—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the St. Johns River license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 342** was placed on the calendar of Bills on Third Reading.

CS for SB 642—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; revising authorized uses of proceeds received from the sale of the United We Stand license plate; creating a Fraternal Order of Police license plate; establishing an annual use fee for the plate; creating an Autism license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which was adopted:

Amendment 1 (326570) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) Go Green Florida license plate, $25.

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) GO GREEN FLORIDA LICENSE PLATES.—

(a) The department shall develop a Go Green Florida license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Go Green Florida" must appear at the bottom of the plate. The Go Green Florida emblem or logo must appear on the plate.

(b) The requirements of s. 320.08053 must be met before the issuance of the plate.

(c) The proceeds from the sale of the plate shall be distributed to the Coalition for Renewable Energy Solutions, Inc. After reimbursement for documented costs expended to establish the plates and for annual auditing costs, the coalition shall use the proceeds of the annual use fees in the following manner:

1. A maximum of 5 percent shall be used for administrative costs directly associated with the management and distribution of the proceeds.

2. A maximum of 25 percent shall be used for the continuing statewide promotion and marketing of the plate.

3. Seventy percent shall be used to fund the Renewable Energy and Energy Efficient Technology Grants program pursuant to s. 377.804, the Solar Energy System Incentives program pursuant to s. 377.806, under the Florida Energy and Climate Commission, or other educational programs dedicated to providing effective alternative energy practices.

(d) The coalition shall comply with the financial audit requirements of s. 320.08062.

(e) The Go Green Florida emblem or logo may be used as a decal by the department in recognition of energy-efficient vehicle usage and practices. However, the display of the decal is not a substitute for a license plate.

And the title is amended as follows:

Delete line 9 and insert: creating the Go Green Florida license plate; establishing an annual fee for the plate; providing for the distribution of use fees received

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (458180) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) Catch Me, Release Me license plate, $25.

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) CATCH ME, RELEASE ME LICENSE PLATES.—

(a) The department shall develop a Catch Me, Release Me license plate as provided in this section. The plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Catch Me, Release Me" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Guy Harvey Ocean Foundation, Inc., which shall administer the fees as follows:

1. The foundation shall retain the first $60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval of the plates. Thereafter, up to 15 percent of the annual use fees may be used for administrative costs directly associated with the operation of the foundation and up to 10 percent may be used for promotion and marketing of the plate.

2. Any remaining funds shall be used by the foundation to fund scientific research related to marine issues, including research of free-ranging pelagic marine species that inhabit, use, or migrate through the waters of this state, and to fund conservation initiatives and education and public outreach programs for school-aged children.

And the title is amended as follows:

Delete line 9 and insert: creating the Catch Me, Release Me license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received

Senator Baker moved the following amendment:

Amendment 3 (497548) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (h) is added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(h) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of $1 to Ronald McDonald Houses of Florida. Such contributions must be distributed by the department each month to Ronald McDonald House Charities Tampa Bay, Inc., a not-for-profit organization.

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

Section 4. Paragraph (cc) of subsection (4) of section 320.08056, Florida Statutes, is amended, and paragraphs (sss) and (ttt) are added that section, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(cc) Choose Life license plate, *$25* ~~$20~~.

(sss) Florida Horse Park license plate, $25.

(ttt) Let's Go Surfing license plate, $25.

Section 5. Subsection (29) of section 320.08058, Florida Statutes, is amended, and subsections (71) and (72) are added to that section, to read:

320.08058 Specialty license plates.—

(29) CHOOSE LIFE LICENSE PLATES.—

(a) The department shall develop a Choose Life license plate as provided in this section. The word "Florida" must appear at the bottom of the plate, and the words "Choose Life" must appear at the top of the plate.

(b) The annual use fees shall be distributed *quarterly to Choose Life, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, along with a list of* ~~annually to each county in the ratio that the annual~~ use fees collected by each county ~~bears to the total fees collected for the plates within the state~~.

(c) Up to 20 percent of the fees may be used for administrative costs directly associated with the operations of Choose Life, Inc., and activities by Choose Life, Inc., to promote adoption and to market the license plate in the state. Choose Life, Inc., shall administer distribution of the remaining ~~Each county shall distribute the~~ funds to nongovernmental~~,~~ not-for-profit agencies *whose* ~~within the county, which agencies'~~ services *primarily consist of* ~~are limited to~~ counseling and meeting the physical needs of pregnant women who are *considering* ~~committed to~~ placing their children for adoption.

1. Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or proabortion advertising, and funds may not be distributed to any agency that charges women for services received.

2. Choose Life license plate funds generated in counties that do not have a qualified service provider shall be distributed by Choose Life, Inc., to qualified service providers in other counties. For purposes of this subparagraph, the term "qualified service provider" means an entity that provides medically accurate materials, with reference sources for any and all statements of a medical nature. Sources may include, but are not limited to, entities such as the Centers for Disease Control, the American College of Obstetricians and Gynecologists, and peer-reviewed health science journals, such as the Journal of the American Medical Association.

3. Funds may not be removed from a county that has active qualified service providers for distribution to service providers in other counties unless the year-end unused fund balance exceeds 20 percent of the county's annual Choose Life license plate revenues for 3 consecutive years. If a year-end fund balance exceeds 20 percent of a county's annual revenues for 3 consecutive years, such balance may be distributed by Choose Life, Inc., to qualified service providers in other counties.

4. ~~1.~~ Agencies that receive the funds must use at least 70 percent of the funds to provide for the material needs of pregnant women who are *considering* ~~committed to~~ placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.

5. ~~2.~~ *A maximum of 30 percent of* the ~~remaining~~ funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

6. ~~3.~~ Each *service provider* ~~agency~~ that receives ~~such~~ funds must submit an annual attestation to *Choose Life, Inc., which shall, upon request, make copies available to a state agency charged with auditing* ~~the~~

~~county. Any unused funds that exceed 10 percent of the funds received by an agency during its fiscal year must be returned to the county, which shall distribute them to other qualified agencies~~.

7. Choose Life license plate use fees generated in this state may be spent only on activities within the state.

(d)1. Within 90 days after October 1, 2009, county commissions that have never distributed Choose Life funds shall forward such funds to Choose Life, Inc., for distribution.

2. Within 180 days after October 1, 2009, county commissions that have been distributing Choose Life funds shall forward fund balances to Choose Life, Inc., for distribution.

(71) FLORIDA HORSE PARK LICENSE PLATES.—

(a) The department shall develop a Florida Horse Park license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Discover Florida's Horses" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Agriculture Center and Horse Park Authority created by s. 570.952, which shall retain all proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 10 percent of the proceeds may be used to administer the license plate program.

2. A maximum of 15 percent of the proceeds may be used to promote and market the license plates.

3. The remaining fees shall be used by the authority to promote the Florida Agriculture Center and Horse Park located in Marion County; to support continued development of the park, including the construction of additional educational facilities, barns, and other structures; to provide improvements to the existing infrastructure at the park; and to provide for operational expenses of the park.

(72) LET'S GO SURFING LICENSE PLATES.—

(a) This subsection may be cited as the "Erik Jersted Memorial Act."

(b) The department shall develop a Let's Go Surfing license plate as provided in this section. Let's Go Surfing license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Let's Go Surfing" must appear at the bottom of the plate.

(c) The license plate annual use fees shall be distributed to East Coast Surfing Hall of Fame and Museum, Inc., to fund activities, programs, and projects to promote Florida's surfing-related tourism, preserve Florida's surfing history and heritage, preserve Florida's surf and shores, and honor lifeguards who patrol Florida's surf and shores to protect beachgoers, surfers, and others. East Coast Surfing Hall of Fame and Museum, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 25 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including costs of the annual audit and compliance affidavit.

And the title is amended as follows:

Delete line 10 and insert: from the sale of such plates; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to the Ronald McDonald Houses of Florida; revising the annual use fee for the Choose Life license plate; revising provisions for distribution of such use fees; creating the Florida Horse Park license plate and the Let's Go Surfing license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective

Senator Baker moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (514904)—Delete line 20 and insert:

Section 4. Effective September 1, 2009, paragraph (cc) of subsection(4) of section

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment to **Amendment 3** which was adopted:

Amendment 3B (174266) (with directory and title amendments)—Delete lines 34-105 and insert:

(c) Choose Life license plate funds generated in counties that do not have a qualified service provider or have not submitted an attestation within the last 12 months shall be redistributed by the department, in an equitable manner, to counties having a qualified service provider.

And the directory clause is amended as follows:

Delete lines 29-30 and insert:

Section 5. Paragraph (c) of subsection (29) of section 320.08058, Florida Statutes, is added, and subsections (71) and (72) are added to

And the title is amended as follows:

Delete lines 160-162 and insert: Ronald McDonald Houses of Florida; revising provisions for distribution of such use fees; creating

Amendment 3 as amended was adopted.

Senator Altman moved the following amendment which was adopted:

Amendment 4 (710366) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) Endless Summer license plate, $25.

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) ENDLESS SUMMER LICENSE PLATES.—

(a) The department shall develop an Endless Summer license plate as provided in this section. Endless Summer license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Endless Summer" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to Surfing's Evolution & Preservation Corporation to fund its activities, programs, and projects aimed at preserving the sport of surfing. Surfing's Evolution & Preservation Corporation may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 25 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the corporation's programs and the specialty license plate. Surfing's Evolution & Preservation Corporation shall use the remaining funds as follows:

1. To fund the proposed Surfing's Evolution & Preservation Experience project.

2. To provide funds for the provision of lifeguards or the building of artificial reefs.

3. To provide funds to organizations that house the history and artifacts of surfing or promote the sport through exhibits, lectures, and events.

4. To support programs and events of other organizations that support beaches and oceans and promote education on beach safety, coastal pollution, and beach ecology.

And the title is amended as follows:

Delete line 9 and insert: creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment which was adopted:

Amendment 5 (887888) (with title amendment)—Delete line 136 and insert:

Section 3. This act shall take effect July 1, 2009, except that provisions amending s. 320.08058(32), Florida Statutes, relating to the United We Stand license plates shall take effect September 1, 2009.

And the title is amended as follows:

Delete lines 10-11 and insert: from the sale of such plates: providing effective dates.

MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senator King moved the following amendment which was adopted:

Amendment 6 (784040) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) St. Johns River license plate, $25.

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) ST. JOHNS RIVER LICENSE PLATES.—

(a) The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a 501(c)(3) nonprofit organization, which shall administer the fees as follows:

1. The St. Johns River Alliance, Inc., shall retain the first $60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization and up to 10 percent may be used for promotion and marketing of the specialty license plate.

2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.

3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.

And the title is amended as follows:

Delete line 9 and insert: creating the St. Johns River license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received

MOTION

On motion by Senator Storms, the rules were waived to allow the following amendment to be considered:

Senator Storms moved the following amendment:

Amendment 7 (290226) (with title amendment)—Delete lines 15-135 and insert:

Section 1. Paragraphs (qqq), (rrr), and (sss) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(qqq) Fraternal Order of Police license plate, $25.

(rrr) Autism license plate, $25.

(sss) "I Believe" license plate, $25.

Section 2. Paragraph (b) of subsection (32) of section 320.08058, Florida Statutes, is amended, and subsections (69), (70), and (71) are added to that section, to read:

320.08058 Specialty license plates.—

(32) UNITED WE STAND LICENSE PLATES.—

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, *notwithstanding the provisions of s. 332.14,* ~~100 percent of~~ the annual use fee shall be distributed to the Department of Transportation SAFE Council *for the development and implementation of programs* ~~to fund a grant program~~ to enhance security at airports throughout the state~~, pursuant to s. 332.14~~. *Up to 10 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including the annual audit and compliance affidavit costs.*

(69) FRATERNAL ORDER OF POLICE LICENSE PLATES.—

(a)1. The department shall develop a Fraternal Order of Police license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Fraternal Order of Police" must appear at the bottom of the plate.

2. The department may issue the plate only to an applicant who submits a notarized letter from the Florida State Lodge of the Fraternal Order of Police stating that the applicant is a member of the lodge in good standing or a member of a lodge member's family, together with other fees and documents required for a specialty plate.

(b) The annual use fees shall be distributed to the Florida State Lodge of the Fraternal Order of Police, which shall retain all proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, the proceeds shall be distributed to the Florida State Lodge

Memorial Foundation of the Fraternal Order of Police and used as follows:

1. A maximum of 25 percent of the proceeds may be used to promote and market the plate, to administer the license plate program, and to pay administrative costs directly associated with the state Fraternal Order of Police Law Enforcement Memorial.

2. The remaining fees shall be used by the foundation to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

(70) AUTISM LICENSE PLATES.—

(a) The department shall develop an Autism license plate as provided in this section. Autism license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Autism Programs" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness. Achievement and Rehabilitation Centers, Inc., shall establish an Autism Services Grant Council whose membership shall be drawn from among stakeholders throughout the state who represent the interests of individuals with autism and related disabilities. The grant council shall provide grants from available Autism license plate proceeds to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc., shall also establish an Autism License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) Achievement and Rehabilitation Centers, Inc., may retain all proceeds from the annual use fee up to $85,000 until all documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Achievement and Rehabilitation Centers, Inc., may use up to 10 percent of the proceeds from the annual use fee for all administrative costs associated with the operation of the Autism Services Grant Council, the Autism License Plate Fund, and the programs established and operated as provided in subparagraph 2., including the costs of an annual audit or compliance affidavit.

2. Achievement and Rehabilitation Centers, Inc., may use up to 25 percent of the proceeds from the annual use fee to establish and operate programs statewide to support individuals with autism and related disabilities and their families through direct services, evaluation, and training.

3. Achievement and Rehabilitation Centers, Inc., shall disburse 15 percent of the proceeds from the annual use fee to the Center for Autism and Related Disabilities at the University of Miami for distribution to the seven regional autism centers created under s. 1004.55. To the extent possible, the director of the Center for Autism and Related Disabilities at the University of Miami shall distribute funds proportionately among the regional centers. The regional centers shall use the funds to support the services they provide.

4. Achievement and Rehabilitation Centers, Inc., shall disburse 50 percent of the proceeds from the annual use fee to the Autism Services Grant Council, which shall provide grants to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate.

All grant recipients, the Achievement and Rehabilitation Centers, Inc., and the Center for Autism and Related Disabilities at the University of Miami shall provide to the Autism Services Grant Council an annual program and financial report regarding the use of the proceeds from the annual use fee. The report shall be made available to the public.

(71) "I BELIEVE" LICENSE PLATES.—Notwithstanding s. 320.08053, the department shall develop an "I Believe" license plate as provided in this section.

(a) "I Believe" license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "I Believe" must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met before the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to Faith in Teaching, Inc., to fund activities, programs, and projects that promote faith-based education for youth within the state. Faith in Teaching, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative, promotional, and marketing costs.

And the title is amended as follows:

Delete line 10 and insert: from the sale of such plates; creating an "I Believe" license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective

POINT OF ORDER

Senator Rich raised a point of order that **Amendment 7** contained language which had not been reported favorably by a Senate committee this year and was therefore out of order.

The President referred the point of order and the amendment to Senator Villalobos, Chair of the Committee on Rules.

On motion by Senator Altman, further consideration of **CS for SB 642** as amended with pending **Amendment 7 (290226)** and pending point of order was deferred.

By the direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

RECONSIDERATION OF BILL

On motion by Senator Gaetz, the rules were waived and the Senate reconsidered the vote by which—

CS for CS for SB 456—A bill to be entitled An act relating to mental illness; amending s. 394.455, F.S.; defining the term "electronic means"; amending s. 394.462, F.S.; requiring a law enforcement agency that transports persons to a receiving facility to have a memorandum of understanding with the facility; requiring that custody of a person who is transported to a receiving or treatment facility be relinquished to a responsible person at the facility; amending ss. 394.4655 and 394.467, F.S.; specifying that a psychiatric examination by certain personnel be conducted face-to-face, in person or by electronic means; providing an effective date.

—as amended passed this day.

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (803406) (with title amendment)—Before line 17 insert:

Section 1. *This act may be cited as the "Deputy Anthony Forgione Act."*

And the title is amended as follows:

Delete line 2 and insert: An act relating to mental illness; providing a short title; amending s.

On motion by Senator Gaetz, **CS for CS for SB 456** was passed as amended, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Garcia—

CS for SB 650—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Catch Me, Release Me license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of the plate; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 650** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB's 674 and 1422—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; requiring that owners of property acting as their own contractor and providing direct, onsite supervision of all work not performed by licensed contractors read and sign a disclosure statement before a permit is issued; requiring that the disclosure statement contain certain statements and provisions; amending ss. 489.128 and 489.532, F.S.; providing that certain individuals or business organizations may not be considered unlicensed for failure to have a required local jurisdiction license; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB's 674 and 1422** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for CS for SB 714—A bill to be entitled An act relating to condominiums; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; requiring that every property insurance policy to an individual unit owner contain a specified provision; amending s. 718.111, F.S.; requiring that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal; requiring that such replacement cost be determined at least once within a specified period; providing means by which an association may provide adequate property insurance; providing that certain property insurance policies or programs are not subject to review and approval by the Office of Insurance Regulation; prohibiting such coverage or program from existing beyond a specified date; authorizing an association to consider deductibles when determining an adequate amount of property insurance; providing that failure to maintain adequate property insurance constitutes a breach of fiduciary duty by the members of the board of directors of an association; revising the procedures for the board to establish the amount of deductibles; requiring that an association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate property insurance to protect the association and certain property; requiring that every property insurance policy issued or renewed on or after a specified date provide certain coverage; excluding certain items from such requirement; providing that excluded items and any insurance thereupon are the responsibility of the unit owner; requiring that condominium unit owner's policies conform to certain provisions of state law; deleting provisions relating to certain hazard and casualty insurance policies; conforming provisions to changes made by the act; amending s. 718.112, F.S.; conforming cross-references; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; extending the period during which condominium common areas do not have to be retrofitted with sprinkler systems; providing that certain directors and officers delinquent in the payment of any fee, fine, or regular or special assessments shall be deemed to have abandoned their office; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which was adopted:

Amendment 1 (709212) (with title amendment)—Between lines 74 and 75 insert:

Section 2. Subsection (13) is added to section 633.0215, Florida Statutes, to read:

633.0215 Florida Fire Prevention Code.—

(13) A condominium that is one or two stories in height and has an exterior means of egress corridor is exempt from installing a manual fire alarm system as required in s. 9.6 of the most recent edition of the Life Safety Code adopted in the Florida Fire Prevention Code.

And the title is amended as follows:

Delete line 7 and insert: unit owner contain a specified provision; amending s. 633.0215, F.S.; providing an exemption for certain condominiums from installing a manual fire alarm system as required in the Life Safety Code if certain conditions are met; amending s.

Senator Jones moved the following amendments which were adopted:

Amendment 2 (520052)—Delete lines 359-374 and insert: election is required. *Except in a timeshare condominium,* the terms of all members of the board shall expire at the annual meeting and such board members may stand for reelection unless otherwise permitted by the bylaws. In the event that the bylaws permit staggered terms of no more than 2 years and upon approval of a majority of the total voting interests, the association board members may serve 2-year staggered terms. If *the number* ~~no person is interested in or demonstrates an intention to run for the position~~ of ~~a~~ board *members* ~~member~~ whose *terms have* ~~term has~~ expired according to the provisions of this subparagraph *exceeds the number of eligible members showing interest in or demonstrating an intention to run for the vacant positions*, *each* ~~such~~ board member whose term has expired shall *become eligible for reappointment* ~~be automatically reappointed~~ to the board of administration and need not stand for reelection. In a condominium association of more than 10 units *or in a condominium association that does not include timeshare units*, coowners of a

Amendment 3 (799524) (with title amendment)—Between lines 621 and 622 insert:

Section 4. *Subsection (2) of section 553.509, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete line 50 and insert: abandoned their office; repealing s. 553.509(2), F.S., relating to the requirement that certain residential

family dwellings have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 714** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Altman—

SB 860—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 860** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 872—A bill to be entitled An act relating to fictitious names; repealing s. 15.16(6), F.S., relating to a conditional waiver by the Department of State of the requirement that an applicant to do business under a fictitious name advertise the intention to register such fictitious name in a newspaper in the county in which the principal place of business will be located; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 872** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman, by two-thirds vote **CS for CS for HB 405** was withdrawn from the Committees on Transportation; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

On motion by Senator Altman—

CS for CS for HB 405—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the terms "golf cart," "residential area," and "seasonal delivery personnel"; authorizing the use of golf carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; requiring specified vehicles to be equipped with safety equipment; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1088** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 405** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

CS for SB 1576—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; allowing each charter county to levy a voter-approved surtax for a community college in the county; providing restrictions on the sources of funds to pay for expenses for a referendum relating to such surtax; requiring notice of the referendum; defining the term "community college"; providing a maximum rate of the surtax; providing requirements for the ordinance imposing the surtax; providing purposes for which the proceeds of the surtax may be used; providing for the investment of proceeds collected from the surtax; providing for the automatic expiration of such a surtax unless it is reenacted by ordinance; requiring that the proceeds be deposited in a separate fund and promptly disbursed to a board of trustees; providing that state funding may not be reduced because a community college has received such proceeds; providing for liberal construction; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (580724)—Delete line 79 and insert: *be used for the purposes listed in this subsection as directed by*

Pursuant to Rule 4.19, **CS for SB 1576** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Altman, the Senate resumed consideration of—

CS for SB 642—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; revising authorized uses of proceeds received from the sale of the United We Stand license plate; creating a Fraternal Order of Police license plate; establishing an annual use fee for the plate; creating an Autism license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 7 (290226)** by Senator Storms and pending point of order by Senator Rich.

RULING ON POINT OF ORDER

Senator Villalobos, Chair of the Committee on Rules, recommended that the point is not well taken since the language is not the subject of a bill in committee. The President ruled the point not well taken.

Pending **Amendment 7 (290226)** by Senator Storms was adopted.

Senator Siplin moved the following amendment which was adopted:

Amendment 8 (303282) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraphs (sss), (ttt), and (uuu) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) Florida Biodiversity Foundation license plate, $25.

(ttt) Preserving the Past license plate, $25.

(uuu) Trinity license plate, $25.

Section 4. Subsections (71), (72), and (73) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) FLORIDA BIODIVERSITY FOUNDATION LICENSE PLATES.—

(a) The department shall develop a Florida Biodiversity Foundation license plate as provided in this section. Florida Biodiversity Foundation license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save Wild Florida" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Biodiversity Foundation, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to fund research, education, and scientific study of the diversity of animals and plants and to aid in the preservation, study, conservation, and recovery of imperiled organisms.

(72) PRESERVING THE PAST LICENSE PLATES.—

(a) The department shall develop a Preserving the Past license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Preserving the Past" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to acquire, manage, and preserve properties that are of scientific importance to paleontologists, archeologists, or geologists for the purposes of research and education, and to promote and protect the unique natural sciences of this state.

(73) TRINITY LICENSE PLATES.—

(a) The department shall develop a Trinity license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Sunshine State" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to support educational, research, and scientific activities in this state, including the distribution of funds to qualified entities in furtherance of the stated purposes of the foundation.

And the title is amended as follows:

Delete line 9 and insert: creating a Florida Biodiversity Foundation license plate, a Preserving the Past license plate, and a Trinity license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received

The vote was:

Yeas—22

Alexander	Fasano	Peaden
Altman	Gaetz	Richter
Baker	Gardiner	Siplin
Bennett	Haridopolos	Storms
Bullard	Hill	Villalobos
Crist	Justice	Wise
Dean	King	
Diaz de la Portilla	Lawson	

Nays—13

Aronberg	Joyner	Smith
Deutch	Lynn	Sobel
Dockery	Oelrich	Wilson
Gelber	Rich	
Jones	Ring	

Pursuant to Rule 4.19, **CS for SB 642** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1398—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Fraternal Order of Police license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

The Committee on Transportation and Economic Development Appropriations recommended the following amendment which was moved by Senator Fasano and adopted:

Amendment 1 (710040) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (qqq) and (rrr) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(qqq) Fraternal Order of Police license plate, $25.

(rrr) Autism license plate, $25.

Section 2. Subsections (69) and (70) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(69) FRATERNAL ORDER OF POLICE LICENSE PLATES.—

(a)1. The department shall develop a Fraternal Order of Police license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Fraternal Order of Police" must appear at the bottom of the plate.

2. The department may issue the plate only to an applicant who submits a notarized letter from the Florida State Lodge of the Fraternal Order of Police stating that the applicant is a member of the lodge in good standing or a member of a lodge member's family, together with other fees and documents required for a specialty plate.

(b) The annual use fees shall be distributed to the Florida State Lodge of the Fraternal Order of Police, which shall retain all proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, the proceeds shall be distributed to the Florida State Lodge Memorial Foundation of the Fraternal Order of Police and used as follows:

1. A maximum of 25 percent of the proceeds may be used to promote and market the plate, to administer the license plate program, and to pay administrative costs directly associated with the state Fraternal Order of Police Law Enforcement Memorial.

2. The remaining fees shall be used by the foundation to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

(70) AUTISM LICENSE PLATES.—

(a) The department shall develop an Autism license plate as provided in this section. Autism license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Autism Programs" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness. Achievement and Rehabilitation Centers, Inc., shall establish an Autism Services Grant Council whose membership shall be drawn

from among stakeholders throughout the state who represent the interests of individuals with autism and related disabilities. The grant council shall provide grants from available Autism license plate proceeds to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc., shall also establish an Autism License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) Achievement and Rehabilitation Centers, Inc., may retain all proceeds from the annual use fee up to $85,000 until all documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Achievement and Rehabilitation Centers, Inc., may use up to 10 percent of the proceeds from the annual use fee for all administrative costs associated with the operation of the Autism Services Grant Council, the Autism License Plate Fund, and the programs established and operated as provided in subparagraph 2., including the costs of an annual audit or compliance affidavit.

2. Achievement and Rehabilitation Centers, Inc., may use up to 25 percent of the proceeds from the annual use fee to establish and operate programs statewide to support individuals with autism and related disabilities and their families through direct services, evaluation, and training.

3. Achievement and Rehabilitation Centers, Inc., shall disburse 15 percent of the proceeds from the annual use fee to the Center for Autism and Related Disabilities at the University of Miami for distribution to the seven regional autism centers created under s. 1004.55. To the extent possible, the director of the Center for Autism and Related Disabilities at the University of Miami shall distribute funds proportionately among the regional centers. The regional centers shall use the funds to support the services they provide.

4. Achievement and Rehabilitation Centers, Inc., shall disburse 50 percent of the proceeds from the annual use fee to the Autism Services Grant Council, which shall provide grants to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate.

All grant recipients, the Achievement and Rehabilitation Centers, Inc., and the Center for Autism and Related Disabilities at the University of Miami shall provide to the Autism Services Grant Council an annual program and financial report regarding the use of the proceeds from the annual use fee. The report shall be made available to the public.

Section 3. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Fraternal Order of Police license plate and an Autism license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

Pursuant to Rule 4.19, **SB 1398** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1404—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7; providing exceptions; redefining the term "motor vehicle" to exclude certain vehicles from such requirements; providing a grace period; providing exceptions; providing effective dates.

—was read the second time by title.

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment which was adopted:

Amendment 1 (412944)—Delete lines 25-26 and insert: *height and weight of the child unless the child is*

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendments to be considered:

Senators Aronberg and Altman offered the following amendments which were moved by Senator Altman and adopted:

Amendment 2 (223368)—Delete line 73 and insert: *that provision, as amended January 1, 2011, shall be issued a*

Amendment 3 (590236)—Delete lines 50-55 and insert:

2. Transporting the child gratuitously and in good faith in response to a declared emergency situation or an immediate emergency involving the child; or

3. Transporting a child whose medical condition

On motion by Senator Altman, further consideration of **CS for CS for SB 1404** as amended was deferred.

On motion by Senator Baker—

CS for SB 582—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; providing funding for the commission through federal funds for metropolitan transportation planning; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (364136) (with title amendment)—Between lines 91 and 92 insert:

Section 2. *The Department of Transportation shall direct a study to be conducted and funded by the authority created in chapter 349, Florida Statutes, for the purpose of recommending to the Legislature the framework for a regional transportation authority for the northeast region of Florida, composed of the following counties and each of the municipalities located therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns. The study shall include, at a minimum, the existing powers and duties of the authority, as well as the additional powers and duties necessary for the agency to plan, design, finance, construct, operate, and maintain transportation facilities providing a safe, adequate, and efficient surface transportation network for the region, consistent with the statewide transportation network. In addition, the study shall address agency revenue sources, governance, coordination of work plans, and coordination with local comprehensive plans for all transportation facilities of the agency. Recommendations shall be delivered to the President of the Senate and Speaker of the House of Representatives no later than February 1, 2010.*

And the title is amended as follows:

Delete line 16 and insert: Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date;

Senator Peaden moved the following amendment which was adopted:

Amendment 2 (210492) (with title amendment)—Between lines 99 and 100 insert:

Section 3. *(1) The Northwest Florida Regional Transportation Planning Organization, an interlocal agency under part I of chapter 163, Florida Statutes, is authorized to study the feasibility of advance-funding the costs of capacity projects in its member counties and making recommendations to the Legislature by February 1, 2010. The Department of Transportation may assist the organization in conducting the study.*

(2) Results of any study authorized by this section shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the department, any metropolitan planning organization in any county served by the organization, and the counties served by the organization and shall discuss the financial feasibility of advance-funding the costs of capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties. The study must be based on the following assumptions:

(a) Any advanced projects must be consistent with the Northwest Florida Regional Transportation Planning Organization's 5-year plan and the department's work program.

(b) Any bonds shall have a maturity not to exceed 30 years.

(c) A maximum of 25 percent of the department's capacity funds allocated annually to the counties served by the Northwest Florida Regional Transportation Planning Organization may be used to pay debt service on the bonds.

(d) Bond proceeds may only be used for the following components of a construction project on a state road: planning, engineering, design, right-of-way acquisition, and construction.

(e) The cost of the projects must be balanced with the proceeds available from the bonds.

(f) The department shall have final approval of the projects financed through the sale of bonds.

(3) The study shall contain:

(a) An analysis of the financial feasibility of advancing capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties.

(b) A long-range, cost-feasible finance plan that identifies the project cost, revenues by source, financing, major assumptions, and a total cash flow analysis beginning with implementation of the project and extending through final completion of the project.

(c) A tentative list of capacity projects and the priority in which they would be advanced. These projects must be consistent with the criteria in s. 339.135(2)(b), Florida Statutes.

(d) A 5-year work program of the projects to be advanced. This program must be consistent with chapter 339, Florida Statutes.

(e) A report of any statutory changes, including a draft bill, needed to give the Northwest Florida Regional Transportation Planning Organization the ability to advance construction projects. The draft bill language shall address, at a minimum:

1. Developing a list of road projects to be advanced, consistent with the organization's 5-year plan.

2. Giving the department the authority to review projects to determine consistency with its current work program.

3. Giving the organization the authority to issue bonds with a maturity of not greater than 30 years.

4. Requiring proceeds of the bonds to be delivered to the department to pay the cost of completing the projects.

5. Requiring the road projects to be consistent with the organization's 5-year plan.

6. Permitting any participating county to elect to undertake responsibility for the payment of a portion of the cost of any project in the county pursuant to an agreement with the organization and the department.

7. Providing that, in each year that the bonds are outstanding, no more than 25 percent of the state transportation funds appropriated for capacity projects advanced pursuant to the terms of this section and within the area of operation of the organization shall be paid over to the organization for the purpose of paying debt service on bonds the organization issued for such capacity projects. Such payments shall be made in lieu of programming any new projects in the work program.

8. In the event that the capacity funds allocated to the member counties of the organization are less than the amount needed to satisfy the payment requirements under the contract, the department shall defer the funded capacity on any other projects in the member counties of the organization to the extent necessary to make up such deficiency, so as to enable the organization to make the required debt service payments on the bonds or to replenish the reserves established for the bonds which may have been used to make up such deficiency. Under no circumstances shall the department provide any funds for these capacity projects in excess of the amount that would be allocated to the member counties pursuant to statutory formula and legislative appropriation.

9. Providing that the bonds shall state on their face that they do not constitute a pledge of the full faith or taxing power of the state, and no holder of any bond shall have the right to compel payment of the bonds from any funds of the state, other than amounts required to be paid to the organization under the contract. The bonds shall be limited and special obligations payable solely from the sources described herein.

10. Establishing such other terms and provisions as may be deemed reasonable and necessary to enable the organization to market the bonds at the most advantageous rates possible.

(4) The Legislature may authorize the implementation of the Northwest Florida Regional Transportation Planning Organization's study after a satisfactory showing that these prerequisites have been met and that any source of funding for any bonds to be issued has been approved by the Department of Transportation.

And the title is amended as follows:

Delete line 19 and insert: authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; providing an effective date.

Senator Baker moved the following amendment:

Amendment 3 (407758) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles~~, including all enforcement tolerances,~~ shall be as determined by the following formula:

$$W = 500((LN \div (N-1)) + 12N + 36)$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. *The scale tolerance provided in s. 316.545(2) shall be applicable to all weight limitations of this subsection. Except when a vehicle exceeds the posted weight limit on a bridge, fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).*

Section 4. Subsection (2) of section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction aggregate materials.—

(2) LEGISLATIVE INTENT.—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state's construction industry, transportation system, and overall health, safety, and welfare. *In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.*

Section 5. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in *repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements,* resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.

(4)(a) Small counties shall be eligible to compete for funds that have been designated for the Small County Outreach Program for projects on county roads. The department shall fund 75 percent of the cost of projects on county roads funded under the program.

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition *which may be evidenced through an established pavement management plan*.

(c) The following criteria shall be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Information as evidenced to the department through an established pavement management plan

f. ~~e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 337.0261, F.S.; recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s. 339.2818, F.S., relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria;

Senator Baker moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (822820) (with title amendment)—Delete lines 30-42.

And the title is amended as follows:

Delete lines 84-88 and insert: highways that are not in the Interstate Highway System; amending s. 339.2818, F.S.; relating to the Small

Amendment 3 as amended was adopted.

Senator Baker moved the following amendment which was adopted:

Amendment 4 (463268) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (3) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this state by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is 200 pounds or less than the maximum herein provided, the penalty shall be $10;

(b) Five cents per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds 200 pounds. However, whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 600 pounds of unlawful axle weight shall be $10;

(c) For a vehicle equipped with fully functional idle-reduction technology, any penalty shall be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by 400 pounds, whichever is less. The vehicle operator must present written certification of the weight of the idle-reduction technology and must demonstrate or certify that the idle-reduction technology is fully functional at all times. This calculation is not allowed for vehicles described in s. 316.535(6);

(d) ~~(c)~~ An apportioned motor vehicle, as defined in s. 320.01, operating on the highways of this state without being properly licensed and registered shall be subject to the penalties as herein provided; and

(e) ~~(d)~~ Vehicles operating on the highways of this state from nonmember International Registration Plan jurisdictions which are not in compliance with the provisions of s. 316.605 shall be subject to the penalties as herein provided.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times;

Senator Smith moved the following amendment which was adopted:

Amendment 5 (500614) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (5) of section 339.62, Florida Statutes, is amended to read:

339.62 System components.—The Strategic Intermodal System shall consist of appropriate components of:

(5) Selected intermodal facilities; passenger and freight terminals; *intermodal logistics centers owned, leased, or operated by seaports* and appropriate components of the State Highway System, county road system, city street system, inland waterways, and local public transit systems that serve as existing or planned connectors between the components listed in subsections (1)-(4).

Section 4. Paragraph (a) of subsection (2) and subsection (4) of section 339.63, Florida Statutes, is amended to read:

339.63 System facilities designated; additions and deletions.—

(2) The Strategic Intermodal System and the Emerging Strategic Intermodal System include three different types of facilities that each form one component of an interconnected transportation system which types include:

(a) Existing or planned hubs that are ports and terminals including airports, seaports, spaceports, passenger terminals, ~~and~~ rail terminals*, and intermodal logistics centers owned, leased, or operated by a seaport* serving to move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world;

(4) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, regional planning councils, transportation providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraph (2)(a) based upon criteria adopted by the department. However, an airport that is designated as a reliever airport to a Strategic Intermodal System airport which has at least 75,000 itinerant operations per year, has a runway length of at least 5,500 linear feet, is capable of handling aircraft weighing at least 60,000 pounds with a dual wheel configuration which is served by at least one precision instrument approach, and serves a cluster of aviation-dependent industries, shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of a reliever airport meeting this criteria. *An intermodal logistics center under s. 339.62(5) that is owned, leased, or operated by an existing designated Strategic Intermodal System facility shall be considered part of that facility and shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of the seaport.*

And the title is amended as follows:

Delete line 19 and insert: amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; providing an effective date.

Senator Fasano moved the following amendment which was adopted:

Amendment 6 (742112) (with title amendment)—Between lines 99 and 100 insert:

Section 3. *Affordable housing developments; exemption from concurrency requirements.—Affordable housing developments that are proposed to serve residents who have incomes at or below 60 percent of the median income of the area and that will be located on arterial roadways served by public transit are exempt from transportation concurrency requirements.*

And the title is amended as follows:

Delete line 19 and insert: creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; providing an effective date.

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 7 (466214) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (6) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(6) Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive speed limit is enforced clearly designated thereon. Flashing beacons activated by a time clock, or other automatic device, or manually activated may be used as an alternative to posting the times during which the restrictive school speed limit is enforced. Beginning July 1, 2008, for any newly established school zone or any school zone in which the signing has been replaced, a sign stating "Speeding Fines Doubled" shall be installed within *or in advance of* the school zone. The Department of Transportation shall establish adequate standards for the signs and flashing beacons.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 316.1895, F.S., authorizing alternative installation of "Speeding Fines Doubled" signs in advance of school zones;

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment which was adopted:

Amendment 8 (503938) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (1) of section 338.01, Florida Statutes, is amended to read:

338.01 Authority to establish and regulate limited access facilities.—

(1) The transportation and expressway authorities of the state, counties, and municipalities, referred to in this chapter as "authorities," acting alone or in cooperation with each other or with any federal, state, or local governmental entity or agency of any other state that is authorized to construct highways, are authorized to provide limited access facilities for public use. Any of the authorities may construct a limited access highway as a new facility or may designate an existing street or highway as included within a limited access facility. However*:* ~~;~~

(a) If the limited access facility is entirely located within an incorporated municipality, such authority is subject to municipal consent; except that such consent is not necessary when such limited access facility is part of the interstate system.

(b) Neither the construction of a new toll facility nor the imposition of a toll on an existing state highway system facility may eliminate a non-tolled alternative within the corridor serving similar origins and destinations.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor;

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment which was adopted:

Amendment 9 (453854) (with title amendment)—Between lines 99 and 100 insert:

Section 3. *Ronshay Dugans Act—The first week of September is designated as "Drowsy Driving Prevention Week" in this state. During*

Drowsy Driving Prevention Week, the Department of Highway Safety and Motor Vehicles and the Department of Transportation are encouraged to educate the law enforcement community and the public about the relationship between fatigue and performance and the research showing fatigue to be as much of an impairment as alcohol and as dangerous behind the wheel. This section may be cited as the "Ronshay Dugans Act."

And the title is amended as follows:

Between lines 18 and 19 insert: creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week";

MOTION

On motion by Senator Bullard, the rules were waived to allow the following amendment to be considered:

Senator Bullard moved the following amendment which was adopted:

Amendment 10 (517540) (with title amendment)—Delete line 100 and insert:

Section 3. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)*(a)* The department and local governmental entities, referred to in ss. 337.401-337.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section as the "utility." For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, where there is no other practicable alternative available for placement of the electric utility transmission lines on the department's rights-of-way, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that ~~the use of the right-of-way is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right of way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate from the facility at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.~~ The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(b) For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the limited access right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete line 19 and insert: amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; providing an effective date.

Senator Bennett moved the following amendment which was adopted:

Amendment 11 (369526) (with title amendment)—After line 99 insert:

Section 3. Paragraphs (a) and (b) of subsection (12) and paragraph (i) of subsection (16) of section 163.3180, Florida Statutes, are created to read:

163.3180 Concurrency.—

(12) *(a)* A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

1. ~~(a)~~ The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

2. ~~(b)~~ The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;

3. ~~(c)~~ The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and

4. ~~(d)~~ If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local govern-

ment with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).

(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 163.3180, F.S.; providing a definition for "backlog";

Pursuant to Rule 4.19, **CS for SB 582** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR VILLALOBOS PRESIDING

CS for CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

—was read the second time by title.

On motion by Senator Richter, further consideration of **CS for CS for SB 1950** was deferred.

By the direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

RECONSIDERATION OF BILL

On motion by Senator Crist, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 412—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; deleting a prohibition on additional fees for certain documents; exempting the state and its agencies from increased fees or additional fees required for alias and pluries; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S.; providing for the selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or lienholder, or the debtor's or lienholder's attorney of record, a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose, unless an affidavit discloses that the property is subject to a recorded mortgage, financing statement, tax warrant, or other lien that is junior in priority to the judgment lien; requiring a levying creditor to deliver the affidavit to the sheriff at the time of the levy request setting forth certain information and attestations; requiring certain information to be contained in the certified copy of recordation of lien; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of the court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of the court before attempting service; authorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; authorizing a law enforcement officer to arrest a person suspected of violating a condition of pretrial release if the original arrest was for an act of dating violence; amending s. 901.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended passed this day.

Senator Crist moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (146666) (with title amendment)—Between lines 408 and 409 insert:

Section 10. Paragraph (d) is added to subsection (1) of section 939.185, Florida Statutes, to read:

939.185 Assessment of additional court costs and surcharges.—

(1)

(d) The clerk of court shall cause a certified copy of the court order imposing such costs to be recorded in the public records. Such record shall constitute a lien against the person upon whom the costs are imposed and shall attach as a lien on any real and personal property owned by such person. A lien created under this paragraph does not attach to, or make subject to execution of levy or foreclosure, any real or personal property otherwise exempt under s. 4, Art. X of the State Constitution. A lien created under this paragraph is enforceable in the same manner as provided by law.

And the title is amended as follows:

Delete line 50 and insert: act; amending s. 939.185, F.S.; revising provisions relating to assessment of additional court costs and surcharges; providing an effective date.

On motion by Senator Crist, **CS for SB 412** was passed as amended, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Baker	Crist	Diaz de la Portilla
Dockery	Joyner	Ring
Fasano	Justice	Siplin
Gaetz	King	Smith
Garcia	Lawson	Sobel
Gardiner	Lynn	Storms
Gelber	Oelrich	Villalobos
Haridopolos	Peaden	Wilson
Hill	Rich	Wise
Jones	Richter	

Nays—None

Vote after roll call:

Yea—Alexander

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the

report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

—which was previously considered this day.

Senators Deutch and Richter offered the following amendment which was moved by Senator Richter and adopted:

Amendment 1 (863538)—Delete line 1004 and insert: *before December 31, 2014* ~~after January 25, 2007, but before~~

Senators Deutch and Richter offered the following amendment which was moved by Senator Richter:

Amendment 2 (147230) (with title amendment)—Delete lines 1167-1214 and insert:

(k) Notwithstanding any other provision of this section:

1. It is the intent of the Legislature that the separate rate filing provided for under this paragraph be reviewed by the office in an expedited timeframe.

2. An insurer may make a separate filing limited solely to a rate increase authorized by s. 627.0629(5), plus liquidity instruments, plus the actual additional cost paid due to the application of s. 215.555(17)(f), plus the actual additional cost paid due to the application by the Florida Hurricane Catastrophe Fund of a cash buildup factor pursuant to s. 215.555(5)(b), if all changes specified in the filing do not result in an overall premium increase of more than 10 percent for any individual policyholder. If an insurer purchases a liquidity instrument or line of credit corresponding to coverage within the TICL, the cost for the liquidity instrument or line of credit may be included within the 10 percent overall limit for the filing if the cost recovery allowed for the liquidity instrument or line of credit does not exceed an amount that results in a premium increase of more than 3 percent for any individual policyholder.

3. An insurer may use only a liquidity instrument or line of credit for the layers of coverage which exceed the published claims-paying capacity of the fund. Once the fund achieves claims-paying capacity to meet its full obligations, the liquidity instrument or line of credit is not recoverable under the provisions of this paragraph.

4. Any insurer that purchases reinsurance from an affiliated company in compliance with this paragraph may do so only if the costs for such reinsurance are charged at or below charges made for comparable coverage by nonaffiliated reinsurers making such coverage available in Florida.

5. An insurer that submits a filing pursuant to this paragraph shall include a copy of the reinsurance contract, liquidity instrument contract or line of credit contract, proof of the billing or payment for the contract, and the calculations upon which the rate change is based demonstrating that the costs meet the criteria of this section and are not loaded for expenses or profit.

6. This paragraph is not applicable to any filing if the insurer has implemented an increase in its rate within the 6 months preceding the filing. An insurer making a filing pursuant to this paragraph may not implement any additional rate increase for the same business for at least 12 months after implementation of the separate filing.

7. An insurer that elects to implement a rate change under this paragraph must file its rate filing with the office at least 40 days before the effective date of the rate change. Once an insurer submits a complete filing that meets all of the requirements of this paragraph, the office has 30 days after the date of the filing to review the rate filing and determine if the rate is excessive, inadequate, or unfairly discriminatory. Absent a finding by the office within the 30-day period that the rate is excessive, inadequate, or unfairly discriminatory, the filing is deemed approved.

8. An insurer must proceed under other provisions of this section or other provisions of law if the insurer seeks to exceed the premium or rate limitations of this paragraph.

9. This paragraph does not limit the authority of the office to disapprove a rate filing as excessive, inadequate, or unfairly discriminatory.

10. If an insurer submits a filing that meets all of the requirements specified in this paragraph, the rate increase submitted by the insurer shall be presumed correct, unless demonstrated otherwise by the office.

11. This paragraph does not apply to rate filings for any insurance other than residential property insurance.

And the title is amended as follows:

Delete lines 47-50 and insert: use filing; providing legislative intent; authorizing an insurer to make a separate filing limited solely to a rate increase authorized by the act if all changes specified in the filing do not result in an overall premium increase of more than 10 percent for any individual policyholder; providing procedures to apply for the rate filing; providing that the rate filing applies only to residential property insurance; amending s. 627.0621, F.S.;

Senator Fasano moved the following substitute amendment which was adopted:

Amendment 3 (261466) (with title amendment)—Delete lines 1003-1231 and insert:

3. For all *residential* property insurance filings made or submitted after January 25, 2007, but before December 31, *2012* ~~2009~~, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a "file and use" filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered to be property coverages.

(b) Upon receiving a rate filing, the office shall review the rate filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The commission may adopt rules using reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to such classes of insurance written in this state and the manner in which such investment income shall be used to calculate insurance rates. Such manner shall contemplate allowances for an underwriting profit factor and full consideration of investment income which produce a reasonable rate of return; however, investment income from invested surplus may not be considered.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

7. The adequacy of loss reserves.

8. The cost of reinsurance. The office shall not disapprove a rate as excessive solely due to the insurer having obtained catastrophic reinsurance to cover the insurer's estimated 250-year probable maximum loss or any lower level of loss.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. Projected hurricane losses, if applicable, which must be estimated using a model or method found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology, and as further provided in s. 627.0628.

12. A reasonable margin for underwriting profit and contingencies.

13. The cost of medical services, if applicable.

14. Other relevant factors which impact upon the frequency or severity of claims or upon expenses.

(c) In the case of fire insurance rates, consideration shall be given to the availability of water supplies and the experience of the fire insurance business during a period of not less than the most recent 5-year period for which such experience is available.

(d) If conflagration or catastrophe hazards are given consideration by an insurer in its rates or rating plan, including surcharges and discounts, the insurer shall establish a reserve for that portion of the premium allocated to such hazard and shall maintain the premium in a catastrophe reserve. Any removal of such premiums from the reserve for purposes other than paying claims associated with a catastrophe or purchasing reinsurance for catastrophes shall be subject to approval of the office. Any ceding commission received by an insurer purchasing reinsurance for catastrophes shall be placed in the catastrophe reserve.

(e) After consideration of the rate factors provided in paragraphs (b), (c), and (d), a rate may be found by the office to be excessive, inadequate, or unfairly discriminatory based upon the following standards:

1. Rates shall be deemed excessive if they are likely to produce a profit from Florida business that is unreasonably high in relation to the risk involved in the class of business or if expenses are unreasonably high in relation to services rendered.

2. Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, when the replenishment is attributable to investment losses.

3. Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

4. A rating plan, including discounts, credits, or surcharges, shall be deemed unfairly discriminatory if it fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adopted pursuant to s. 627.0625.

5. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

6. A rate shall be deemed unfairly discriminatory as to a risk or group of risks if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks.

(f) In reviewing a rate filing, the office may require the insurer to provide at the insurer's expense all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated in this section.

(g) The office may at any time review a rate, rating schedule, rating manual, or rate change; the pertinent records of the insurer; and market conditions. If the office finds on a preliminary basis that a rate may be excessive, inadequate, or unfairly discriminatory, the office shall initiate proceedings to disapprove the rate and shall so notify the insurer. However, the office may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for a period of 1 year after the effective date of the filing unless the office finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being so notified, the insurer or rating organization shall, within 60 days, file with the office all information which, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. The office shall issue a notice of intent to approve or a notice of intent to disapprove pursuant to the procedures of paragraph (a) within 90 days after receipt of the insurer's initial response. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the office notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the office withdraws the notification, the insurer shall not alter the rate except to conform with the office's notice until the earlier of 120 days after the date the notification was provided or 180 days after the date of the implementation of the rate. The office may, subject to chapter 120, disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(h) In the event the office finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the office shall issue an order of disapproval specifying that a new rate or rate schedule which responds to the findings of the office be filed by the insurer. The office shall further order, for any "use and file" filing made in accordance with subparagraph (a)2., that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to such policyholder in the form of a credit or refund. If the office finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the office in response to such a finding shall be applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.

(i) Except as otherwise specifically provided in this chapter, the office shall not prohibit any insurer, including any residual market plan or joint underwriting association, from paying acquisition costs based on the full amount of premium, as defined in s. 627.403, applicable to any policy, or prohibit any such insurer from including the full amount of acquisition costs in a rate filing.

(j) With respect to residential property insurance rate filings, the rate filing must account for mitigation measures undertaken by policyholders to reduce hurricane losses.

(k)1. An insurer may make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs to replace or finance payment of amounts covered by the Florida Hurricane Catastrophe Fund if:

a. Reinsurance costs contained in the filing do not result in an overall premium increase of more than 10 percent for any individual policyholder. If the insurer elects to purchase a liquidity instrument or line of credit instead of reinsurance, the cost included in the filing for the liquidity instrument or line of credit may not result in a premium increase exceeding 3 percent for any individual policyholder;

b. The insurer includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculations upon which the proposed rate changes are based demonstrating that the costs meet the criteria of this section and are not loaded for expenses or profit;

c. The insurer makes no other changes to its rates; and

d. The insurer has not implemented an increase in its rate within the 6 months immediately preceding the filing.

2. An insurer making a filing pursuant to this paragraph is not eligible to file for any additional rate increase for the same business for at least 12 months after implementation of the limited filing.

3. This paragraph does not limit the authority of the office to disapprove the rate filing as excessive, inadequate, or unfairly discriminatory. All other standards of the rating law apply, including the standard of reasonableness.

4. This paragraph does not apply to rate filings for any insurance other than residential property insurance.

The provisions of this subsection *do* ~~shall~~ not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but *except as otherwise provided in this section,* may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.

And the title is amended as follows:

Delete lines 45-50 and insert: 627.062, F.S.; extending the period for which an insurer seeking a residential property insurance rate that is greater than the rate most recently approved by the Office of Insurance Regulation must make a "file and use" filing; authorizing an insurer to make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs to replace or finance payment of amounts covered by the Florida Hurricane Catastrophe Fund under certain circumstances; providing that certain insurers are not eligible to file for certain additional rate increases during a specified period after implementation of a limited filing; preserving the authority of the office to disapprove a rate filing as excessive, inadequate, or unfairly discriminatory; providing for the applicability of certain provisions of state law; amending s. 627.0621, F.S.;

Senators Richter and Deutch offered the following amendment which was moved by Senator Richter and adopted:

Amendment 4 (146784)—Delete lines 1290-1294 and insert: *insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. 215.555(17)(d)9.*

Senators Richter and Deutch offered the following amendment which was moved by Senator Richter:

Amendment 5 (850916)—Delete lines 1917-1928 and insert: *changes and surcharges.*

7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).

8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease upon the corporation's implementation of actuarially sound rates.

9. Beginning January 1, 2010, and each quarter thereafter, the corporation shall transfer an amount equal to 10 percent of the funds projected to be collected from the rate increase prescribed by subparagraph 6. to the General Revenue Fund. The corporation shall cease such transfers upon the implementation of actuarially sound rates or the existence of a deficit in any account as described in subparagraph (b)3.

On motion by Senator Richter, further consideration of **CS for CS for SB 1950** with pending **Amendment 5 (850916)** was deferred.

On motion by Senator Altman—

SB 2064—A bill to be entitled An act relating to construction defects; amending s. 558.002, F.S.; providing and revising definitions; amending s. 558.003, F.S.; limiting application of certain notices; amending s. 558.004, F.S.; revising requirements and procedures for notice and opportunity to repair certain defects; specifying that there are no construction lien rights under certain provisions of law for certain testing; providing an exception; revising requirements for parties to exchange certain materials; providing penalties; amending s. 558.005, F.S.; revising requirements for application to certain claims for legal relief; specifying certain notices required for certain contracts; authorizing parties to agree to mediation; revising application of notice requirements to certain earlier contracts; specifying a required notice for certain contracts; providing construction of the requirement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2064** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson—

CS for SB 2210—A bill to be entitled An act relating to charter counties; amending s. 212.055, F.S.; requiring that certain charter counties update interlocal agreements at specified intervals for specified purposes; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Wilson, the rules were waived to allow the following amendment to be considered:

Senator Wilson moved the following amendment which was adopted:

Amendment 1 (542356) (with directory and title amendments)—Delete line 24 and insert:

(1) CHARTER COUNTY *TRANSPORTATION* ~~TRANSIT~~ SYSTEM SURTAX.—

(a) Each charter county *that has* ~~which~~ adopted a charter ~~prior to January 1, 1984~~, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

And the directory clause is amended as follows:

Delete line 9 and insert:

Section 1. Subsection (1) of section

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 2210** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

SB 2330—A bill to be entitled An act relating to corporations; amending s. 607.0728, F.S.; authorizing certain alternative procedures for the election of members of the board of directors; amending s.

607.0807, F.S.; revising resignation procedures for members of the board of directors; providing that a resignation may be irrevocable under certain conditions; amending s. 607.0809, F.S.; revising procedures for filling a vacancy on the board of directors; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (616016) (with title amendment)—Delete line 52 and insert:

Section 1. Subsection (4) of section 607.0501, Florida Statutes, is amended to read:

607.0501 Registered office and registered agent.—

(4) The Department of State shall maintain an accurate record of the registered agents and registered offices for the service of process and shall furnish any information disclosed thereby promptly upon request and payment of the required fee. ~~There shall be no charge for telephone requests for general corporate information, including the corporation's status, names of officers and directors, address of principal place of business, and name and address of registered agent.~~

Section 2. Subsection (4) of section 607.1406, Florida Statutes, is amended to read:

607.1406 Known claims against dissolved corporation.—

(4) A dissolved corporation or successor entity electing to follow the procedures described in subsections (2) and (3) shall also give notice of the dissolution of the corporation to persons with known claims, that are contingent upon the occurrence or nonoccurrence of future events or otherwise conditional or unmatured, and request that such persons present such claims in accordance with the terms of such notice. Such notice shall be in substantially the *same* form, and sent in the same manner, as described in subsection (2).

Section 3. Effective upon this act becoming a law and applicable to all fiscal years ending on or after December 31, 2008, subsection (3) of section 607.1620, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

607.1620 Financial statements for shareholders.—

(3) *Any* ~~A~~ corporation *required by subsection (1) to furnish annual financial statements to its shareholders* shall *furnish* ~~mail~~ the annual financial statements to each shareholder within 120 days after the close of each fiscal year or within such additional time thereafter as is reasonably necessary to enable the corporation to prepare its financial statements if, for reasons beyond the corporation's control, it is unable to prepare its financial statements within the prescribed period. Thereafter, on written request from a shareholder who was not *furnished* ~~mailed~~ the statements, the corporation shall *furnish* ~~mail~~ him or her the latest annual financial statements.

(5) The requirement to furnish annual financial statements as described in this section shall be satisfied by sending the annual financial statements by mail or by electronic transmission. If a corporation has an outstanding class of securities registered under s. 12 of the Securities Exchange Act of 1934, as amended, the requirement to furnish annual financial statements may be satisfied by complying with 17 C.F.R. s. 240.14a-16, as amended, with respect to the obligation of a corporation to furnish an annual report to shareholders pursuant to 17 C.F.R. s. 240.14a-3(b), as amended.

Section 4. Subsections (4), (6), and (9) of section 617.01201, Florida Statutes, are amended to read:

617.01201 Filing requirements.—

(4) The document must be typewritten or printed and must be legible. *If electronically transmitted, the document must be in a format that may be retrieved or reproduced in typewritten or printed form.*

(6) The document must be executed:

(a) By *a director* ~~the chair or any vice chair of the board of directors~~ of a domestic or foreign corporation, or by its president or by another of its officers;

(b) If directors *or officers* have not been selected or the corporation has not been formed, by an incorporator; or

(c) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by *the* ~~that~~ fiduciary.

(9) The document must be delivered to the ~~office of the~~ department ~~of State~~ for filing. *Delivery may be made by electronic transmission if and to the extent allowed by the department. If the document is filed in typewritten or printed form and not transmitted electronically, the department may require that* ~~and may be accompanied by~~ one exact or conformed copy *be delivered with the document,* ~~(~~except as provided in s. 617.1508. *The document*~~), and~~ must be accompanied by the correct filing fee and any other tax or penalty required by ~~this act or other~~ law.

Section 5. Subsection (7) of section 617.0122, Florida Statutes, is amended to read:

617.0122 Fees for filing documents and issuing certificates.—The Department of State shall collect the following fees on documents delivered to the department for filing:

(7) Agent's statement of resignation from *inactive* ~~administratively dissolved~~ corporation: $35.

Any citizen support organization that is required by rule of the Department of Environmental Protection to be formed as a nonprofit organization and is under contract with the department is exempt from any fees required for incorporation as a nonprofit organization, and the Secretary of State may not assess any such fees if the citizen support organization is certified by the Department of Environmental Protection to the Secretary of State as being under contract with the Department of Environmental Protection.

Section 6. Subsections (1) and (2) of section 617.0124, Florida Statutes, are amended to read:

617.0124 Correcting filed document.—

(1) A domestic or foreign corporation may correct a document filed by the department ~~of State~~ within *30* ~~10 business~~ days after filing if ~~the document~~:

(a) *The document* contains an incorrect statement; ~~or~~

(b) *The document* was defectively executed, attested, sealed, verified, or acknowledged*; or*~~.~~

(c) The electronic transmission of the document was defective.

(2) A document is corrected:

(a) By preparing articles of correction that:

1. Describe the document*,* ~~(~~including its filing date~~) or attach a copy of it to the articles~~;

2. Specify the incorrect statement and the reason it is incorrect or the manner in which the execution was defective; and

3. Correct the incorrect statement or defective execution; and

(b) By delivering the executed articles of correction to the department ~~of State~~ for filing.

Section 7. Section 617.01401, Florida Statutes, is amended to read:

617.01401 Definitions.—As used in this *chapter* ~~act, unless the context otherwise requires~~, the term:

(1) "Articles of incorporation" includes original, amended, and restated articles of incorporation, articles of consolidation, and articles of merger, and all amendments thereto, including documents designated by the laws of this state as charters, and, in the case of a foreign corporation, documents equivalent to articles of incorporation in the jurisdiction of incorporation.

(2) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated, including, but not limited to, managers or trustees.

(3) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(4) "Corporation" or "domestic corporation" means a corporation not for profit, subject to the provisions of this *chapter* ~~act~~, except a foreign corporation.

(5) "Corporation not for profit" means a corporation no part of the income or profit of which is distributable to its members, directors, or officers*, except as otherwise provided under this chapter*.

(6) "Department" means the Department of State.

(7) "Distribution" means the payment of a dividend or any part of the income or profit of a corporation to its members, directors, or officers. A donation or transfer of corporate assets or income to or from another not-for-profit corporation qualified as tax-exempt under s. 501(c) of the Internal Revenue Code or a governmental organization exempt from federal and state income taxes, if such corporation or governmental organization is a member of the corporation making such donation or transfer, is not a distribution for purposes of this chapter.

(8) ~~(6)~~ "Electronic transmission" means any form of communication, not directly involving the physical transmission or transfer of paper, which creates a record that may be retained, retrieved, and reviewed by a recipient ~~thereof~~ and which may be directly reproduced in a comprehensible and legible paper form by such recipient through an automated process. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmissions of images, and text that is sent via electronic mail between computers.

(9) ~~(7)~~ "Foreign corporation" means a corporation not for profit organized under laws other than the laws of this state.

(10) ~~(8)~~ "Insolvent" means the inability of a corporation to pay its debts as they become due in the usual course of its affairs.

(11) ~~(9)~~ "Mail" means the United States mail, facsimile transmissions, and private mail carriers handling nationwide mail services.

(12) ~~(10)~~ "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws or the provisions of this *chapter* ~~act~~.

(13) "Mutual benefit corporation" means a domestic corporation that is not organized primarily or exclusively for religious purposes; is not recognized as exempt under s. 501(c)(3) of the Internal Revenue Code; and is not organized for a public or charitable purpose that is required upon its dissolution to distribute its assets to the United States, a state, a local subdivision thereof, or a person that is recognized as exempt under s. 501(c)(3) of the Internal Revenue Code. The term does not include an association organized under chapter 718, chapter 719, chapter 720, or chapter 721, or any corporation where membership in the corporation is required pursuant to a document recorded in county property records.

(14) ~~(11)~~ "Person" includes individual and entity.

(15) "Successor entity" means any trust, receivership, or other legal entity that is governed by the laws of this state to which the remaining assets and liabilities of a dissolved corporation are transferred and that exists solely for the purposes of prosecuting and defending suits by or against the dissolved corporation and enabling the dissolved corporation to settle and close the business of the dissolved corporation, to dispose of and convey the property of the dissolved corporation, to discharge the liabilities of the dissolved corporation, and to distribute to the dissolved corporation's members any remaining assets, but not for the purpose of continuing the business for which the dissolved corporation was organized.

(16) "Voting power" means the total number of votes entitled to be cast for the election of directors at the time the determination of voting power is made, excluding a vote that is contingent upon the happening of a condition or event that has not yet occurred. If the members of a class are entitled to vote as a class to elect directors, the determination of the voting power of the class is based on the percentage of the number of directors the class is entitled to elect relative to the total number of authorized directors. If the corporation's directors are not elected by the members, voting power shall, unless otherwise provided in the articles of incorporation or bylaws, be on a one-member, one-vote basis.

Section 8. Subsection (1) of section 617.0205, Florida Statutes, is amended to read:

617.0205 Organizational meeting of directors.—

(1) After incorporation:

(a) If initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting;

(b) If initial directors are not named in the articles *of incorporation*, the incorporators shall hold an organizational meeting at the call of a majority of the incorporators:

1. To elect directors and complete the organization of the corporation; or

2. To elect a board of directors who shall complete the organization of the corporation.

Section 9. Section 617.0302, Florida Statutes, is amended to read:

617.0302 Corporate powers.—Every corporation not for profit organized under this *chapter* ~~act~~, unless otherwise provided in its articles of incorporation or bylaws, shall have power to:

(1) Have succession by its corporate name for the period set forth in its articles of incorporation.

(2) Sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(3) Adopt, use, and alter a common corporate seal. However, such seal must always contain the words "corporation not for profit."

(4) Elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation.

(5) Adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the affairs of the corporation and the exercise of its corporate powers.

(6) Increase, by a vote of its members cast as the bylaws may direct, the number of its directors so that the number shall not be less than three but may be any number in excess thereof.

(7) Make contracts and *guaranties,* incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure ~~any of~~ its obligations by mortgage and pledge of all or any of its property, franchises, or income.

(8) Conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country.

(9) Purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(10) Acquire, enjoy, utilize, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein.

(11) Sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property and assets.

(12) Purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of and otherwise use and deal in and with, shares and other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships, or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district, municipality, or of any instrumentality thereof.

(13) Lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds loaned or invested except as prohibited by s. 617.0833.

(14) Make donations for the public welfare or for religious, charitable, scientific, educational, or other similar purposes.

(15) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

(16) Merge with other corporations or other business entities *identified in s. 607.1108(1)*, both for profit and not for profit, domestic and foreign, if the surviving corporation or other surviving business entity is a corporation not for profit or other business entity that has been organized as a not-for-profit entity under a governing statute or other applicable law that permits such a merger.

Section 10. Subsection (4) of section 617.0501, Florida Statutes, is amended to read:

617.0501 Registered office and registered agent.—

(4) The Department of State shall maintain an accurate record of the registered agents and registered offices for the service of process and shall furnish any information disclosed thereby promptly upon request and payment of the required fee. ~~There shall be no charge for telephone requests for general corporate information, including the corporation's status, names of officers and directors, address of principal place of business, and name and address of resident agent.~~

Section 11. Subsection (12) is added to section 617.0503, Florida Statutes, to read:

617.0503 Registered agent; duties; confidentiality of investigation records.—

(12) Any alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department for filing. The application shall set forth:

(a) The name of the alien business organization and the jurisdiction under the law of which it is incorporated or organized; and

(b) That it is no longer required to maintain a registered agent in this state.

Section 12. Section 617.0505, Florida Statutes, is amended to read:

617.0505 *Distributions; exceptions* ~~Payment of dividends and distribution of income to members prohibited; issuance of certificates of membership; effect of stock issued under prior law~~.—

~~(1)~~ *Except as authorized in s. 617.1302,* ~~A dividend may not be paid, and any part of the income or profit of~~ a corporation may not *make distributions* ~~be distributed,~~ to its members, directors, or officers.

(1) A *mutual benefit corporation, such as a* private club that is established for social, pleasure, or recreational purposes and *that is* organized as a corporation of which the equity interests are held by the members*,* may*, subject to s. 617.1302,* purchase the equity membership interest of any member, and the payment for such interest is not a distribution for purposes of this section.

(2) A corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and, upon dissolution or final liquidation, may make distributions to its members as permitted by this *chapter* ~~act~~.

(3) If expressly permitted by its articles of incorporation, a corporation may make distributions upon partial liquidation to its members, as permitted by this section. Any such payment, benefit, or distribution does not constitute a dividend or a distribution of income or profit for purposes of this section.

(4) A ~~Any~~ corporation *that* ~~which~~ is a utility exempt from regulation under s. 367.022(7), whose articles of incorporation state that it is exempt from taxation under s. 501(c)(12) of the Internal Revenue Code, may make ~~such~~ refunds to its members, prior to a dissolution or liquidation, as its managing board deems necessary to establish or preserve its tax-exempt status. Any such refund does not constitute a dividend or a distribution of income or profit for purposes of this section.

(5) A corporation that is regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, or a corporation where membership in such corporation is required pursuant to a document recorded in the county property records, may make refunds to its members, giving credits to its members, disbursing insurance proceeds to its members, or disbursing or paying settlements to its members without violating this section.

~~(2) Subject to subsection (1), a corporation may issue certificates in any form evidencing membership in the corporation.~~

~~(3) Stock certificates issued under former s. 617.011(2), Florida Statutes (1989), constitute membership certificates for purposes of this act.~~

Section 13. Subsections (1), (2), and (5) of section 617.0601, Florida Statutes, are amended to read:

617.0601 Members, generally.—

(1)(a) A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the qualifications and rights of the members of each class, any quorum and voting requirements for meetings and activities of the members, and notice requirements sufficient to provide notice of meetings and activities of the members must be set forth in the articles of incorporation or in the bylaws.

(b) The articles of incorporation or bylaws of any corporation not for profit that maintains chapters or affiliates may grant representatives of such chapters or affiliates the right to vote in conjunction with the board of directors of the corporation notwithstanding applicable quorum or voting requirements of this *chapter* ~~act~~ if the corporation is registered with the department ~~of State~~ pursuant to *ss. 496.401-496.424* ~~ss. 496.001-496.011~~, the Solicitation of *Contributions* ~~Funds~~ Act.

(c) This subsection does not apply to any condominium association organized under chapter 718.

(2) A corporation may issue certificates of membership. *Stock certificates issued under former s. 617.011(2), Florida Statutes (1989), constitute certificates of membership for purposes of this section.*

(5) ~~Membership in the corporation may be terminated in the manner provided by law, by the articles of incorporation, or by the bylaws, and~~ A *resignation, expulsion, suspension, or* termination of membership *pursuant to s. 617.0606 or s. 617.0607* shall be recorded in the membership book. Unless otherwise provided in the articles of incorporation or the bylaws, all the rights and privileges of a member cease on termination of membership.

Section 14. Section 617.0605, Florida Statutes, is created to read:

617.0605 Transfer of membership interests.—

(1) A member of a corporation may not transfer a membership or any right arising from membership except as otherwise allowed in this section.

(2) Except as set forth in the articles of incorporation or bylaws of a mutual benefit corporation, a member of a mutual benefit corporation may not transfer a membership or any right arising from membership.

(3) If transfer rights have been provided for one or more members of a mutual benefit corporation, a restriction on such rights is not binding with respect to a member holding a membership issued before the adoption of the restriction unless the restriction is approved by the members and the affected member.

Section 15. Section 617.0606, Florida Statutes, is created to read:

617.0606 Resignation of members.—

(1) Except as may be provided in the articles of incorporation or bylaws of a corporation, a member of a mutual benefit corporation may not transfer a membership or any right arising from membership.

(2) The resignation of a member does not relieve the member from any obligations that the member may have to the corporation as a result of obligations incurred or commitments made before resignation.

Section 16. Section 617.0607, Florida Statutes, is created to read:

617.0607 Termination, expulsion, and suspension.—

(1) A member of a corporation may not be expelled or suspended, and a membership in the corporation may not be terminated or suspended, except pursuant to a procedure that is fair and reasonable and is carried out in good faith.

(2) Any written notice given by mail must be delivered by certified mail or first-class mail to the last address of the member shown on the records of the corporation.

(3) Any proceeding challenging an expulsion, suspension, or termination, including a proceeding in which the defective notice is alleged, must be commenced within 1 year after the effective date of the expulsion, suspension, or termination.

(4) A member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees as a result of obligations incurred or commitments made before expulsion or suspension.

Section 17. Section 617.0608, Florida Statutes, is created to read:

617.0608 Purchase of memberships.—

(1) A corporation may not purchase any of its memberships or any right arising from membership except as provided in s. 617.0505 or subsection (2).

(2) Subject to s. 617.1302, a mutual benefit corporation may purchase the membership of a member who resigns, or whose membership is terminated, for the amount and pursuant to the conditions set forth in its articles of incorporation or bylaws.

Section 18. Subsections (3), (4), and (6) of section 617.0701, Florida Statutes, are amended to read:

617.0701 Meetings of members, generally; failure to hold annual meeting; special meeting; consent to corporate actions without meetings; waiver of notice of meetings.—

(3) *Except as provided in the articles of incorporation or bylaws,* special meetings of the members may be called by*:*

(a) The president*;* ~~,~~

(b) The chair of the board of directors*;* ~~,~~

(c) The board of directors*;* ~~, or such~~

(d) Other officers or persons as are provided for in the articles of incorporation or the bylaws*;* ~~.~~

(e) The holders of at least 5 percent of the voting power of a corporation when one or more written demands for the meeting, which describe the purpose for which the meeting is to be held, are signed, dated, and delivered to a corporate officer; or

(f) A person who signs a demand for a special meeting pursuant to paragraph (e) if notice for a special meeting is not given within 30 days after receipt of the demand. The person signing the demand may set the time and place of the meeting and give notice under this subsection.

(4)~~(a)~~ Unless otherwise provided in the articles of incorporation, action required or permitted by this *chapter* ~~act~~ to be taken at an annual or special meeting of members may be taken without a meeting, without prior notice, and without a vote if the action is taken by the members entitled to vote on such action and having not less than the minimum number of votes necessary to authorize such action at a meeting at which all members entitled to vote on such action were present and voted.

(a) ~~In order~~ To be effective, the action must be evidenced by one or more written consents describing the action taken, dated and signed by approving members having the requisite number of votes and entitled to vote on such action, and delivered to the corporation ~~by delivery~~ to its principal office in this state, its principal place of business, the corporate secretary, or another officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded. Written consent ~~shall not be effective~~ to take the corporate action referred to in the consent *is not effective* unless the consent is signed by members having the requisite number of votes necessary to authorize the action within *90* ~~60~~ days *after* ~~of~~ the date of the earliest dated consent and is delivered in the manner required by this section.

(b) Any written consent may be revoked prior to the date that the corporation receives the required number of consents to authorize the proposed action. A revocation is not effective unless in writing and until received by the corporation at its principal office in this state or its principal place of business, or received by the corporate secretary or other officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded.

(c) Within *30* ~~10~~ days after obtaining ~~such~~ authorization by written consent, notice must be given to those members who are entitled to vote on the action but who have not consented in writing. The notice must fairly summarize the material features of the authorized action.

(d) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(e) If the action to which the members consent is such as would have required the filing of *articles or* a certificate under any other section of this *chapter* ~~act~~ if such action had been voted on by members at a meeting ~~thereof~~, the *articles or* certificate filed under such other section must state that written consent has been given in accordance with ~~the provisions of~~ this section.

(f) Whenever action is taken pursuant to this section, the written consent of the members consenting to such action or the written reports of inspectors appointed to tabulate such consents must be filed with the minutes of *member* proceedings ~~of members~~.

(6) Subsections (1) and (3) do not apply to any corporation that is an association as defined in s. 720.301*; a corporation regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723; or a corporation where membership in such corporation is required pursuant to a document recorded in the county property records*.

Section 19. Section 617.0721, Florida Statutes, is amended to read:

617.0721 Voting by members.—

(1) Members are not entitled to vote except as conferred by the articles of incorporation or the bylaws.

(2) A member who is entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by his or her duly authorized attorney in fact. An appointment of a proxy is not valid after 11 months following the date of its execution unless otherwise provided in the proxy.

(a) If directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

(b) A corporation may reject a vote, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has a reasonable basis for doubting the va-

lidity of the signature on it or the signatory's authority to sign for the member.

(3) If authorized by the board of directors, and subject to such guidelines and procedures as the board of directors may adopt, members and proxy holders who are not physically present at a meeting may, by means of remote communication:

(a) Participate in the meeting.

(b) Be deemed to be present in person and vote at the meeting if:

1. The corporation implements reasonable means to verify that each person deemed present and authorized to vote by means of remote communication is a member or proxy holder; and

2. The corporation implements reasonable measures to provide such members or proxy holders with a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate and to read or hear the proceedings of the meeting substantially concurrent with the proceedings.

If any member or proxy holder votes or takes other action by means of remote communication, a record of that member's participation in the meeting must be maintained by the corporation in accordance with s. 617.1601.

(4) ~~(3)~~ If any corporation, whether for profit or not for profit, is a member of a corporation organized under this *chapter* ~~act~~, the chair of the board, president, any vice president, the secretary, or the treasurer of the member corporation, and any such officer or cashier or trust officer of a banking or trust corporation holding such membership, and any like officer of a foreign corporation whether for profit or not for profit, holding membership in a domestic corporation, shall be deemed by the corporation in which membership is held to have the authority to vote on behalf of the member corporation and to execute proxies and written waivers and consents in relation thereto, unless, before a vote is taken or a waiver or consent is acted upon, it *appears pursuant to* ~~is made to appear by~~ a certified copy of the bylaws or resolution of the board of directors or executive committee of the member corporation that such authority does not exist or is vested in some other officer or person. In the absence of such certification, a person executing any such proxies, waivers, or consents or presenting himself or herself at a meeting as one of such officers of a corporate member shall be, for the purposes of this section, conclusively deemed to be duly elected, qualified, and acting as such officer and to be fully authorized. In the case of conflicting representation, the corporate member shall be ~~deemed to be~~ represented by its senior officer, in the order ~~first~~ stated in this subsection.

(5) ~~(4)~~ The articles of incorporation or the bylaws may provide that, in all elections for directors, every member entitled to vote has the right to cumulate his or her votes and to give one candidate a number of votes equal to the number of votes he or she could give if one director were being elected multiplied by the number of directors to be elected or to distribute such votes on the same principles among any number of such candidates. A corporation may not have cumulative voting unless such voting is expressly authorized in the articles of incorporation.

(6) ~~(5)~~ If a corporation has no members or its members do not have the right to vote, the directors shall have the sole voting power.

(7) ~~(6)~~ Subsections (1), (2), *(5)* ~~(4)~~, and *(6)* ~~(5)~~ do not apply to a corporation that is an association as defined in s. 720.301.

Section 20. Section 617.0725, Florida Statutes, is amended to read:

617.0725 Quorum.—An amendment to the articles of incorporation or the bylaws *which adds,* ~~that~~ changes, or deletes a greater *or lesser* quorum or voting requirement must meet the same quorum or voting requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements *then in effect or proposed to be adopted, whichever is greater* ~~prescribed in the provision being amended~~.

Section 21. Section 617.07401, Florida Statutes, is created to read:

617.07401 Members' derivative actions.—

(1) A person may not commence a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation when the transaction complained of occurred or unless the person became a member through transfer by operation of law from one who was a member at that time.

(2) A complaint in a proceeding brought in the right of a domestic or foreign corporation must be verified and allege with particularity the demand made to obtain action by the board of directors and that the demand was refused or ignored by the board of directors for at least 90 days after the date of the first demand unless, before the expiration of the 90 days, the person was notified in writing that the corporation rejected the demand, or unless irreparable injury to the corporation would result by waiting for the expiration of the 90-day period. If the corporation commences an investigation of the charges made in the demand or complaint, the court may stay any proceeding until the investigation is completed.

(3) The court may dismiss a derivative proceeding if, on motion by the corporation, the court finds that one of the groups specified in paragraphs (a)-(c) has made a good faith determination after conducting a reasonable investigation upon which its conclusions are based that the maintenance of the derivative suit is not in the best interests of the corporation. The corporation has the burden of proving the independence and good faith of the group making the determination and the reasonableness of the investigation. The determination shall be made by:

(a) A majority vote of independent directors present at a meeting of the board of directors, if the independent directors constitute a quorum;

(b) A majority vote of a committee consisting of two or more independent directors appointed by a majority vote of independent directors present at a meeting of the board of directors, whether or not such independent directors constitute a quorum; or

(c) A panel of one or more independent persons appointed by the court upon motion by the corporation.

(4) A proceeding commenced under this section may not be discontinued or settled without the approval of the court. If the court determines that a proposed discontinuance or settlement substantially affects the interest of the members of the corporation, or a class, series, or voting group of members, the court shall direct that notice be given to the members affected. The court may determine which party or parties to the proceeding shall bear the expense of giving the notice.

(5) Upon termination of the proceeding, the court may require the plaintiff to pay any defendant's reasonable expenses, including reasonable attorney's fees, incurred in defending the proceeding if it finds that the proceeding was commenced without reasonable cause.

(6) The court may award reasonable expenses for maintaining the proceeding, including reasonable attorney's fees, to a successful plaintiff or to the person commencing the proceeding who receives any relief, whether by judgment, compromise, or settlement, and may require that the person account for the remainder of any proceeds to the corporation; however, this subsection does not apply to any relief rendered for the benefit of injured members only and is limited to a recovery of the loss or damage of the injured members.

Section 22. Section 617.0801, Florida Statutes, is amended to read:

617.0801 ~~Requirement for and~~ Duties of board of directors.—All corporate powers must be exercised by or under the authority of, and the affairs of the corporation managed under the direction of, its board of directors, subject to any limitation set forth in the articles of incorporation.

Section 23. Subsection (1) of section 617.0802, Florida Statutes, is amended to read:

617.0802 Qualifications of directors.—

(1) Directors must be natural persons who are 18 years of age or older but need not be residents of this state or members of the corporation unless the articles of incorporation or bylaws so require. *For a corporation organized according to the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, but not for a corporation regulated by chapter 718, chapter 719, chapter 720, chapter 721, or*

chapter 723 or a corporation for which membership in such corporation is required pursuant to a document recorded in the county property records, one director may be 15 years of age or older if so permitted in the articles of incorporation or bylaws or by resolution of the board of directors. The articles of incorporation or the bylaws may prescribe additional qualifications for directors.

Section 24. Section 617.0806, Florida Statutes, is amended to read:

617.0806 Staggered terms for directors.—*The articles of incorporation or bylaws may provide that* directors ~~may~~ be divided into classes ~~and the terms of office of the several classes need not be uniform~~. Each director shall hold office for the term to which he or she is elected or appointed and until his or her successor has been elected or appointed and qualified or until his or her earlier resignation, removal from office, or death.

Section 25. Section 617.0808, Florida Statutes, is amended to read:

617.0808 Removal of directors.—

(1) Subject to subsection (2), a director may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws, which shall provide the following, and if they do not do so, shall be deemed to include the following:

(a) ~~(1)~~ Any member of the board of directors may be removed from office with or without cause by*:*

1. Except as provided in paragraph (i), a majority of all votes of the directors, if the director was elected or appointed by the directors; or

2. A majority of all votes of the members, if the director was elected or appointed by the members.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping. However:

1. A director may be removed only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors, except as provided in subparagraphs 2. and 3.

2. If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect the director under cumulative voting is voted against the removal of the director.

3. If at the beginning of the term of a director the articles of incorporation or bylaws provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal ~~the vote or agreement in writing by a majority of all votes of the membership~~.

(c) ~~(2)~~ The notice of a meeting ~~of the members~~ to recall a member or members of the board of directors shall state the specific directors sought to be removed.

(d) ~~(3)~~ A proposed removal of a director at a meeting shall require a separate vote for each *director whose removal is* ~~board member~~ sought ~~to be removed~~. Where removal is sought by written *consent* ~~agreement~~, a separate *consent* ~~agreement~~ is required for each *director* ~~board member~~ to be removed.

(e) ~~(4)~~ If removal is effected at a meeting, any vacancies created ~~thereby~~ shall be filled by the members *or directors eligible to vote for the removal* ~~at the same meeting~~.

(f) ~~(5)~~ Any director who is removed from the board *is* ~~shall~~ not ~~be~~ eligible to stand for reelection until the next annual meeting *at which directors are elected* ~~of the members~~.

(g) ~~(6)~~ Any director removed from office shall turn over to the board of directors within 72 hours any and all records of the corporation in his or her possession.

(h) ~~(7)~~ If a director who is removed *does* ~~shall~~ not relinquish his or her office or turn over records as required under this section, the circuit court in the county where the corporation's principal office is located may summarily order the director to relinquish his or her office and turn over corporate records upon application of any member.

(i) A director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office or such greater number as is set forth in the articles of incorporation or bylaws.

(2) A director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws, and the corporation may provide in the articles of incorporation or the bylaws that it is subject to the provisions of subsection (1).

Section 26. Section 617.0809, Florida Statutes, is amended to read:

617.0809 *Board* vacancy ~~on board~~.—

(1) *Except as provided in s. 617.0808(1)(f),* any vacancy occurring on the board of directors may be filled by the affirmative vote of the majority of the remaining directors, even though the remaining directors constitute less than a quorum, or by the sole remaining director~~, as the case may be,~~ or, if the vacancy is not so filled or if no director remains, by the members or, on the application of any person, by the circuit court of the county where the registered office of the corporation is located.

(2) Whenever a vacancy occurs with respect to a director elected by a class, chapter, unit, or group, the vacancy may be filled only by members of that class, chapter, unit, or group, or by a majority of the directors then in office elected by such class, chapter, unit, or group.

(3) ~~(2)~~ *The term of* a director elected or appointed to fill a vacancy *expires at the next annual meeting at which directors are elected* ~~shall be elected or appointed for the unexpired term of his or her predecessor in office~~. Any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors, but only for a term of office continuing until the next election of directors by the members or, if the corporation has no members or no members having the right to vote thereon, for such term of office as is provided in the articles of incorporation or the bylaws.

(4) ~~(3)~~ A vacancy that will occur at a specific later date, by reason of a resignation effective at a later date under s. 617.0807 or otherwise, may be filled before the vacancy occurs. However, the new director may not take office until the vacancy occurs.

Section 27. Subsection (1) of section 617.0824, Florida Statutes, is amended to read:

617.0824 Quorum and voting.—

(1) Unless the articles of incorporation or the bylaws require a different number, a quorum of a board of directors consists of a majority of the number of directors prescribed by the articles of incorporation or the bylaws. *Directors younger than 18 years of age may not be counted toward a quorum.*

Section 28. Present subsection (2) of section 617.0832, Florida Statutes, is renumbered as subsection (3) and amended, and a new subsection (2) is added to that section, to read:

617.0832 Director conflicts of interest.—

(2) For purposes of paragraph (1)(a) only, a conflict-of-interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors, or on the committee, who have no relationship or interest in the transaction described in subsection (1), but a transaction may not be authorized, approved, or ratified under this section by a single director. If a majority of the directors who have no relationship or interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director having a relationship or interest in the transaction does not affect the validity of any action taken under paragraph (1)(a) if the transaction is otherwise authorized, approved, or ratified as provided in subsection (1), but such presence or vote of such a director may be counted

for purposes of determining whether the transaction is approved under other sections of this chapter.

(3) ~~(2)~~ *For purposes of paragraph (1)(b), a conflict-of-interest transaction is authorized, approved, or ratified if it receives the vote of a majority in interest of the members entitled to vote under this subsection. A director who has a relationship or interest in the transaction described in subsection (1) may not vote to determine whether to authorize, approve, or ratify a conflict-of-interest transaction under paragraph (1)(b). However, the vote of that director is counted in determining whether the transaction is approved under other sections of this chapter. A majority in interest of the members entitled to vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section. As used in this subsection, the term "majority in interest" refers to a majority of the voting shares or other voting units allotted to the members.* ~~Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves, or ratifies such contract or transaction.~~

Section 29. Section 617.0833, Florida Statutes, is amended to read:

617.0833 Loans to directors or officers.—Loans, other than through the purchase of bonds, debentures, or similar obligations of the type customarily sold in public offerings, or through ordinary deposit of funds in a bank, may not be made by a corporation to its directors or officers, or to any other corporation, firm, association, or other entity in which one or more of its directors or officers is a director or officer or holds a substantial financial interest, except a loan by one corporation which is exempt from federal income taxation under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, to another corporation which is exempt from federal income taxation under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended. A loan made in violation of this section is a violation of the duty to the corporation of the directors or officers authorizing it or participating in it, but the obligation of the borrower with respect to the loan *is* ~~shall~~ not ~~be~~ affected ~~thereby~~.

Section 30. Subsection (1) of section 617.0834, Florida Statutes, is amended to read:

617.0834 Officers and directors of certain corporations and associations not for profit; immunity from civil liability.—

(1) An officer or director of a nonprofit organization recognized under s. 501(c)(3) or s. 501(c)(4) or s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, or of an agricultural or a horticultural organization recognized under s. 501(c)(5), of the Internal Revenue Code of 1986, as amended, is not personally liable for monetary damages to any person for any statement, vote, decision, or failure to take an action, regarding organizational management or policy by an officer or director, unless:

(a) The officer or director breached or failed to perform his or her duties as an officer or director; and

(b) The officer's or director's breach of, or failure to perform, his or her duties constitutes:

1. A violation of the criminal law, unless the officer or director had reasonable cause to believe his or her conduct was lawful or had no reasonable cause to believe his or her conduct was unlawful. A judgment or other final adjudication against an officer or director in any criminal proceeding for violation of the criminal law estops that officer or director from contesting the fact that his or her breach, or failure to perform, constitutes a violation of the criminal law, but does not estop the officer or director from establishing that he or she had reasonable cause to believe that his or her conduct was lawful or had no reasonable cause to believe that his or her conduct was unlawful;

2. A transaction from which the officer or director derived an improper personal benefit, ~~either~~ directly or indirectly; or

3. Recklessness or an act or omission *that* ~~which~~ was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 31. Subsections (2) and (3) of section 617.1007, Florida Statutes, are amended to read:

617.1007 Restated articles of incorporation.—

(2) The restatement may include one or more amendments to the articles *of incorporation*. If the restatement includes an amendment requiring member approval, it must be adopted as provided in s. 617.1002.

(3) A corporation restating its articles of incorporation shall deliver to the department ~~of State~~ for filing articles of restatement, executed in accordance with ~~the provisions of~~ s. 617.01201, setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(a) Whether the restatement contains an amendment to the articles *of incorporation* requiring member approval and, if it does not, that the board of directors adopted the restatement; or

(b) If the restatement contains an amendment to the articles *of incorporation* requiring member approval, the information required by s. 617.1006.

Section 32. Subsection (2) of section 617.1101, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

617.1101 Plan of merger.—

(2) Each corporation must adopt a plan of merger setting forth:

(a) The names of the corporations proposing to merge and the name of the surviving corporation into which each other corporation plans to merge, which is ~~hereinafter~~ designated as the surviving corporation;

(b) The terms and conditions of the proposed merger;

(c) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger; and

(d) *The manner and basis, if any, of converting the memberships of each merging corporation into memberships, obligations, or securities of the surviving corporation or any other corporation or, in whole or in part, into cash or other property.* ~~Such other provisions with respect to the proposed merger as are deemed necessary or desirable.~~

(3) The plan of merger may set forth:

(a) Amendments to, or a restatement of, the articles of incorporation of the surviving corporation;

(b) The effective date of the merger, which may be on or after the date of filing the articles of incorporation or merger; or

(c) Other provisions relating to the merger.

Section 33. Section 617.1102, Florida Statutes, is created to read:

617.1102 Limitation on merger.—A corporation not for profit organized under this chapter may merge with one or more other business entities, as identified in s. 607.1108(1), only if the surviving entity of such merger is a corporation not for profit or other business entity that has been organized as a not-for-profit entity under a governing statute or other applicable law that allows such a merger.

Section 34. Section 617.1301, Florida Statutes, is created to read:

617.1301 Prohibited distributions.—Except as authorized in ss. 617.0505 and 617.1302, a corporation may not make any distributions to its members.

Section 35. Section 617.1302, Florida Statutes, is created to read:

617.1302 Authorized distributions.—

(1) A mutual benefit corporation may purchase its memberships pursuant to s. 617.0608 only if, after the purchase is completed:

(a) The mutual benefit corporation is able to pay its debts as they become due in the usual course of its activities; and

(b) The total assets of the mutual benefit corporation at least equal the sum of its total liabilities.

(2) A corporation may make distributions upon dissolution in conformity with the dissolution provisions of this chapter.

Section 36. Subsection (4) of section 617.1405, Florida Statutes, is amended to read:

617.1405 Effect of dissolution.—

(4) The name of a dissolved corporation *is* ~~shall~~ not ~~be~~ available for assumption or use by another corporation until ~~after~~ 120 days after the effective date of dissolution *unless the dissolved corporation provides the department with an affidavit, executed pursuant to s. 617.01201, authorizing the immediate assumption or use of the name by another corporation.*

Section 37. Section 617.1407, Florida Statutes, is created to read:

617.1407 Unknown claims against dissolved corporation.—

(1) A dissolved corporation or successor entity may execute one of the following procedures to resolve payment of unknown claims:

(a) A dissolved corporation or successor entity may file notice of its dissolution with the department on the form prescribed by the department and request that persons having claims against the corporation which are not known to the corporation or successor entity present them in accordance with the notice. The notice must:

1. State the name of the corporation and the date of dissolution;

2. Describe the information that must be included in a claim and provide a mailing address to which the claim may be sent; and

3. State that a claim against the corporation under this subsection is barred unless a proceeding to enforce the claim is commenced within 4 years after the filing of the notice.

(b) A dissolved corporation or successor entity may, within 10 days after filing articles of dissolution with the department, publish a "Notice of Corporate Dissolution." The notice must appear once a week for 2 consecutive weeks in a newspaper of general circulation in the county in the state in which the corporation has its principal office, if any, or, if none, in a county in the state in which the corporation owns real or personal property. Such newspaper shall meet the requirements as are prescribed by law for such purposes. The notice must:

1. State the name of the corporation and the date of dissolution;

2. Describe the information that must be included in a claim and provide a mailing address to which the claim may be sent; and

3. State that a claim against the corporation under this subsection is barred unless a proceeding to enforce the claim is commenced within 4 years after the date of the second consecutive weekly publication of the notice.

(2) If the dissolved corporation or successor entity complies with paragraph (1)(a) or paragraph (1)(b), the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within 4 years after the date of filing the notice with the department or the date of the second consecutive weekly publication, as applicable:

(a) A claimant who did not receive written notice under s. 617.1408(9), or whose claim is not provided for under s. 617.1408(10), regardless of whether such claim is based on an event occurring before or after the effective date of dissolution.

(b) A claimant whose claim was timely sent to the dissolved corporation but on which no action was taken.

(3) A claim may be entered under this section:

(a) Against the dissolved corporation, to the extent of its undistributed assets; or

(b) If the assets have been distributed in liquidation, against a member of the dissolved corporation to the extent of such member's pro rata share of the claim or the corporate assets distributed to such member in liquidation, whichever is less; however, the aggregate liability of any member of a dissolved corporation may not exceed the amount distributed to the member in dissolution.

Section 38. Section 617.1408, Florida Statutes, is created to read:

617.1408 Known claims against dissolved corporation.—

(1) A dissolved corporation or successor entity may dispose of the known claims against it by following the procedures described in subsections (2), (3), and (4).

(2) The dissolved corporation or successor entity shall deliver to each of its known claimants written notice of the dissolution at any time after its effective date. The written notice must:

(a) Provide a reasonable description of the claim that the claimant may be entitled to assert;

(b) State whether the claim is admitted or not admitted, in whole or in part, and, if admitted:

1. The amount that is admitted, which may be as of a given date; and

2. Any interest obligation if fixed by an instrument of indebtedness;

(c) Provide a mailing address where a claim may be sent;

(d) State the deadline, which must be at least 120 days after the effective date of the written notice, by which confirmation of the claim must be delivered to the dissolved corporation or successor entity; and

(e) State that the corporation or successor entity may make distributions thereafter to other claimants and the members of the corporation or persons interested as having been such without further notice.

(3) A dissolved corporation or successor entity may reject, in whole or in part, any claim made by a claimant pursuant to this section by mailing notice of such rejection to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. The notice must be accompanied by a copy of this section.

(4) A dissolved corporation or successor entity electing to follow the procedures described in subsections (2) and (3) must also give notice of dissolution to persons having known claims that are contingent upon the occurrence or nonoccurrence of future events, or are otherwise conditional or unmatured, and request that such persons present such claims in accordance with the terms of the notice. The notice must be in substantially the same form, and sent in the same manner, as described in subsection (2).

(5) A dissolved corporation or successor entity shall offer any claimant whose known claim is contingent, conditional, or unmatured such security as the corporation or entity determines is sufficient to provide compensation to the claimant if the claim matures. The dissolved corporation or successor entity shall deliver such offer to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. If the claimant offered such security does not deliver in writing to the dissolved corporation or successor entity a notice rejecting the offer within 120 days after receipt of such offer, the claimant is deemed to have accepted such security as the sole source from which to satisfy his or her claim against the corporation.

(6) A dissolved corporation or successor entity that has given notice in accordance with subsections (2) and (4) shall petition the circuit court in the county where the corporation's principal office is located or was located on the effective date of dissolution to determine the amount and form of security which is sufficient to provide compensation to a claimant who has rejected the offer for security made pursuant to subsection (5).

(7) A dissolved corporation or successor entity that has given notice in accordance with subsection (2) shall petition the circuit court in the county where the corporation's principal office is located or was located on the effective date of dissolution to determine the amount and form of security which is sufficient to provide compensation to claimants whose claims are known to the corporation or successor entity but whose identities are unknown. The court shall appoint a guardian ad litem to re-

present all claimants whose identities are unknown in any proceeding brought under this subsection. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the petitioner in such proceeding.

(8) The giving of any notice or making of any offer pursuant to this section does not revive any claim then barred, does not constitute acknowledgment by the dissolved corporation or successor entity that any person to whom such notice is sent is a proper claimant, and does not operate as a waiver of any defense or counterclaim in respect of any claim asserted by any person to whom such notice is sent.

(9) A dissolved corporation or successor entity that has followed the procedures described in subsections (2)-(7) shall:

(a) Pay the claims admitted or made and not rejected in accordance with subsection (3);

(b) Post the security offered and not rejected pursuant to subsection (5);

(c) Post any security ordered by the circuit court in any proceeding under subsections (6) and (7); and

(d) Pay or make provision for all other known obligations of the corporation or the successor entity. Such claims or obligations shall be paid in full, and any provision for payments shall be made in full if there are sufficient funds. If there are insufficient funds, the claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available for payment. Any remaining funds shall be distributed in accordance with s. 617.1406; however, such distribution may not be made until 150 days after the date of the last notice of rejections given pursuant to subsection (3). In the absence of actual fraud, the judgment of the directors of the dissolved corporation or the governing persons of the successor entity as to the provisions made for the payment of all obligations under this paragraph is conclusive.

(10) A dissolved corporation or successor entity that has not followed the procedures described in subsections (2) and (3) shall pay or make reasonable provision to pay all known claims and obligations, including all contingent, conditional, or unmatured claims known to the corporation or the successor entity and all claims that are known to the dissolved corporation or the successor entity but for which the identity of the claimant is unknown. Such claims shall be paid in full, and any provision for payment made shall be made in full if there are sufficient funds. If there are insufficient funds, such claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available for payment thereof. Any remaining funds shall be distributed in accordance with s. 617.1406.

(11) Directors of a dissolved corporation or governing persons of a successor entity that has complied with subsection (9) or subsection (10) are not personally liable to the claimants of the dissolved corporation.

(12) A member of a dissolved corporation the assets of which were distributed pursuant to subsection (9) or subsection (10) is not liable for any claim against the corporation greater than the member's pro rata share of the claim or the amount distributed to the member, whichever is less.

(13) A member of a dissolved corporation, the assets of which were distributed pursuant to subsection (9), is not liable for any claim against the corporation which is known to the corporation or successor entity and on which a proceeding is begun after the expiration of 3 years following the effective date of dissolution.

(14) The aggregate liability of any member of a dissolved corporation for claims against the dissolved corporation may not be greater than the amount distributed to the member in dissolution.

Section 39. *Subsection (6) of section 617.1421, Florida Statutes, is repealed.*

Section 40. Section 617.1422, Florida Statutes, is amended to read:

617.1422 Reinstatement following administrative dissolution.—

(1)~~(a)~~ A corporation administratively dissolved under s. 617.1421 may apply to the department ~~of State~~ for reinstatement at any time after the effective date of dissolution. The *corporation must submit a reinstatement form prescribed and furnished by the department or a current uniform business report signed by a registered agent and an officer or director and submit* ~~application must:~~

~~1. Recite the name of the corporation and the effective date of its administrative dissolution;~~

~~2. State that the ground or grounds for dissolution either did not exist or have been eliminated and that no further grounds currently exist for dissolution;~~

~~3. State that the corporation's name satisfies the requirements of s. 617.0401; and~~

~~4. State that~~ all fees owed by the corporation and computed at the rate provided by law at the time the corporation applies for reinstatement. ~~have been paid; or~~

~~(b) Submit a current annual report, signed by the registered agent and an officer or director, which substantially complies with the requirements of paragraph (a).~~

(2) If the department ~~of State~~ determines that the application contains the information required by subsection (1) and that the information is correct, it shall ~~file the document, cancel the certificate of dissolution, and~~ reinstate the corporation ~~effective on the date which the reinstatement document is filed~~.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its *business* ~~affairs~~ as if the administrative dissolution had never occurred.

(4) The name of the dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution unless the dissolved corporation provides the department with an affidavit executed pursuant to s. 617.01201 authorizing the immediate assumption or use of the name by another corporation.

(5) ~~(4)~~ If the name of the dissolved corporation has been lawfully assumed in this state by another corporation, the department ~~of State~~ shall require the dissolved corporation to amend its articles of incorporation to change its name before accepting its application for reinstatement.

Section 41. Subsection (2) of section 617.1430, Florida Statutes, is amended to read:

617.1430 Grounds for judicial dissolution.—A circuit court may dissolve a corporation:

(2) In a proceeding *brought by at least 50 members or members holding at least 10 percent of the voting power, whichever is less, or by a member or group or percentage of members as otherwise provided in the articles of incorporation or bylaws, or by a director or any person authorized in the articles of incorporation,* ~~by a member~~ if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the members are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered;

(b) The members are deadlocked in voting power and have failed to elect successors to directors whose terms have expired or would have expired upon qualification of their successors; or

(c) The corporate assets are being misapplied or wasted.

Section 42. Subsection (2) of section 617.1503, Florida Statutes, is amended to read:

617.1503 Application for certificate of authority.—

(2) The foreign corporation shall deliver with the completed application a certificate of existence*,* ~~(~~or a document of similar import*,* ~~)~~ duly authenticated, *within* ~~not more than~~ 90 days prior to delivery of the

application to the department ~~of State~~, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated. A translation of the certificate, under oath of the translator, must be attached to a certificate *that* ~~which~~ is in a language other than the English language.

Section 43. Subsection (2) of section 617.1504, Florida Statutes, is amended to read:

617.1504 Amended certificate of authority.—

(2) Such application shall be made within *90* ~~30~~ days after the occurrence of any change mentioned in subsection (1), shall be made on forms prescribed by the department ~~of State~~, shall be executed and filed in the same manner as an original application for authority, and shall set forth:

(a) The name of the foreign corporation as it appears on the *department's* records ~~of the Department of State~~;

(b) The jurisdiction of its incorporation;

(c) The date it was authorized to conduct its affairs in this state;

(d) If the name of the foreign corporation has ~~been~~ changed, the name relinquished, the new name, a statement that the change of name has been effected under the laws of the jurisdiction of its incorporation, and the date the change was effected;

(e) If the period of duration has ~~been~~ changed, a statement of such change and the date the change was effected;

(f) If the jurisdiction of incorporation has ~~been~~ changed, a statement of such change and the date the change was effected; and

(g) If the ~~purpose or~~ purposes *that* ~~which~~ the corporation intends to pursue in this state have ~~been~~ changed, a statement of such new ~~purpose or~~ purposes, and a further statement that the corporation is authorized to pursue such ~~purpose or~~ purposes in the jurisdiction of its incorporation.

Section 44. Section 617.1506, Florida Statutes, is amended to read:

617.1506 Corporate name of foreign corporation.—

(1) A foreign corporation *may* ~~is~~ not ~~entitled to~~ file an application for a certificate of authority unless the corporate name of such corporation satisfies the requirements of s. 617.0401. To obtain or maintain a certificate of authority to transact business in this state, the foreign corporation:

(a) May add the word "corporation" or "incorporated" or the abbreviation "corp." or "inc." or words of like import, *which* ~~as will~~ clearly indicate that it is a corporation instead of a natural person or partnership *or other business entity; however*, ~~to its corporate name for use in this state, provided,~~ the name of a foreign corporation may not contain the word "company" or the abbreviation "co."; or

(b) May use an alternate name to transact business in this state if its real name is unavailable. *Any alternate corporate name adopted for use in this state must be cross-referenced to the real corporate name in the records of the Division of Corporations. If the real corporate name of the corporation becomes available in this state or if the corporation chooses to change its alternate name* ~~and it delivers to the Department of State, for filing~~, a copy of the resolution of its board of directors, *changing or withdrawing the alternate name and* executed as required by s. 617.01201, *must be delivered for filing* ~~adopting an alternate name~~.

(2) The corporate name, including the alternate name, of a foreign corporation must be distinguishable, within the records of the Division of Corporations, from:

(a) Any corporate name of a corporation for profit incorporated or authorized to transact business in this state.

(b) ~~(a)~~ The alternate name of another foreign corporation authorized to transact business in this state.

(c) ~~(b)~~ The corporate name of a not-for-profit corporation incorporated or authorized to transact business in this state.

(d) ~~(c)~~ The names of all other entities or filings, except fictitious name registrations pursuant to s. 865.09, organized, or registered under the laws of this state, that are on file with the Division of Corporations.

(3) If a foreign corporation authorized to transact business in this state changes its corporate name to one that does not satisfy the requirements of *s. 617.0401* ~~s. 607.0401~~, such corporation may not transact business in this state under the changed name until the corporation adopts a name satisfying the requirements of *s. 617.0401* ~~s. 607.0401~~.

~~(4) The corporate name must be distinguishable from the names of all other entities or filings, organized, registered, or reserved under the laws of the state that are on file with the Division of Corporations, except fictitious name registrations pursuant to s. 865.09.~~

Section 45. Subsection (6) of section 617.1530, Florida Statutes, is amended to read:

617.1530 Grounds for revocation of authority to conduct affairs.—The department of State may commence a proceeding under s. 617.1531 to revoke the certificate of authority of a foreign corporation authorized to conduct its affairs in this state if:

(6) The department ~~of State~~ receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the jurisdiction under the law of which the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger.

Section 46. Paragraph (a) of subsection (5) of section 617.1601, Florida Statutes, is amended to read:

617.1601 Corporate records.—

(5) A corporation shall keep a copy of the following records:

(a) Its articles *of incorporation* or restated articles of incorporation and all amendments to them currently in effect.

Section 47. Subsections (1), (2), and (4) of section 617.1602, Florida Statutes, are amended to read:

617.1602 Inspection of records by members.—

(1) A member of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office *or at a reasonable location specified by the corporation*, any of the records of the corporation described in s. 617.1601(5), if the member gives the corporation written notice of his or her demand at least *10* ~~5~~ business days before the date on which he or she wishes to inspect and copy.

(2) A member of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the member meets the requirements of subsection (3) and gives the corporation written notice of his or her demand at least *10* ~~5~~ business days before the date on which he or she wishes to inspect and copy:

(a) Excerpts from minutes of any meeting of the board of directors, records of any action of a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the members, and records of action taken by the members or board of directors without a meeting, to the extent not subject to inspection under subsection (1).

(b) Accounting records of the corporation.

(c) The record of members.

(d) Any other books and records.

(4) This section does not affect:

(a) The right of a member ~~to inspect and copy records under s. 617.0730(6), or, if the member is~~ in litigation with the corporation *to inspect and copy records* ~~,~~ to the same extent as any other litigant.

(b) The power of a court, independently of this *chapter* ~~act~~, to compel the production of corporate records for examination.

Section 48. Section 617.1605, Florida Statutes, is amended to read:

617.1605 Financial reports for members.—*A corporation, upon a member's written demand, shall furnish that member its latest annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries or affiliates, as appropriate, and which include a balance sheet as of the end of the fiscal year and a statement of operations for that year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on such basis.* ~~Within 60 days following the end of the fiscal or calendar year or annually on such date as is otherwise provided in the bylaws of the corporation, the board of directors of the corporation shall mail or furnish by personal delivery to each member a complete financial report of actual receipts and expenditures for the previous 12 months. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amounts of expenses by accounts and expense classifications.~~

Section 49. Section 617.1703, Florida Statutes, is created to read:

617.1703 Application of chapter.—In the event of any conflict between the provisions of this chapter and chapter 718 regarding condominiums, chapter 719 regarding cooperatives, chapter 720 regarding homeowners' associations, chapter 721 regarding timeshares, or chapter 723 regarding mobile home owners' associations, the provisions of such other chapters shall apply. The provisions of ss. 617.0605-617.0608 do not apply to corporations regulated by any of the foregoing chapters or to any other corporation where membership in the corporation is required pursuant to a document recorded in the county property records.

Section 50. Subsection (8) is added to section 617.1803, Florida Statutes, to read:

617.1803 Domestication of foreign not-for-profit corporations.—

(8) When a domestication becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the foreign corporation remains in the domesticated corporation without reversion or impairment;

(b) The liabilities of the foreign corporation remain the liabilities of the domesticated corporation;

(c) An action or proceeding against the foreign corporation continues against the domesticated corporation as if the domestication had not occurred;

(d) The articles of incorporation attached to the certificate of domestication constitute the articles of incorporation of the domesticated corporation; and

(e) Membership interests in the foreign corporation remain identical in the domesticated corporation.

Section 51. Section 617.1806, Florida Statutes, is amended to read:

617.1806 Conversion to corporation not for profit; petition and contents.—A petition for conversion to a corporation not for profit *pursuant to s. 617.1805* shall be accompanied by the written consent of all the shareholders authorizing the change in the corporate nature and directing an authorized officer to file such petition before the court, together with a statement agreeing to accept all the property of the petitioning corporation and agreeing to assume and pay all its indebtedness and liabilities*,* and the proposed articles of incorporation signed by the president and secretary of the petitioning corporation which shall set forth the provisions required in original articles of incorporation by s. 617.0202.

Section 52. Section 617.1907, Florida Statutes, is amended to read:

617.1907 Effect of repeal *or amendment* of prior acts.—

(1) Except as provided in subsection (2), the repeal *or amendment* of a statute by this *chapter* ~~act~~ does not affect:

(a) The operation of the statute or any action taken under it before its repeal *or amendment*;

(b) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before its repeal *or amendment*;

(c) Any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal *or amendment*; or

(d) Any proceeding, reorganization, or dissolution commenced ~~under the statute~~ before its repeal *or amendment*, and the proceeding, reorganization, or dissolution may be completed ~~in accordance with the statute~~ as if it had not been repealed *or amended*.

(2) If a penalty or punishment imposed for violation of a statute repealed *or amended* by this *chapter* ~~act~~ is reduced by this act, the penalty or punishment if not already imposed shall be imposed in accordance with this *chapter* ~~act~~.

Section 53. *Section 617.2103, Florida Statutes, is repealed.*

Section 54. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect October 1, 2009.

And the title is amended as follows:

Delete line 10 and insert: of directors; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to pur-

chase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; excluding certain corporations from eligibility for such exception; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

Pursuant to Rule 4.19, **SB 2330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; providing for the nonapplication of certain provisions of state law to surplus lines insurance authorized under the Surplus Lines Law; providing an exception; amending s. 626.924, F.S.; requiring that surplus lines policies issued on or after a specified date have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement

include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for severability; providing for the retroactive applicability of certain provisions; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which failed:

Amendment 1 (353280) (with title amendment)—Between lines 155 and 156 insert:

Section 7. Section 626.9375, Florida Statutes, is created to read:

626.9375 Claims administration.—

(1) Without limitation of any right or defense of a surplus lines insurer, the following acts by or on behalf of a surplus lines insurer do not constitute a waiver of any provision of a policy or of any defense of the insurer thereunder:

(a) Acknowledgment of the receipt of notice of loss or claim under the policy.

(b) Furnishing forms for reporting a loss or claim, giving information relative thereto, or making proof of loss, or receiving or acknowledging receipt of any such forms or evidence, completed or uncompleted.

(c) Investigating any loss or claim under any policy or engaging in negotiations toward a possible settlement of any such loss or claim.

(2) For surplus lines policies issued or renewed on or after October 1, 2009, a surplus lines liability insurer may not deny coverage based on a particular coverage defense unless:

(a) Within 90 days after the liability insurer knew or should have known of the coverage defense, written notice of reservation of rights to assert a coverage defense is given to the named insured by registered or certified mail sent to the last known address of the insured or by hand delivery; and

(b) Within 90 days after compliance with paragraph (a) or receipt of a summons and complaint naming the insured as a defendant, whichever occurs later, but not later than 30 days before trial, the insurer:

1. Gives written notice to the named insured by registered or certified mail of its refusal to defend the insured;

2. Obtains from the insured a nonwaiver agreement following full disclosure of the specific facts and policy provisions upon which the coverage defense is asserted and the duties, obligations, and liabilities of the insurer during and following the subject litigation; or

3. Retains independent counsel mutually agreeable to the parties. Reasonable fees for the counsel may be agreed upon between the parties or, if no agreement is reached, shall be set by the court.

And the title is amended as follows:

Delete line 35 and insert: the face of the policy; creating s. 626.9375, F.S.; providing that certain acts by or on behalf of a surplus lines insurer do not constitute a waiver of any provision of a policy or of any defense of the insurer thereunder; providing circumstances under which a surplus lines insurer may deny coverage for certain policies based on a particular coverage defense; providing for severability;

The vote was:

Yeas—16

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Deutch	Lawson	Storms
Garcia	Peaden	Villalobos
Gelber	Rich	
Hill	Ring	

Nays—20

Altman	Diaz de la Portilla	King
Baker	Dockery	Lynn
Bennett	Fasano	Oelrich
Constantine	Gaetz	Richter
Crist	Gardiner	Siplin
Dean	Haridopolos	Wise
Detert	Jones	

Vote after roll call:

Nay to Yea—Crist

MOTION

On motion by Senator Ring, the rules were waived to allow the following amendment to be considered:

Senator Ring moved the following amendment which was adopted:

Amendment 2 (604340) (with title amendment)—Delete lines 156-164 and insert:

Section 7. *The amendments to s. 626.913, Florida Statutes, in this act are remedial in nature and operate retroactively to the regulation of surplus lines insurers from October 1, 1998, except with respect to lawsuits that are pending on the effective date of this act.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete line 35 and insert: the face of the policy;

Pursuant to Rule 4.19, **CS for CS for SB 1894** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Justice—

SB 216—A bill to be entitled An act relating to campaign financing; creating s. 106.113, F.S.; defining the terms "local government" and "public funds"; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 216** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 324** was deferred.

On motion by Senator Haridopolos—

CS for CS for SB 2160—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the

Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S.; relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain decisions of value adjustment boards; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., relating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing ss. 341.8201-341.842, F.S., relating to the Florida High-Speed Rail Authority Act; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S, relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 406.02(4)(a),

F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s. 429.08(2), F.S., relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; repealing s. 570.0725(5), F.S., relating to a report by the Department of Agriculture and Consumer Services concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative recommendations of the Florida Consumers' Council; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.023, F.S.; adding a cross reference; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Detert moved the following amendment which was adopted:

Amendment 1 (173420) (with title amendment)—Between lines 4747 and 4748 insert:

Section 187. Subsections (24), (25), and (26) of section 1001.42, Florida Statutes, as amended by section 2 of chapter 2009-3, Laws of Florida, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

~~(24) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING REQUIREMENTS. Beginning with the 2006-2007 school year:~~

~~(a) Each district school board shall designate a classroom teacher to serve as the teacher representative to speak on behalf of the district's teachers regarding paperwork and data collection reduction.~~

~~(b) Each district school board must provide the school community with an efficient method for the school community to communicate with the classroom teacher designee regarding possible paperwork and data collection burdens and potential solutions.~~

~~(c) The teacher designee shall annually report his or her findings and potential solutions to the school board.~~

~~(d) Each district school board must submit its findings and potential solutions to the State Board of Education by September 1 of each year.~~

~~(e) The State Board of Education shall prepare a report of the statewide paperwork and data collection findings and potential solutions and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year.~~

(24) ~~(25)~~ EMPLOYMENT CONTRACTS.—On or after February 1, 2009, a district school board may not enter into an employment contract that is funded from state funds and that requires the district to pay an employee an amount in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement.

(25) ~~(26)~~ ADOPT RULES.—Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 188. Present paragraph (c) of subsection (3) of section 1008.31, Florida Statutes, is redesignated as paragraph (e), and new paragraphs (c) and (d) are added to that subsection, to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide data required to implement education performance accountability measures in state and federal law, the Commissioner of Education shall initiate and maintain strategies to improve data quality and timeliness. All data collected from state universities shall, as determined by the commissioner, be integrated into the K-20 data warehouse. The commissioner shall have unlimited access to such data solely for the purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation. All public educational institutions shall provide data to the K-20 data warehouse in a format specified by the commissioner.

(c) The commissioner shall continuously monitor and review the collection of paperwork, data, and reports by school districts and complete an annual review of such collection no later than June 1 of each year. The annual review must include recommendations for consolidating paperwork, data, and reports, wherever feasible, in order to reduce the burdens on school districts.

(d) By July 1 of each year, the commissioner shall prepare a report assisting the school districts in eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance.

And the title is amended as follows:

Delete line 416 and insert: made by the act; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the commissioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 2160** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for SB 494—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic landscape irrigation systems; requiring irrigation contractors to test for the correct operation of system devices or switches and ensure their proper operation before completing other work on the system; requiring the Department of Environmental Protection to create a model ordinance that may be adopted by local governments; providing penalties; providing for the disposition of funds raised through penalties imposed; authorizing local governments to approve smart irrigation controllers; providing legislative findings relating to the adoption of soil moisture sensor control irrigation systems; defining terms; providing a statewide process and conditions for obtaining a variance from water management district restrictions on water use; creating s. 403.9335, F.S.; providing a short title; creating s. 403.9336, F.S.; providing legislative findings; creating s. 403.9337, F.S.; encouraging county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface water and groundwater quality; requiring a county government or municipal government located within the watershed of a water body or water segment that is listed by the Department of Environmental Protection as impaired to adopt the model ordinance; providing that additional or more stringent provisions may be adopted under certain circumstances; providing a timeframe for adopting the model ordinance; providing exceptions; creating s. 403.9338, F.S.; requiring the department to establish and approve training and testing programs providing urban landscape best-management practices; providing that such training authorizes a person to apply for a limited certification for urban landscape commercial fertilizer application issued by the Department of Agriculture and Consumer Services; providing that a person having such certification is not subject to additional local testing; amending s. 482.021, F.S.; defining the terms "commercial fertilizer application" and "urban landscape"; creating s. 482.1562, F.S.; providing for limited certification for urban landscape commercial fertilizer application provided by the Department of Agriculture and Consumer Services; requiring such certification in order to commercially apply fertilizer, beginning on a certain date; providing requirements and fees; providing for expiration and renewal; authorizing the department to provide information concerning persons who are certified; providing for exceptions to the requirements of certification; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (654198)—Delete lines 105-207 and insert:

(7)(a) The Legislature recognizes that lawn and landscape irrigation systems use a substantial amount of the state's potable water. The Legislature finds that smart irrigation systems that use soil moisture sensors with remote monitoring and adjustment capabilities, if properly installed and monitored, provide more efficient irrigation and save substantially more water than conventional time-controlled irrigation systems. This is because smart irrigation systems apply water to lawns and plants only as necessary to maintain required soil moisture, thus minimizing the overwatering or unnecessary watering that occurs with conventional irrigation systems. However, in order for this technology to optimize the efficient application of water it cannot be subject to day or days-of-the-week watering restrictions. The Legislature, therefore, recognizes that enacting a statewide process to provide an exemption from local water restriction ordinances will accelerate the adoption of this water saving technology. Further, a uniform exemption process will streamline variance procedures and minimize delay in implementing such technology. The longer it takes to approve soil moisture sensor control systems, the more potable

water is wasted. A uniform variance process will allow state residents to maintain their property and protect water resources while enjoying their landscapes.

(b) For purposes of this subsection, the term:

1. "Monitoring entity" means a local government, community development district created pursuant to chapter 190, a homeowners' association created pursuant to chapter 720, a condominium association created pursuant to chapter 718, a cooperative created pursuant to chapter 719, or a public or private utility.

2. "Soil moisture sensor" means a soil-based device that assesses the available plant soil moisture in order to minimize the unnecessary use of water and optimize the effectiveness of an irrigation system.

3. "Soil moisture sensor control system" is the collective term for an entire soil moisture sensor system that has remote monitoring and adjustment capability.

(c) A variance from day or days-of-the-week watering restrictions, which shall include the maximum soil set point for different soil types within the monitoring entity's jurisdiction, shall be granted by the applicable water management district for any residential, commercial, or recreational user within a monitoring entity's jurisdiction having a soil moisture sensor control system if the monitoring entity certifies that:

1. Each soil moisture sensor control system installed within its jurisdiction will have multiple soil sensors that conform to different soil types and slopes in order to optimize water use for each user, adjust irrigation schedules based on soil moisture requirements, and be installed by a licensed contractor in a manner that is consistent with the Field Guide to Soil Moisture Sensor Use in Florida by the University of Florida IFAS Extension Program for Resource Efficient Communities.

2. It has the ability to monitor the status of each individual user's system and to remotely modify the system settings for irrigation cycles and run times.

3. It will electronically post and update a list of active users of soil moisture sensor control systems within its jurisdiction on a monthly basis and provide Internet access to such listing and the monitoring database to the water management district and the local government.

4. It shall provide notice to a user of noncompliant activity within 48 hours after such activity and, if the user does not take corrective action within 48 hours after such notice, it will remove the posted notice required in subparagraph 5. and remove the user from the active users list required by subparagraph 3.

5. It shall post a notice at each parcel that has installed a compliant soil moisture sensor control system in plain view from the nearest roadway stating: "Irrigating with Smart Irrigation Controller," with the address of the parcel, and shall remove the notice if the user is no longer being monitored by the monitoring entity.

(d) Upon installation of a soil moisture sensor control system, the licensed contractor shall certify to the monitoring entity that subparagraphs (c)1. and (c)2. have been met.

1. The monitoring entity shall post the notice required by subparagraph (c)5. on the user's property and update the Internet listing of users of active soil moisture sensor control systems to include the new user.

2. On an annual basis a professional engineer licensed under chapter 471 or a professional landscape architect licensed under chapter 481 shall perform an annual maintenance review of all soil moisture sensor control systems within the monitoring entity's jurisdiction and certify to the monitoring entity which systems are properly operating and in compliance with paragraph (c). The monitoring entity shall update its Internet listing of users of active soil moisture sensor control systems based on the certification.

(e) Failure by the monitoring entity to ensure continual compliance with the condition of this variance shall be cause for the appropriate water management district to revoke the variance upon proper notice to the monitoring entity.

(f) The variance provided in this subsection applies to day or days-of-the-week watering restrictions of the water management district as preempted by s. 373.217. All other applicable local government and water management district restrictions related to irrigation, including, but not limited to, a prohibition on irrigation and time-of-day watering requirements and water shortage or emergency orders issued pursuant to s. 373.246(2) and (7), remain applicable to the soil moisture sensor control system users within a monitoring entity's jurisdiction.

(g) This subsection does not require a property owner to install a soil moisture sensor control system. This subsection also does not prohibit a property owner from installing soil moisture sensors and seeking an individual variance from the applicable water management district even if such property is located within the jurisdiction of a monitoring entity that has been granted a variance pursuant to paragraph (c).

Amendment 2 (198984)—Delete line 226 and insert: *characteristics, may necessitate the implementation of additional or*

Pursuant to Rule 4.19, **CS for CS for CS for SB 494** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 324—A bill to be entitled An act relating to state aid to public libraries; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 324** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 624—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement officer or correctional officer is entitled to specified rights if the officer is subject to suspension in a disciplinary proceeding; providing that a law enforcement officer or correctional officer is entitled to review witness statements by other officers and other existing evidence before the officer under investigation is interrogated; providing that time-limitation periods will be tolled during disciplinary proceedings under certain specified circumstance; amending s. 112.533, F.S.; authorizing a law enforcement officer or correctional officer who is subject to an investigation, and the officer's legal counsel, to review specified documents and recordings before the investigative interview; amending s. 112.534, F.S.; providing procedures and remedies to the officer if an agency intentionally fails to comply with specified provisions; providing that the officer bears the burden of proof to establish intentional violations; providing that the standard of proof is a preponderance of the evidence; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Accountability recommended the following amendments which were moved by Senator Fasano and adopted:

Amendment 1 (430626)—Delete lines 177-180 and insert: *determination of the compliance review panel or upon the violation being remedied by the agency.*

Amendment 2 (945668)—Delete lines 241-316 and insert: *officer" includes the officer's representative or legal counsel, except in application of s. 112.534(1)(d).*

(a) The law enforcement officer or correctional officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer's notice of violation is suf-

ficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.

(b) If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer or correctional officer, the officer shall request the agency head or his designee be informed of the alleged intentional violation. Once this request is made the interview of the officer shall cease and the officer's refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.

(c) Thereafter, within 3 working days, a written notice of violation and request for a compliance review hearing shall be filed with the agency head or designee which must contain sufficient information to identify the requirements of this part which are alleged to have been violated and the factual basis of each violation. All evidence related to the investigation must be preserved for review and presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

(d) Unless otherwise remedied by the agency before the hearing, a compliance review hearing must be conducted within 10 working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and agency or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The compliance review panel shall be made up of three members: one member selected by the agency head, one member selected by the officer filing the request, and a third member to be selected by the other two members. The review panel members shall be law enforcement officers or correctional officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any state, county or municipal agency within the county in which the officer works. The compliance review hearing shall be conducted in the county in which the officer works.

(e) It is the responsibility of the compliance review panel to determine whether or not the investigator or agency intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered confidential for purposes of the compliance review hearing and determination.

(f) The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the agency head and the officer.

(g) If the alleged violation is sustained as intentional by the compliance review panel the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the agency head shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standard and Training Commission for review as an act of official misconduct or misuse of position. ~~a law enforcement officer or correctional officer employed by or appointed to such agency who is personally injured by such failure to comply may apply directly to the circuit court of the county wherein such agency is headquartered and permanently resides for an injunction to restrain and enjoin such violation of the provisions of this part and to compel the performance of the duties imposed by this part.~~

(2)*(a)* All the provisions of s. 838.022 shall apply to this part.

(b) The provisions of chapter 120 do not apply to this part.

Pursuant to Rule 4.19, **CS for SB 624** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by unanimous consent—

CS for CS for CS for SB's 2430 and SB 1960—A bill to be entitled An act relating to the taxation of documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; creating a presumption for purposes of the excise tax on documents that consideration is given for deeds, instruments, or writings that convey property between certain individuals and entities; creating a presumption of the amount of the consideration; creating an exemption from the tax for certain deeds, instruments, or writings that convey property; creating a presumption that the deed, instrument, or writing was taxable if a subsequent conveyance of the property or grantee entity is made within a certain period of time; specifying the calculation of tax due on the original conveyance; providing that the tax on the original deed, instrument, or writing does not apply if the subsequent conveyance is the result of an inter vivos gift or the death of any person; providing that the tax applies to transfers involving the exchange of real property for shares of stock or as a capital contribution; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt emergency rules relating to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made by the act; providing for application of specified provisions of the act; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Gelber moved the following amendment which was adopted:

Amendment 1 (504538)—Delete lines 159-161 and insert: *the end of the fiscal year shall be reallocated in subsequent years consistent with the provisions of this subsection, in that at least 35 percent shall be reallocated to provide homeownership assistance for low-income and moderate-income families, and at least 35 percent shall be reallocated for construction, rehabilitation, and purchase of rental housing units. The remaining amount of uncommitted funds may be reallocated at the discretion of the county within any of the categories established in this subsection.*

Senator Altman moved the following amendment which was adopted:

Amendment 2 (321504) (with title amendment)—Delete lines 325-334 and insert:

Section 6. *Effective upon this act becoming a law, the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, to implement s. 201.02, Florida Statutes, as amended by section 4 of this act. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months after the date of adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.*

And the title is amended as follows:

Delete line 55 and insert: emergency rules relating to transfers of real property interest involving conduit entities and transfers of real property pursuant to short sales; amending s.

MOTION

On motion by Senator Gelber, the rules were waived to allow the following amendment to be considered:

Senator Gelber moved the following amendment:

Amendment 3 (950276) (with title amendment)—Delete lines 223-320 and insert:

Section 3. *(1) The Legislature finds that the Florida Supreme Court opinion in Crescent Miami Center, LLC v. Florida Department of Revenue, 903 So. 2d 913 (Fla. 2005), interprets s. 201.02, Florida Statutes, in a manner that permits tax avoidance inconsistent with the intent of the Legislature at the time the statute was amended in 1990.*

(2) The Legislature finds that the opinion of the District Court of Appeal for the Third District of Florida in Crescent Miami Center, LLC v. Florida Department of Revenue, 857 So. 2d 904 (Fla. 3d D.C.A. 2003), interprets s. 201.02, Florida Statutes, in a manner that prevents tax avoidance consistent with the intent of the Legislature at the time the statute was amended in 1990.

(3) The Legislature recognizes that the Supreme Court's opinion in Crescent is limited to the facts of the case and accepts the court's interpretation of s. 201.02, Florida Statutes, that no consideration exists when owners of real property unencumbered by a mortgage convey an interest in such property to an artificial entity whose ownership is identical to the ownership of the real property before conveyance. The Legislature expressly rejects any application of the court's interpretation where the facts are not comparable to the facts in Crescent. However, because the Supreme Court's interpretation, combined with other settled law regarding the application of s. 201.02, Florida Statutes, allows for the tax-free transfer of ownership interests in real property from one owner to another through the use of artificial entities, it is the Legislature's intent by this act to impose the documentary stamp tax when the beneficial ownership of real property is transferred to a new owner or owners by the use of techniques that apply the Supreme Court's decision in Crescent in combination with respect to transfers of ownership of, or distributions from, artificial entities.

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(1)*(a)* On deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction, on each $100 of the consideration therefor the tax shall be 70 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 70 cents for each $100 or fractional part thereof of the consideration therefor. For purposes of this section, consideration includes, but is not limited to, the money paid or agreed to be paid; the discharge of an obligation; and the amount of any mortgage, purchase money mortgage lien, or other encumbrance, whether or not the underlying indebtedness is assumed. If the consideration paid or given in exchange for real property or any interest therein includes property other than money, it is presumed that the consideration is equal to the fair market value of the real property or interest therein.

(b)1. For purposes of this paragraph the term:

a. "Conduit entity" means an entity that is not a natural person to which real property is conveyed without full consideration, or a successor entity.

b. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties.

2. When an ownership interest in real property is conveyed to a conduit entity and an ownership interest in the conduit entity is subsequently transferred for consideration within 3 years of such conveyance, tax is imposed each time an interest in the conduit entity is transferred for consideration at the rate of 70 cents for each $100 or fraction thereof of the consideration paid or given in exchange for the ownership interest in the conduit entity.

3. When the ownership interest in the conduit entity being transferred includes assets other than the real property conveyed to the conduit entity, the tax on the transfer of the ownership interests in the conduit entity shall be prorated based on the percentage the value of such real property represents of the total value of all assets owned by the conduit entity.

4. The gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration.

5. The purpose of this paragraph is to impose the documentary stamp tax on the transfer for consideration of a beneficial interest in real property. The provisions of this paragraph are to be construed liberally to effectuate this purpose.

(11) The documentary stamp tax imposed by this section applies to a deed, instrument, or writing that transfers any interest in real property pursuant to a short sale, as defined in this subsection. The taxable consideration for a short sale transfer does not include unpaid indebtedness that is forgiven or released by a mortgagee holding a mortgage on the grantor's interest in the property. A short sale is a purchase and sale of real property in which:

(a) The grantor's interest in the real property is encumbered by a mortgage or mortgages securing indebtedness in an aggregate amount greater than the purchase price paid by the grantee;

(b) A mortgagee releases the real property from its mortgage in exchange for a partial payment of less than all of the outstanding mortgage indebtedness owing to the releasing mortgagee;

(c) The releasing mortgagee does not receive, directly or indirectly, any interest in the property transferred; and

(d) The releasing mortgagee, grantor, and grantee are dealing with each other at arm's length.

Section 5. *The amendments to subsections (1) and (11) of s. 201.02, Florida Statutes, made by this act and*

And the title is amended as follows:

Delete lines 30-48 and insert: involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers of a conduit entity; providing for the apportionment of the consideration for an interest in a conduit entity between real property interests and other assets; exempting from the tax property transferred as a gift to the extent there is no consideration; providing legislative intent; imposing the tax on

MOTION

On motion by Senator Gelber, the rules were waived to allow the following amendments to be considered:

Senator Gelber moved the following substitute amendment which was adopted:

Amendment 4 (479628) (with title amendment)—Delete lines 223-320 and insert:

Section 3. *(1) The Legislature finds that the Florida Supreme Court opinion in Crescent Miami Center, LLC v. Florida Department of Rev-*

enue, 903 So. 2d 913 (Fla. 2005), interprets s. 201.02, Florida Statutes, in a manner that permits tax avoidance inconsistent with the intent of the Legislature at the time the statute was amended in 1990.

(2) The Legislature finds that the opinion of the District Court of Appeal for the Third District of Florida in Crescent Miami Center, LLC v. Florida Department of Revenue, 857 So. 2d 904 (Fla. 3d D.C.A. 2003), interprets s. 201.02, Florida Statutes, in a manner that prevents tax avoidance consistent with the intent of the Legislature at the time the statute was amended in 1990.

(3) The Legislature recognizes that the Supreme Court's opinion in Crescent is limited to the facts of the case and accepts the court's interpretation of s. 201.02, Florida Statutes, that no consideration exists when owners of real property unencumbered by a mortgage convey an interest in such property to an artificial entity whose ownership is identical to the ownership of the real property before conveyance. The Legislature expressly rejects any application of the court's interpretation where the facts are not comparable to the facts in Crescent. However, because the Supreme Court's interpretation, combined with other settled law regarding the application of s. 201.02, Florida Statutes, allows for the tax-free transfer of ownership interests in real property from one owner to another through the use of artificial entities, it is the Legislature's intent by this act to impose the documentary stamp tax when the beneficial ownership of real property is transferred to a new owner or owners by the use of techniques that apply the Supreme Court's decision in Crescent in combination with respect to transfers of ownership of, or distributions from, artificial entities.

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(1)*(a)* On deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction, on each $100 of the consideration therefor the tax shall be 70 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 70 cents for each $100 or fractional part thereof of the consideration therefor. For purposes of this section, consideration includes, but is not limited to, the money paid or agreed to be paid; the discharge of an obligation; and the amount of any mortgage, purchase money mortgage lien, or other encumbrance, whether or not the underlying indebtedness is assumed. If the consideration paid or given in exchange for real property or any interest therein includes property other than money, it is presumed that the consideration is equal to the fair market value of the real property or interest therein.

(b)1. For purposes of this paragraph the term:

a. "Conduit entity" means a legal entity to which real property is conveyed without full consideration by a grantor who owns an interest in the entity, or a successor entity.

b. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties.

2. When an ownership interest in real property is conveyed to a conduit entity and an ownership interest in the conduit entity is subsequently transferred for consideration within 3 years of such conveyance, tax is imposed each time an interest in the conduit entity is transferred for consideration at the rate of 70 cents for each $100 or fraction thereof of the consideration paid or given in exchange for the ownership interest in the conduit entity.

3. When the ownership interest in the conduit entity being transferred includes assets other than the real property conveyed to the conduit entity, the tax on the transfer of the ownership interests in the conduit entity shall be prorated based on the percentage the value of such real property represents of the total value of all assets owned by the conduit entity.

4. The gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration. If the real property is transferred as a gift and is encumbered by a mortgage, tax is due on the amount due on the mortgage.

5. The transfer for purposes of estate planning by a natural person of an interest in a conduit entity to an irrevocable grantor trust pursuant to subpart e, of Part 1, of Subchapter J, of Chapter 1, of the United States Revenue Code is not subject to tax under this subsection.

6. The purpose of this paragraph is to impose the documentary stamp tax on the transfer for consideration of a beneficial interest in real property. The provisions of this paragraph are to be construed liberally to effectuate this purpose.

(c) Conversion or merger of a trust that is not a legal entity that owns real property in this state into a legal entity shall be treated as a conveyance of the real property for the purposes of this section.

(d) Taxes imposed by this subsection shall be paid pursuant to s. 201.133 when no document is recorded. If a document is recorded, taxes imposed by the paragraph shall be paid as required for all other taxable documents that are recorded.

(11) The documentary stamp tax imposed by this section applies to a deed, instrument, or writing that transfers any interest in real property pursuant to a short sale, as defined in this subsection. The taxable consideration for a short sale transfer does not include unpaid indebtedness that is forgiven or released by a mortgagee holding a mortgage on the grantor's interest in the property. A short sale is a purchase and sale of real property in which:

(a) The grantor's interest in the real property is encumbered by a mortgage or mortgages securing indebtedness in an aggregate amount greater than the purchase price paid by the grantee;

(b) A mortgagee releases the real property from its mortgage in exchange for a partial payment of less than all of the outstanding mortgage indebtedness owing to the releasing mortgagee;

(c) The releasing mortgagee does not receive, directly or indirectly, any interest in the property transferred; and

(d) The releasing mortgagee, grantor, and grantee are dealing with each other at arm's length.

Section 5. *The amendments to subsections (1) and (11) of s. 201.02, Florida Statutes, made by this act and*

And the title is amended as follows:

Delete lines 30-48 and insert: involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers of a conduit entity; providing for the apportionment of the consideration for an interest in a conduit entity between real property interests and other assets; exempting from the tax property transferred as a gift to the extent there is no consideration; providing for trusts; providing legislative intent; providing for tax; imposing the tax on

Senator Gelber moved the following amendment which was adopted:

Amendment 5 (436382)—Delete lines 704-708 and insert:

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming law, this act shall take effect on July 1, 2009, and the amendment to s. 201.02(1), Florida Statutes, made by this act, applies to transfers for which the first transfer to a conduit entity occurs after July 1, 2009.

Pursuant to Rule 4.19, **CS for CS for CS for SB's 2430 and SB 1960** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 73** was withdrawn from the Committees on Environmental Preservation and Conservation; Community Affairs; Commerce; and General Government Appropriations.

On motion by Senator Fasano—

HB 73—A bill to be entitled An act relating to expedited permitting process for economic development projects; providing a short title; creating s. 380.0657, F.S.; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain economic development projects; providing an exception; requiring municipalities and counties to identify certain businesses by commission resolution; requiring a pre-application review; providing a timeframe for permit application approval or denial; providing that projects designated as target industry businesses and located in charter counties that meet certain criteria are eligible for expedited permitting; providing an effective date.

—a companion measure, was substituted for **CS for SB 852** and read the second time by title.

Pursuant to Rule 4.19, **HB 73** was placed on the calendar of Bills on Third Reading.

SENATOR FASANO PRESIDING

On motion by Senator Constantine—

CS for CS for SB 2536—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; requiring the Fish and Wildlife Conservation Commission rather than the Department of Revenue to distribute a specified sum from the Invasive Plant Control Trust Fund to eradicate melaleuca; amending s. 253.002, F.S.; setting forth duties of the commission as they relate to state lands; amending s. 253.04, F.S.; providing for preservation of sea grasses; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; amending the definition of the term "live-aboard vessel"; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising certain age limitations on the operation of a vessel powered by a 10-horsepower motor or greater; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; removing an exemption from permit requirements for certain markers placed by county, municipal, or other government entities; amending s. 327.41, F.S., relating to placement of markers by a county or municipality; revising terminology; providing for a county or municipality that has adopted a boating-restricted area by ordinance under specified provisions to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules for the approval; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting regulation by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state; prohibiting certain county or municipality ordinances or regulations; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; amending s. 327.70, F.S.; providing for the mailing of citations; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by counties and municipalities; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; providing that a vessel in violation may be seized and subject to forfeiture; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of non-resident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; exempting vessels lawfully stored at a dock or in a marina; amending ss. 369.20, 369.22, and 369.25, F.S.; providing that the commission has the authority to enforce statutes relating to aquatic weeds and plants; amending s. 379.304, F.S.; providing that anyone violating the provisions governing the sale or exhibition of wildlife is subject to specified penalties relating to captive wildlife; amending s. 379.338, F.S.; authorizing an investigating law enforcement agency to dispose of illegally taken wildlife, freshwater fish, or saltwater fish in certain specified ways; requiring that live wildlife, freshwater fish, and saltwater fish be properly documented as evidence and returned to the habitat unharmed; requiring that nonnative species be disposed of in accordance with rules of the Fish and Wildlife Conservation Commission; providing for the disposition of furs and hides; requiring that the proceeds of sales be deposited in the State Game Trust Fund or the Marine Resources Conservation Trust Fund; requiring the Fish and Wildlife Conservation Commission to give to a state, municipal, or county law enforcement agency that enforces or assists the commission in enforcing the law all or a portion of the value of any property forfeited during an enforcement action; creating s. 379.3381, F.S.; providing that photographs of wildlife or freshwater or saltwater fish may be offered into evidence to the same extent as if the wildlife, freshwater fish, or saltwater fish were directly introduced as evidence; requiring that the photograph be accompanied by a writing containing specified information relating to the illegal seizure of the wildlife or freshwater or saltwater fish; requiring that the wildlife or freshwater or saltwater fish be disposed of as provided by law; amending s. 379.353, F.S.; providing that a resident of this state is exempt from paying certain recreational licenses if the person is eligible for Medicaid services and has been issued an identification card by the Agency for Health Care Administration; amending s. 379.3671, F.S.; providing that if a certificate issued to a person to use a spiny lobster trap is not renewed within a specified period, the certificate will be considered abandoned and revert to the commission; amending s. 379.3751, F.S.; revising the alligator trapping agent's license and the alligator farming agent's license to allow the trapper and the farmer to possess, process, and sell the hides and meat of the alligator; removing the limitation that an alligator trapping agent's license could be issued only in conjunction with an alligator trapping license; amending s. 379.3761, F.S.; providing penalties for the wrongful exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising penalties for a person who unlawfully possesses wildlife; amending s. 379.401, F.S.; making it a level 2 violation for a person to feed or entice an alligator or crocodile and a level 4 violation for a person to illegally kill, injure, or capture an alligator or crocodile; amending s. 379.4015, F.S.; making it a level 2 violation for a person to illegally exhibit of sell wildlife; requiring the commission to establish a pilot program for regulating the anchoring or mooring of non-live-aboard vessels outside public mooring fields; providing geographic regions for the pilot project; specifying the goals of the pilot program; providing requirements; requiring a report to the Governor and Legislature; creating s. 379.501, F.S.; providing penalties for unlawfully disturbing aquatic weeds and plants; providing that a person

is liable to the state for any damage caused to the aquatic weeds or plants and for civil penalties; providing that if a person willfully harm aquatic weeds and plants he or she commits a felony of the third degree; providing criminal penalties; creating s. 379.502, F.S.; authorizing the commission to seek judicial or administrative remedies for unlawfully disturbing aquatic weeds and plants; providing for procedures; authorizing a respondent to request mediation; providing for an award of attorney's fees; providing requirements for calculating administrative penalties; providing for the administrative law judge to consider evidence of mitigation; requiring that penalties be deposited into the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that the judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing that anyone who unlawfully disturbs aquatic weeds or plants is subject to civil penalties; authorizing a court to impose a civil penalty for each offense in an amount not to exceed $10,000 per offense; providing for joint and several liability; providing for determining the value of fish killed for purposes of assessing damages; amending s. 403.088, F.S.; requiring the commission to approve a program intended to control aquatic weeds or algae; providing for a type II transfer of the Bureau of Invasive Plant Management in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for the transfer of the Invasive Plant Control Trust Fund to the Fish and Wildlife Conservation Commission; reenacting s. 379.209(2), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32 F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; providing an appropriation; repealing s. 327.22, F.S.; repealing s. 379.366(7), F.S.; to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (927386) (with title amendment)—Delete lines 328-949 and insert:

Section 3. Effective October 1, 2009, renumber subsections (4) through (7) of section 253.04, Florida Statutes, as (5) through (8) and create new subsection (4) of that section to read:

253.04 Duty of board to protect, etc., state lands; state may join in any action brought.—

(4)(a) The duty to conserve and improve state-owned lands and the products thereof shall include the preservation and regeneration of seagrass, which is deemed essential to the oceans, gulfs, estuaries, and shorelines of the state. A person operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve established in ss. 258.39-258.399, with the exception of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, commits a noncriminal infraction, punishable as provided in s. 327.73. Each violation is a separate offense. As used in this subsection, the term:

1. "Seagrass scarring" means destruction of seagrass roots, shoots, or stems that results in tracks on the substrate, caused by the operation of a motorized vessel in waters supporting seagrasses, commonly referred to as prop scars or propeller scars.

2. "Seagrass" means Cuban shoal grass (Halodule wrightii), turtle grass (Thalassia testudinum), manatee grass (Syringodium filiforme), star grass (Halophila engelmannii), paddle grass (Halophila decipiens), Johnsons seagrass (Halophila johnsonii), or widgeon grass (Ruppia maritima).

(b) Any violation under paragraph (a) is a violation of the vessel laws of this state and shall be charged on a uniform boating citation as provided in s. 327.74. Any person who refuses to post a bond or accept and sign a uniform boating citation commits a misdemeanor of the second degree, as provided in s. 327.73(3), punishable as provided in s. 775.082 or s. 775.083.

Section 4. Effective September 1, 2009, subsection (3) of section 319.32, Florida Statutes, is amended to read:

319.32 Fees; service charges; disposition.—

(3) The department shall charge a fee of *$10* ~~$4~~ in addition to that charged in subsection (1) for each original certificate of title issued for a vehicle previously registered outside this state.

Section 5. Effective September 1, 2009, paragraphs (a) and (x) of subsection (4) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(a) Manatee license plate, *$25* ~~$20~~.

(x) Conserve Wildlife license plate, *$25* ~~$15~~.

Section 6. Subsection (17) of section 327.02, Florida Statutes, is amended to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(17) "Live-aboard vessel" means:

(a) Any vessel used solely as a residence *and not for navigation*; ~~or~~

(b) Any vessel represented as a place of business, a professional or other commercial enterprise*;* ~~,~~ or ~~a legal residence.~~

(c) Any vessel for which a declaration of domicile has been filed pursuant to s. 222.17.

A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

Section 7. Subsection (4) of section 327.35, Florida Statutes, is amended to read:

327.35 Boating under the influence; penalties; "designated drivers".—

(1) A person is guilty of the offense of boating under the influence and is subject to punishment as provided in subsection (2) if the person is operating a vessel within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired;

(b) The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or

(c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of *0.15* ~~0.20~~ or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than $1,000 or more than $2,000 for a first conviction.

2. Not less than $2,000 or more than $4,000 for a second conviction.

3. Not less than $4,000 for a third or subsequent conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of *0.15* ~~0.20~~ or higher.

Section 8. Paragraph (a) of subsection (2) of section 327.36, Florida Statutes, is amended to read:

327.36 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(2)(a) No trial judge may accept a plea of guilty to a lesser offense from a person who is charged with a violation of s. 327.35, manslaughter resulting from the operation of a vessel, or vessel homicide and who has been given a breath or blood test to determine blood or breath alcohol content, the results of which show a blood-alcohol level or breath-alcohol level of *0.15* ~~0.16~~ or more.

Section 9. Effective January 1, 2010, section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety identification cards.—

(1) A person *born on or after January 1, 1988,* ~~21 years of age or younger~~ may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel photographic identification and a boater safety identification card issued by the commission which shows that he or she has:

(a) Completed a commission-approved boater education course that meets the minimum 8-hour instruction requirement established by the National Association of State Boating Law Administrators;

(b) Passed a course equivalency examination approved by the commission; or

(c) Passed a temporary certificate examination developed or approved by the commission.

(2) Any person may obtain a boater safety identification card by complying with the requirements of this section.

(3) Any commission-approved boater education or boater safety course, course-equivalency examination developed or approved by the commission, or temporary certificate examination developed or approved by the commission must include a component regarding diving vessels, awareness of divers in the water, divers-down flags, and the requirements of s. 327.331.

(4) The commission may appoint liveries, marinas, or other persons as its agents to administer the course, course equivalency examination, or temporary certificate examination and issue identification cards under guidelines established by the commission. An agent must charge the $2 examination fee, which must be forwarded to the commission with proof of passage of the examination and may charge and keep a $1 service fee.

(5) An identification card issued to a person who has completed a boating education course or a course equivalency examination is valid for life. A card issued to a person who has passed a temporary certification examination is valid for 12 months from the date of issuance.

(6) A person is exempt from subsection (1) if he or she:

(a) Is licensed by the United States Coast Guard to serve as master of a vessel.

(b) Operates a vessel only on a private lake or pond.

(c) Is accompanied in the vessel by a person who is exempt from this section or who holds an identification card in compliance with this section, is 18 years of age or older, and is attendant to the operation of the vessel and responsible *for the safe operation of the vessel and* for any violation that occurs during the operation.

(d) Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination in another state which meets or exceeds the requirements of subsection (1).

(e) Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale meeting the requirements of s. 328.46(1).

(f) ~~(e)~~ Is exempted by rule of the commission.

(7) A person who *operates a vessel in violation of subsection (1) commits* ~~violates this section is guilty of~~ a noncriminal infraction, punishable as provided in s. 327.73.

(8) The commission shall design forms and adopt rules to administer this section. Such rules shall include provision for educational and other public and private entities to offer the course and administer examinations.

(9) The commission shall institute and coordinate a statewide program of boating safety instruction and certification to ensure that boating courses and examinations are available in each county of the state.

(10) The commission is authorized to establish and to collect a $2 examination fee to cover administrative costs.

(11) The commission is authorized to adopt rules pursuant to chapter 120 to implement the provisions of this section.

(12) This section may be cited as the "Osmany 'Ozzie' Castellanos Boating Safety Education Act."

Section 10. Effective October 1, 2009, section 327.40, Florida Statutes, is amended to read:

327.40 Uniform waterway markers ~~for safety and navigation; informational markers.~~—

(1) *Waters of this state* ~~Waterways in Florida which need marking for safety or navigation purposes~~ shall be marked *only in conformity with* ~~under~~ the United States Aids to Navigation System, 33 C.F.R. part 62. ~~Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System, 33 C.F.R. subpart 66.10, may continue to be used on waters of this state that are not navigable waters of the United States.~~

(2)(a) Application for marking inland lakes and state waters and any navigable waters under concurrent jurisdiction of the Coast Guard and the division shall be made to the division, accompanied by a map locating the approximate placement of markers, a list of the markers to be placed, a statement of the specification of the markers, a statement of the purpose of marking, and the names of persons responsible for the placement and upkeep of such markers. The division will assist the applicant to secure the proper permission from the Coast Guard where required, make such investigations as needed, and issue a permit. The division shall furnish the applicant with the information concerning the system adopted and the rules existing for placing and maintaining the markers. The division shall keep records of all approvals given and counsel with individuals, counties, municipalities, motorboat clubs, or other groups desiring to mark waterways for safety and navigation purposes in Florida.

(b)1. No person or municipality, county, or other governmental entity shall place any *uniform waterway marker* ~~safety or navigation markers~~ in, on, or over the waters or shores of the state without a permit from the division.

2. The placement of *information* ~~informational~~ markers~~, including, but not limited to, markers indicating end of boat ramp, no swimming, swimming area, lake name, trash receptacle, public health notice, or underwater hazard and canal, regulatory, emergency, and special event markers,~~ by counties, municipalities, or other governmental entities on inland lakes and their associated canals are exempt from permitting under this section. ~~Such markers, excluding swimming area and special event markers, may be no more than 50 feet from the normal shoreline.~~

(c) The commission is authorized to adopt rules pursuant to chapter 120 to implement this section.

(3) The placement *under this section or s. 327.41* of any *uniform waterway marker* ~~safety or navigation marker or any informational marker under subparagraph (2)(b)2.~~ on state submerged lands ~~under this section~~ does not subject such lands to the lease requirements of chapter 253.

Section 11. Effective October 1, 2009, subsection (2) of section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

(2) Any county or municipality which has been granted a *boating-restricted* ~~restricted~~ area designation, *by rule of the commission* pursuant to s. 327.46*(1)(a)*, for a portion of the Florida Intracoastal Waterway within its jurisdiction or which has adopted a *boating-restricted* ~~restricted~~ area by ordinance pursuant to *s. 327.46(1)(b) or (c)* ~~s. 327.22, s. 327.60,~~ or s. 379.2431(2)(p), or any other governmental entity which has legally established a *boating-restricted* ~~restricted~~ area, may apply to the commission for permission to place regulatory markers within the *boating-restricted* ~~restricted~~ area.

Section 12. Effective October 1, 2009, section 327.42, Florida Statutes, is amended to read:

327.42 Mooring to or damaging of *uniform waterway* markers or buoys prohibited.—

(1) No person shall moor or fasten a vessel to a lawfully placed *uniform waterway* ~~aid to navigation~~ marker ~~or buoy,regulatory marker or buoy, or area boundary marker or buoy, placed or erected by any governmental agency~~ , except in case of emergency *or with the written consent of the marker's owner*.

(2) No person shall willfully damage, alter, or move a lawfully placed *uniform waterway* ~~aid to navigation~~ marker ~~or buoy, regulatory marker or buoy, or area boundary marker or buoy~~.

Section 13. Effective October 1, 2009, section 327.46, Florida Statutes, is amended to read:

327.46 *Boating-restricted* ~~Restricted~~ areas.—

(1) *Boating-restricted* ~~The commission has the authority to establish by rule, pursuant to chapter 120, restricted~~ areas*, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established* on the waters of *this* ~~the~~ state for any purpose ~~deemed~~ necessary *to protect* ~~for~~ the safety of the public~~, including, but not limited to, vessel speeds and vessel traffic,~~ where such restrictions are ~~deemed~~ necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards.

(a) The commission may establish boating-restricted areas by rule, pursuant to chapter 120.

(b) Municipalities and counties have the authority to establish the following boating-restricted areas by ordinance:

1. An ordinance establishing an Idle Speed-No Wake boating-restricted area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a Slow Speed Minimum Wake boating-restricted area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

c. On a creek, stream, canal, or similar linear waterway where the waterway is less than 75 feet in width from shoreline to shoreline.

d. On a lake or pond of less than 10 acres in total surface area.

3. An ordinance establishing a vessel exclusion zone if the area is:

a. Designated as a public bathing beach or swim area.

b. Within 300 feet of a dam, spillway, or flood-control structure.

(c) Municipalities and counties have the authority to establish by ordinance the following other boating-restricted areas:

1. An ordinance establishing an Idle Speed-No Wake boating-restricted area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

2. An ordinance establishing a Slow Speed Minimum Wake or a numerical speed limit boating-restricted area if the area is:

a. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

b. Subject to unsafe levels of vessel traffic congestion.

c. Subject to hazardous water levels or currents, or containing other navigational hazards.

d. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety.

3. An ordinance establishing a vessel-exclusion zone if the area is reserved exclusively:

a. As a canoe trail or otherwise limited to vessels under oars or under sail.

b. For a particular activity and user group, separation must be imposed to protect the safety of those participating in such activity.

Any of the ordinances adopted pursuant to this paragraph shall not take effect until the commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety pursuant to this paragraph. Any application for approval of an ordinance shall be reviewed and acted upon within 90 days after receipt of a completed application. Within 30 days after a municipality or county submits an application for approval to the commission, the commission shall advise the municipality or county as to what information, if any, is needed to deem the application properly completed. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The commission's action on the application is subject to review under chapter 120. The commission shall initiate rulemaking within 180 days after the effective date of this act to provide criteria and procedures for reviewing applications submitted under this part and procedures for providing for public notice and participation.

(2) Each such *boating-restricted* ~~restricted~~ area shall be developed in consultation and coordination with the governing body of the county or municipality in which the *boating-restricted* ~~restricted~~ area is located and, *when the boating-restricted area is to be on the navigable waters of the United States* ~~where required~~, with the United States Coast Guard and the United States Army Corps of Engineers.

(3) ~~(2)~~ It is unlawful for any person to operate a vessel in a prohibited manner or to carry on any prohibited activity, as defined in this chapter, ~~deemed a safety hazard or interference with navigation as provided above~~ within a *boating-restricted* ~~restricted water~~ area *that* ~~which~~ has

been clearly marked by regulatory markers as authorized under this chapter.

(4) ~~(3)~~ *Restrictions in a boating-restricted area established pursuant to* this section shall not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.

Section 14. Effective October 1, 2009, section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(1) The provisions of *this chapter and chapter 328* ~~ss. 327.01, 327.02, 327.30 327.40, 327.44 327.50, 327.54, 327.56, 327.65, 328.40 328.48, 328.52 328.58, 328.62, and 328.64~~ shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the *waters of this state* ~~waterways~~ or when any activity regulated hereby shall take place thereon.

(2) Nothing in *this chapter or chapter 328* ~~these sections~~ shall be construed to prevent the adoption of any ordinance or local *regulation* ~~law~~ relating to operation ~~and equipment~~ of vessels, except that *no county or municipality shall enact, continue in effect, or enforce any ordinance or local regulation:*

(a) Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;

(b) With respect to the design, manufacture, installation, or use of any marine sanitation device on any vessel;

(c) Regulating any vessel upon the Florida Intracoastal Waterway;

(d) Discriminating against personal watercraft;

(e) Discriminating against airboats, for ordinances adopted after July 1, 2006, unless adopted by a two-thirds vote of the governing body enacting such ordinance;

(f) Regulating the anchoring of vessels other than live-aboard vessels outside the marked boundaries of mooring fields permitted as provided in s. 327.40;

(g) Regulating engine or exhaust noise, except as provided in s. 327.65; or

(h) That is in conflict with this chapter or any amendments thereto or rules thereunder. ~~no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this chapter or any amendments thereto or regulations thereunder. Any ordinance or local law which has been adopted pursuant to this section or to any other state law may not discriminate against personal watercraft as defined in s. 327.02. Effective July 1, 2006, any ordinance or local law adopted pursuant to this section or any other state law may not discriminate against airboats except by a two-thirds vote of the governing body enacting such ordinance.~~

(3) ~~(2)~~ Nothing ~~contained~~ in ~~the provisions of~~ this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40. However, local governmental authorities are prohibited from regulating the anchoring outside of such mooring fields of *vessels other than live-aboard vessels as defined in s. 327.02* ~~non-live-aboard vessels in navigation~~.

Section 15. Paragraph (1) of subsection (2) of section 327.65, Florida Statutes, is amended to read:

327.65 Muffling devices.—

(2)(a) Any county wishing to impose additional noise pollution and exhaust regulations on vessels may, pursuant to s. 327.60*(2)* ~~(1)~~, adopt by county ordinance the following regulations:

1. No person shall operate or give permission for the operation of any vessel on the waters of any county or on a specified portion of the waters of any county, including the Florida Intracoastal Waterway, which has adopted the provisions of this section in such a manner as to exceed the following sound levels at a distance of 50 feet from the vessel: for all vessels, a maximum sound level of 90 dB A.

2. Any person who refuses to submit to a sound level test when requested to do so by a law enforcement officer is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) The following words and phrases, when used in this section, shall have the meanings respectively assigned to them in this subsection.

1. "dB A" means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.

2. "Sound level" means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only a weighting and fast dynamic response need be provided.

Section 16. Section 327.66, Florida Statutes, is created to read:

327.66 Carriage of gasoline on vessels.—

(1)(a) A person shall not:

1. Possess or operate any vessel that has been equipped with tanks, bladders, drums, or other containers designed or intended to hold gasoline, or install or maintain such containers in a vessel, if such containers do not conform to federal regulations or have not been approved by the United States Coast Guard by inspection or special permit.

2. Transport any gasoline in an approved portable container when the container is in a compartment that is not ventilated in strict compliance with United States Coast Guard regulations pertaining to ventilation of compartments containing gasoline tanks.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Gasoline possessed or transported in violation of this section and all containers holding such gasoline are declared to be a public nuisance. A law enforcement agency discovering gasoline possessed or transported in violation of paragraph (1)(a) shall abate the nuisance by removing the gasoline and containers from the vessel and from the waters of this state. A law enforcement agency that removes gasoline or containers pursuant to this subsection may elect to:

1. Retain the property for the agency's own use;

2. Transfer the property to another unit of state or local government;

3. Donate the property to a charitable organization; or

4. Sell the property at public sale pursuant to s. 705.103.

(b) A law enforcement agency that seizes gasoline or containers pursuant to this subsection shall remove and reclaim, recycle, or otherwise dispose of the gasoline as soon as practicable in a safe and proper manner.

(3) All conveyances, vessels, vehicles, and other equipment described in paragraph (1)(a) or used in the commission of a violation of paragraph (1)(a), other than gasoline or containers removed as provided in subsection (2), are declared to be contraband.

(a) Upon conviction of a person arrested for a violation of paragraph (1)(a), the judge shall issue an order adjudging and ordering that all conveyances, vessels, vehicles, and other equipment used in the violation shall be forfeited to the arresting agency. The requirement for a conviction before forfeiture of property establishes to the exclusion of any reasonable doubt that the property was used in connection with the violation resulting in the conviction, and the procedures of chapter 932 do not apply to any forfeiture of property under this subsection following a conviction.

(b) In the absence of an arrest or conviction, any such conveyance, vessel, vehicle, or other equipment used in violation of paragraph (1)(a) shall be subject to seizure and forfeiture as provided by the Florida Contraband Forfeiture Act.

(c) As used in this subsection, the term "conviction" means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended.

(4) All costs incurred by the law enforcement agency in the removal of any gasoline, gasoline container, other equipment, or vessel as provided in this section shall be recoverable against the owner thereof. Any person who neglects or refuses to pay such amount shall not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until the costs have been paid.

(5) Foreign flagged vessels entering United States waters and Florida state waters in compliance with 19 USC 1433 are exempt from this section.

Section 17. Effective October 1, 2009, section 327.70, Florida Statutes, is amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(1) This chapter and chapter 328 shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties and their deputies, *municipal police officers,* and any other ~~authorized~~ law enforcement officer *as defined in s. 943.10*, all of whom may order the removal of vessels deemed to be an interference or a hazard to public safety, enforce the provisions of this chapter and chapter 328, or cause any inspections to be made of all vessels in accordance with this chapter and chapter 328.

(2)*(a) Noncriminal violations of the following statutes may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on the waters of this state:*

1. Section 327.33(3)(b), relating to navigation rules.

2. Section 327.44, relating to interference with navigation.

3. Section 327.50(2), relating to required lights and shapes.

4. Section 327.53, relating to marine sanitation.

5. Section 328.48(5), relating to display of decal.

6. Section 328.52(2), relating to display of number.

(b) Citations issued to livery vessels under this subsection shall be the responsibility of the lessee of the vessel if the livery has included a warning of this responsibility as a part of the rental agreement and has provided to the agency issuing the citation the name, address, and date of birth of the lessee when requested by that agency. The livery is not responsible for the payment of citations if the livery provides the required warning and lessee information.

(3) Such officers shall have the power and duty to issue such orders and to make such investigations, reports, and arrests in connection with any violation of the provisions of this chapter and chapter 328 as are necessary to effectuate the intent and purpose of this chapter and chapter 328.

(4) ~~(3)~~ The Fish and Wildlife Conservation Commission or any other law enforcement agency may make any investigation necessary to secure information required to carry out and enforce the provisions of this chapter and chapter 328.

Section 18. Effective October 1, 2009, subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(a) Section 328.46, relating to operation of unregistered and unnumbered vessels.

(b) Section 328.48(4), relating to display of number and possession of registration certificate.

(c) Section 328.48(5), relating to display of decal.

(d) Section 328.52(2), relating to display of number.

(e) Section 328.54, relating to spacing of digits and letters of identification number.

(f) Section 328.60, relating to military personnel and registration of vessels.

(g) Section 328.72(13), relating to operation with an expired registration.

(h) Section 327.33(2), relating to careless operation.

(i) Section 327.37, relating to water skiing, aquaplaning, parasailing, and similar activities.

(j) Section 327.44, relating to interference with navigation.

(k) Violations relating to *boating-restricted* ~~restricted~~ areas and speed limits:

1. Established by the commission *or by local governmental authorities* pursuant to s. 327.46.

~~2. Established by local governmental authorities pursuant to s. 327.22 or s. 327.60.~~

2. ~~3.~~ Speed limits established pursuant to s. 379.2431(2).

(l) Section 327.48, relating to regattas and races.

(m) Section 327.50(1) and (2), relating to required safety equipment, lights, and shapes.

(n) Section 327.65, relating to muffling devices.

(o) Section 327.33(3)(b), relating to navigation rules.

(p) Section 327.39(1), (2), (3), and (5), relating to personal watercraft.

(q) Section 327.53(1), (2), and (3), relating to marine sanitation.

(r) Section 327.53(4), (5), and (7), relating to marine sanitation, for which the civil penalty is $250.

(s) Section 327.395, relating to boater safety education.

(t) Section 327.52(3), relating to operation of overloaded or overpowered vessels.

(u) Section 327.331, relating to divers-down flags, except for violations meeting the requirements of s. 327.33.

(v) Section 327.391(1), relating to the requirement for an adequate muffler on an airboat.

(w) Section 327.391(3), relating to the display of a flag on an airboat.

(x) Section 253.04(4)(a), relating to carelessly causing seagrass scarring, for which the civil penalty upon conviction is:

1. For a first offense, $50.

2. For a second offense occurring within 12 months after a prior conviction, $250.

3. For a third offense occurring within 36 months after a prior conviction, $500.

4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, $1,000.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is $50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 19. Effective October 1, 2009, subsection (1) of section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) Every person convicted of a criminal violation of this chapter, every person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and every person convicted of two noncriminal infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p), and *(s)-(x)* ~~(s)-(w)~~, said infractions occurring within a 12-month period, must:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the commission by rule; however, the commission may provide by rule pursuant to chapter 120 for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available;

(b) File with the commission within 90 days proof of successful completion of the course;

(c) Refrain from operating a vessel until he or she has filed the proof of successful completion of the course with the commission.

Any person who has successfully completed an approved boating course shall be exempt from these provisions upon showing proof to the commission as specified in paragraph (b).

Renumber subsequent sections.

And the title is amended as follows:

Delete lines 27-54 and insert: 10-horsepower motor or greater; providing a short title; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; removing an exemption from permit requirements for certain markers placed by county, municipal, or other government entities; amending s. 327.41, F.S.; relating to placement of markers by a county or municipality; revising terminology; providing for a county or municipality that has adopted a boating-restricted area by ordinance under specified provisions to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules for the approval; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting regulation by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state; prohibiting certain county or municipality ordinances or regulations; amending s. 327.65, F.S.; correcting a cross reference; creating s. 327.66, F.S.; prohibiting

Senator Baker moved the following amendment which was adopted:

Amendment 2 (565450) (with title amendment)—Between lines 1337 and 1338 insert:

Section 35. Effective July 1, 2010, paragraphs (h), (i), and (j) of subsection (4) and subsections (8), (11), and (12) of section 379.354, Florida Statutes, are amended, and effective July 15, 2009, paragraph (k) is added to subsection (4) of that section, to read:

379.354 Recreational licenses, permits, and authorization numbers; fees established.—

(4) RESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(h) Annual sportsman's license, $79, except that an annual sportsman's license for a resident 64 years of age or older is $12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, *a deer permit,* and an archery season permit.

(i) Annual gold sportsman's license, $98.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, *a deer permit,* an archery season permit, a snook permit, and a spiny lobster permit.

(j) Annual military gold sportsman's license, $18.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, *a deer permit,* an archery season permit, a snook permit, and a spiny lobster permit. Any resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the military gold sportsman's license upon submission of a current military identification card.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.—*In order to ensure that the cultural heritage of hunting and sport fishing as recognized in s. 379.104 is passed on to future Floridians, the commission shall use up to 10 percent of the proceeds from the hunting and sport fishing permits issued pursuant to this subsection to promote hunting and sport fishing activities with an emphasis on youth participation.* In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and *other* recreational uses and activities are required:

(a) An annual Florida waterfowl permit for a resident or nonresident to take wild ducks or geese within the state or its coastal waters is *$5* ~~$2~~. *Revenue generated from the sale of waterfowl permits or that pro rata portion of any license that includes waterfowl hunting privileges provided for in this paragraph shall be used for conservation, research, and management of waterfowl; for the development, restoration, maintenance, and preservation of wetlands within the state; or to promote the cultural heritage of hunting.*

(b)1. An annual Florida turkey permit for a resident to take wild turkeys within the state is *$10* ~~$5~~. *Revenue generated from the sale of resident wild turkey permits or that pro rata portion of any license that includes turkey hunting privileges provided for in this subparagraph shall be used for the conservation, research, and management of wild turkeys or to promote the cultural heritage of hunting.*

2. An annual Florida turkey permit for a nonresident to take wild turkeys within the state is *$125* ~~$100~~. *Revenue generated from the sale of nonresident wild turkey permits or that pro rata portion of any license that includes turkey hunting privileges provided for in this subparagraph shall be used for the conservation, research, and management of wild turkeys or to promote the cultural heritage of hunting.*

(c) An annual snook permit for a resident or nonresident to take or possess any snook from any waters of the state is *$10* ~~$2~~. Revenue

generated from the sale of snook permits shall be used exclusively for programs to benefit the snook population.

(d) An annual spiny lobster permit for a resident or nonresident to take or possess any spiny lobster for recreational purposes from any waters of the state is *$5* ~~$2~~. Revenue generated from the sale of spiny lobster permits shall be used exclusively for programs to benefit the spiny lobster population.

(e) A $5 fee is imposed for each of the following permits:

1. An annual archery season permit for a resident or nonresident to hunt within the state during any archery season authorized by the commission.

2. An annual crossbow season permit for a resident or nonresident to hunt within the state during any crossbow season authorized by the commission.

3. An annual muzzle-loading gun season permit for a resident or nonresident to hunt within the state during any muzzle-loading gun season authorized by the commission.

(f) A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as authorized by commission rule shall not exceed *$150* ~~$100~~ per day or *$300* ~~$250~~ per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this permit fee. In addition to the permit fee, the commission may charge each special use permit applicant a nonrefundable application fee not to exceed $10.

(g)1. A management area permit for a resident or nonresident to hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission, shall not exceed *$30* ~~$25~~ per year.

2. Permit fees for short-term use of land that is owned, leased, or managed by the commission may be established by rule of the commission for activities on such lands. Such permits may be in lieu of, or in addition to, the annual management area permit authorized in subparagraph 1. *and subparagraph 4.*

3. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission has obtained the written consent of the owner or primary custodian of such lands.

4. A management area permit for a resident or nonresident to hike, camp, or otherwise engage in other outdoor recreational activities, except hunting or fishing, on management area lands shall not exceed $5 per day or $30 per year.

(h)1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners~~, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway~~. The fee for a recreational user permit shall be based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. The recreational user permit fee, less administrative costs of up to *$30* ~~$25~~ per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

2. One minor dependent under 16 years of age may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when engaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter, no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

(i) An annual deer permit for a resident or nonresident to take deer within the state during any season authorized by the commission is $5. Revenue generated from the sale of deer permits shall be used for the conservation, research, and management of white-tailed deer or to promote the cultural heritage of hunting.

The commission shall prepare an annual report documenting the use of funds generated pursuant to paragraphs (a) and (b) and shall submit the report to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than September 1 of each year.

(11) RESIDENT LIFETIME HUNTING LICENSES.—

(a) Lifetime hunting licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of $200.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of $350.

3. Persons 13 years of age or older, for a fee of $500.

(b) The following activities are authorized by the purchase of a lifetime hunting license:

1. Taking, or attempting to take or possess, game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, *a deer permit,* and a management area permit, excluding fishing.

(12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.—

(a) Lifetime sportsman's licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of $400.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of $700.

3. Persons 13 years of age or older, for a fee of $1,000.

(b) The following activities are authorized by the purchase of a lifetime sportsman's license:

1. Taking, or attempting to take or possess, freshwater and saltwater fish, and game, consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. All activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, *a deer permit,* a snook permit, and a spiny lobster permit.

Section 36. *Effective July 1, 2010, section 379.2211, Florida Statutes, is repealed.*

Section 37. *Effective July 1, 2010, section 379.2212, Florida Statutes, is repealed.*

Renumber subsequent sections

And the title is amended as follows:

Delete line 152 and insert: Health Care Administration; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; authorizing the commission to use proceeds of specified hunting, fishing, and recreational licenses for certain purposes; increasing the fee amounts for waterfowl, wild turkey, snook, spiny lobster, management area, special use, and recreational user permits; providing for a management area permit and fee for outdoor recreational activities other than hunting and fishing; providing for a deer permit and fee; requiring the commission to prepare an annual report and submit the report to the Governor and the Legislature; providing report requirements; repealing s. 379.2212, F.S.; providing for use of funds for the Florida wild turkey permit program; amending s. 379.3671,

Senator Constantine moved the following amendment which was adopted:

Amendment 3 (859128)—Delete lines 2009-2089 and insert:

(2) If two or more persons violate s. 379.501(1) so that the damage is indivisible, each violator shall be jointly and severally liable for the damage and for the reasonable cost and expenses of the state incurred in restoring the waters and property of the state, including the animal, plant, and aquatic life, to their former condition. However, if the damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage attributable to his or her violation.

(3) In assessing damages for fish killed, the value of the fish shall be determined in accordance with a table of values for individual categories of fish, which shall be adopted by the Department of Environmental Protection pursuant to s. 403.141(3). The total number of fish killed may be estimated by standard practices used in estimating fish population.

Section 46. Subsection (1) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; conditions.—

(1) No person, without written authorization of the department, shall discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them. However, this section shall not be deemed to prohibit the application of pesticides to waters in the state for the control of insects, aquatic weeds, or algae, provided the application is performed pursuant to a program approved by the Department of Health, in the case of insect control, or the *Fish and Wildlife Conservation Commission* ~~department~~, in the case of aquatic weed or algae control. The department is directed to enter into interagency agreements to establish the procedures for program approval. Such agreements shall provide for public health, welfare, and safety, as well as environmental factors. Approved programs must provide that only chemicals approved for the particular use by the United States Environmental Protection Agency or by the Department of Agriculture and Consumer Services may be employed and that they be applied in accordance with registered label instructions, state standards for such application, and the provisions of the Florida Pesticide Law, part I of chapter 487.

Section 47. *The statutory powers, duties, and functions related to ss. 369.20, 369.22, and 369.252, Florida Statutes, which were transferred by chapter 2008-150, Laws of Florida, and all records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Fish and Wildlife Conservation Commission. All actions taken pursuant to chapter 2008-150, Laws of Florida, and the Interagency Agreement executed thereto are ratified.*

Section 48. *The Invasive Plant Control Trust Fund, FLAIR number 37-2-030, in the Department of Environmental Protection is transferred to the Fish and Wildlife Conservation Commission, FLAIR number 77-2-030.*

Section 49. For the purpose of incorporating the amendment made by this act to section 319.32, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 379.209, Florida Statutes, is reenacted to read:

379.209 Nongame Wildlife Trust Fund.—

(2)(a) There is established within the Fish and Wildlife Conservation Commission the Nongame Wildlife Trust Fund. The fund shall be credited with moneys collected pursuant to ss. 319.32(3) and 320.02(8). Additional funds may be provided from legislative appropriations and by donations from interested individuals and organizations. The commission shall designate an identifiable unit to administer the trust fund.

Section 50. For the purpose of incorporating the amendment made by this act to section 379.353, Florida Statutes, in a reference thereto, subsection (7) of section 379.3581, Florida Statutes, is reenacted to read:

379.3581 Hunter safety course; requirements; penalty.—

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 379.353(2).

Section 51. *For the 2009-2010 fiscal year, the sum of $185,000 is appropriated from the State Game Trust Fund to the Fish and Wildlife Conservation Commission for license issuance costs resulting from changes to the saltwater fishing shoreline exemption.*

Section 52. *Effective October 1, 2009, section 327.22, Florida Statutes, is repealed.*

Pursuant to Rule 4.19, **CS for CS for SB 2536** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SM 152—A memorial to the Congress of the United States, urging Congress to support federally funded and state-funded home and community-based services for individuals with disabilities of any age, especially elders.

WHEREAS, federal and state financial assistance is provided for nursing home care under the Medicare and Medicaid programs for elders and individuals with disabilities, and

WHEREAS, home and community-based services are a valuable cost-effective alternative to institutional care which benefit both the individual receiving such services and the federal and state programs that fund such services, and

WHEREAS, studies document that elders and individuals with disabilities who receive health care in the their homes or other community settings in contrast to those who receive care in a nursing home experience improved outcomes, quality of care, and quality of life, and

WHEREAS, publicly funded programs that cover home and community-based services for elders and individuals with disabilities are limited, and

WHEREAS, federal and state programs provide limited support for home and community-based services that serve as an alternative to institutional care, and

WHEREAS, support is needed to develop consistent quality assurance measures for home and community-based services, and

WHEREAS, individuals receiving home and community-based services deserve an assurance of protection from abuse and neglect, and

WHEREAS, home and community-based services benefit not only our parents and grandparents, but also our children and grandchildren, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to:

(1) Increase federal financial assistance and encourage states to increase financial assistance for, and broaden access to, publicly supported home and community-based services for elders and individuals with disabilities; and

(2) Implement on the federal and state level more unified training and supervision standards for certified nurse assistants and home health aides.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Aronberg, **CS for SM 152** was adopted and certified to the House.

On motion by Senator Ring—

CS for CS for SB 162—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient's health records in order to facilitate the exchange of data between certain health care facility personnel, practitioners, and providers

and attending physicians; creating s. 408.051, F.S.; creating the "Florida Electronic Health Records Exchange Act"; providing definitions; authorizing the release of certain health records under emergency medical conditions without the consent of the patient or the patient representative; providing for immunity from civil liability; providing duties of the Agency for Health Care Administration with regard to the availability of specified information on the agency's Internet website; requiring the agency to develop and implement a universal patient authorization form in paper and electronic formats for the release of certain health records; providing procedures for use of the form; providing penalties; providing for certain compensation and attorney's fees and costs; creating s. 408.0512, F.S.; requiring the Agency for Health Care Administration to operate an electronic health record technology loan fund, subject to a specific appropriation; requiring the agency to adopt rules related to standard terms and conditions for the loan program; amending s. 409.916, F.S.; requiring that the agency deposit into the Grants and Donations Trust Fund private donations provided for the purpose of funding a certified electronic health record technology loan fund; amending s. 483.181, F.S.; expanding access to laboratory reports in order to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendments which were adopted:

Amendment 1 (854910) (with title amendment)—Delete lines 100-125 and insert:

~~(h) The State Long Term Care Ombudsman Council and the local long term care ombudsman councils, with respect to the records of a patient who has been admitted from a nursing home or long term care facility, when the councils are conducting an investigation involving the patient as authorized under part II of chapter 400, upon presentation of identification as a council member by the person making the request. Disclosure under this paragraph shall only be made after a competent patient or the patient's representative has been advised that disclosure may be made and the patient has not objected.~~

(h) ~~(i)~~ A local trauma agency or a regional trauma agency that performs quality assurance activities, ~~or~~ a panel or committee assembled to assist a local trauma agency, or a regional trauma agency ~~in~~ performing quality assurance activities. Patient records obtained under this paragraph are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(i) ~~(j)~~ Organ procurement organizations, tissue banks, and eye banks required to conduct death records reviews pursuant to s. 395.2050.

(j) ~~(k)~~ The Medicaid Fraud Control Unit in the Department of Legal Affairs pursuant to s. 409.920.

(k) ~~(l)~~ The Department of Financial Services, or an agent, employee, or independent contractor of the department who is auditing for unclaimed property pursuant to chapter 717.

(l) ~~(m)~~ A regional poison control center for purposes of

And the title is amended as follows:

Delete line 6 and insert: practitioners, and providers and attending physicians; deleting the exemption that allows long-term ombudsman councils to have access to certain nursing home patient records;

Amendment 2 (400398)—Delete line 191 and insert: *in any form or medium under this subsection is immune from civil*

Amendment 3 (169606)—Delete lines 225-226 and insert: *of confidentiality and is immune from civil liability for accessing or releasing an identifiable health record under this subsection.*

Pursuant to Rule 4.19, **CS for CS for SB 162** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

SB 498—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under ch. 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 498** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 720—A bill to be entitled An act relating to supervisory physician requirements; amending ss. 458.347 and 459.022, F.S.; providing that a supervising physician may not be required to review and cosign a physician assistant's charts or medical records; deleting certain supervisory physician requirements related to prescribing and dispensing medications noted in appropriate medical records; amending s. 458.348, F.S.; exempting offices at which laser hair removal is the exclusive service being performed from certain provisions requiring direct supervision by a physician; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment:

Amendment 1 (646884) (with title amendment)—Between lines 16 and 17 insert:

Section 1. Section 458.3312, Florida Statutes, is amended to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency *that has been* approved by the board*, subject to triennial board review of such approval and reauthorization by the board*. However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician.

And the title is amended as follows:

Delete line 3 and insert: amending s. 458.3312, F.S.; revising requirements that authorize a physician to hold himself or herself out as a board-certified specialist; amending ss. 458.347 and 459.022, F.S.; providing that

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following substitute amendment which was adopted:

Amendment 2 (971662) (with title amendment)—Between lines 16 and 17 insert:

Section 1. Section 458.3312, Florida Statutes, is amended to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency *that has been* approved by the board. However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician. *A physician may not hold himself or herself out as a board-certified specialist in dermatology unless the recognizing agency, whether authorized in statute or by rule, is triennially reviewed and reauthorized by the Board of Medicine.*

And the title is amended as follows:

Delete line 2 and insert: An act relating to physician practice; amending s. 458.3312, F.S.; revising provisions regarding board certification of a physician as a specialist;

Pursuant to Rule 4.19, **CS for SB 720** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for CS for SB 1276** was deferred.

On motion by Senator Detert—

SB 1848—A bill to be entitled An act relating to verification of a prisoner's immigration status; creating s. 907.06, F.S.; requiring the staff of a jail or other detention center or facility to make a reasonable effort to determine the citizenship status of a person charged with specified crimes; requiring that facility staff make a reasonable effort to verify whether the prisoner is lawfully present in the United States; requiring facility staff to verify the person's immigration status and notify the United States Department of Homeland Security if the person is not lawfully in the United States; creating, for purposes of a release bond, a rebuttable presumption that a prisoner is at risk of flight if the Department of Homeland Security verifies that the prisoner is a foreign national and is not lawfully present in the United States; authorizing the Department of Law Enforcement to adopt rules; requiring that the act be construed consistent with applicable federal law; providing an effective date.

—was read the second time by title.

The Committee on Military Affairs and Domestic Security recommended the following amendment which was moved by Senator Detert and adopted:

Amendment 1 (246484) (with title amendment)—Delete lines 56-58 and insert:

(5) Any state or local agency complying with this section shall adopt written procedures governing how the inquiries and actions required by this section shall be performed. Any such procedures shall be in compliance with federal immigration law, policies, or procedures as applied to the agency actions.

And the title is amended as follows:

Delete lines 18-19 and insert: United States; requiring agencies affected by this act to adopt written procedures to conform to the act; requiring that the act be

Pursuant to Rule 4.19, **SB 1848** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by two-thirds vote **CS for CS for HB 873** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Lawson—

CS for CS for HB 873—A bill to be entitled An act relating to inactive licenses and certificates of need for health care providers; amending s. 408.040, F.S.; extending the period for which a certificate of need is valid; amending s. 408.808, F.S.; providing for renewal of inactive license status for statutory rural hospitals under certain circumstances; requiring plan approval and commencement of construction under certain circumstances; requiring certain proof of enforceable capital expenditures under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1926** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 873** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1978** and **CS for CS for SB 2066** was deferred.

On motion by Senator Wise—

CS for CS for SB 2612—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.908, F.S.; conforming terminology to changes made by the act; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a license application; amending s. 397.405, F.S.; providing that physician assistants are exempt from licensing requirements under ch. 397, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of a physician assistant or an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary, regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; providing that certain records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health, and not the Department of Business and Professional Regulation; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a physician assistant, registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; authorizing a physician assistant to deliver takeout medication for opiate treatment to certain persons; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797, 397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975,

397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2612** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **CS for HB 285** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

CS for HB 285—A bill to be entitled An act relating to the Medicaid low-income pool and disproportionate share program; amending s. 409.911, F.S.; expanding the membership of the Medicaid Low-Income Pool Council; providing for composition of expanded membership; designating a council chair; providing restrictions on specified appointments; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 556** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 285** was placed on the calendar of Bills on Third Reading.

CS for SB 1682—A bill to be entitled An act relating to school improvement and accountability; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the board to adopt rules in compliance with the ESEA after evaluating and determining that the ESEA and its implementing regulations are consistent with the statements of purpose in the ESEA; authorizing the board to adopt rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the State Board of Education to prescribe reporting requirements to review and monitor the progress of schools; requiring that the Department of Education create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to the State Board of Education's approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that the school district submit a plan for implementing another option if the lowest-performing schools do not move to another category; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring that the State Board of Education adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent; revising provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1682** to **CS for CS for HB 991**.

Pending further consideration of **CS for SB 1682** as amended, on motion by Senator Wise, by two-thirds vote **CS for CS for HB 991** was withdrawn from the Committee on Education Pre-K - 12 Appropriations.

On motion by Senator Wise—

CS for CS for HB 991—A bill to be entitled An act relating to school improvement and accountability; providing a short title; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the state board to adopt rules in compliance with the ESEA and rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying and turning around low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the state board to prescribe reporting requirements to review and monitor the progress of schools; requiring that the department create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing another option under certain circumstances; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring the state board to adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent and provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1682** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 991** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2058** was deferred.

CS for SB 2504—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

—was read the second time by title.

On motion by Senator Altman, further consideration of **CS for SB 2504** was deferred.

Consideration of **CS for CS for SB 2482** was deferred.

RECESS

On motion by Senator Villalobos, the Senate recessed at 5:06 p.m. to reconvene at 5:21 p.m.

CALL TO ORDER

The Senate was called to order by Senator Fasano at 5:37 p.m. A quorum present—38:

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wise
Diaz de la Portilla	Lawson	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Altman, the Senate resumed consideration of—

CS for CS for SB 1404—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7; providing exceptions; redefining the term "motor vehicle" to exclude certain vehicles from such requirements; providing a grace period; providing exceptions; providing effective dates.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Altman, the Senate reconsidered the vote by which **Amendment 1 (412944)** was adopted.

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following substitute amendment which was adopted:

Amendment 4 (655044)—Delete line 26 and insert: *transported in the bed of a pick-up truck in compliance with s. 316.2015 or the child is*

Pursuant to Rule 4.19, **CS for CS for SB 1404** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Altman, the Senate resumed consideration of—

CS for SB 2504—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for SB 2504** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for CS for SB 2066—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2066** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SJR 1302** was withdrawn from the Committee on Rules.

On motion by Senator Haridopolos, by two-thirds vote **SB 2162** and **SB 2652** were withdrawn from the Committee on Governmental Oversight and Accountability.

On motion by Senator Alexander, by two-thirds vote **CS for CS for SB 274**, **CS for SB 1380**, **CS for SB 1864**, and **CS for CS for SB 2262** were withdrawn from the Committee on General Government Appropriations; **CS for SB 508** and **SB 1370** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; **SB 1500** and **CS for SB 2312** were withdrawn from the Committee on Finance and Tax; **CS for CS for SB 126** and **CS for SB 2030** were withdrawn from the Committee on Health and Human Services Appropriations; **SB 1426** was withdrawn from the Committee on Higher Education Appropriations; **CS for CS for SB 168**, **CS for CS for SB 308**, **CS for CS for SB 340**, **SB 442**, **CS for SB 538**, **SB 644**, **CS for SB 1054**, **CS for SB 1104**, **SB 1370**, **CS for CS for CS for SB 2034**, and **CS for CS for SB 2322** were withdrawn from the Policy and Steering Committee on Ways and Means; and **CS for SB 344**, **CS for CS for SB 424**, **SB 628**, and **CS for CS for SB 2248** were withdrawn from the Committee on Transportation and Economic Development Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Special Order Calendar Group was granted permission to meet this day 15 minutes after announcement.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Monday, April 27.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 6:30 p.m.

RECESS

On motion by Senator Villalobos, the Senate recessed at 5:53 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by Senator Fasano at 6:23 p.m. A quorum present—35:

Alexander	Detert	Haridopolos
Altman	Deutch	Hill
Aronberg	Diaz de la Portilla	Jones
Baker	Dockery	Joyner
Bennett	Fasano	Justice
Bullard	Gaetz	King
Constantine	Garcia	Lawson
Crist	Gardiner	Lynn
Dean	Gelber	Oelrich

Peaden	Smith	Villalobos
Rich	Sobel	Wise
Siplin	Storms	

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 6:45 p.m.

RECESS

On motion by Senator Villalobos, the Senate recessed at 6:25 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by President Atwater at 6:28 p.m. A quorum was present.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 564** and **SJR 566** were withdrawn from the Committee on Rules.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Claim Bill Calendar for Friday, April 24, 2009: SB 30, CS for SB 40, CS for SB 46, CS for SB 52, CS for SB 522, SB 524.

Respectfully submitted,
Mike Fasano, President Pro Tempore
Alfred "Al" Lawson, Jr., Minority Leader
JD Alexander, Chair, Policy and Steering Committee on Ways and Means

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Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Special Order Calendar for Friday, April 24, 2009: CS for SB 342, CS for SB 642, CS for SB 650, CS for SB's 674 and 1422, CS for CS for SB 714, SB 860, SB 872, CS for CS for CS for SB 1088, SB 1398, CS for CS for SB 1404, CS for SB 582, CS for CS for SB 1950, SB 2064, CS for SB 2210, SB 2330, CS for CS for SB 1894, SB 216, SB 324, CS for CS for SB 2160, CS for CS for CS for SB 494, CS for SB 624, CS for SB 852, CS for CS for SB 2536, SB 68, CS for SM 152, CS for CS for SB 162, SB 498, CS for SB 720, CS for CS for CS for CS for SB 1276, SB 1848, CS for SB 1926, CS for CS for SB 1978, CS for CS for SB 2066, CS for CS for SB 2612, CS for CS for SB 556, CS for SB 1682, SB 2058, CS for CS for CS for SB's 2430 and SB 1960, CS for SB 2504, CS for SB 1576, CS for CS for SB 2482.

Respectfully submitted,
Mike Fasano, President Pro Tempore
Alfred "Al" Lawson, Jr., Minority Leader
JD Alexander, Chair, Policy and Steering Committee on Ways and Means

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The Policy and Steering Committee on Ways and Means recommends the following pass: CS for CS for SB 1502

The bill was placed on the Calendar.

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: CS for SB 732; CS for SB 1114; CS for SB 2088; CS for CS for SB 2244

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Policy and Steering Committee on Ways and Means; the Committee on Governmental Oversight and Accountability; and Senator Smith—

CS for CS for SB 732—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; increasing the maximum percentage of funds under the control of the Chief Financial Officer to be invested in certain securities; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; providing for the expiration of such increase and the reversion of statutory text; creating s. 17.575, F.S.; creating the Treasury Investment Committee within the Division of Treasury; providing for membership on the committee; requiring that the committee annually elect a chair and vice chair from among its membership; providing duties of the committee; requiring that the committee submit an annual report on a specified date and annually thereafter outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee; amending s. 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; amending s. 532.01, F.S.; including payroll debit cards under requirements applicable to payment instruments; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Criminal Justice; and Senator Richter—

CS for CS for SB 1114—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a first violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; amending s. 316.193, F.S.; requiring a court to order a defendant, after a first conviction for driving under the influence, to participate in a minimum of 50 hours of community service as a condition of probation; authorizing a court to impose a specified fine under certain conditions; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Governmental Oversight and Accountability; and Senator Alexander—

CS for CS for SB 2088—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; providing that the Financial Management Information Board is responsible for the system; deleting provisions relating to the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the agency is headed by the Governor and Cabinet acting as the Financial Management Information Board; providing for an executive di-

rector; providing the duties of the agency; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to the agency; providing the members of the council; providing council duties; creating s. 215.924, F.S.; providing for an Enterprise Financial Business Strategic Plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; providing for the contents of the plan; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; adding the Revenue and Tax Collection, Processing, and Distribution Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; revising the duties of the owners; deleting references to the design and coordination staff; providing for the ownership and functions of the Revenue and Tax Collection, Processing, and Distribution Subsystem by the Department of Revenue; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; amending s. 215.95, F.S.; providing additional duties for the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; creating s. 215.961, F.S.; providing state agency requirements relating to the Florida Financial Management Information System and the use of functional information and enterprise agency business subsystems; repealing s. 570.07(41), F.S., relating to the Department of Agriculture and Consumer Services' exemption from using the state online procurement system; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing for funding; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Finance and Tax; and Environmental Preservation and Conservation; and Senator Altman—

CS for CS for CS for SB 2244—A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; specifying conservation purposes for which land must be used in order to qualify for an ad valorem tax exemption; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; defining terms; providing for the assessment and ad valorem taxation of real property within an area perpetually encumbered by a conservation easement or other instrument and which contains improvements; requiring land that is exempt from ad valorem taxation and used for agricultural purposes be managed pursuant to certain best-management practices; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; providing that land of less than a certain acreage does not qualify for the ad valorem tax exemption; providing exceptions; requiring the Department of Revenue to adopt rules; requiring the Department of Environmental Protection to adopt by rule a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years; requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the value adjustment board to grant late applications for such assessments if extenuating circumstances are shown; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring that a property owner notify the property appraiser when the use of the property no longer complies with the requirements for a conservation easement; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Judiciary; and Military Affairs and Domestic Security; and Senators Fasano, Aronberg, Deutch, and Ring—

CS for CS for SB 1000—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances; requiring a referendum; providing for distribution of surtax proceeds; authorizing an administrative fee; providing for interlocal agreements; providing agreement requirements; requiring a reduction in the budget for ad valorem tax levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax; requiring any surplus surtax revenues to be used to further reduce ad valorem taxes; prohibiting entities not entering into an interlocal agreement from receiving a portion of surtax proceeds; specifying the distribution of surtax revenues and limiting reimbursements among participating jurisdictions under certain circumstances; providing an effective date.

—was placed on the Calendar.

By the Committees on Governmental Oversight and Accountability; Ethics and Elections; and Community Affairs; and Senators Fasano, Gaetz, and Dockery—

CS for CS for CS for SB 1182—A bill to be entitled An act relating to the state retirement system; amending s. 121.021, F.S.; redefining the terms "employer," "termination," and "retiree"; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; amending s. 121.052, F.S.; limiting the membership of elected officers of a municipality or special district in the Elected Officers Class unless designated for inclusion during a specified period; amending s. 121.053, F.S.; prohibiting elected officials who retire after a certain date from reenrolling in the Florida Retirement System; amending s. 121.055, F.S.; prohibiting elected officials who retire after a certain date from renewing membership in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; revising provisions relating to de minimum accounts; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; providing that retirees of a state-administered retirement system may not be reemployed by an employer participating in the Florida Retirement System for 6 months; deleting limitations relating to reemploying retires within 12 months after retirement; revising provisions relating to the Deferred Retirement Option Program; extending DROP participation for instructional personnel employed by a developmental research school; clarifying that DROP participation cannot be canceled; revising DROP provisions for elected officials; providing that DROP participants who end DROP after a certain date may not renew membership in a state-administered retirement system; deleting obsolete provisions; amending s. 121.122, F.S.; prohibiting a retiree from renewing membership in the State Retirement System; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.35, F.S.; revising provisions relating to participation in the state university optional retirement program; defining the term "retiree"; amending s. 121.4501, F.S.; revising the term "eligible employee"; amending s. 121.591, F.S.; conforming provisions; amending ss. 238.183 and 1012.33, F.S.; conforming cross-references; repealing ss. 121.093 and 121.094, F.S., relating to the reemployment of instructional personnel after retirement from a developmental research school, the Florida School for

the Deaf and the Blind, or a charter school, the provisions of which are included in ss. 238.183 and 238.184, F.S.; providing a declaration of important state interest; requiring the Department of Management Services to request an actuarial study to determine the effect of the act on employer contributions and to notify the Governor and Legislature of the results; providing a contingent effective date.

—was placed on the Calendar.

By the Committee on Governmental Oversight and Accountability; and Senator Detert—

CS for SB 2038—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "weapon" and "controlled substance"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—was placed on the Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 127, CS for CS for HB 215, CS for HB 281, CS for CS for HB 821, HB 949, CS for HB 1139, CS for CS for HB 1205, CS for HB 1213, CS for HB 1517, CS for CS for HB 1539, HB 7023, HB 7089; has passed as amended CS for HB 123, CS for CS for HB 227, CS for HB 515, HB 701, CS for CS for CS for HB 935, CS for CS for HB 1171, CS for HB 1409, HB 7087, HB 7123, CS for HB 7141; has passed by the required constitutional two-thirds vote of the members present CS for HB 135, CS for HB 631, CS for HB 895, HB 7119, HB 7125 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Economic Development & Community Affairs Policy Council, Economic Development Policy Committee and Representative(s) Chestnut, Kelly, O'Toole, Schultz, Van Zant—

CS for CS for HB 127—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Policy Council, Criminal & Civil Justice Policy Council and Representative(s) Eisnaugle, McKeel, Murzin, Plakon, Zapata—

CS for CS for HB 215—A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action subject to review pursuant to state law; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General's written determination to enter into such contract be posted on the department's website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department's website within a specified period after the date on which payment of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By State Universities & Private Colleges Policy Committee and Representative(s) Weinstein, Adkins, Burgin, Culp, Homan, Horner, Jones, Kelly, Precourt, Ray, Rogers, Soto, Stargel, Steinberg, Wood—

CS for HB 281—A bill to be entitled An act relating to prepaid college programs; amending s. 1009.98, F.S.; providing that a purchaser of an advance payment contract may receive a refund of the unused portion of the contract under certain circumstances; providing an effective date.

—was referred to the Committees on Higher Education; Finance and Tax; and Higher Education Appropriations.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) O'Toole—

CS for CS for HB 821—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; defining the term "compact, urban, mixed-use district"; amending s. 190.006, F.S.; providing for application of certain board of supervisors election time periods to compact, urban, mixed-use districts; providing for retroactive application; amending ss. 190.005, 190.011, 190.016, 190.021, and 348.968, F.S.; conforming cross-references; amending s. 190.012, F.S.; revising deed restriction enforcement rulemaking authority of boards of directors of community development districts; authorizing certain property owners to elect a district board advisor; providing advisor responsibilities; providing requirements for district board advisor review and recommendations relating to enforcement of the district rules outside the boundaries of the district; requiring creation of a district board advisor seat after an interlocal agreement is entered into; providing for election of the advisor and the term of office; providing election procedures and requirements; amending s. 190.046, F.S.; revising procedures and requirements to amend the boundaries of a community development district; revising procedures and requirements to merge community development districts; providing limitations; providing for petition filing fees; preserving rights of creditors, liens upon

property, and claims and pending actions or proceedings; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

By Representative(s) Van Zant, Garcia, Grady, Porth, Stargel—

HB 949—A bill to be entitled An act relating to grounds for nonrecognition of foreign defamation judgments; amending s. 55.605, F.S.; providing that an out-of-country foreign judgment need not be recognized if the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press as would be provided in this state; creating s. 55.6055, F.S.; providing that the courts of this state have personal jurisdiction over a person who obtains a judgment in a defamation proceeding outside the United States against a person residing in or having property in this state for the purpose of determining whether the foreign defamation judgment should be deemed nonrecognizable; providing for retroactive application; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

By Health Care Regulation Policy Committee and Representative(s) Roberson, Y., Brisé, Bush, Grimsley, Nehr, Rogers, Soto, Taylor, P., Van Zant—

CS for HB 1139—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Board of Nursing to provide certain information to nurses before they are given the opportunity to contribute to funding the center at licensure renewal; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Braynon—

CS for CS for HB 1205—A bill to be entitled An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Roads, Bridges & Ports Policy Committee and Representative(s) Gibson, Jones, McBurney—

CS for HB 1213—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term "transportation facilities"; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees' benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fiscal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By Insurance, Business & Financial Affairs Policy Committee and Representative(s) Murzin, McBurney, Williams, T., Zapata—

CS for HB 1517—A bill to be entitled An act relating to corporate annual financial statements; amending s. 607.1620, F.S.; revising a requirement for corporations to provide annual financial statements to shareholders; specifying criteria for satisfaction of such requirement; providing application; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and Finance and Tax.

By Policy Council, PreK-12 Policy Committee and Representative(s) Fresen, Kiar—

CS for CS for HB 1539—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain inservice certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Governmental Affairs Policy Committee and Representative(s) Mayfield—

HB 7023—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Patient Safety Corporation; repealing s. 381.0271, F.S., creating the Florida Patient Safety Corporation and establishing its powers and duties; repealing s. 381.0273, F.S., providing a public record exemption for patient safety data or other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors, and providing a public meeting exemption for portions of meetings held by the corporation or its subsidiaries, advisory committees, or contractors during which confidential and exempt information is discussed; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By PreK-12 Policy Committee and Representative(s) Legg, Workman—

HB 7089—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "controlled substance" and "weapon"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

By Full Appropriations Council on General Government & Health Care and Representative(s) Snyder, Garcia, Hudson, Kelly, Legg, Long, McBurney, Precourt, Sachs—

CS for HB 123—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; providing that a person commits a misdemeanor if he or she transports an individual into this state from another country and knows, or should know, that the individual is illegally entering the United States; providing criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Aubuchon, Brandenburg, Fresen, Grimsley, Hays, Hooper, Precourt, Scionti—

CS for CS for HB 227—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; requiring the government to prove certain elements of an impact fee by a preponderance of the evidence; prohibiting a court from using a deferential standard in a court action; prohibiting certain local governments from increasing impact fees or imposing new impact fees; providing nonapplication to impact fees pledged to retire debt or certain impact fee increases; providing for future repeal; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By General Government Policy Council and Representative(s) Evers, Bovo, Ford, Grimsley, Holder, Hooper, Murzin—

CS for HB 515—A bill to be entitled An act relating to oil and gas production taxes; amending s. 211.02, F.S.; providing a tiered tax rate structure for the oil production tax on tertiary oil; revising definitions; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Hudson, Abruzzo, Burgin, Clarke-Reed, Crisafulli, Drake, Fresen, Holder, Horner, Kelly, Murzin, Renuart, Schultz, Snyder, Soto, Stargel, Van Zant, Wood, Zapata—

HB 701—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include additional information relating to past and proposed millage rates and ad valorem taxes and assessment reductions and exemptions; defining a term; amending ss. 192.0105 and 200.065, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations.

By Healthy Seniors Appropriations Committee, Health & Family Services Policy Council, Elder & Family Services Policy Committee and Representative(s) Bogdanoff, Waldman—

CS for CS for CS for HB 935—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; requiring the Department of Elderly Affairs to contract with area agencies on aging to fulfill programmatic and funding requirements; revising responsibilities of the governing body of an area agency on aging and the executive director of the agency; amending s. 430.203, F.S.; revising the definition of "lead agency"; removing obsolete language; revising requirements with respect to the request for proposal process for the designation of a lead agency for community care for the elderly; requiring the Department of Elderly Affairs to create a dispute resolution mechanism by rule; pro-

viding requirements with respect to the dispute resolution mechanism; specifying required standards for a bid protest; providing for specified entitlement of litigants when certain lead agency designations are the subject matter of litigation; eliminating provisions that require an area agency on aging to exempt specified providers from the competitive bid process; amending s. 430.2053, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Proctor, Abruzzo, Adkins, Bovo, Burgin, Carroll, Coley, Crisafulli, Dorworth, Eisnaugle, Ford, Fresen, Grady, Hays, Heller, Homan, Horner, Jones, Kelly, Long, McBurney, McKeel, Murzin, Nehr, Nelson, O'Toole, Patterson, Plakon, Precourt, Rader, Ray, Renuart, Roberson, K., Stargel, Tobia, Van Zant, Weinstein, Williams, T., Wood, Workman, Zapata—

CS for CS for HB 1171—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; requiring written notice of nonrenewal, cancellation, or termination; providing an effective date.

—was referred to the Committee on Banking and Insurance; and the Policy and Steering Committee on Ways and Means.

By Health Care Services Policy Committee and Representative(s) Sands—

CS for HB 1409—A bill to be entitled An act relating to the placement of children; creating s. 409.408, F.S.; authorizing the Governor to execute a new Interstate Compact for the Placement of Children; specifying the provisions of the compact; creating s. 409.409, F.S.; providing for the present compact to remain in effect until the Governor enters into the new compact; creating s. 409.410, F.S.; providing rulemaking authority to the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By PreK-12 Policy Committee and Representative(s) Legg, Burgin, McBurney—

HB 7087—A bill to be entitled An act relating to public K-12 education; amending s. 1008.34, F.S.; revising provisions relating to schools receiving a school grade; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; deleting the requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; revising provisions relating to the general requirements for middle grades promotion; providing an exception; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing exceptions; amending s. 1003.429, F.S.; updating references to general requirements for high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program which apply to students who enter grade 9 in the 2009-2010 school year; amending s. 1003.433, F.S.; providing that a student who enters middle school at the eighth grade from out of state or from a foreign country is not required to spend additional time in school to meet the requirements for middle grades promotion under certain circumstances; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate districts as academically high-performing schools districts if certain criteria are met; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.22, F.S.; providing that concordant scores earned before taking the grade 10 FCAT may not be used to qualify for a standard high school diploma; providing requirements for retake of the assessment for a student who has not earned passing scores on the grade 10 FCAT; deleting provisions relating to concordant scores for the FCAT; amending s. 1008.25, F.S.; revising annual district school board reporting requirements relating to student progress; amending s. 1008.36, F.S.; revising the date for agreement for distribution of Florida School Recognition Program awards; providing a short title; amending s. 1003.4156, F.S.; providing requirements for a civics education course that a student must successfully complete for middle grades promotion beginning with students entering grade 6 in the 2011-2012 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in civics education as a field test at the middle school level during the 2011-2012 school year; providing requirements for course grade and course credit for subsequent school years; amending s. 1008.34, F.S.; requiring the inclusion of civics education end-of-course assessment data in determining school grades beginning with the 2012-2013 school year; amending ss. 1003.428 and 1003.429, F.S.; requiring students entering grade 9 to earn one credit in Biology I or in a series of equivalent courses for high school graduation beginning with the 2010-2011 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in biology as a field test during the 2010-2011 school year; requiring the end-of-course assessment in biology to replace the comprehensive assessment of science administered at the high school level beginning with the 2011-2012 school year; providing requirements for course grade and course credit; requiring the State Board of Education to designate a passing score for the end-of-course assessment in biology; amending s. 1008.34, F.S.; requiring the inclusion of biology end-of-course assessment data in determining school grades beginning with the 2011-2012 school year; creating s. 1003.572, F.S.; requiring district school boards to provide parental notice of requirements and procedures for requesting evaluations for gifted student classification; requiring district school board reporting of gifted student classification, services, and performance data; requiring the Department of Education to develop data elements for district reporting; requiring rulemaking; creating s. 1003.573, F.S.; requiring the department to develop procedures and eligibility criteria for whole-grade and subject matter acceleration; requiring district school boards to implement procedures and eligibility criteria; requiring district school board reporting of student acceleration data; requiring the department to develop data elements for district reporting; requiring rulemaking; amending s. 1004.04, F.S.; requiring state-approved teacher preparation programs to incorporate specified gifted student instruction; amending s. 1011.62, F.S.; requiring certain school district guaranteed allocation expenditures to be reported separately; creating the Gifted and Academically Talented Student Task Force within the department; designating members; requiring members to serve without compensation or reimbursement for per diem and travel expenses; requiring the task force to submit a report to the Governor and Legislature; providing report requirements; providing for the future abolishment of the task force; providing effective dates.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Economic Development & Community Affairs Policy Council and Representative(s) Murzin, Hukill, Patronis—

HB 7123—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Florida Council on Military Base and Mission Support; providing for the mission of the council; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for reimbursement of members for

expenses; requiring the Office of Tourism, Trade, and Economic Development to provide administrative support; providing for council workgroups and tasks thereof; requiring an annual report to the Legislature and Governor; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; and Commerce; and the Policy and Steering Committee on Ways and Means.

By Full Appropriations Council on General Government & Health Care, Criminal & Civil Justice Policy Council and Representative(s) Adams—

CS for HB 7141—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; providing for per diem and travel expenses; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Oversight Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; adding the department to those entities responsible for allocating funds for security projects; deleting provisions relating to the Seaport Security Standards Advisory Council; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Insurance, Business & Financial Affairs Policy Committee and Representative(s) McKeel, Stargel—

CS for HB 135—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for personal identifying information of certain insured dependents; providing a statement of retroactive application of the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

By Civil Justice & Courts Policy Committee and Representative(s) Hukill, Grady—

CS for HB 631—A bill to be entitled An act relating to public records; amending s. 733.604, F.S.; providing exemptions from public records requirements for certain estate inventories and accountings; requiring custodians to disclose certain inventories or accountings to certain persons or by court order; providing retroactive application; providing for review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

By PreK-12 Policy Committee and Representative(s) Roberson, K.—

CS for HB 895—A bill to be entitled An act relating to public records; amending s. 1008.24, F.S.; providing an exemption from public records requirements for personally identifiable information or allegations of misconduct obtained or reported in connection with an investigation of a testing impropriety conducted by the Department of Education; providing that the exemption applies until the investigation is concluded or becomes inactive; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Education Policy Council and Representative(s) Culp—

HB 7119—A bill to be entitled An act relating to public records; creating s. 1002.221, F.S.; providing an exemption from public records requirements for K-12 education records held by an agency, public school, center, institution, or other entity that is part of the state's education system; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 1006.52, F.S.; expanding the exemption from public records requirements for records of students in public postsecondary educational institutions to include education records and applicant records; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Economic Development & Community Affairs Policy Council and Representative(s) Murzin—

HB 7125—A bill to be entitled An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public records requirements for specified records relating to military bases which are held by the Florida Council on Military Base and Mission Support; creating an exemption from public meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

VOTES DISCLOSURE

I have an ownership interest in Caregivers Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers Inc. is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **SB 2600** (SPB 7072), **SB 2602** (SPB 7074), **CS for SB 1798**, **CS for SB 1800**, **CS for SB 1802**, **CS for SB 1804**, **CS for SB 1658**, **CS for SB 1660**, **CS for SB 1662** and **CS for SB 1664** which came before the Senate for a vote on April 16, 2009.

Therefore, I believe that, because Caregivers Inc. is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, District 4

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 23 was corrected and approved.

CO-INTRODUCERS

Senators Dean—CS for CS for SB 456; Deutch—CS for SM 152; Oelrich—CS for SB 1126

RECESS

On motion by Senator Villalobos, the Senate recessed at 6:32 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Monday, April 27 or upon call of the President.

Journal of the Senate

Number 14—Regular Session **Monday, April 27, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 1:30 p.m. A quorum present— 38:

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Excused: Senator Hill

PRAYER

The following prayer was offered by Senator Justice:

Eternal God, we begin our prayer today by asking for special watch and special care of our children, our spouses and those who support us and love us back home; those who wait for us to return soon, very, very soon.

God, we bow today in a spirit of gratitude, grateful for the many blessings we enjoy—family, friendships, and the opportunity to serve our communities. While we are grateful for these blessings, we come today asking for these graces even more abundantly. We ask today for more faith, love, courage, wisdom, hope and strength. We do this, knowing that you do not always grant our petitions in ways we immediately understand. We do so knowing that when we ask for strength, you give us opportunities to be strong; we do so knowing that when we ask for hope, you give us opportunities to be hopeful; we do so knowing that when we ask for wisdom, you give us opportunities to be wise; we do so knowing that when we ask for courage, you give us opportunities to be courageous; we do so knowing that when we ask for love, you give us opportunities to show love; we do so knowing that when we ask for faith, you give us opportunities to be faithful.

Lord, we ask for all of these blessings today. In every request, we simply ask your will be done. Amen

PLEDGE

Senate Pages Kelechi Anyanwu of Orlando; Rebekah Giordano of New Port Richey; Kelsey Ryan of Celebration; and Kyla Rae Wilkinson of DeFuniak Springs, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Stephanie Haridopolos of Merritt Island, sponsored by her husband, Senator Haridopolos, as doctor of the day. Dr. Haridopolos specializes in Family Medicine.

MOMENT OF SILENCE

The President recognized Senator Lawson who led the Senate in a moment of silence for Senator Hill's brother-in-law, Ryan R. Davis, who passed away on April 26.

SPECIAL GUESTS

Senator Garcia recognized former Senator Dan Webster and former Senate President John McKay, who were present in the chamber.

ADOPTION OF RESOLUTIONS

On motion by Senator Constantine—

By Senator Constantine—

SR 1384—A resolution congratulating the Seminole High School Seminoles Football Team on its recognition by the Florida High School Athletic Association as the Class 6A 2008 State Champions.

WHEREAS, Seminole High School is an "A"-ranked school and a charter member of the Florida High School Athletic Association, and

WHEREAS, the Seminole High School Seminoles Football Team achieved a 13-2 winning record during the 2008 season, defeating Lake Brantley High School by a score of 34-14 to win the 6A District 2 Championship, defeating DeLand High School by a score of 38-12 to win the Regional Quarterfinals, defeating Spruce Creek High School by a score of 30-13 to win the Regional Semifinals, defeating Apopka High School by a score of 28-7 to win the Regional Championship, and defeating Boone High School by a score of 21-17 to win the State Semifinals, and

WHEREAS, in an impressive come-from-behind victory, the Seminole High School Seminoles Football Team defeated the 2-time consecutive 6A Champion Miami Northwestern High School football team by a score of 28-21 to claim the 6A State Championship, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness have been characteristics consistently demonstrated by Seminoles teammates Nile Owens, Tyrone Bouie, Andre Debose, Rodney Bryant, Jarkevis Fields, Ryan Sanford, Dyron Dye, Aravious Armstrong, Serderius Bryant, Toby Durham, Deron Thompson, Aaron Palumbo, Jamal Hooks, Ronald Moore, Leon McCray, Chris Mcintosh, Eric Farkas,

Kwandarius Karr, Courtland Amos, Reginald Keitt, Jerod Jones, Chase Boyt, Brandon Kush, Zachary Martin, Adam Mordecai, Donovan Mitchell, Larrett Correa, Jared Lingle, Brandon Stiffey, Taylor McMurrin, Alton Butts, Dionate Collier, Casey Gibson, Jorge Garcia, Kyle Winsor, Michael Delbrey, Michael Keller, Teodoro Morales, Eric Winsor, Kadeem Edwards, Charles Thacker, Lessort Tresalus, Charles Green, Otha Jackson, Anthony Wilson, Michael Washington, Eric Williams, Thurman Byrd, Alonzo Gibson, Kerry Wiggins, Vandell Frison, Dustin Lee, and Swanson Cody, and

WHEREAS, the Seminoles could not have accomplished this magnificent achievement without the dedicated commitment of Head Coach Mike Cullison and Assistant Coaches Kerry Wiggins, Ron Moore, Sugar Ray Greer, Britt Henderson, Henry Anderson, Kelly Campbell, Sylvester Wynn, Ed Zaremba, Tom Ruby, Joe Hillard, Robert Vite, and Garvin Merritt, and

WHEREAS, Andre Debose, Dyron Dye, and Aravious Armstrong have brought further recognition to the Seminoles Team through their selection to the Under Armor All American Squad, and

WHEREAS, the Seminole High School Seminoles Football Team, in becoming the first team in Seminole County to win a State Football Championship, has demonstrated a spirit of dedication, commitment, and good sportsmanship that stands as an inspiration for all children in the State of Florida who aspire to succeed in academia and in life, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Seminole High School Seminoles Football Team, their coaches, their teachers, and their parents for the honor and pride they have brought to this state by their outstanding dedication and performance as athletes.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Seminole High School Seminoles Football Team as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Constantine, **SR 1384** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Constantine recognized the Seminole High School Football team who was present in the gallery. He made special recognition of Principal Mike Gaudreau; Head Coach Mike Cullison; and football players, Andre Debose, Dyron Dye and Arvious Armstrong who were selected to the Under Armor All American Squad.

At the request of Senator Fasano—

By Senator Fasano—

SR 2768—A resolution recognizing the week of September 28 to October 3, 2009, as "Florida Behavior Analysis Week."

WHEREAS, for the past 29 years the Florida Association for Behavior Analysis has promoted the ethical, humane, and effective application of behavior principles in all segments of society, including education, business, rehabilitation facilities, and government, and

WHEREAS, behavior analysis is a science-based, cost effective approach for training teachers, parents, and caregivers to prevent and solve serious behavior problems, and

WHEREAS, behavior analysis has been used successfully in a wide range of circumstances, including treating individuals who have autism, teaching basic self-help skills and language to persons who have developmental disabilities, and helping foster parents lovingly raise emotionally difficult children, and

WHEREAS, the behavior analysts who are members of the Florida Association for Behavior Analysis are from a variety of backgrounds, including consulting firms, state government programs, private therapy practices, and school administrators and

WHEREAS, the Florida Association for Behavior Analysis is the largest statewide organization in the country committed to the promotion and support of behavior analysis, and

WHEREAS, the Florida Association for Behavior Analysis holds an annual conference each fall as a forum for exchanging ideas and data-based research related to behavior analysis, behavior therapy, performance management, and behavior management programming, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the week of September 28 to October 3, 2009, is recognized as "Florida Behavior Analysis Week" in this state.

—**SR 2768** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 2772—A resolution recognizing April 2009 as "Sexual Assault Awareness Month" in Florida.

WHEREAS, sexual assault continues to be a major social crisis in our society, with one in nine women in Florida having been a victim of sexual violence, and

WHEREAS, sexual assault affects many Floridians, as a victim of sexual assault or as a family member, friend, significant other, neighbor, or co-worker of a victim of sexual assault, and

WHEREAS, sexual assault has a devastating effect on the lives of victims, affecting every aspect of a person's life and increasing the risk for post-traumatic stress disorder, depression, suicide, homelessness, and substance abuse, and

WHEREAS, volunteers and service providers in Florida's 31 certified rape crisis centers work to provide a continuum of care to sexual assault survivors through 24-hour hotlines, counseling, support groups, advocacy, medical care, and education, and

WHEREAS, the Florida Council Against Sexual Violence seeks to improve services for victims of sexual assault and to prevent future sexual assault through public awareness and services for victims, and

WHEREAS, the Florida Senate recognizes the vital importance of designating a time devoted to increasing the general public's awareness and support of agencies providing services to sexual assault victims, and envisions a future free from sexual violence in our communities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 2009 is recognized as "Sexual Assault Awareness Month" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Council Against Sexual Violence as a tangible token of the sentiments of the Florida Senate.

—**SR 2772** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for SB 956** was withdrawn from the Committee on Governmental Oversight and Accountability; and **SB 2652** was withdrawn from the Committee on Rules.

BILLS ON THIRD READING

SENATOR VILLALOBOS PRESIDING

CS for CS for SB 762—A bill to be entitled An act relating to state university tuition and fees; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.24, F.S.; revising provisions relating to the use of the student financial aid fee; deleting obsolete provisions; revising provisions relating to the establishment of a tuition differential; providing requirements for the assessment and expenditure of a tuition differential; providing requirements for a university board of trustees to submit a proposal to the Board of Governors to implement a tuition differential; requiring the Board of Governors' review and approval of a proposal; requiring the Board of Governors to report specified information annually to the Legislature and the Governor; providing for application; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **CS for CS for SB 762** was passed and certified to the House. The vote on passage was:

Yeas—30

Altman	Dockery	Peaden
Aronberg	Gaetz	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Jones	Ring
Constantine	Joyner	Siplin
Dean	King	Smith
Detert	Lawson	Sobel
Deutch	Lynn	Villalobos
Diaz de la Portilla	Oelrich	Wilson

Nays—7

Crist	Haridopolos	Wise
Fasano	Justice	
Garcia	Storms	

Vote after roll call:

Yea—Mr. President, Alexander

Yea to Nay—Sobel

Consideration of **SB 902** was deferred.

On motion by Senator Gaetz, by two-thirds vote **HB 7023** was withdrawn from the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

On motion by Senator Gaetz, by two-thirds vote—

HB 7023—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Patient Safety Corporation; repealing s. 381.0271, F.S., creating the Florida Patient Safety Corporation and establishing its powers and duties; repealing s. 381.0273, F.S., providing a public record exemption for patient safety data or other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors, and providing a public meeting exemption for portions of meetings held by the corporation or its subsidiaries, advisory committees, or contractors during which confidential and exempt information is discussed; providing an effective date.

—a companion measure, was substituted for **SB 1896** and read the second time by title.

On motion by Senator Gaetz, by two-thirds vote **HB 7023** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Smith

On motion by Senator Lawson, by unanimous consent—

CS for CS for HB 873—A bill to be entitled An act relating to inactive licenses and certificates of need for health care providers; amending s. 408.040, F.S.; extending the period for which a certificate of need is valid; amending s. 408.808, F.S.; providing for renewal of inactive license status for statutory rural hospitals under certain circumstances; requiring plan approval and commencement of construction under certain circumstances; requiring certain proof of enforceable capital expenditures under certain circumstances; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Lawson, **CS for CS for HB 873** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

Consideration of **CS for CS for SB 148**; **CS for CS for CS for SB 1004** and **SB 2656** was deferred.

CS for SB 342—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the St. Johns River license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 342** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Oelrich	

Nays—2

Deutch	Ring

Vote after roll call:

Yea—Alexander, Baker

Nay to Yea—Ring

Consideration of **CS for SB 642** was deferred.

CS for SB 650—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Catch Me, Release Me license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of the plate; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 650** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Jones	Siplin
Crist	Joyner	Smith
Dean	Justice	Sobel
Detert	King	Storms
Deutch	Lawson	Villalobos
Diaz de la Portilla	Lynn	Wilson
Fasano	Oelrich	Wise

Nays—1

Dockery

Vote after roll call:

Yea—Alexander, Constantine

CS for SB's 674 and 1422—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; requiring that owners of property acting as their own contractor and providing direct, onsite supervision of all work not performed by licensed contractors read and sign a disclosure statement before a permit is issued; requiring that the disclosure statement contain certain statements and provisions; amending ss. 489.128 and 489.532, F.S.; providing that certain individuals or business organizations may not be considered unlicensed for failure to have a required local jurisdiction license; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB's 674 and 1422** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander

CS for CS for SB 714—A bill to be entitled An act relating to condominiums; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; requiring that every property insurance policy to an individual unit owner contain a specified provision; amending s. 633.0215, F.S.; providing an exemption for certain condominiums from installing a manual fire alarm system as required in the Life Safety Code if certain conditions are met; amending s. 718.111, F.S.; requiring that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal; requiring that such replacement cost be determined at least once within a specified period; providing means by which an association may provide adequate property insurance; providing that certain property insurance policies or programs are not subject to review and approval by the Office of Insurance Regulation; prohibiting such coverage or program from existing beyond a specified date; authorizing an association to consider deductibles when determining an adequate amount of property insurance; providing that failure to maintain adequate property insurance constitutes a breach of fiduciary duty by the members of the board of directors of an association; revising the procedures for the board to establish the amount of deductibles; requiring that an association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate property insurance to protect the association and certain property; requiring that every property insurance policy issued or renewed on or after a specified date provide certain coverage; excluding certain items from such requirement; providing that excluded items and any insurance thereupon are the responsibility of the unit owner; requiring that condominium unit owner's policies conform to certain provisions of state law; deleting provisions relating to certain hazard and casualty insurance policies; conforming provisions to changes made by the act; amending s. 718.112, F.S.; conforming cross-references; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; extending the period during which condominium common areas do not have to be retrofitted with sprinkler systems; providing that certain directors and officers delinquent in the payment of any fee, fine, or regular or special assessments shall be deemed to have abandoned their office; repealing s. 553.509(2), F.S., relating to the requirement that certain residential family dwellings have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 714** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander

Consideration of **SB 860** was deferred.

SB 872—A bill to be entitled An act relating to fictitious names; repealing s. 15.16(6), F.S., relating to a conditional waiver by the Department of State of the requirement that an applicant to do business under a fictitious name advertise the intention to register such fictitious name in a newspaper in the county in which the principal place of business will be located; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **SB 872** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Oelrich	
Dockery	Peaden	

Nays—1

Joyner

Vote after roll call:

Yea—Alexander

Nay to Yea—Joyner

CS for CS for HB 405—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the terms "golf cart," "residential area," and "seasonal delivery personnel"; authorizing the use of golf carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; requiring specified vehicles to be equipped with safety equipment; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for CS for HB 405** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dockery	Peaden
Altman	Fasano	Pruitt
Aronberg	Gaetz	Rich
Baker	Garcia	Richter
Bennett	Gardiner	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Storms
Dean	King	Villalobos
Detert	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Oelrich	

Nays—3

Gelber	Sobel	Wilson

Vote after roll call:

Yea—Alexander

Nay—Justice

SB 1398—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Fraternal Order of Police license plate and an Autism license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Fasano, **SB 1398** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Jones	Siplin
Constantine	Joyner	Smith
Crist	Justice	Sobel
Dean	King	Storms
Detert	Lawson	Villalobos
Deutch	Lynn	Wilson
Diaz de la Portilla	Oelrich	Wise

Nays—1

Dockery

Vote after roll call:

Yea—Alexander, Garcia

CS for CS for SB 1404—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7; providing exceptions; redefining the term "motor vehicle" to exclude certain vehicles from such requirements; providing a grace period; providing exceptions; providing effective dates.

—as amended April 24 was read the third time by title.

On motion by Senator Altman, **CS for CS for SB 1404** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Lynn
Altman	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wise

Nays—2

Smith	Wilson

Vote after roll call:

Yea—Alexander

Nay to Yea—Smith

Consideration of **CS for SB 582** was deferred.

SB 2064—A bill to be entitled An act relating to construction defects; amending s. 558.002, F.S.; providing and revising definitions; amending s. 558.003, F.S.; limiting application of certain notices; amending s. 558.004, F.S.; revising requirements and procedures for notice and opportunity to repair certain defects; specifying that there are no construction lien rights under certain provisions of law for certain testing; providing an exception; revising requirements for parties to exchange certain materials; providing penalties; amending s. 558.005, F.S.; revising requirements for application to certain claims for legal relief; specifying certain notices required for certain contracts; authorizing parties to agree to mediation; revising application of notice requirements to certain earlier contracts; specifying a required notice for certain contracts; providing construction of the requirement; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **SB 2064** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander

CS for SB 2210—A bill to be entitled An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 2210** to **CS for CS for HB 1205**.

Pending further consideration of **CS for SB 2210** as amended, on motion by Senator Wilson, by two-thirds vote **CS for CS for HB 1205** was withdrawn from the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Wilson, by two-thirds vote—

CS for CS for HB 1205—A bill to be entitled An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

—a companion measure, was substituted for **CS for SB 2210** as amended and read the second time by title.

On motion by Senator Wilson, by two-thirds vote **CS for CS for HB 1205** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

On motion by Senator Richter, by two-thirds vote **CS for HB 1311** was withdrawn from the Committees on Commerce; and Judiciary.

On motion by Senator Richter, by two-thirds vote—

CS for HB 1311—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit

corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; revising certain requirements for corporate records; amending s. 617.1604, F.S.; providing an additional exception to a requirement that a corporation pay certain costs and attorney fees after a court-ordered inspection of certain records under certain circumstances; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he

or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—a companion measure, was substituted for **SB 2330** as amended and by two-thirds vote read the second time by title.

On motion by Senator Richter, by two-thirds vote **CS for HB 1311** was read the third time by title. On motion by Senator Richter, further consideration was deferred.

Consideration of **CS for CS for SB 1894** was deferred.

SENATOR FASANO PRESIDING

SB 216—A bill to be entitled An act relating to campaign financing; creating s. 106.113, F.S.; defining the terms "local government" and "public funds"; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **SB 216** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Lawson
Alexander	Dockery	Oelrich
Altman	Fasano	Peaden
Aronberg	Gaetz	Pruitt
Baker	Garcia	Rich
Bennett	Gardiner	Richter
Bullard	Gelber	Ring
Constantine	Haridopolos	Siplin
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Wilson
Deutch	King	Wise

Nays—2

Lynn	Smith

Vote after roll call:

Yea—Villalobos

SB 324—A bill to be entitled An act relating to state aid to public libraries; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **SB 324** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 2160—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S.; relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain decisions of value adjustment boards; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and

credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., relating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing ss. 341.8201-341.842, F.S., relating to the Florida High-Speed Rail Authority Act; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S, relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 406.02(4)(a), F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s.

429.08(2), F.S., relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; repealing s. 570.0725(5), F.S., relating to a report by the Department of Agriculture and Consumer Services concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative recommendations of the Florida Consumers' Council; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.023, F.S.; adding a cross reference; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the commissioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for SB 2160** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Sobel

CS for CS for CS for SB 494—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic landscape irrigation systems; requiring irrigation contractors to test for the correct operation of system devices or switches and ensure their proper operation before completing other work on the system; requiring the Department of Environmental Protection to create a model ordinance that may be adopted by local governments; providing penalties; providing for the disposition of funds raised through penalties imposed; authorizing local governments to approve smart irrigation controllers; providing legislative findings relating to the adoption of soil moisture sensor control irrigation systems; defining terms; providing a statewide process and conditions for obtaining a variance from water management district restrictions on water use; creating s. 403.9335, F.S.; providing a short title; creating s. 403.9336, F.S.; providing legislative findings; creating s. 403.9337, F.S.; encouraging county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface water and groundwater quality; requiring a county government or municipal gov-

ernment located within the watershed of a water body or water segment that is listed by the Department of Environmental Protection as impaired to adopt the model ordinance; providing that additional or more stringent provisions may be adopted under certain circumstances; providing a timeframe for adopting the model ordinance; providing exceptions; creating s. 403.9338, F.S.; requiring the department to establish and approve training and testing programs providing urban landscape best-management practices; providing that such training authorizes a person to apply for a limited certification for urban landscape commercial fertilizer application issued by the Department of Agriculture and Consumer Services; providing that a person having such certification is not subject to additional local testing; amending s. 482.021, F.S.; defining the terms "commercial fertilizer application" and "urban landscape"; creating s. 482.1562, F.S.; providing for limited certification for urban landscape commercial fertilizer application provided by the Department of Agriculture and Consumer Services; requiring such certification in order to commercially apply fertilizer, beginning on a certain date; providing requirements and fees; providing for expiration and renewal; authorizing the department to provide information concerning persons who are certified; providing for exceptions to the requirements of certification; authorizing the department to adopt rules; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Bennett, **CS for CS for CS for SB 494** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Consideration of **CS for SB 624**, **HB 73**, **CS for CS for SB 2536**, and **SB 68** was deferred.

CS for CS for SB 162—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient's health records in order to facilitate the exchange of data between certain health care facility personnel, practitioners, and providers and attending physicians; deleting the exemption that allows long-term ombudsman councils to have access to certain nursing home patient records; creating s. 408.051, F.S.; creating the "Florida Electronic Health Records Exchange Act"; providing definitions; authorizing the release of certain health records under emergency medical conditions without the consent of the patient or the patient representative; providing for immunity from civil liability; providing duties of the Agency for Health Care Administration with regard to the availability of specified information on the agency's Internet website; requiring the agency to develop and implement a universal patient authorization form in paper and electronic formats for the release of certain health records; providing procedures for use of the form; providing penalties; providing for certain compensation and attorney's fees and costs; creating s. 408.0512, F.S.; requiring the Agency for Health Care Administration to operate an electronic health record technology loan fund, subject to a specific appropriation; requiring the agency to adopt rules related to standard terms and conditions for the loan program; amending s. 409.916, F.S.; requiring that the agency deposit into the Grants and Donations Trust Fund private donations provided for the purpose of funding a certified electronic health record technology loan fund; amending s. 483.181, F.S.; expanding access to laboratory reports in order to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Ring, **CS for CS for SB 162** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Baker, by two-thirds vote **HB 109** was withdrawn from the Committees on Health Regulation; and Judiciary.

On motion by Senator Baker, by two-thirds vote—

HB 109—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under chapter 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

—a companion measure, was substituted for **SB 498** and by two-thirds vote read the second time by title.

On motion by Senator Baker, by two-thirds vote **HB 109** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Villalobos, by unanimous consent—

CS for SB 1576—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; allowing each charter county to levy a voter-approved surtax for a community college in the county; providing restrictions on the sources of funds to pay for expenses for a referendum relating to such surtax; requiring notice of the referendum;

defining the term "community college"; providing a maximum rate of the surtax; providing requirements for the ordinance imposing the surtax; providing purposes for which the proceeds of the surtax may be used; providing for the investment of proceeds collected from the surtax; providing for the automatic expiration of such a surtax unless it is reenacted by ordinance; requiring that the proceeds be deposited in a separate fund and promptly disbursed to a board of trustees; providing that state funding may not be reduced because a community college has received such proceeds; providing for liberal construction; providing an effective date.

—as amended April 24 was taken up out of order and read the third time by title.

On motion by Senator Villalobos, **CS for SB 1576** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 720—A bill to be entitled An act relating to physician practice; amending s. 458.3312, F.S.; revising provisions regarding board certification of a physician as a specialist; amending ss. 458.347 and 459.022, F.S.; providing that a supervising physician may not be required to review and cosign a physician assistant's charts or medical records; deleting certain supervisory physician requirements related to prescribing and dispensing medications noted in appropriate medical records; amending s. 458.348, F.S.; exempting offices at which laser hair removal is the exclusive service being performed from certain provisions requiring direct supervision by a physician; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Peaden, **CS for SB 720** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Storms

SB 1848—A bill to be entitled An act relating to verification of a prisoner's immigration status; creating s. 907.06, F.S.; requiring the staff of a jail or other detention center or facility to make a reasonable effort to determine the citizenship status of a person charged with specified crimes; requiring that facility staff make a reasonable effort to verify whether the prisoner is lawfully present in the United States; requiring facility staff to verify the person's immigration status and notify the United States Department of Homeland Security if the person is not lawfully in the United States; creating, for purposes of a release bond, a rebuttable presumption that a prisoner is at risk of flight if the Department of Homeland Security verifies that the prisoner is a foreign national and is not lawfully present in the United States; requiring agencies affected by this act to adopt written procedures to conform to the act; requiring that the act be construed consistent with applicable federal law; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Detert, **SB 1848** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1539** was withdrawn from the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

On motion by Senator Haridopolos, by two-thirds vote—

CS for CS for HB 1539—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain inservice certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2066** and read the second time by title.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1539** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Lawson
Alexander	Dockery	Lynn
Altman	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Smith
Detert	Justice	Sobel
Deutch	King	Storms

Wilson Wise

Nays—None

Consideration of **CS for CS for SB 2612** was deferred.

CS for HB 285—A bill to be entitled An act relating to the Medicaid low-income pool and disproportionate share program; amending s. 409.911, F.S.; expanding the membership of the Medicaid Low-Income Pool Council; providing for composition of expanded membership; designating a council chair; providing restrictions on specified appointments; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for HB 285** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Peaden
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Wilson
Detert	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Oelrich	

Nays—None

Vote after roll call:

Yea—King

CS for CS for HB 991—A bill to be entitled An act relating to school improvement and accountability; providing a short title; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the state board to adopt rules in compliance with the ESEA and rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying and turning around low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the state board to prescribe reporting requirements to review and monitor the progress of schools; requiring that the department create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing another option under certain circumstances; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring the state board to adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent and provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for HB 991** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Villalobos

CS for CS for CS for SB's 2430 and SB 1960—A bill to be entitled An act relating to the taxation of documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers of a conduit entity; providing for the apportionment of the consideration for an interest in a conduit entity between real property interests and other assets; exempting from the tax property transferred as a gift to the extent there is no consideration; providing for trusts; providing legislative intent; providing for tax; imposing the tax on instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt emergency rules relating to transfers of real property interest involving conduit entities and transfers of real property pursuant to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made

by the act; providing for application of specified provisions of the act; providing effective dates.

—as amended April 24 was read the third time by title.

MOTION

On motion by Senator Gelber, the rules were waived to allow the following amendment to be considered:

Senator Gelber moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (738406) (with title amendment)—Delete lines 252-308 and insert: *combination with transfers of ownership of, or distributions from, artificial entities.*

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(1)*(a)* On deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction, on each $100 of the consideration therefor the tax shall be 70 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 70 cents for each $100 or fractional part thereof of the consideration therefor. For purposes of this section, consideration includes, but is not limited to, the money paid or agreed to be paid; the discharge of an obligation; and the amount of any mortgage, purchase money mortgage lien, or other encumbrance, whether or not the underlying indebtedness is assumed. If the consideration paid or given in exchange for real property or any interest therein includes property other than money, it is presumed that the consideration is equal to the fair market value of the real property or interest therein.

(b)1. For purposes of this paragraph the term:

a. "Conduit entity" means a legal entity to which real property is conveyed without full consideration by a grantor who owns a direct or indirect interest in the entity, or a successor entity.

b. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties.

2. When real property is conveyed to a conduit entity and all or a portion of the grantor's direct or indirect ownership interest in the conduit entity is subsequently transferred for consideration within 3 years of such conveyance, tax is imposed on each such transfer of an interest in the conduit entity for consideration at the rate of 70 cents for each $100 or fraction thereof of the consideration paid or given in exchange for the ownership interest in the conduit entity.

3. When the ownership interest in the conduit entity being transferred includes assets other than the real property conveyed to the conduit entity, the tax shall be prorated based on the percentage the value of such real property represents of the total value of all assets owned by the conduit entity.

4. A gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration. The transfer of shares or similar equity interests in a conduit entity which are dealt in or traded on public, regulated security exchanges or markets is not subject to tax under this paragraph.

5. The transfer for purposes of estate planning by a natural person of an interest in a conduit entity to an irrevocable grantor trust as described in subpart E of part I of subchapter J of chapter 1 of subtitle A of the United States Internal Revenue Code is not subject to tax under this paragraph.

And the title is amended as follows:

Delete lines 32-38 and insert: to a conduit entity; providing for the tax to be prorated when the interest transferred includes assets other than real property; exempting the transfer of shares or similar equity interests in a conduit entity from the tax; exempting certain transfers for purposes of estate planning; providing for liberal construction; providing for payment of the tax when no document is recorded; imposing the tax on deeds, instruments,

On motion by Senator Lawson, **CS for CS for CS for SB's 2430 and SB 1960** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Jones	Smith
Constantine	Joyner	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Oelrich	

Nays—1

Gardiner

SENATOR VILLALOBOS PRESIDING

CS for SB 2504—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for SB 2504** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 624—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement officer or correctional officer is entitled to specified rights if the officer is subject to suspension in a disciplinary proceeding; providing that a law enforcement officer or correctional officer is entitled to review witness statements by other officers and other existing evidence before the officer under investigation is interrogated;

providing that time-limitation periods will be tolled during disciplinary proceedings under certain specified circumstance; amending s. 112.533, F.S.; authorizing a law enforcement officer or correctional officer who is subject to an investigation, and the officer's legal counsel, to review specified documents and recordings before the investigative interview; amending s. 112.534, F.S.; providing procedures and remedies to the officer if an agency intentionally fails to comply with specified provisions; providing that the officer bears the burden of proof to establish intentional violations; providing that the standard of proof is a preponderance of the evidence; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Fasano, **CS for SB 624** as amended was passed and certified to the House. The vote on passage was:

Yeas—24

Alexander	Garcia	Peaden
Aronberg	Gardiner	Pruitt
Baker	Gelber	Rich
Bullard	Haridopolos	Ring
Crist	Joyner	Smith
Deutch	Justice	Sobel
Diaz de la Portilla	King	Villalobos
Fasano	Lynn	Wise

Nays—14

Altman	Dockery	Richter
Bennett	Gaetz	Siplin
Constantine	Jones	Storms
Dean	Lawson	Wilson
Detert	Oelrich	

Vote after roll call:

Nay to Yea—Lawson

SPECIAL GUESTS

Senator Lawson introduced Congresswoman and former Representative Corrine Brown who was present in the chamber.

HB 73—A bill to be entitled An act relating to expedited permitting process for economic development projects; providing a short title; creating s. 380.0657, F.S.; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain economic development projects; providing an exception; requiring municipalities and counties to identify certain businesses by commission resolution; requiring a preapplication review; providing a timeframe for permit application approval or denial; providing that projects designated as target industry businesses and located in charter counties that meet certain criteria are eligible for expedited permitting; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 73** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Deutch	Joyner
Altman	Diaz de la Portilla	Justice
Aronberg	Dockery	King
Baker	Fasano	Lynn
Bennett	Gaetz	Oelrich
Bullard	Garcia	Peaden
Constantine	Gardiner	Pruitt
Crist	Gelber	Rich
Dean	Haridopolos	Richter
Detert	Jones	Ring
Siplin	Storms	Wise
Smith	Villalobos	
Sobel	Wilson	

Nays—None

Vote after roll call:

Yea—Lawson

Yea to Nay—Dockery

SB 860—An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **SB 860** was passed and certified to the House. The vote on passage was:

Yeas—36

Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Jones	Siplin
Crist	Joyner	Smith
Dean	Justice	Sobel
Detert	King	Storms
Deutch	Lawson	Villalobos
Diaz de la Portilla	Lynn	Wilson
Fasano	Oelrich	Wise

Nays—1

Dockery

CS for SB 582—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing funding for the commission through federal funds for metropolitan transportation planning; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 339.2818, F.S.; relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits;

requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; amending s. 316.1895, F.S., authorizing alternative installation of "Speeding Fines Doubled" signs in advance of school zones; amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor; creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week"; amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; amending s. 163.3180, F.S.; providing a definition for "backlog"; providing an effective date.

—as amended April 24 was read the third time by title.

MOTION

On motion by Senator Wilson, the rules were waived to allow the following amendment to be considered:

Senator Wilson moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (903186) (with title amendment)—Between lines 653 and 654 insert:

Section 16. Paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(4)

(c) Members of *each expressway* ~~an~~ authority*, transportation authority, bridge authority, or toll authority created pursuant to this chapter, chapter 343, chapter 349, or any other law* shall ~~be required to~~ comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. *However, members of such authorities, other than expressway authorities, are subject only to the requirements of this paragraph and not to any other provision of this part.*

And the title is amended as follows:

Delete line 71 and insert: F.S.; providing a definition for "backlog"; amending s. 348.0003, F.S.; providing that members of certain authorities are subject to specified financial disclosure requirements; providing

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendments to be considered:

Senator Baker moved the following amendments which were adopted by two-thirds vote:

Amendment 2 (382124)—Delete lines 354-416 and insert:

Section 6. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles~~, including all enforcement tolerances,~~ shall be as determined by the following formula:

$$W = 500((LN \div (N-1)) + 12N + 36)$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. *The scale tolerance provided in s. 316.545(2) shall be applicable to all weight limitations of this subsection, except when a vehicle exceeds the posted weight limit on a road or bridge. The scale tolerance provided in s. 316.545(2) shall not apply to cranes. Fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).*

Section 7. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in *repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements,* resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.

(4)(a) Small counties shall be eligible to compete for funds that have been designated for the Small County Outreach Program for projects on county roads. The department shall fund 75 percent of the cost of projects on county roads funded under the program.

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition *which may be evidenced through an established pavement management plan*.

(c) The following criteria shall be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Information as evidenced to the department through an established pavement management plan.

f. ~~e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 8. Subsections (2) and (3) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. ~~However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator.~~ Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed

any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits. *Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in ss. 316.535(3), 316.535(4), or 316.535(6) over and beyond 6000 pounds shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in s. 316.535(5) shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at risk of such owner or operator.*

Amendment 3 (220212)—Delete lines 550-653 and insert:

Section 15. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)*(a)* The department and local governmental entities, referred to in ss. 337.401-337.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section as the "utility." ~~For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, where there is no other practicable alternative available for placement of the electric utility transmission lines on the department's rights-of-way, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the right-of-way is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate from the facility at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.~~ The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(b) For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the limited access right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (770154) (with title amendment)—Between lines 378 and 379 insert:

Section 7. Paragraph (a) of subsection (2) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(2) Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. The following provisions shall apply to such agreements:

(a) With the exception of the Florida Turnpike System, the department may lease existing toll facilities through public-private partnerships*, subject to approval by the Legislature*. The public-private partnership agreement must ensure that the transportation facility is properly operated, maintained, and renewed in accordance with department standards.

And the title is amended as follows:

Delete line 27 and insert: that are not in the Interstate Highway System; amending s. 334.30, F.S.; authorizing the department to lease existing toll facilities through public-private partnerships, subject to approval by the Legislature;

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment:

Amendment 5 (454474) (with title amendment)—Between lines 446 and 447 insert:

Section 9. Subsection (26) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(26) To provide for the *enhancement of environmental benefits, including air and water quality, to prevent roadside erosion, to conserve the* ~~conservation of~~ natural roadside growth and scenery and for the implementation and maintenance of roadside *conservation, enhancement, and stabilization* ~~beautification~~ programs, and no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to ~~beautification programs. Except where prohibited by federal law or federal regulation and to~~ the *greatest* extent practical, a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials. All such plant materials shall be purchased from *commercial nursery* ~~Florida-based nurseryman~~ stock *in this state* on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

And the title is amended as follows:

Delete line 48 and insert: functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.;

MOTION

On motion by Senator Bullard, the rules were waived to allow the following amendment to be considered:

Senators Baker and Bullard offered the following substitute amendment which was moved by Senator Bullard and adopted by two-thirds vote:

Amendment 6 (200208) (with title amendment)—Between lines 446 and 447 insert:

Section 9. Subsection (26) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(26) To provide for the *enhancement of environmental benefits, including air and water quality, to prevent roadside erosion, to conserve the* ~~conservation of~~ natural roadside growth and scenery and for the implementation and maintenance of roadside *conservation, enhancement, and stabilization* ~~beautification~~ programs, and no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to ~~beautification programs. Except where prohibited by federal law or federal regulation and to~~ the *greatest* extent practical, a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials. All such plant materials shall be purchased from *commercial nursery* ~~Florida-based nurseryman~~ stock *in this state* on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

And the title is amended as follows:

Delete line 48 and insert: functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.;

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted by two-thirds vote:

Amendment 7 (879796) (with title amendment)—Between lines 653 and 654 insert:

Section 16. Paragraph (a) of subsection (9) of section 348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers.—

(9) The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(a) Notwithstanding any other provision of the Florida Expressway Authority Act, any expressway authority, transportation authority, bridge authority, or toll authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities*, subject to the approval of the Legislature, for any existing facility* or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. An authority may not sell or lease any transportation facility owned by the authority, without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval prior to awarding a contract on a lease of an existing toll facility. An authority is authorized to adopt rules to implement this subsection and shall, by rule, establish an application fee for the submission of unsolicited proposals under this subsection. The fee must be sufficient to pay the costs of evaluating the proposals. An authority may engage private consultants to assist in the evaluation. Before approval, an authority must determine that a proposed project:

1. Is in the public's best interest.

2. Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

3. Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.

4. Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.

5. Would be owned by the authority upon completion or termination of the agreement.

And the title is amended as follows:

Delete line 71 and insert: F.S.; providing a definition for "backlog"; amending s. 348.0004, F.S.; authorizing any expressway authority, transportation authority, bridge authority, or toll authority, subject to the approval of the Legislature, for any existing facility, to receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities; providing

On motion by Senator Baker, **CS for SB 582** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Baker	Crist	Diaz de la Portilla

Dockery
Fasano
Gaetz
Garcia
Gardiner
Gelber
Haridopolos
Jones
Joyner
Justice
King
Lawson
Lynn
Peaden
Pruitt
Rich
Richter
Ring
Siplin
Smith
Sobel
Storms
Villalobos
Wilson
Wise

Nays—1

Oelrich

Vote after roll call:

Nay to Yea—Oelrich

MOTION

On motion by Senator Peaden, by two-thirds vote **CS for CS for CS for SB 1986** which passed April 24 was ordered immediately certified to the House.

The Senate resumed consideration of—

CS for HB 1311—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims

against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; revising certain requirements for corporate records; amending s. 617.1604, F.S.; providing an additional exception to a requirement that a corporation pay certain costs and attorney fees after a court-ordered inspection of certain records under certain circumstances; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—which was previously considered this day.

RECONSIDERATION

On motions by Senator Richter, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1311** was read the third time and by two-thirds votes read the second time and substituted for **SB 2330**. On motions by Senator Richter, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1311** was withdrawn from the committees on Commerce; and Judiciary.

The Senate resumed consideration of—

SB 2330—A bill to be entitled An act relating to corporations; amending s. 607.0728, F.S.; authorizing certain alternative procedures for the election of members of the board of directors; amending s. 607.0807, F.S.; revising resignation procedures for members of the board of directors; providing that a resignation may be irrevocable under certain conditions; amending s. 607.0809, F.S.; revising procedures for filling a vacancy on the board of directors; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable

expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; excluding certain corporations from eligibility for such exception; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—which was previously considered this day.

On motion by Senator Richter, **SB 2330** as amended April 24 was read the third time by title. On motion by Senator Richter **SB 2330** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

CS for CS for SB 2612—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.908, F.S.; conforming terminology to changes made by the act; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a

license application; amending s. 397.405, F.S.; providing that physician assistants are exempt from licensing requirements under ch. 397, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of a physician assistant or an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary, regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; providing that certain records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health, and not the Department of Business and Professional Regulation; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a physician assistant, registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; authorizing a physician assistant to deliver takeout medication for opiate treatment to certain persons; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797, 397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment:

Amendment 1 (325762) (with title amendment)—Between lines 2317 and 2318 insert:

Section 52. *(1) A workgroup shall be created to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system.*

(2) The workgroup shall consist of the following members:

(a) One member from the Substance Abuse and Mental Health Corporation.

(b) One member appointed by Florida Legal Services, Inc.

(c) One member appointed by the Florida Psychiatric Society.

(d) One member appointed by the Correctional Medical Authority.

(e) One member appointed by the Florida Prosecuting Attorneys Association.

(f) One member appointed by the Florida Public Defender Association.

(g) One member appointed by the Florida Association of Court Clerks.

(h) One member appointed by the Florida Assisted Living Affiliation.

(i) One member appointed by the Florida Council for Community Mental Health.

(j) One member appointed by the Department of Children and Family Services.

(k) One member appointed by the Agency for Health Care Administration.

(l) One member appointed by the Department of Corrections.

(m) One member appointed by the Florida Sheriffs Association.

(n) One member appointed by the Florida Police Benevolent Association.

(o) One member appointed by the Florida chapter of the National Alliance for the Mentally Ill.

(p) One member appointed by the Florida Hospital Association representing private receiving facilities.

(q) One member appointed by the Florida Psychological Association.

(r) One member appointed by the President of the Senate.

(s) One member appointed by the Speaker of the House of Representatives.

(t) One member appointed by the Governor.

(3) Members of the workgroup shall serve without compensation except that a member may request reimbursement from the member's employing entity for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(4) Each meeting of the workgroup shall be held in Tallahassee. The workgroup shall meet 4 times per year and may use electronic means of communication, which may include, but are not limited to, conference calls, web seminars, and video conferencing.

(5) The workgroup shall organize and conduct its meetings in accordance with Robert's Rules of Order.

(6) The review conducted by the workgroup under this section must include:

(a) The identification of all state funds being expended on the care of adults with mental illnesses who have legal involvement with state and county courts, including funds expended on care in correctional facilities and funds expended on medication, courts, attorneys, state institutions, contracts with private institutions, community-based programs, Medicaid services, state-funded substance abuse services, state-funded mental health services, and managed care plans.

(b) A detailed examination of community-based service delivery systems, including utilization issues, housing issues, psychiatric emergency crisis response outcomes, effective practices, and programs directed toward individuals who are at risk for court or legal involvement.

(c) A detailed review of data, utilization, and cost analysis for individuals who are involved with the county courts, state courts, state prisons, and state and private institutions, have been charged with misdemeanors or felonies, and have a diagnosis of serious and persistent mental illness.

(d) A detailed review of utilization data and costs for individuals who have traumatic brain injuries, have involvement with state courts, state prisons, county courts, or county jails, and have involvement with state-funded substance abuse and mental health services.

(e) A review of the cost and impact of early discharge from public crisis-stabilization units, community inpatient psychiatric hospitals, and state and private institutions that care for persons with serious and persistent mental illness and inappropriate placement into state prisons and county jails.

(f) A review of the Criminal Punishment Code, including penalties and sentencing guidelines, and other laws pertaining to the forensic mentally ill in order to assess where changes could be made that protect public safety while ensuring that the needs of the mentally ill are met in a cost-effective manner, with a goal to create a plan that will reduce reliance on state prisons and county jails.

(g) The identification of programs, practices, and innovative solutions emerging in the state that would reduce the need for incarceration, improve cost-effectiveness, help reduce the impact on the state budget, and improve public safety.

(h) A process for requesting and reviewing innovative proposals that would help the state optimize the use of state funding through special pilot projects, mental health courts, changes in emergency psychiatric care, new approaches to law enforcement practices and court diversion programs, and the use of modified sentencing or waivers relative to the Criminal Punishment Code.

(i) The development of a proposal for legislative consideration that would establish an innovative Medicaid waiver that would help support stable housing and services for individuals at risk of court-related involvement. For the purposes of this subsection, the term "at risk of court-related involvement" means having been charged with a misdemeanor or felony and diagnosed with a serious and persistent mental illness.

(j) A review of the effect of substance abuse on the system and methods to create integration and the use of Medicaid waivers, such as the Medicaid 1915c Home and Community-Based Waiver, to provide a more integrated approach to treating substance abuse in the community.

(k) The use of involuntary outpatient commitment requirements under the Baker Act and the need for changes to those requirements that would help reduce or mitigate the potential for court involvement in this process. The review shall include the use of the Florida Medication Algorithm Project and its implications for improved outcomes relative to individuals at risk of court-related involvement.

(l) A review of the current status of the use of electronic medical records, the need for broader use of electronic medical records for individuals at risk of court-related involvement, and the fiscal impact in terms of the savings that this type of client information system would have on reducing state expenditures and improving access to care for those considered most at risk. The workgroup may request experts in the field to make presentations and respond to questions. The workgroup shall make recommendations as provided in subsection (7).

(m) A review and comparison of the practices and standards used in correctional facilities to provide mental health care for individuals who are incarcerated in county jails, state prisons, or state or private state mental health forensic institutions.

(n) The consideration of plans and recommendations concerning appropriate methods of diverting mentally ill inmates to less restrictive and less expensive alternatives using conditional release or probation.

(o) A review of probation and parole requirements for recommended modifications in order to assist with improving community placement and community control for persons with serious and persistent mental illness who are eligible for probation. This shall include a review of rules and policies and recommendations.

(p) A review of practices associated with the discharge of individuals with a serious mental illness from correctional facilities and from state-operated and state-funded forensic mental health institutions for compliance with interagency agreements regarding placement in the community, recidivism to a jail or institutional setting, and the use of hospital emergency rooms, involuntary commitment services, and crisis stabilization units.

(7) The workgroup shall make recommendations in its interim and final reports regarding proposed changes to the state penal code, sentencing guidelines, state mental health policy, and related strategies that would improve public safety through better integration of behavioral health care at all levels of the criminal justice system, with a goal of reducing reliance on county jails and state prisons. The workgroup shall submit an interim report with findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 5, 2010, and its final report with recommendations and findings by January 5, 2011.

(8) The workgroup terminates and this section expires July 1, 2011.

And the title is amended as follows:

Delete line 113 and insert: substance abuse and mental health services; providing for the creation of a workgroup to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system; providing for membership, organization, and meetings; specifying that members serve without compensation, but may be reimbursed for expenses; specifying components of the review; providing for interim and final reports; providing for future termination of the workgroup and expiration of the provisions creating it; providing

On motion by Senator Wise, further consideration of **CS for CS for SB 2612** with pending **Amendment 1 (325762)** was deferred.

SENATOR FASANO PRESIDING

RECONSIDERATION OF BILL

On motion by Senator Peaden, the Senate reconsidered the vote by which—

CS for CS for SB 1868—A bill to be entitled An act relating to the practice of pharmacy; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; creating s. 465.1901, F.S.; providing that provisions of ch. 468, F.S., relating to orthotics and pedorthics do not apply to pharmacists; requiring the Board of Pharmacy to develop rules regarding the practice of orthotics and pedorthics by a pharmacist; repealing s. 468.812(3), F.S., relating to the practice of orthotics and pedorthics; amending s. 893.04, F.S.; authorizing a pharmacist to dispense a controlled substance and require photographic identification without documenting certain information; authorizing a pharmacist to dispense a controlled substance without verification of certain information by the prescriber under certain circumstances; providing an effective date.

—passed as amended April 24th.

Senator Peaden moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (589528) (with title amendment)—In title, delete lines 2-10 and insert: An act relating to the practice of pharmacy;

On motion by Senator Peaden, **CS for CS for SB 1868** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote the following bills were withdrawn from the Committee on Rules: **HB 393**, **HB 713**, **HB 743**, **HB 773**, **CS for HB 801**, **HB 877**, **HB 967**, **CS for HB 1059**, **HB 1063**, **CS for CS for CS for HB 1147**, **CS for HB 1235**, **HB 1371**, **CS for HB 1431**, **CS for HB 1433**, **CS for HB 1435**, **CS for HB 1541**.

LOCAL BILL CALENDAR

HB 393—A bill to be entitled An act relating to the Viera Stewardship District, Brevard County; amending chapter 2006-360, Laws of Florida; amending the district boundaries; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **HB 393** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

HB 713—A bill to be entitled An act relating to the Lake Asbury Municipal Service Benefit District, Clay County; amending chapter 86-392, Laws of Florida; increasing the special assessment against lots in the district under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 713** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

HB 743—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida, as amended; expanding the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 743** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

HB 773—A bill to be entitled An act relating to the Plantation Acres Improvement District, Broward County; providing legislative intent; amending chapter 2002-367, Laws of Florida; redesignating the board of supervisors as the board of commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 773** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	King
Altman	Dockery	Lawson
Aronberg	Fasano	Lynn
Baker	Gaetz	Oelrich
Bennett	Garcia	Peaden
Bullard	Gardiner	Pruitt
Constantine	Gelber	Rich
Crist	Haridopolos	Richter
Dean	Jones	Ring
Detert	Joyner	Siplin
Deutch	Justice	Smith

Sobel	Villalobos	Wise
Storms	Wilson	

Nays—None

CS for HB 801—A bill to be entitled An act relating to Broward County; providing for annexation and deannexation of certain described lands within the municipal limits of the Town of Southwest Ranches and the Town of Davie; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 801** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

HB 877—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; increasing the permitted rate of investment in fixed real estate assets by the Jacksonville Police and Fire Pension Board of Trustees; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 877** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

HB 967—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended by chapter 2004-467, Laws of Florida; revising district boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 967** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Altman	Aronberg
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Smith
Detert	Justice	Sobel
Deutch	King	Storms
Diaz de la Portilla	Lawson	Villalobos
Dockery	Lynn	Wilson
Fasano	Oelrich	Wise
Gaetz	Peaden	

Nays—None

CS for HB 1059—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending chapter 98-501, Laws of Florida, as amended; providing for flood protection services; revising the geographical boundaries of the district; revising powers of the district with respect to construction; deleting or updating obsolete language; revising the geographical boundaries of district zones for the election of commissioners; revising residency requirements for commissioner qualification; revising requirements for the filling of vacancies on the board of commissioners; revising provisions relating to filing fees and oath of office; providing the procedure for selection of chair and vice chair in the event of a deadlock; revising quorum requirements; requiring certain commissioners to preside over meetings of the board in the absence of the chair and vice chair; deleting provisions relating to a special warrant for collection of drainage taxes; revising powers of the board in carrying out the state comprehensive water management plan; revising rulemaking authority of the board; revising eminent domain provisions; revising language relating to obstruction of certain district facilities; clarifying language relating to the adoption of certain subdivision regulations; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 1059** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

HB 1063—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; codifying, reenacting, amending, and repealing chapters 98-525, 99-422, and 2003-344, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 1063** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Baker	Crist	Diaz de la Portilla

Dockery
Fasano
Gaetz
Garcia
Gardiner
Gelber
Haridopolos
Jones
Joyner
Justice
King
Lawson
Lynn
Oelrich
Peaden
Pruitt
Rich
Richter
Ring
Siplin
Smith
Sobel
Storms
Villalobos
Wilson
Wise

Nays—None

CS for CS for CS for HB 1147—A bill to be entitled An act relating to the Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections and establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **CS for CS for CS for HB 1147** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander
Altman
Aronberg
Baker
Bennett
Bullard
Constantine
Crist
Dean
Detert
Deutch
Diaz de la Portilla
Dockery
Fasano
Gaetz
Garcia
Gardiner
Gelber
Haridopolos
Jones
Joyner
Justice
King
Lawson
Lynn
Oelrich
Peaden
Pruitt
Rich
Richter
Ring
Siplin
Smith
Sobel
Storms
Villalobos
Wilson
Wise

Nays—None

CS for HB 1235—A bill to be entitled An act relating to the Lakewood Ranch Stewardship District, Manatee and Sarasota Counties; amending chapter 2005-338, Laws of Florida; revising the boundaries of the district; amending district powers to allow the district to provide sustainable or green infrastructure improvements, facilities, and services; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 1235** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander
Altman
Aronberg
Baker
Bennett
Bullard
Constantine
Crist
Dean
Detert
Deutch
Diaz de la Portilla
Dockery
Fasano
Gaetz
Garcia
Gardiner
Gelber
Haridopolos
Jones
Joyner
Justice
King
Lawson
Lynn
Oelrich
Peaden
Pruitt
Rich
Richter
Ring
Siplin
Smith
Sobel
Storms
Villalobos
Wilson
Wise

Nays—None

HB 1371—A bill to be entitled An act relating to Panama City, Bay County; amending chapter 63-1757, Laws of Florida, as amended; deleting provisions relating to specific items the planning board must take into consideration in its plans; removing the requirement that the members of the city commission and the city manager be ex officio members of the planning board; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 1371** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander
Altman
Aronberg
Baker
Bennett
Bullard
Constantine
Crist
Dean
Detert
Deutch
Diaz de la Portilla
Dockery
Fasano
Gaetz
Garcia
Gardiner
Gelber
Haridopolos
Jones
Joyner
Justice
King
Lawson
Lynn
Oelrich
Peaden
Pruitt
Rich
Richter
Ring
Siplin
Smith
Sobel
Storms
Villalobos
Wilson
Wise

Nays—None

CS for HB 1431—A bill to be entitled An act relating to the City of Pensacola, Town of Century, and Escambia County; providing definitions; creating the Escambia County Consolidation Study Commission to develop a consolidation plan or unification of services for the City of Pensacola, Town of Century, and Escambia County; providing for the membership of the commission; providing for special advisory committees and membership; providing for meetings; providing for submission of a status report and a proposed consolidation plan; specifying sources of funding; providing for private contributions; providing for clerical, technical, and legal assistance; requiring a referendum for approval of the consolidation plan; providing for dissolution of the commission and reversion of commission property to the county; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for HB 1431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander
Altman
Aronberg
Baker
Bennett
Bullard
Constantine
Crist
Dean
Detert
Deutch
Diaz de la Portilla
Dockery
Fasano
Gaetz
Garcia
Gardiner
Gelber
Haridopolos
Jones
Joyner
Justice
King
Lawson
Lynn
Oelrich
Peaden

Pruitt	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise
Ring	Storms	

Nays—None

CS for HB 1433—A bill to be entitled An act relating to the City of Orlando Firefighter Pension Fund, Orange County; amending chapter 23444, Laws of Florida, 1945, as amended; providing a member with 20 years or more of service who is involuntarily determined to be permanently and totally disabled not in the line of duty the right to elect a normal service retirement under certain conditions; providing for a change in the accrual rate for normal retirement benefit; providing for a change of the accrual rate for line of duty death benefits if member has completed more than 23.53 years of service; changing the Back Deferred Retirement Option Program (DROP) from 36 months to 60 months; revising provisions relating to DROP accounts; providing that distributions comply with the Internal Revenue Code; providing for changes necessary to maintain tax qualification; authorizing the legislative body of the City of Orlando to adjust the pension plan to comply with the Internal Revenue Code and to create a SHARE program or plan to provide for certain extra benefits; providing that benefit changes are not retroactive; specifying this act does not provide additional benefits to certain members and beneficiaries; providing effective dates.

—was read the second time by title. On motion by Senator Gardiner, by two-thirds vote **CS for HB 1433** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

CS for HB 1435—A bill to be entitled An act relating to the Lee County Sheriff's Office; revising qualifications for employment; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for HB 1435** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

CS for HB 1541—A bill to be entitled An act relating to the Pine Tree Water Control District, Palm Beach County; codifying the district's charter; providing legislative intent; amending, codifying, reenacting, and repealing chapters 80-572, 82-358, and 2005-295, Laws of Florida; providing for the applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing for liberal construction; providing a savings clause in the event any of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **CS for HB 1541** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

SENATOR VILLALOBOS PRESIDING

By the direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for CS for SB 2612—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.908, F.S.; conforming terminology to changes made by the act; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a license application; amending s. 397.405, F.S.; providing that physician assistants are exempt from licensing requirements under ch. 397, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of a physician assistant or an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary,

regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; providing that certain records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health, and not the Department of Business and Professional Regulation; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a physician assistant, registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; authorizing a physician assistant to deliver takeout medication for opiate treatment to certain persons; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797, 397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (325762)** by Senator Wise was withdrawn.

On motion by Senator Wise, **CS for CS for SB 2612** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

SENATOR GAETZ PRESIDING

SPECIAL ORDER CALENDAR

On motion by Senator King—

CS for SB 718—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; deleting a limitation upon the imposition of indigent care and trauma center discretionary sales surtaxes by certain counties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 718** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for SB 910** was withdrawn from the Policy and Steering Committee on Ways and Means.

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 728—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt criteria by rule indicating that a purported short sale is not an arm's length transaction; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 728** to **CS for CS for HB 55**.

Pending further consideration of **CS for CS for SB 728** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 55** was withdrawn from the Committees on Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Bennett—

CS for CS for HB 55—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on the consideration for short sale transfers of real property; excluding certain unpaid indebtedness from such consideration; defining the term "short sale"; authorizing the Department of Revenue to adopt rules establishing arm's length criteria for short sale purposes; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 728** as amended and read the second time by title.

MOTION

On motion by Senator Villalobos, the rules were waived and **CS for CS for HB 55** was retained on the Special Order Calendar.

On motion by Senator Baker, by two-thirds vote **CS for CS for HB 179** was withdrawn from the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker—

CS for CS for HB 179—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property ap-

praisers' authority to inspect property for assessment purposes to include use of image technology in lieu of physical inspection; requiring the Department of Revenue to establish minimum standards for use of image technology; providing a criterion; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 800** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 179** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, the Senate resumed consideration of—

CS for CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

—which was previously considered and amended April 24. Pending **Amendment 5 (850916)** by Senators Richter and Deutch was adopted.

Senators Richter and Deutch offered the following amendments which were moved by Senator Richter and adopted:

Amendment 6 (875292) (with title amendment)—Delete lines 1949-1966 and insert:

2. Beginning *December 1, 2010* ~~February 1, 2010~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, 2015, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

And the title is amended as follows:

Delete line 68 and insert: Revenue Fund; revising the date after which the State

Amendment 7 (649326) (with title amendment)—Delete lines 1967-2056.

And the title is amended as follows:

Delete lines 71-80 and insert: coverages under certain circumstances; amending s.

Senators Deutch and Richter offered the following amendment which was moved by Senator Richter and adopted:

Amendment 8 (389964) (with title amendment)—Between lines 2056 and 2057 insert:

Section 8. Subsection (2) of section 627.711, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:

(a) A hurricane mitigation inspector *certified* ~~employed~~ by *the* ~~an approved~~ My Safe Florida Home *program* ~~wind certification entity~~;

(b) A building code inspector certified under s. 468.607;

(c) A general or residential contractor licensed under s. 489.111;

(d) A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841; ~~or~~

(e) A professional architect licensed under s. 481.213*; or*

(f) Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.

(3) An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

Delete line 80 and insert: amount in any subsequent rate filing; amending s. 627.711, F.S.; requiring that an insurer accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by certain individuals or entities; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s.

Senators Richter and Deutch offered the following amendment which was moved by Senator Richter and adopted:

Amendment 9 (348894) (with title amendment)—Delete lines 2104-2291.

And the title is amended as follows:

Delete lines 83-99 and insert: windstorm coverage; amending s. 631.65, F.S.;

Senator Richter moved the following amendment which was adopted:

Amendment 10 (610272)—Delete line 2317 and insert: *for single-family homes insured by the Citizens Property Insurance Corporation on June 1, 2009. The*

MOTION

On motion by Senator Richter, the rules were waived to allow the following amendment to be considered:

Senator Richter moved the following amendment which was adopted:

Amendment 11 (643082)—Delete line 1012 and insert: or unfairly discriminatory.

Senators Fasano, Crist, Storms, and Lynn offered the following amendment which was moved by Senator Fasano and failed:

Amendment 12 (417826) (with title amendment)—Delete lines 110-662 and insert:

Section 1. Paragraph (e) of subsection (2), paragraphs (b), (c), and (d) of subsection (4), and subsection (17) of section 215.555, Florida Statutes, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2005, the retention multiple shall be equal to $4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2004, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level. *In 2010, the contract year begins June 1 and ends December 31, 2010. In 2011 and thereafter, the contract year begins January 1 and ends December 31.*

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions *on or* after January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

(4) REIMBURSEMENT CONTRACTS.—

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in *2008* ~~2007~~, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to $10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of *December 31, 2008* ~~December 31, 2007~~. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of

this subparagraph. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. *The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage.* ~~Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph.~~ This subparagraph expires on *January 1, 2012* ~~May 31, 2009~~.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of $15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the balance of the fund as of December 31, less any premiums or interest attributable to optional coverage, as defined by rule which occurred over the prior calendar year.

2. In May ~~before the start of the upcoming contract year~~ and ~~in~~ October *of* ~~during~~ the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity*, the fund's estimated claims-paying capacity,* and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity*, the fund's estimated claims-paying capacity,* and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year.

3. The board may reimburse insurers for amounts up to the published factors or multiples for determining each participating insurer's retention and projected payout derived as a result of the development of the premium formula in those situations in which the total reimbursement of losses to such insurers would not exceed the estimated claims-paying capacity of the fund. Otherwise, such factors or multiples may be reduced among all insurers to reflect the estimated claims-paying capacity.

(17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.—

(a) *Findings and intent.*—

1. The Legislature finds that:

a. Because of temporary disruptions in the market for catastrophic reinsurance, many property insurers were unable to procure sufficient amounts of reinsurance for the 2006 hurricane season or were able to procure such reinsurance only by incurring substantially higher costs than in prior years.

b. The reinsurance market problems were responsible, at least in part, for substantial premium increases to many consumers and increases in the number of policies issued by Citizens Property Insurance Corporation.

c. It is likely that the reinsurance market disruptions will not significantly abate prior to the 2007 hurricane season.

2. It is the intent of the Legislature to create options for insurers to purchase a temporary increased coverage limit above the statutorily determined limit in subparagraph (4)(c)1., applicable for the 2007, 2008, ~~and~~ 2009*, 2010, 2011, 2012, and 2013* hurricane seasons, to address market disruptions and enable insurers, at their option, to procure additional coverage from the Florida Hurricane Catastrophe Fund.

(b) *Applicability of other provisions of this section.*—All provisions of this section and the rules adopted under this section apply to the coverage created by this subsection unless specifically superseded by provisions in this subsection.

(c) *Optional coverage.*—For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, and the contract year commencing June 1, 2009, and ending May 31, 2010, *the contract year commencing June 1, 2010, and ending December 31, 2010, the contract year commencing January 1, 2011, and ending December 31, 2011, the contract year commencing January 1, 2012, and ending December 31, 2012, and the contract year commencing January 1, 2013, and ending December 31, 2013,* the board shall offer, for each of such years, the optional coverage as provided in this subsection.

(d) *Additional definitions.*—As used in this subsection, the term:

1. "FHCF" means Florida Hurricane Catastrophe Fund.

2. "FHCF reimbursement premium" means the premium paid by an insurer for its coverage as a mandatory participant in the FHCF, but does not include additional premiums for optional coverages.

3. "Payout multiple" means the number or multiple created by dividing the statutorily defined claims-paying capacity as determined in subparagraph (4)(c)1. by the aggregate reimbursement premiums paid by all insurers estimated or projected as of calendar year-end.

4. "TICL" means the temporary increase in coverage limit.

5. "TICL options" means the temporary increase in coverage options created under this subsection.

6. "TICL insurer" means an insurer that has opted to obtain coverage under the TICL options addendum in addition to the coverage provided to the insurer under its FHCF reimbursement contract.

7. "TICL reimbursement premium" means the premium charged by the fund for coverage provided under the TICL option.

8. "TICL coverage multiple" means the coverage multiple when multiplied by an insurer's reimbursement premium that defines the temporary increase in coverage limit.

9. "TICL coverage" means the coverage for an insurer's losses above the insurer's statutorily determined claims-paying capacity based on the claims-paying limit in subparagraph (4)(c)1., which an insurer selects as its temporary increase in coverage from the fund under the TICL options selected. A TICL insurer's increased coverage limit options shall be calculated as follows:

a. The board shall calculate and report to each TICL insurer the TICL coverage multiples based on 12 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6

billion, $7 billion, $8 billion, $9 billion, $10 billion, $11 billion, or $12 billion by the total estimated aggregate FHCF reimbursement premiums for the 2007-2008 contract year, *and* the 2008-2009 contract year~~, and the 2009-2010 contract year~~.

b. For the 2009-2010 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on 10 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, $8 billion, $9 billion, and $10 billion by the total estimated aggregate FHCF reimbursement premiums for the 2009-2010 contract year.

c. For the contract year beginning June 1, 2010, and ending December 31, 2010, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on eight options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, and $8 billion by the total estimated aggregate FHCF reimbursement premiums for the contract year.

d. For the 2011 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on six options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, and $6 billion by the total estimated aggregate FHCF reimbursement premiums for the 2011 contract year.

e. For the 2012 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on four options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, and $4 billion by the total estimated aggregate FHCF reimbursement premiums for the 2012 contract year.

f. For the 2013 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on two options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion and $2 billion by the total estimated aggregate FHCF reimbursement premiums for the 2013 contract year.

g. ~~b.~~ The TICL insurer's increased coverage shall be the FHCF reimbursement premium multiplied by the TICL coverage multiple. In order to determine an insurer's total limit of coverage, an insurer shall add its TICL coverage multiple to its payout multiple. The total shall represent a number that, when multiplied by an insurer's FHCF reimbursement premium for a given reimbursement contract year, defines an insurer's total limit of FHCF reimbursement coverage for that reimbursement contract year.

10. "TICL options addendum" means an addendum to the reimbursement contract reflecting the obligations of the fund and insurers selecting an option to increase an insurer's FHCF coverage limit.

(e) *TICL options addendum.*—

1. The TICL options addendum shall provide for reimbursement of TICL insurers for covered events occurring between June 1, 2007, and May 31, 2008, ~~and~~ between June 1, 2008, and May 31, 2009, ~~or~~ between June 1, 2009, and May 31, 2010, *between June 1, 2010, and December 31, 2010, between January 1, 2011, and December 31, 2011, between January 1, 2012, and December 31, 2012, or between January 1, 2013, and December 31, 2013,* in exchange for the TICL reimbursement premium paid into the fund under paragraph (f). Any insurer writing covered policies has the option of selecting an increased limit of coverage under the TICL options addendum and shall select such coverage at the time that it executes the FHCF reimbursement contract.

2. The TICL addendum shall contain a promise by the board to reimburse the TICL insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses. The percentage shall be the same as the coverage level selected by the insurer under paragraph (4)(b).

3. The TICL addendum shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. The priorities, schedule, and method of reimbursements under the TICL addendum shall be the same as provided under subsection (4).

(f) *TICL reimbursement premiums.*—Each TICL insurer shall pay to the fund, in the manner and at the time provided in the reimbursement contract for payment of reimbursement premiums, a TICL reimbursement premium determined as specified in subsection (5).

(g) *Effect on claims-paying capacity of the fund.*—For the contract terms commencing June 1, 2007, June 1, 2008, ~~and~~ June 1, 2009, *June 1, 2010, January 1, 2011, January 1, 2012, and January 1, 2013,* the program created by this subsection shall increase the claims-paying capacity of the fund as provided in subparagraph (4)(c)1. by an amount not to exceed $12 billion and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. The additional capacity shall apply only to the additional coverage provided under the TICL options and shall not otherwise affect any insurer's reimbursement from the fund if the insurer chooses not to select the temporary option to increase its limit of coverage under the FHCF.

~~(h) *Increasing the claims paying capacity of the fund.* For the contract years commencing June 1, 2007, June 1, 2008, and June 1, 2009, the board may increase the claims paying capacity of the fund as provided in paragraph (g) by an amount not to exceed $4 billion in four $1 billion options and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. Each insurer's TICL premium shall be calculated based upon the additional limit of increased coverage that the insurer selects. Such limit is determined by multiplying the TICL multiple associated with one of the four options times the insurer's FHCF reimbursement premium. The reimbursement premium associated with the additional coverage provided in this paragraph shall be determined as specified in subsection (5).~~

And the title is amended as follows:

Delete lines 22-24 and insert: Hurricane Catastrophe Fund; authorizing the State

Senators Fasano, Crist, Storms, and Lynn offered the following amendment which was moved by Senator Fasano:

Amendment 13 (878476) (with title amendment)—Delete lines 1243-1280 and insert:

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.—

(a) With respect to any *residential property* rate filing ~~made on or after July 1, 2008~~, the office shall provide the following information on a publicly accessible Internet website:

1. ~~(a)~~ The overall rate change requested by the insurer.

2. The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.

(b) For any rate filing, whether or not the filing is subject to a public hearing, the office shall provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail regarding the proposed rate change. Such e-mail must be accessible to the actuary assigned to review the rate filing.

~~(b) All assumptions made by the office's actuaries.~~

~~(c) A statement describing any assumptions or methods that deviate from the actuarial standards of practice of the Casualty Actuarial Society or the American Academy of Actuaries, including an explanation of the nature, rationale, and effect of the deviation.~~

~~(d) All recommendations made by any office actuary who reviewed the rate filing.~~

~~(e) Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.~~

~~(f) The overall rate change approved by the office.~~

~~(3) ATTORNEY-CLIENT PRIVILEGE; WORK PRODUCT. It is the intent of the Legislature that the principles of the public records and open meetings laws apply to the assertion of attorney-client privilege and work product confidentiality by the office in connection with a challenge to its actions on a rate filing. Therefore, in any administrative or judicial proceeding relating to a rate filing, attorney-client privilege and work product exemptions from disclosure do not apply to communications with office attorneys or records prepared by or at the direction of an office attorney, except when the conditions of paragraphs (a) and (b) have been met:~~

~~(a) The communication or record reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or office that was prepared exclusively for civil or criminal litigation or adversarial administrative proceedings.~~

~~(b) The communication occurred or the record was prepared after the initiation of an action in a court of competent jurisdiction, after the issuance of a notice of intent to deny a rate filing, or after the filing of a request for a proceeding under ss. 120.569 and 120.57.~~

Section 5. *Section 627.0612, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 51-54 and insert: requiring that the Office of Insurance Regulation provide certain information regarding any residential property rate filing on a publicly accessible Internet website; requiring that the office provide a means on its website for certain persons to submit e-mail regarding any rate filing; requiring that such e-mail be accessible by the actuary assigned to review the subject rate filing; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; repealing s. 627.0612, F.S., relating to administrative proceedings in rating determinations; amending s.

MOTION

On motion by Senator Richter, the rules were waived to allow the following amendment to be considered:

Senator Richter moved the following amendment to **Amendment 13** which was adopted:

Amendment 13A (766210)—Between lines 12 and 13 insert:

3. Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.

Amendment 13 as amended was adopted.

Senator Fasano moved the following amendment which failed:

Amendment 14 (917884) (with title amendment)—Delete lines 1896-1911 and insert:

4. The rate filings for the corporation which were approved by the office and which took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and shall provide refunds to policyholders who have paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, shall remain in effect *until December 31, 2012* ~~for the 2007-2008 calendar years~~ except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

5. Beginning on July 15, *2012* ~~2009~~, and each year thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, *2013* ~~2010~~.

And the title is amended as follows:

Delete line 63 and insert: staggered terms; extending the rate freeze imposed upon Citizens Property Insurance Corporation by a certain number of years; requiring Citizen's Property

Senators Fasano and Crist offered the following amendment which was moved by Senator Fasano and adopted:

Amendment 15 (888982)—Delete line 1915 and insert: *increase each year which does not exceed 5 percent for any*

Senator Baker moved the following amendment which was adopted:

Amendment 16 (451344) (with title amendment)—Delete lines 1971-2056 and insert:

(1) *The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by any residual market entity, including regular assessments levied on insurers by Citizens Property Insurance Corporation and any other assessments levied on insurers by an insurance risk apportionment plan or assigned risk plan under s. 627.311 or s. 627.351 constitute advances of funds from the insurer to the residual market entity, and that the insurer is entitled to fully recoup such advances.* An insurer or insurer group may recoup any assessments that have been paid during or after 1995 by the insurer or insurer group to defray deficits of an insurance risk apportionment plan or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer or insurer group by the association or plan for any year after 1993. A limited apportionment company as defined in s. 627.351(6)(c) may recoup any regular assessment that has been levied by, or paid to, Citizens Property Insurance Corporation.

(2) The recoupment shall be made by applying a separate *recoupment* ~~assessment~~ factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines. The separate assessment factor shall provide for full recoupment of the assessments over a period of 1 year, unless the insurer or insurer group, at its option, elects to recoup the assessments over a longer period. The assessment factor expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

(3) ~~(2)~~ The *recoupment* ~~assessment~~ factor *may* ~~must~~ not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group *does not* ~~fails to~~ collect the full amount of the deficit assessment *during one 12-month period*, the insurer or insurer group *may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12-month periods* ~~must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount~~.

(4) ~~(3)~~ The insurer or insurer group shall file with the office a statement *for informational purposes only* setting forth the amount of the *recoupment* ~~assessment~~ factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The *informational* statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the *recoupment* ~~assessment~~ factor. ~~The office shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations.~~ The insurer or insurer group may use the *recoupment* ~~assessment~~ factor at any time after the expiration of the 15-day period ~~unless the office has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect~~. *The recoupment factor shall apply to all policies described in subsection (3) that are issued or renewed by the insurer or insurer group during a 12-month period. If full recoupment requires the insurer or insurer group to apply a recoupment factor over a subsequent 12-month period, the insurer or insurer group must file a supplemental informational statement pursuant to this subsection.*

(5) No later than 90 days after the insurer or insurer group has completed the recoupment process, it shall file with the office a final ac-

counting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year.

(6) ~~(4)~~ The commission may adopt rules to implement this section.

And the title is amended as follows:

Delete lines 72-80 and insert: 627.3512, F.S.; providing legislative findings; providing for the recoupment of residual market assessments paid by insurers or insurer groups; limiting the amount of a recoupment factor; authorizing an insurer to apply recalculated recoupment factors to policies issued or renewed during specified periods under certain circumstances; requiring that insurers or insurer groups file a statement setting forth certain information; providing for the application of recoupment factors to certain policies upon issuance or renewal; requiring that insurers or insurer groups file a supplemental statement under certain circumstances; requiring that such entities file a final accounting report documenting certain information within a specified period after the completion of the recoupment process; requiring that such report provide certain information; amending s.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment which was adopted:

Amendment 17 (627632) (with title amendment)—Between lines 966 and 967 insert:

Section 3. Subsection (13) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(13) A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

The provisions of *subsections (5)-(13)* ~~subsections (5)-(12)~~ apply only to residential property insurance policies and condominium association policies as defined in s. 718.111(11).

Section 4. Subsection (7) is added to section 627.7011, Florida Statutes, to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(7) This section does not prohibit an insurer from exercising its right to repair damaged property in compliance with its policy and s. 627.702(7).

Section 5. Subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster's qualifications, bond.—

(1) The department shall issue a license to an applicant for a public adjuster's license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

(a) Is a natural person at least 18 years of age.

(b) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and a bona fide resident of this state.

(c) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.

(d) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and effects of the provisions of those types of insurance contracts, and possesses adequate knowledge of the laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom the applicant may have business as a public adjuster.

~~(e) Has passed the required written examination.~~

Section 6. Section 626.8651, Florida Statutes, is amended to read:

626.8651 Public adjuster apprentice license; qualifications.—

(1) The department shall issue a license as a public adjuster apprentice to an applicant who is:

(a) A natural person at least 18 years of age.

(b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state.

(c) Trustworthy and has such business reputation as would reasonably ensure that the applicant will conduct business as a public adjuster apprentice fairly and in good faith and without detriment to the public.

(2) All applicable license fees, as prescribed in s. 624.501, must be paid in full before issuance of the license.

(3) *An applicant must pass the required written examination before a license may be issued.*

(4) An applicant must have received designation as an Accredited Claims Adjuster (ACA) after completion of training that qualifies the applicant to engage in the business of a public adjuster apprentice fairly and without injury to the public. Such training and instruction must address adjusting damages and losses under insurance contracts, the terms and effects of insurance contracts, and knowledge of the laws of this state relating to insurance contracts.

(5) At the time of application for license as a public adjuster apprentice, the applicant shall file with the department a bond executed and issued by a surety insurer authorized to transact such business in this state in the amount of $50,000, conditioned upon the faithful performance of his or her duties as a public adjuster apprentice under the license for which the applicant has applied, and thereafter maintain the bond unimpaired throughout the existence of the license and for at least 1 year after termination of the license. The bond shall be in favor of the department and shall specifically authorize recovery by the department of the damages sustained in case the licensee commits fraud or unfair practices in connection with his or her business as a public adjuster apprentice. The aggregate liability of the surety for all such damages may not exceed the amount of the bond, and the bond may not be terminated by the issuing insurer unless written notice of at least 30 days is given to the licensee and filed with the department.

(6) ~~(4)~~ A public adjuster apprentice shall complete at a minimum 100 hours of employment per month for 12 months of employment under the supervision of a licensed and appointed all-lines public adjuster in order to qualify for licensure as a public adjuster. The department may adopt rules that establish standards for such employment requirements.

(7) ~~(5)~~ *An appointing public adjusting firm may not maintain more than 12 public adjuster apprentices simultaneously. However,* a supervising public adjuster *may not* ~~shall~~ be responsible *for more than 3 public adjuster apprentices simultaneously* and *shall be* accountable for the acts of *all* ~~a~~ public adjuster *apprentices* ~~apprentice~~ which are related to transacting business as a public adjuster apprentice.

(8) ~~(6)~~ An apprentice license is effective for 18 months unless the license expires due to lack of maintaining an appointment; is surrendered by the licensee; is terminated, suspended, or revoked by the de-

partment; or is canceled by the department upon issuance of a public adjuster license. The department may not issue a public adjuster apprentice license to any individual who has held such a license in this state within 2 years after expiration, surrender, termination, revocation, or cancellation of the license.

(9) ~~(7)~~ After completing the requirements for employment as a public adjuster apprentice, the licensee may file an application for a public adjuster license. The applicant and supervising public adjuster or public adjusting firm must each file a sworn affidavit, on a form prescribed by the department, verifying that the employment of the public adjuster apprentice meets the requirements of this section.

(10) ~~(8)~~ In no event shall a public adjuster apprentice licensed under this section perform any of the functions for which a public adjuster's license is required after expiration of the public adjuster apprentice license without having obtained a public adjuster license.

(11) ~~(9)~~ A public adjuster apprentice has the same authority as the licensed public adjuster or public adjusting firm that employs the apprentice except that an apprentice may not execute contracts for the services of a public adjuster or public adjusting firm and may not solicit contracts for the services except under the direct supervision and guidance of the supervisory public adjuster. An individual may not be, act as, or hold himself or herself out to be a public adjuster apprentice unless the individual is licensed and holds a current appointment by a licensed public all-lines adjuster or a public adjusting firm that employs a licensed all-lines public adjuster.

And the title is amended as follows:

Delete line 44 and insert: the Legislative Budget Commission; amending s. 626.854, F.S.; prohibiting a public adjuster from accepting referrals for compensation from a person with whom the public adjuster conducts business; prohibiting a public adjuster from compensating a person other than a public adjuster for referrals; amending s. 627.7011, F.S.; providing that an insurer may repair damaged property in compliance with its policy; amending s. 626.865, F.S.; deleting a requirement that an applicant for a license as a public adjuster pass a written examination as a prerequisite to licensure; amending s. 626.8651, F.S.; requiring an applicant for a public adjuster apprentice license to pass a written exam and receive an Accredited Claims Adjuster designation and related training before licensure; limiting the number of public adjuster apprentices that may be maintained by a single public adjusting firm or supervised by a public adjuster; amending s.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 7:00 p.m.

Pursuant to Rule 4.19, **CS for CS for SB 1950** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gardiner, by two-thirds vote **CS for CS for HB 453** was withdrawn from the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gardiner—

CS for CS for HB 453—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.186, F.S.; providing that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax; amending s. 220.187, F.S.; defining the term "direct certification list"; expanding the Corporate Income Tax Credit Scholarship Program to include insurance premium tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; providing that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax; imposing an additional requirement on the Department of Education; specifying school district tax credit scholarship notification requirements and limitations; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; providing conforming revisions; authorizing certain insurers that made past contributions to the Florida Tax Credit Scholarship Program to claim the credits against future corporate income tax liability; requiring the insurer to apply to the Department of Revenue for the tax credits; requiring such insurers to file amended corporate income tax and insurance premium tax returns; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1310** and read the second time by title.

Senators Deutch, Wilson, and Rich offered the following amendments which were moved by Senator Deutch and failed:

Amendment 1 (433976) (with title amendment)—Delete line 65 and insert: funding organization *or to a public school, earmarked to provide special assistance, tutoring, mentoring, and remediation services to eligible students meeting the criteria in subsection (3) until such students achieve grade-level performance at the public school at which they are enrolled*. The taxpayer making the contribution may

And the title is amended as follows:

Delete line 8 and insert: certification list"; redefining the term "eligible contribution"; expanding the Corporate Income Tax

Amendment 2 (759342) (with title amendment)—Delete lines 230-234 and insert: *Notwithstanding the provisions of s. 213.053, each eligible nonprofit scholarship-funding organization shall make available to the public a list of taxpayers making an eligible contribution to the eligible nonprofit scholarship-funding organization and the amount of each eligible contribution.* ~~Any and all information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.~~

And the title is amended as follows:

Delete line 14 and insert: against the corporate income tax; requiring that each eligible nonprofit scholarship-funding organization make available to the public a list of taxpayers who make an eligible contribution to the eligible nonprofit scholarship-funding organization and the amount of each eligible contribution; imposing an additional

Amendment 3 (308022) (with directory and title amendments)—Between lines 234 and 235 insert:

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(e) The parent shall ensure that the student participating in the scholarship program takes the *assessment as required in this paragraph.*

1. A student who is participating in the program must take the Florida Comprehensive Assessment Test (FCAT) in reading, writing, science, mathematics, and other content areas, as directed by the Commissioner of Education pursuant to s. 1008.22, if 33 percent or more of the students enrolled in the private school are receiving a scholarship under this section during the school year or the total scholarship funds received by the private school during the school year exceeds $125,000, whichever is less. The parent is responsible for transporting the student to the assessment site designated by the school district.

2. A student who does not take the FCAT as required in subparagraph 1. must take the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the scholarship program take statewide assessments pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program to take *the FCAT or* one of the nationally norm-referenced tests identified by the Department of Education. Students *having* ~~with~~ disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent and to the independent research organization selected by the Department of Education as described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Receive a school grade pursuant to s. 1008.34 if the school has students who are required to take the FCAT under subparagraph (7)(e)1.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

And the directory clause is amended as follows:

Delete lines 44-45 and insert: subsection (5), paragraphs (b) and (i) of subsection (6), paragraph (e) of subsection (7), subsection (8), and paragraphs (a), (b), (l), and (n) of subsection (9) of section

And the title is amended as follows:

Delete line 14 and insert: against the corporate income tax; revising provisions relating to the parents' and students' responsibilities for participating in the program; requiring that a participating student who is enrolled in a private school take the Florida Comprehensive Assessment Test under certain circumstances; requiring that a student take the norm-referenced assessment offered by the private school if the student does not take the FCAT; requiring that an eligible private school receive a school grade if the school has students who are required to take the FCAT; imposing an additional

Amendment 4 (136914) (with directory and title amendments)—Between lines 369 and 370 insert:

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught. *However, a private school participating in the Corporate Income Tax Credit Scholarship Program pursuant to s. 220.187 must employ or contract with a teacher who holds a baccalaureate or higher degree and has 3 years of teaching experience or a teacher who is certified under s. 1012.56.*

And the directory clause is amended as follows:

Delete lines 358-359 and insert:

Section 7. Subsection (1) and paragraph (h) of subsection (2) of section 1002.421, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 23 and insert: revisions; requiring that a private school participating in the Corporate Income Tax Credit Scholarship Program employ or contract with teachers having certain credentials; authorizing certain insurers that made past

Pursuant to Rule 4.19, **CS for CS for HB 453** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 234** was deferred.

On motion by Senator Dean, by two-thirds vote **CS for CS for CS for HB 29** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Dean, by two-thirds vote—

CS for CS for CS for HB 29—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services; providing that such violation is a first-degree misdemeanor; providing for prima facie evidence of intent to violate such prohibition; providing that theft of utility services for the purpose of manufacturing a controlled substance is a first-degree misdemeanor; providing penalties; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 236** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 29** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for CS for CS for SB 448—A bill to be entitled An act relating to sexual activities involving animals; creating s. 828.126, F.S.; providing definitions; prohibiting knowing sexual conduct or sexual contact with an animal; prohibiting specified related activities; providing penalties; providing that the act does not apply to certain husbandry, conformation judging, and veterinary practices; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 448** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2482** was deferred.

On motion by Senator Dockery, by two-thirds vote **CS for HB 123** was withdrawn from the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

On motion by Senator Dockery—

CS for HB 123—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; providing that a person commits a misdemeanor if he or she transports an individual into this state from another country and knows, or should know, that the individual is illegally entering the United States; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 502** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 123** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 526—A bill to be entitled An act relating to court costs; amending s. 938.10, F.S.; expanding the list of provisions of law for which a court is required to impose an additional court cost for certain pleadings or findings relating to offenses against a minor and certain other offenses; increasing the amount of the court cost; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (118632) (with directory and title amendments)—Between lines 25 and 26 insert:

(2) Each month the clerk of the court shall transfer *$50 from* the proceeds of the court cost~~, less $1 from each sum collected which the clerk shall retain as a service charge,~~ to the Department of Revenue for deposit into the Department of Children and Family Services' Grants and Donations Trust Fund *for disbursement to the Office of the Statewide Guardian Ad Litem and $100 to the Department of Revenue for deposit into the Department of Children and Family Services Grants and Donations Trust Fund* for disbursement to the Florida Network of Children's Advocacy Centers, Inc., for the purpose of funding children's advocacy centers that are members of the network. *The clerk shall retain $1 from each sum collected as a service charge.*

And the directory clause is amended as follows:

Delete line 12 and insert:

Section 1. Section 938.10, Florida

And the title is amended as follows:

Delete line 8 and insert: providing for distribution of a portion of the court costs to the Office of the Statewide Guardian Ad Litem and the Florida Network of Children's Advocacy Centers, Inc.; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 526** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 622—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 622** to **CS for HB 739**.

Pending further consideration of **CS for CS for SB 622** as amended, on motion by Senator Oelrich, by two-thirds vote **CS for HB 739** was withdrawn from the Committees on Higher Education; and Higher Education Appropriations.

On motion by Senator Oelrich—

CS for HB 739—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 622** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 739** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2058** was deferred.

On motion by Senator Rich—

CS for CS for CS for SB 1128—A bill to be entitled An act relating to the education for children in shelter care or foster care and exceptional students; amending s. 39.0016, F.S.; defining the term "surrogate parent"; providing legislative intent; providing conditions for the district superintendent or court to appoint a surrogate parent for purposes of educational decisionmaking for a child who has or is suspected of having a disability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child's medical records and educational records if a child is placed in a shelter; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring review of the student's individual educational plan; providing for determining responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education to adopt rules; requiring a cooperative agreement between the Department of Education and agencies, to be executed on or before January 1, 2010; prescribing conditions and requirements for the agreement; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 1 (508980) (with title amendment)—Delete lines 218-529 and insert:

(b)1. Each district school superintendent or dependency court must appoint a surrogate parent for a child known to the department who has or is suspected of having a disability, as defined in s. 1003.01(3), when:

a. After reasonable efforts, no parent can be located; or

b. A court of competent jurisdiction over a child under this chapter has determined that no person has the authority under the Individuals with Disabilities Education Act, including the parent or parents subject to the dependency action, or that no person has the authority, willingness, or ability to serve as the educational decisionmaker for the child without judicial action.

2. A surrogate parent appointed by the district school superintendent or the court must be at least 18 years old and have no personal or professional interest that conflicts with the interests of the student to be represented. Neither the district school superintendent nor the court may appoint an employee of the Department of Education, the local school district, a community-based care provider, the Department of Children

and Family Services, or any other public or private agency involved in the education or care of the child as appointment of those persons is prohibited by federal law. This prohibition includes group home staff and therapeutic foster parents. However, a person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process. The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child. Each person appointed as a surrogate parent must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the Department of Education to ensure adequate representation of the child.

3. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent. The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent. Similarly, the court must accept a surrogate parent duly appointed by a district school superintendent.

4. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody. Nothing in this paragraph or in rule shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

5. For a child known to the department, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child. If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school. At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decisionmaking purposes for that child.

6. The surrogate parent shall continue in the appointed role until one of the following occurs:

a. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.

b. The child achieves permanency through adoption or legal guardianship and is no longer in the custody of the department.

c. The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available.

d. The appointed surrogate no longer wishes to represent the child or is unable to represent the child.

e. The superintendent of the school district in which the child is attending school, the Department of Education contract designee, or the court that appointed the surrogate determines that the appointed surrogate parent no longer adequately represents the child.

f. The child moves to a geographic location that is not reasonably accessible to the appointed surrogate.

7. The appointment and termination of appointment of a surrogate under this paragraph shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

8. The person appointed as a surrogate parent under this paragraph must:

a. Be acquainted with the child and become knowledgeable about his or her disability and educational needs.

b. Represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child.

c. Represent the interests and safeguard the rights of the child in educational decisions that affect the child.

9. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

10. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.

11. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.

(4) ~~(5)~~ *TRAINING.*—The department shall incorporate an education component into all training programs of the department regarding children known to the department. Such training shall be coordinated with the Department of Education and the local school districts. The department shall offer opportunities for education personnel to participate in such training. Such coordination shall include, but not be limited to, notice of training sessions, opportunities to purchase training materials, proposals to avoid duplication of services by offering joint training, and incorporation of materials available from the Department of Education and local school districts into the department training when appropriate. The department training components shall include:

(a) Training for surrogate parents to include how an ability to learn of a child known to the department is affected by abuse, abandonment, neglect, and removal from the home.

(b) Training for parents in cases in which reunification is the goal, or for preadoptive parents when adoption is the goal, so that such parents learn how to access the services the child known to the department needs and the importance of their involvement in the education of the child known to the department.

(c) Training for caseworkers and foster parents to include information on the right of the child known to the department to an education, the role of an education in the development and adjustment of a child known to the department, the proper ways to access education and related services for the child known to the department, and the importance and strategies for parental involvement in education for the success of the child known to the department.

(d) Training of caseworkers regarding the services and information available through the Department of Education and local school districts, including, but not limited to, the current Sunshine State Standards, the Surrogate Parent Training Manual, and other resources accessible through the Department of Education or local school districts to facilitate educational access for a child known to the department.

Section 2. Paragraph (p) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(p) *An employee of the local school district who is designated as a liaison between the school district and the department pursuant to an interagency agreement required under s. 39.0016 and* the principal of a public school, private school, or charter school where the child is a student. Information contained in the records which the *liaison or the* principal determines are necessary for a school employee to effectively provide a student with educational services may be released to that employee.

Section 3. Subsection (11) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(11)(a) If a child is placed in a shelter pursuant to a court order following a shelter hearing, the court shall require in the shelter hearing order that the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The shelter order shall also require the parents to provide to the department and any other state agency or party designated by the court, within 28 days after entry of the shelter order, the financial information necessary to accurately calculate child support pursuant to s. 61.30.

(b) *The court shall request that the parents consent to provide access to the child's medical records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access. The court may also order the parents to* ~~The parent or legal guardian shall~~ provide all known medical information to the department *and to any others granted access under this subsection*.

(c) The court shall request that the parents consent to provide access to the child's educational records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access.

(d) The court may appoint a surrogate parent or may refer the child to the district school superintendent for appointment of a surrogate parent if the child has or is suspected of having a disability and the parent is unavailable pursuant to s. 39.0016(3)(b).

Section 4. Subsection (8) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(8) The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem *or surrogate parent for educational decisionmaking* if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

(a) If the parent was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

(b) If the parent has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent of such right.

(c) If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

(d) Who holds the rights to make educational decisions for the child. If appropriate, the court may refer the child to the district school superintendent for appointment of a surrogate parent or may itself appoint a surrogate parent under the Individuals with Disabilities Education Act and s. 39.0016.

(e) ~~(d)~~ The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

(f) ~~(e)~~ The compliance or lack of compliance with a visitation contract between the parent and the social service agency for contact with the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance.

(g) ~~(f)~~ The compliance or lack of compliance of the parent in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply if such is the case.

(h) ~~(g)~~ Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child's current placement, including whether the child is in a setting that is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement*, as documented by assurances from the community-based care provider that:*

1. The placement of the child takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

2. The community-based care agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

(i) ~~(h)~~ A projected date likely for the child's return home or other permanent placement.

(j) ~~(i)~~ When appropriate, the basis for the unwillingness or inability of the parent to become a party to a case plan. The court and the citizen review panel shall determine if the efforts of the social service agency to secure party participation in a case plan were sufficient.

(k) ~~(j)~~ For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living.

(l) ~~(k)~~ If amendments to the case plan are required. Amendments to the case plan must be made under s. 39.6013.

Section 5. Paragraph (f) of subsection (1) and paragraph (g) of subsection (4) of section 1003.21, Florida Statutes, are amended to read:

1003.21 School attendance.—

(1)

(f) Homeless children, as defined in s. 1003.01, *and children who are known to the department, as defined in s. 39.0016,* must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist homeless children *and children who are known to the department* to meet the requirements of subsection (4) and s. 1003.22, as well as local requirements for documentation.

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these is available in the county, by a licensed practicing physician designated by the district school board, which certificate states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. A homeless child, as defined in s. 1003.01, *and a child who is known to the department, as defined in s. 39.0016,* shall be given temporary exemption from this section for 30 school days.

Section 6. Subsection (1) and paragraph (e) of subsection (5) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination performed within 1 year prior to enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination. A homeless child, as defined in s. 1003.01, *and a child who is known to the department, as defined in s. 39.0016,* shall be given a temporary exemption for 30 school days. Any district school board that establishes such a policy shall include provisions in its local school health services plan to assist students in obtaining the health examinations. However, any child shall be exempt from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

(5) The provisions of this section shall not apply if:

(e) An authorized school official issues a temporary exemption, for a period not to exceed 30 school days, to permit a student who transfers into a new county to attend class until his or her records can be obtained. A homeless child, as defined in s. 1003.01, *and a child who is known to the department, as defined in s. 39.0016,* shall be given a temporary exemption for 30 school days. The public school health nurse or authorized private school official is responsible for followup of each such student until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his or her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for followup of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

Section 7. Subsections (3) and (4) are added to section 1003.57, Florida Statutes, to read:

1003.57 Exceptional students instruction.—

(3)(a) For purposes of this subsection and subsection (4), the term:

1. "Agency" means the Department of Children and Family Services or its contracted lead agency, the Agency for Persons with Disabilities, and the Agency for Health Care Administration.

2. "Exceptional student" means an exceptional student, as defined in s. 1003.01, who has a disability.

3. "Receiving school district" means the district in which a private residential care facility is located.

4. "Placement" means the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student to reside in a private residential care facility and the placement crosses school district lines.

(b) Within 10 business days after an exceptional student is placed in a private residential care facility by an agency, the agency or private residential care facility licensed by the agency, as appropriate, shall provide written notification of the placement to the school district where the student is currently counted for funding purposes under s. 1011.62 and the receiving school district. The exceptional student shall be enrolled in school and receive a free and appropriate public education, special education, and related services while the notice and procedures regarding payment are pending. This paragraph applies when the placement is for the primary purpose of addressing residential or other noneducational needs and the placement crosses school district lines.

And the title is amended as follows:

Delete lines 6-34 and insert: providing conditions and requirements for district school superintendent or court appointment of a surrogate parent for educational decisionmaking for a child who has or is suspected of having a disability; providing requirements for educational placement; providing requirements relating to qualifications and responsibilities of surrogate parents; limiting liability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child's medical records and educational records if a child is placed in a shelter; authorizing appointment of a surrogate parent; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring that an exceptional student be enrolled in school;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1128** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **CS for HB 177** was withdrawn from the Committees on Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Crist—

CS for HB 177—A bill to be entitled An act relating to firearms transactions; amending s. 790.335, F.S.; clarifying that violations of provisions prohibiting keeping any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms may be committed by entities as well as individuals; requiring that secondhand dealers and pawnbrokers who electronically submit certain firearm transaction records to law enforcement agencies submit certain specified information in Florida Crime Information Center coding; providing an effective date.

—a companion measure, was substituted for **CS for SB 1340** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 177** was placed on the calendar of Bills on Third Reading.

CS for SB 1880—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1880** to **CS for HB 1269**.

Pending further consideration of **CS for SB 1880** as amended, on motion by Senator Peaden, by two-thirds vote **CS for HB 1269** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Peaden—

CS for HB 1269—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the

State Surgeon General to submit a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1880** as amended and read the second time by title.

MOTION

On motion by Senator Joyner, the rules were waived to allow the following amendment to be considered:

Senator Joyner moved the following amendment which was adopted:

Amendment 1 (407392) (with title amendment)—Delete line 70 and insert:

Section 2. Effective January 1, 2010, subsections (1) and (2) and paragraph (a) of subsection (4) of section 627.64171, Florida Statutes, are amended to read:

627.64171 Coverage for length of stay and outpatient postsurgical care.—

(1) Any health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital coverage for *lymph node dissections or* mastectomies to any period that is less than that determined by the treating physician to be medically necessary in accordance with prevailing medical standards and after consultation with the insured patient.

(2) Any health insurance policy that provides coverage for *lymph node dissections or* mastectomies under subsection (1) must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional qualified to provide postsurgical *lymph node dissection or* mastectomy care. The treating physician, after consultation with the insured patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the insured patient.

(4)(a) This section does not require an insured patient to have *a lymph node dissection or* ~~the~~ mastectomy in the hospital or stay in the hospital for a fixed period of time following the *lymph node dissection or* mastectomy.

Section 3. Effective January 1, 2010, subsections (1) and (2) and paragraph (a) of subsection (4) of section 627.66121, Florida Statutes, are amended to read:

627.66121 Coverage for length of stay and outpatient postsurgical care.—

(1) Any group, blanket, or franchise accident or health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital coverage for *lymph node dissections or* mastectomies to any period that is less than that determined by the treating physician to be medically necessary in accordance with prevailing medical standards and after consultation with the insured patient.

(2) Any group, blanket, or franchise accident or health insurance policy that provides coverage for *lymph node dissections or* mastectomies under subsection (1) must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional qualified to provide postsurgical *lymph node dissection or* mastectomy care. The treating physician, after consultation with the insured patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the insured patient.

(4)(a) This section does not require an insured patient to have *a lymph node dissection or* ~~the~~ mastectomy in the hospital or stay in the hospital for a fixed period of time following the *lymph node dissection or* mastectomy.

Section 4. Effective January 1, 2010, paragraphs (a) and (c) of subsection (31) of section 641.31, Florida Statutes, are amended to read:

641.31 Health maintenance contracts.—

(31)(a) Health maintenance contracts that provide coverage, benefits, or services for breast cancer treatment may not limit inpatient hospital coverage for *lymph node dissections or* mastectomies to any period that is less than that determined by the treating physician under contract with the health maintenance organization to be medically necessary in accordance with prevailing medical standards and after consultation with the covered patient. Such contract must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional under contract with the health maintenance organization qualified to provide postsurgical *lymph node dissection or* mastectomy care. The treating physician under contract with the health maintenance organization, after consultation with the covered patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the covered patient.

(c)1. This subsection does not require a covered patient to have *a lymph node dissection or* ~~the~~ mastectomy in the hospital or stay in the hospital for a fixed period of time following the *lymph node dissection or* mastectomy.

2. This subsection does not prevent a contract from imposing deductibles, coinsurance, or other cost sharing in relation to benefits pursuant to this subsection, except that such cost sharing shall not exceed cost sharing with other benefits.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete lines 2-10 and insert: An act relating to breast cancer treatment; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; amending ss. 627.64171, 627.66121, and 641.31, F.S.; including lymph node dissections under provisions prescribing the length of hospital stay relating to a mastectomy and the outpatient postsurgical followup care that specified health insurers and health maintenance organizations must cover; limiting application; providing effective dates.

Pursuant to Rule 4.19, **CS for HB 1269** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1209** was withdrawn from the Committees on Health Regulation; Higher Education Appropriations; and Health and Human Services Appropriations.

On motion by Senator Haridopolos—

CS for CS for HB 1209—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; revising the definition of the term "approved program" and defining terms for purposes of the Nurse Practice Act; amending s. 464.019, F.S.; revising provisions for the approval of nursing programs by the Board of Nursing; requiring institutions wishing to conduct certain nursing programs to submit a program application and pay a program review fee to the Department of Health; specifying that a program application is deemed approved if the board does not act within specified timeframes; providing application requirements and procedures; providing standards for the approval of nursing programs; specifying that, upon the board's approval of a program application, the program becomes an approved program; providing that programs provisionally approved by the board, and certain programs on probationary status, as of a specified date are approved programs under the act; providing that certain programs on probationary status as of a specified date remain on probationary status; requiring such programs on probationary status to comply within a specified period with a requirement related to program graduate passage rates; requiring the board to terminate programs that do not comply; requiring approved programs to annually submit a report; specifying contents of

annual reports; providing for denial of program applications; providing procedures for processing incomplete program applications; requiring the board to provide a notice of intent to deny a program application that does not document compliance with certain standards; authorizing an administrative hearing for review of a notice of intent to deny an application; requiring the board to publish on its Internet website certain data about nursing programs; requiring that a nursing program be placed on probation under certain circumstances; requiring programs placed on probation to disclose certain information to students and applicants; requiring the board to terminate a nursing program under certain circumstances; requiring a nursing program that closes to notify the board of certain information; specifying that the board, with certain exceptions, does not have rulemaking authority to administer the act; specifying that the board may not impose any condition or requirement on program approval or retention except as expressly provided in the act; requiring the board to repeal certain rules in existence as of a specified date; requiring the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2284** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1209** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

CS for CS for CS for SB 2404—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising terminology; amending s. 415.102, F.S.; defining the term "activities of daily living" and revising the term "vulnerable adult"; conforming a cross-reference; amending s. 415.103, F.S.; requiring that the central abuse hotline, which is maintained by the Department of Children and Family Services, immediately transfer reports relating to vulnerable adults to the appropriate county sheriff's office; amending s. 415.1051, F.S.; authorizing the department to file a petition to determine incapacity; prohibiting the department from acting as guardian or providing legal counsel to the guardian; amending s. 322.142, F.S.; providing a cross-reference to authorize the release of certain records for purposes of protective investigations; amending ss. 943.0585 and 943.059, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2404** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by two-thirds vote **HB 7117** was withdrawn from the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations.

On motion by Senator Detert—

HB 7117—A bill to be entitled An act relating to student records; amending s. 1002.21, F.S.; deleting provisions relating to the rights parents have regarding their children's postsecondary student records to conform to changes made by the act; amending s. 1002.22, F.S.; deleting certain provisions governing the release of K-12 student records and reports to specified parties; deleting definitions; defining the terms "agency" and "institution"; requiring that the State Board of Education comply with federal law with respect to the release of education records; requiring that the State Board of Education adopt rules; creating s. 1002.225, F.S.; defining the term "education records" for purposes of records of students in public postsecondary educational institutions; requiring that a public postsecondary educational institution comply with federal law; authorizing such institution to charge a fee for furnishing copies of education records; prohibiting an institution from charging a fee that exceeds the actual cost incurred by the institution for producing such copies; prohibiting the institution from including the costs of searching for or retrieving the records in the fee; providing an aggrieved student with the right to bring an action in court; providing for the award of attorney's fees and court costs; amending ss. 220.187, 1002.39, 1003.451, and 1009.94, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2426** and read the second time by title.

Pursuant to Rule 4.19, **HB 7117** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2614** was deferred.

CS for CS for CS for CS for SB 1276—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child's best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming "children's zones" as "children's cooperatives"; revising legislative findings and intent; requiring the governing body to establish a children's cooperative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the cooperative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children's cooperative corporation; changing the name of the Magic City Children's Zone, Inc., to the Miami Children's Cooperative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children's cooperative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for CS for SB 1276** to **HB 381**.

SENATOR VILLALOBOS PRESIDING

Pending further consideration of **CS for CS for CS for CS for SB 1276** as amended, on motion by Senator Storms, by two-thirds vote **HB 381** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

On motion by Senator Storms, by two-thirds vote—

HB 381—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child's records may be obtained after the child leaves the department's custody; authorizing the department to adopt rules; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child's best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming "children's zones" as "children's initiatives"; revising legislative findings and intent; requiring the governing body to establish a children's initiative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the initiative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children's initiative corporation; changing the name of the Magic City Children's Zone, Inc., to the Miami Children's Initiative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children's initiative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 1276** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 381** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

SB 234—A bill to be entitled An act relating to state university presidents; amending ss. 1001.706 and 1001.74, F.S.; revising powers and duties of the Board of Governors and university boards of trustees relating to personnel; providing that a state university president is not subject to the personnel program established by the Board of Governors; requiring that a board of trustees appoint the university president and administer a personnel program for the president; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 234** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2614—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work

with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; creating s. 385.401, F.S.; authorizing the department to establish a direct-support organization; providing definitions; providing for a board of directors; providing terms; providing for membership; authorizing the department to allow the direct-support organization to use the department's fixed property and facilities within the state public health system; providing an exception; requiring that the direct-support organization submit certain federal forms to the department; requiring that the direct-support organization provide an annual financial audit; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendments to be considered:

Senator Gaetz moved the following amendments which were adopted:

Amendment 1 (279106) (with title amendment)—Delete lines 1659-1739.

And the title is amended as follows:

Delete lines 168-179 and insert: administer the act; amending s. 409.904, F.S.; conforming

Amendment 2 (646960) (with title amendment)—Delete lines 245-249 and insert: applicable statutes or rules. *An environmental health program inspection of a certified domestic violence center or residential child-caring agency licensed by the Department of Children and Family Services pursuant to chapter 409 shall be limited to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents.* In addition to any sanctions that the

And the title is amended as follows:

Delete lines 11-13 and insert: of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted:

Amendment 3 (194686) (with title amendment)—Between lines 1866 and 1867 insert:

Section 32. Subsections (1) and (3) of section 430.80, Florida Statutes, are amended to read:

430.80 Implementation of a teaching nursing home pilot project.—

(1) As used in this section, the term "teaching nursing home" means a nursing home facility licensed under chapter 400 which contains a minimum of *275* ~~400~~ licensed nursing home beds; has access to a resident senior population of sufficient size to support education, training, and research relating to geriatric care; and has a contractual relationship with a federally funded accredited geriatric research center in this state *or operates in its own right a geriatric research center*.

(3) To be designated as a teaching nursing home, a nursing home licensee must, at a minimum:

(a) Provide a comprehensive program of integrated senior services that include institutional services and community-based services;

(b) Participate in a nationally recognized accreditation program and hold a valid accreditation, such as the accreditation awarded by the Joint Commission on Accreditation of Healthcare Organizations*, or possess a Gold Seal Award as conferred by the Agency for Health Care Administration on its licensed nursing home*;

(c) Have been in business in this state for a minimum of 10 consecutive years;

(d) Demonstrate an active program in multidisciplinary education and research that relates to gerontology;

(e) Have a formalized contractual relationship with at least one accredited health profession education program located in this state;

~~(f) Have a formalized contractual relationship with an accredited hospital that is designated by law as a teaching hospital; and~~

(f) ~~(g)~~ Have senior staff members who hold formal faculty appointments at universities, which must include at least one accredited health profession education program*; and* ~~.~~

(g) ~~(h)~~ Maintain insurance coverage pursuant to s. 400.141(20) or proof of financial responsibility in a minimum amount of $750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining pursuant to chapter 675 an unexpired, irrevocable, nontransferable and nonassignable letter of credit issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized to receive deposits in this state. The letter of credit shall be used to satisfy the obligation of the facility to the claimant upon presentment of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the facility.

And the title is amended as follows:

Delete line 189 and insert: travel expenses for members of the council; amending s. 430.80, F.S.; redefining the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment:

Amendment 4 (402490)—Delete lines 1804-1837 and insert:

(5) The council shall include voting and nonvoting members.

(a) The voting members shall represent:

1. The Agency for Health Care Administration.

2. The Agency for Persons with Disabilities.

3. The Department of Children and Family Services.

4. The Department of Corrections.

5. The Department of Elderly Affairs.

6. The Department of Health.

7. The Department of Juvenile Justice.

8. The Bureau of Pharmacy Services within the Agency for Health Care Administration, which shall be represented by the bureau chief.

9. The Bureau of Statewide Pharmaceutical Services within the Department of Health, which shall be represented by the bureau chief.

(b) The nonvoting members shall be:

1. A representative from the Agency for Health Care Administration's drug contracting program.

2. The contracting officer for the Department of Health's drug procurement program.

3. A clinical pharmacy program manager from the Agency for Health Care Administration.

4. The chair of the Department of Health's Pharmacy and Therapeutics Committee.

5. The general counsel for the Agency for Health Care Administration or his or her designee.

6. The general counsel for a state agency in the executive branch of state government, or his or her designee.

7. A representative from the Executive Office of the Governor.

8. The statewide pharmacy director of the Department of Corrections' Office of Health Services.

9. Three members appointed by the Speaker of the House of Representatives, one of whom must be an active licensed Florida pharmacist who has been employed as a pharmacist for at least the past 5 years, and one of whom must have experience as a Florida pharmaceutical repackager, licensed by the United States Food and Drug Administration, for at least the past 5 years.

10. Three members appointed by the President of the Senate, one whom must be an active licensed Florida pharmacist who has been employed as a pharmacist for at least the past 5 years, and one of whom must have experience as a Florida pharmaceutical repackager, licensed by the United States Food and Drug Administration, for at least the past 5 years.

On motion by Senator Gaetz, further consideration of **CS for CS for SB 2614** with pending **Amendment 4 (402490)** by Senator Lawson was deferred.

MOTION

On motion by Senator Aronberg, the rules were waived and time of recess was extended until 7:15 p.m.

RECONSIDERATION OF BILL

On motion by Senator Peaden, the Senate recalled—

CS for HB 1269—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

—as amended for further consideration.

On motion by Senator Peaden, the Senate reconsidered the vote by which **Amendment 1 (407392)** was adopted.

Amendment 1 (407392) was withdrawn.

Pursuant to Rule 4.19, **CS for HB 1269** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Aronberg, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Aronberg, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading, except for **CS for CS for SB 1950**, to be considered Tuesday, April 28.

On motion by Senator Aronberg, a deadline of 8:00 a.m. Tuesday,

April 28, was set for filing amendments to **CS for CS for SB 1950** to be considered on Bills on Third Reading that day.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Special Order Calendar for Monday, April 27, 2009: CS for SB 718, CS for CS for SB 728, CS for SB 800, CS for CS for SB 1310, SB 234, CS for CS for CS for SB 236, CS for CS for CS for SB 448, CS for SB 502, CS for CS for SB 526, CS for CS for SB 622, CS for CS for CS for SB 1128, CS for SB 1340, CS for SB 1880, CS for CS for SB 2284, CS for CS for CS for SB 2404, CS for SB 2426, CS for CS for SB 2614, CS for CS for CS for CS for SB 1540, CS for CS for SB 2572, CS for CS for CS for SB 478, CS for SB 580, CS for CS for SB 712, CS for CS for SB 752, CS for CS for SB 798, CS for SB 210, CS for CS for SB 682, CS for CS for SB 810, CS for CS for CS for SB 1022, CS for CS for CS for SB 1138, SB 1222, CS for CS for SB 2072, CS for SB 2036, CS for CS for CS for SB 2684.

Respectfully submitted,
Mike Fasano, President Pro Tempore
Alfred "Al" Lawson, Jr., Minority Leader
JD Alexander, Chair, Policy and Steering Committee on Ways and Means

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Pursuant to Rule 4.18 the Chair of the Committee on Rules submits the following bills to be placed on the Local Bill Calendar for Monday, April 27, 2009: HB 393, HB 713, HB 743, HB 773, CS for HB 801, HB 877, HB 967, CS for HB 1059, HB 1063, CS for CS for CS for HB 1147, CS for HB 1235, HB 1371, CS for HB 1431, CS for HB 1433, CS for HB 1435, CS for HB 1541.

Respectfully submitted,
J. Alex Villalobos, Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 318** and **CS for SB 1740** which he approved on April 27, 2009.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 57, HB 109, CS for CS for HB 167, CS for CS for HB 375, HB 379, CS for CS for HB 483, HB 509, CS for CS for HB 685, HB 1003, CS for HB 1405, CS for CS for CS for HB 1487, HB 7013, HB 7015, HB 7017, CS for HB 7019, HB 7021, HB 7025, HB 7035, HB 7037, HB 7039, HB 7041, CS for HB 7043; has passed as amended CS for CS for CS for HB 29, CS for HB 61, CS for HB 115, CS for HB 169, CS for CS for HB 271, HB 381, CS for CS for CS for HB 439, CS for CS for HB 479, CS for CS for HB 481, CS for CS for HB 485, CS for HB 597, CS for CS for HB 611, CS for CS for HB 675, HB 707, HB 1021, CS for HB 1065, CS for HB 1311, CS for CS for HB 1423, CS for HB 1471, CS for HB 7027, CS for HB 7053; has passed by the required constitutional three-fifths vote of the membership HJR 81; has passed by the required constitutional two-thirds vote of the members present CS for HB 7051; has passed as amended by the required constitutional two-thirds vote of the members present HB 7093 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee and Representative(s) Reed, Garcia, Pafford, Planas, Porth, Ray, Renuart, Rogers, Soto, Steinberg, Wood, Zapata—

CS for CS for HB 57—A bill to be entitled An act relating to law enforcement explorers; amending s. 784.07, F.S.; defining the term "law enforcement explorer"; providing for reclassification of certain offenses against law enforcement explorers; reenacting s. 921.0022(3)(d), (f), and (g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to s. 784.07, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By Representative(s) Bembry, Brisé, Homan, Planas, Roberson, Y., Rogers, Soto, Van Zant—

HB 109—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under chapter 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

—was referred to the Committees on Health Regulation; and Judiciary.

By Finance & Tax Council, Energy & Utilities Policy Committee and Representative(s) Abruzzo, Hukill, Kiar, Schwartz, Scionti, Tobia, Williams, A., Williams, T., Zapata—

CS for CS for HB 167—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer a consumer rebate program for specified energy-efficient appliances; authorizing the commission to adopt rules; authorizing the commission to enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, and other arrangements for specified purposes; providing an appropriation; providing requirements for the release of the appropriation; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Civil Justice & Courts Policy Committee, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Legg—

HB 375—A bill to be entitled An act relating to reimbursement of federal excise taxes on motor fuel; creating s. 686.701, F.S.; providing requirements and limitations on reimbursement provisions of certain fuel supply contracts; providing notice requirements; providing for payment security requirements; providing for electronic transfer of funds; specifying application to contracts; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; Finance and Tax; and General Government Appropriations.

By Representative(s) Wood—

HB 379—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; amending s. 738.602, F.S.; providing definitions; providing requirements for the determination of income from certain compensation plans, annuities, and retirement plans or accounts; providing trustee requirements with respect to payment allocations; providing criteria for the payment of certain funds to a spouse; providing applicability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Grady, Abruzzo, Anderson, Aubuchon, Bembry, Bovo, Braynon, Burgin, Carroll, Crisa-

fulli, Domino, Dorworth, Drake, Eisnaugle, Flores, Ford, Fresen, Frishe, Garcia, Gonzalez, Hays, Heller, Holder, Homan, Hooper, Horner, Hudson, Jenne, Kelly, Kiar, Kriseman, Long, Mayfield, McBurney, McKeel, Nehr, O'Toole, Pafford, Patronis, Patterson, Plakon, Planas, Porth, Precourt, Rader, Randolph, Reed, Renuart, Robaina, Roberson, K., Roberson, Y., Rogers, Sands, Schultz, Scionti, Snyder, Steinberg, Taylor, D., Taylor, P., Thompson, N., Tobia, Van Zant, Waldman, Weatherford, Weinstein, Wood, Workman, Zapata—

CS for CS for HB 483—A bill to be entitled An act relating to investor protection; amending s. 16.56, F.S.; expanding jurisdiction of the Office of Statewide Prosecution to investigate and prosecute certain additional offenses; amending s. 517.021, F.S.; revising definitions; amending s. 517.072, F.S.; exempting certain transactions in viatical settlement investments from certain registration requirements; specifying application of certain provisions; amending s. 517.12, F.S.; revising requirements for registration of dealers, associated persons, investment advisers, and branch offices; amending s. 517.121, F.S.; authorizing the Office of Financial Regulation to suspend registration for registrant failure to provide certain records; providing for rescinding suspensions; amending ss. 517.1215 and 517.1217, F.S.; changing an agency reference; amending s. 517.141, F.S.; excluding postjudgment interest from payments from the fund; amending s. 517.161, F.S.; expanding the class of persons related to or associated with an applicant or registrant for which certain violations may result in adverse actions taken against registrations; authorizing the office to suspend a registration under certain circumstances; creating s. 517.1611, F.S.; requiring the Financial Services Commission to adopt rules providing certain disciplinary guidelines; specifying criteria for such guidelines; requiring the commission to adopt rules for disqualifying registrants for certain periods of time for certain criminal actions; providing rules criteria; amending s. 517.191, F.S.; authorizing the office to apply to the court for orders directing restitution; authorizing the office to apply to the court to impose civil penalties for certain violations; specifying limitations; requiring deposit of civil penalties into the Anti-Fraud Trust Fund; authorizing the Attorney General to act as an enforcing authority for certain provisions of law; authorizing the Attorney General, with approval of the office, to investigate and enforce certain provisions; authorizing the Attorney General to bring certain actions for injunctive relief; authorizing the Attorney General to recover certain investigation and enforcement costs and attorney fees; providing for deposit of certain recovered moneys into the Legal Affairs Revolving Trust Fund; authorizing the Legal Affairs Revolving Trust Fund to be used for investigation and enforcement purposes; preserving the authority of the office to bring certain administrative actions; prohibiting subjecting persons to a civil penalty and an administrative fine under certain circumstances; specifying time limitations on bringing certain enforcement actions; amending s. 517.221, F.S.; increasing the amount of certain administrative fines; authorizing the office to bar certain persons from submitting applications or notifications for a license or registration under certain circumstances; amending s. 517.275, F.S.; revising criteria for prohibited practices relating to commodities; creating s. 896.108, F.S.; authorizing the Department of Law Enforcement to enter into agreements to pay rewards for information leading to the recovery of certain fines, penalties, or forfeitures; authorizing the executive director of the department to determine the amount of the reward; authorizing the executive director to exceed certain statutory limits of rewards under certain circumstances; providing limitations; providing for deposit of certain funds into certain trust funds; excluding certain persons from eligibility to collect rewards; providing that a payment of an award does not affect the admissibility of testimony in court; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include certain additional offenses; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; Governmental Oversight and Accountability; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Zapata, Anderson, Bovo, Ford, Horner, Hukill, Jones, Murzin, Roberson, Y., Sachs, Van Zant, Workman—

HB 509—A bill to be entitled An act relating to veterans; amending s. 295.16, F.S.; revising an exemption from license or permit fees required for improvements to a dwelling owned by a disabled veteran if the improvements are for the purpose of making the dwelling safe; removing a provision limiting the exemption to veterans confined to wheelchairs; amending s. 320.089, F.S.; deleting the monetary limitation on the amount of general revenue deposited into the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs; amending s. 1009.27, F.S.; authorizing an eligible student who receives benefits as a veteran who served on active duty in the Armed Forces after September 11, 2001, to defer college tuition and fees under certain circumstances; providing effective dates.

—was referred to the Committees on Military Affairs and Domestic Security; Community Affairs; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Proctor, Abruzzo—

CS for CS for HB 685—A bill to be entitled An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in an authorized course of study at a specified public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Higher Education; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Drake, Boyd, Burgin, Van Zant—

HB 1003—A bill to be entitled An act relating to sale and delivery of firearms; amending s. 790.065, F.S.; deleting future repeal of provisions governing the sale and delivery of firearms; requiring a review of the provisions relating to the sale and delivery of firearms before the limit on a fee charged by the Department of Law Enforcement for processing a criminal history check on purchasers may be increased; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Health Care Services Policy Committee and Representative(s) Homan, Taylor, P., Zapata—

CS for HB 1405—A bill to be entitled An act relating to the influenza vaccine; amending ss. 402.305, 402.313, and 402.3131, F.S.; requiring child care facilities, family day care homes, and large family child care homes to provide parents with certain information regarding the causes, symptoms, and transmission of the influenza virus; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By Policy Council, Health & Family Services Policy Council, Health Care Regulation Policy Committee and Representative(s) Rivera—

CS for CS for CS for HB 1487—A bill to be entitled An act relating to licensure of home health agencies, home medical equipment providers, and health care clinics; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; creating s. 408.8065, F.S.; providing requirements for licensure of home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; requiring demonstration of financial viability; providing limitations on licensing of home health agencies in certain counties; providing an exception for existing applicants that have applied for accreditation by an organization recognized by the Agency for Health Care Administration; providing penalties; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; and Health and Human Services Appropriations.

By Governmental Affairs Policy Committee and Representative(s) Roberson, K.—

HB 7013—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding business information provided to a governmental condemning authority; amending s. 73.0155, F.S., which provides an exemption from public records requirements for business information provided by the owner of a business to a governmental condemning authority as part of an offer of business damages in presuit negotiations in an eminent domain proceeding; reorganizing the exemption; clarifying provisions; removing superfluous provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

By Governmental Affairs Policy Committee and Representative(s) Eisnaugle—

HB 7015—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding campaign finance reports; amending s. 106.0706, F.S., which provides an exemption from public records requirements for user identifications and passwords held by the Department of State, and information entered in the department's electronic filing system, in connection with electronic filing of campaign finance reports; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

By Governmental Affairs Policy Committee and Representative(s) Plakon—

HB 7017—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding building plans and blueprints; amending s. 119.071, F.S., which provides an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by an agency which depict the internal layout or structural elements of certain facilities, complexes, and developments; reorganizing the exemption; making editorial changes; repealing s. 2, ch. 2004-9, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Braynon—

CS for HB 7019—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding participants in government-sponsored recreation programs; amending s. 119.071, F.S., which provides an exemption from public records requirements for information that would identify or locate a child who participates in a government-sponsored recreation program or a parent or guardian of the child; providing definitions; reorganizing the exemption; making editorial changes; removing superfluous language; repealing s. 2, ch. 2004-32, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

By Governmental Affairs Policy Committee and Representative(s) Schenck—

HB 7021—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding councils on children's services and juvenile welfare boards; amending s. 125.901, F.S., which provides an exemption from public records requirements for personal identifying information of a child, or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity, or held by a service provider or researcher under contract with such entity; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

By Governmental Affairs Policy Committee and Representative(s) Schenck—

HB 7025—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding archival materials; renumbering and amending s. 257.35(1)(b), F.S.; transferring provisions which provide a public record exemption for all public records transferred to the custody of the division and any nonpublic manuscript and or other archival material which is placed in the keeping of the division under special terms and conditions; amending s. 257.38, F.S.; defining "nonpublic manuscript or other archival material"; clarifying the public records exemption for nonpublic manuscripts or other archival materials donated to and held by an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscripts or materials; removing the scheduled repeal of the exemption; making editorial changes; amending s. 257.35, F.S.; reorganizing provisions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; and Rules.

By Governmental Affairs Policy Committee and Representative(s) Mayfield—

HB 7035—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding written valuations of state-owned surplus lands; amending s. 253.034, F.S., which provides an exemption from public records requirements for a written valuation of state-owned lands determined to be surplus and related documents used to form the valuation or which pertain to the valuation; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and Rules.

By Governmental Affairs Policy Committee and Representative(s) McBurney, Schultz—

HB 7037—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding identification and location information of federal attorneys and judges; amending s. 119.071, F.S.; reorganizing provisions to relocate the public record exemption for identification and location information of current or former United States attorneys and assistant United States attorneys and the spouses and children thereof and current or former judges of United States Courts of Appeal, United States district judges, and United States magistrates and the spouses and children thereof; defining "identification and location information"; providing that the exemption is conditioned upon submission by the attorney, judge, or magistrate of a written request for the exemption and a written statement that reasonable efforts have been made to protect the information from disclosure through other means; removing the scheduled repeals of the exemptions; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

By Governmental Affairs Policy Committee and Representative(s) Stargel—

HB 7039—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding insurance claim data exchange information; amending s. 409.25661, F.S., which provides an exemption from public records requirements for certain records obtained by the Department of Revenue under an insurance claim data exchange system; saving the exemption from repeal under the Open Government Sunset Review Act; extending the repeal date; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

By Governmental Affairs Policy Committee and Representative(s) Eisnaugle—

HB 7041—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Institute for Human and Machine Cognition, Inc.; amending s. 1004.4472, F.S., which provides an exemption from public records requirements for information held by the Florida Institute for Human and Machine Cognition, Inc., or its subsidiary and an exemption from public meeting requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt information is presented or discussed; providing definitions; reorganizing and conforming provisions; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; and Rules.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Schenck—

CS for HB 7043—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding Scripps Florida Funding Corporation; amending s. 288.955, F.S.; clarifying the definition of "grantee"; amending s. 288.9551, F.S.; narrowing the public records exemption for specified information held by the Scripps Florida Funding Corporation and the public meetings exemption for portions of meetings of the board of directors of the corporation at which confidential and exempt information is discussed; removing the Office of Tourism, Trade, and Economic Development from the public records and public meetings exemptions; reorganizing and conforming provisions; making editorial changes; removing superfluous language; providing a penalty; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Rules.

By Criminal & Civil Justice Policy Council, Energy & Utilities Policy Committee, Public Safety & Domestic Security Policy Committee and Representative(s) Grimsley, Drake, Flores, Horner, Hudson, Murzin, Tobia, Wood, Zapata—

CS for CS for CS for HB 29—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services; providing that such violation is a first-degree misdemeanor; providing for prima facie evidence of intent to violate such prohibition; providing that theft of utility services for the purpose of manufacturing a controlled substance is a first-degree misdemeanor; providing penalties; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Economic Development Policy Committee and Representative(s) Precourt, Carroll—

CS for HB 61—A bill to be entitled An act relating to temporary accommodations; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; providing application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term "casualty insurance" to include sellers of timeshare interests; amending s. 721.05, F.S.; revising a definition; amending s. 721.07, F.S.; specifying additional information required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing severability; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Public Safety & Domestic Security Policy Committee and Representative(s) Kiar, Burgin, Drake, Eisnaugle, Gibbons, Jenne, Nehr, Pafford, Roberson, Y., Scionti—

CS for HB 115—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; amending ss. 847.0135 and 847.0138, F.S.; removing residency requirements in statutes relating to computer pornography involving minor children and the transmission of material harmful to a minor by electronic device or equipment, respectively; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Policy Council and Representative(s) Abruzzo, Culp, Homan, Pafford, Porth, Taylor, P.—

CS for HB 169—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; creating s. 773.06, F.S.; defining the term "equine"; requiring a child younger than a

specified age to wear a helmet when riding an equine in certain locations; providing requirements for helmets; requiring a person renting or leasing an equine for riding by a child younger than a specified age to provide a helmet if the child does not have a helmet; prohibiting a parent or guardian of a child younger than a specified age from authorizing or permitting the child to engage in certain conduct; providing a penalty; providing exceptions; providing an effective date.

—was referred to the Committees on Agriculture; Transportation; Judiciary; and General Government Appropriations.

By Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee and Representative(s) Nehr, Hooper—

CS for CS for HB 271—A bill to be entitled An act relating to confidential informants; creating "Rachel's Law"; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide an opportunity to consult with legal counsel to a person who is requested to serve as a confidential informant; requiring training for persons involved with the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review confidential informant practices; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing that any failure to abide by the act does not create any additional right enforceable by a defendant in a criminal proceeding; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Representative(s) Thompson, N., Holder, Sachs, Schwartz—

HB 381—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child's records may be obtained after the child leaves the department's custody; authorizing the department to adopt rules; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child's best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming "children's zones" as "children's initiatives"; revising legislative findings and intent; requiring the governing body to establish a children's initiative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the initiative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children's initiative corporation; changing the name of the Magic City Children's Zone, Inc., to the Miami Children's Initiative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children's initiative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Finance & Tax Council, Military & Local Affairs Policy Committee, Roads, Bridges & Ports Policy Committee and Representative(s) Reagan, Bovo, Fitzgerald, Ford, Heller, Holder, Hooper, Kriseman, Nelson, Porth, Precourt, Randolph, Roberson, K., Sachs, Steinberg, Tobia, Van Zant, Wood—

CS for CS for CS for HB 439—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation

of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Schenck, Hooper, Horner, Hukill, Legg, Mayfield, McBurney, Murzin, Precourt—

CS for CS for HB 479—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers' Class; revising the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Community Affairs; Ethics and Elections; and Governmental Oversight and Accountability.

By Full Appropriations Council on General Government & Health Care, Public Safety & Domestic Security Policy Committee and Representative(s) Kreegel, Williams, T.—

CS for CS for HB 481—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council, Economic Development Policy Committee and Representative(s) Weatherford, Bembry, Bovo, Burgin, Carroll, Horner, Hudson, Murzin, Precourt, Schenck—

CS for CS for HB 485—A bill to be entitled An act relating to fast track economic stimulus for small businesses; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain confidential taxpayer information with the Office of Tourism, Trade, and Economic Development; preserving certain confidentiality of such information; amending s. 220.02, F.S.; revising legislative intent with respect to the order of tax credits to include the New Markets Development Program tax credit; amending s. 220.13, F.S.; revising a definition; creating ss. 288.991-288.9922, F.S.; providing a short title; establishing the New Markets Development Program; providing a purpose; providing definitions; providing for a tax credit for making certain qualified equity investments; specifying a credit amount; providing for uses of the credit; prohibiting sale or transfer of such credits; authorizing allocation of the credit; specifying limitations on such credits; specifying application and certification requirements and procedures for the Office of Tourism, Trade, and Economic Development to qualify certain equity investments as eligible for tax credits; providing for application fees; providing duties and responsibilities of the Department of Revenue; limiting the amount of investments the office may certify; providing requirements and limitations on issuance of certified equity investments; providing for calculation of tax credits; limiting the amount of the tax credit that may be redeemed in a fiscal year; providing for carryover of unredeemed tax credits under certain circumstances; providing for redemption of tax credits; specifying how tax credits may be claimed by insurance companies; requiring the calculations to be certified and accompanied by audited financial statements and notarized affidavits; providing requirements for recapture of tax credits under certain circumstances;

requiring notice of proposed recapture; providing requirements for compliance and audits of qualified equity investments; providing annual reporting requirements for certain community development entities; providing annual reporting requirements for the office; authorizing the office to conduct certain examinations; authorizing the office to revoke or modify tax credit authorizations under certain circumstances; providing for taxpayer liability for reimbursement of fraudulently claimed tax credits; providing penalties; authorizing the office and the department to adopt rules; providing for future repeal of the tax credit program; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Health & Family Services Policy Council and Representative(s) Reed, Brisé, Bullard, Sachs, Zapata—

CS for HB 597—A bill to be entitled An act relating to homelessness; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuum of care to track, monitor, and report on assisted families for a specified period of time; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; conforming a cross-reference; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; amending s. 420.625, F.S.; deleting a cross-reference to conform; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; requiring the State Office on Homelessness to create specified procedures; providing methodology; providing components of the program; creating s. 420.628, F.S.; providing legislative findings and intent with respect to children and young adults leaving the child welfare system; amending s. 1003.01, F.S.; revising a definition; amending s. 1003.21, F.S.; conforming terminology; providing a school attendance exemption for certain children in foster care; amending s. 1003.22, F.S.; conforming terminology; providing a school certification of a school-entry health examination exemption for certain children in foster care; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

By Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee and Representative(s) Hukill, Flores, Kreegel, Murzin, Nehr, Ray, Tobia, Weatherford

CS for CS for HB 611—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amount for which certain public projects must be competitively awarded; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms "repair" and "maintenance"; requiring local governments to provide notice for certain public projects; providing notice requirements; extending the notice period for specified public meetings; requiring a local government to support a decision to perform a project with its own employees and to make a factual finding that the project cost will be the same or less than the lowest bid; providing additional exceptions for projects related to public-use airports, certain ports, and certain public transit or transportation systems; authorizing governmental entities to consider certain contractors ineligible to bid; revising the index and year on which the required adjustment of the threshold amounts is based; revising provisions for certain contractors and vendors to challenge a local government's actions; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

By General Government Policy Council, Health & Family Services Policy Council and Representative(s) Workman, Brandenburg, Clarke-Reed, Flores, Fresen, Garcia, Homan, Kriseman, Nehr, Porth, Rader, Rogers, Zapata—

CS for CS for HB 675—A bill to be entitled An act relating to Medicare supplement policies; amending s. 627.671, F.S.; revising a short title; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Regulation; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Aubuchon, Zapata—

HB 707—A bill to be entitled An act relating to the management of wastewater; amending s. 514.023, F.S.; requiring the Department of Health to notify local governments and local offices of the Department of Environmental Protection when certain health advisories are issued; requiring local offices of the Department of Environmental Protection to conduct investigations of certain wastewater treatment facilities and provide the results of such investigations to local governments; amending s. 514.025, F.S.; authorizing the department to assign certain responsibilities and functions relating to public swimming pools and bathing places to multicounty independent special districts under specified conditions; providing an effective date.

—was referred to the Committees on Health Regulation; Environmental Preservation and Conservation; and General Government Appropriations.

By Representative(s) Aubuchon—

HB 1021—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; requiring a report to the Governor, Legislature, and affected metropolitan planning organizations by a certain date; amending s. 125.42, F.S.; providing for counties to incur certain costs related to relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities are not developments of regional impact under certain circumstances; amending s. 163.3180, F.S.; defining the term "backlog"; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 287.055, F.S.; conforming a cross-reference; amending s. 334.044, F.S.; clarifying the department's authority to establish and collect variable rate tolls; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; providing that the department shall retain the right to use ideas from unsuccessful firms that accept the stipend; establishing a goal for the department to procure certain contracts as design-build contracts; authorizing the department to adopt rules; amending ss. 337.14 and 337.16, F.S.; conforming cross-references; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain

locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring a copy to be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies or construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; providing exceptions; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; authorizing the department to use excess toll revenues for public transit; exempting toll rates on high-occupancy toll lanes or express lanes from consumer price indexing provisions; removing specific identification of certain state-owned toll facilities in the department's authority to request issuance of bonds to fund transportation projects located within the county or counties in which the project is located; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the department to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; removing provisions for a short-range component and an annual performance report; amending s. 339.2816, F.S., relating to the Small County Road Assistance Program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; modifying provisions for local government control of the regulation of wall murals adjacent to certain federal highways; providing for notification to the Federal Highway Administration; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; creating a business partnership pilot program; authorizing the Palm Beach County School District to display names of business partners on district property in unincorporated areas; exempting the program from specified provisions; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; amending s. 120.52, F.S.; revising the definition of the term "agency"; providing effective dates.

—was referred to the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Roads, Bridges & Ports Policy Committee and Representative(s) Plakon, Hooper, Zapata—

CS for HB 1065—A bill to be entitled An act relating to aircraft safety; providing a short title; creating s. 379.2293, F.S.; providing legislative findings and intent; exempting airport authorities and other entities from penalties, restrictions, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defining the term "authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards"; providing that federal or state authorizations for such actions prevail over certain other regulations, permits, comprehensive plans, and laws; providing immunity from penalties with respect to authorized action for certain individuals; providing exceptions; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Judiciary; and General Government Appropriations.

By Economic Development Policy Committee and Representative(s) McBurney, Holder, Schultz—

CS for HB 1311—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; author-

izing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmatured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; revising certain requirements for corporate records; amending s. 617.1604, F.S.; providing an additional exception to a requirement that a corporation pay certain costs and attorney fees after a court-ordered inspection of certain records under certain circumstances; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—was referred to the Committees on Commerce; and Judiciary.

By Finance & Tax Council, General Government Policy Council and Representative(s) Troutman, Kreegel—

CS for CS for HB 1423—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; transferring authority from the Department of Revenue to the Fish and Wildlife Conservation Commission to allocate funds from the Invasive Plant Control Trust Fund for specified purposes; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain authority relating to aquatic and non-invasive plants to the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission; amending s. 253.04, F.S.; providing for the preservation and regeneration of seagrasses; providing definitions; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; revising the definition of the

term "live-aboard vessel"; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising the age limitation for the operation of specified vessels; revising provisions relating to boating safety identification cards; providing exemptions and penalties; providing a short title; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; amending s. 327.41, F.S., relating to placement of markers by a county, municipality, or other governmental entity; revising terminology; providing for a county, municipality, or other governmental entity that has been granted or has adopted or established a boating-restricted area to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting local regulations relating to vessels operated upon the waters of this state; prohibiting specified county or municipality ordinances or regulations; amending s. 327.65, F.S.; conforming a cross-reference; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for the costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; providing an exemption; amending s. 327.70, F.S.; authorizing municipal police officers and specified law enforcement officers to enforce the provisions of chs. 327 and 328; providing for enforcement of noncriminal violations by citation mailed to the owner of a vessel; specifying responsibility for citations issued to livery vessels; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by counties and municipalities; providing civil penalties for seagrass scarring; amending s. 327.731, F.S.; conforming a cross-reference; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; amending ss. 369.20, 369.22, and 369.25, F.S.; authorizing the commission to enforce specified provisions relating to aquatic weeds and plants; granting certain activities a mixing zone for turbidity; amending s. 379.304, F.S.; revising cross-references for permitting and violation provisions relating to the exhibition or sale of wildlife; amending s. 379.338, F.S.; providing for confiscation and disposition of illegally taken wildlife, freshwater fish, or saltwater fish; providing for disposition of the proceeds from sales; providing for an agency that assists in the enforcement action to receive a portion or all of any forfeited property; creating s. 379.3381, F.S.; providing for photographs of wildlife, freshwater fish, and saltwater fish to be used as evidence in a prosecution in lieu of the wildlife, freshwater fish, or saltwater fish; amending s. 379.353, F.S.; revising eligibility criteria for exemption from certain recreational license and permit requirements; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; authorizing the commission to use proceeds of specified hunting, fishing, and recreational licenses for certain purposes; increasing the fee amounts for waterfowl, wild turkey, snook, spiny lobster, management area, special use, and recreational user permits; providing for a management area permit and fee for outdoor recreational activities other than hunting and fishing; providing for a deer permit and fee; requiring the commission to prepare an annual report and submit the report to the Governor and the Legislature; providing report requirements; amending s. 379.3671, F.S.; revising provisions for abandonment and reversion of lobster trap certificates under specified conditions; amending s. 379.3751, F.S.; specifying activities relating to the taking and possession of alligators that require a license and payment of the applicable fee; deleting provisions relating to the issuance, form, and content of such licenses; amending s. 379.3761, F.S.; providing penalties for violations relating to the exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising a cross-reference with respect to the penalties imposed for violations relating to the personal possession of wildlife; amending s. 379.401, F.S.; revising applicability of violation provisions relating to alligators and crocodiles; conforming references to wildlife; amending s. 379.4015, F.S.; specifying applicability of captive wildlife penalty provisions relating to the exhibition or sale of wildlife; creating s. 379.501, F.S.; providing penalties for violations relating to aquatic weeds and plants; providing legislative intent for civil penalties and criminal fines imposed by a court; creating s. 379.502, F.S.; providing judicial and administrative procedures and remedies to enforce penalty provisions for violations relating to aquatic weeds and plants; providing for mediation; providing for recovery of costs and attorney's fees; requiring proceeds from related penalties to be credited to the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing civil penalties for violations relating to aquatic weeds and plants; authorizing a court to impose a civil penalty for each offense not to exceed a specified amount; providing for joint and several liability; providing for a methodology for assessing certain damages; amending s. 403.088, F.S.; requiring the commission to approve an aquatic weeds and algae control program; directing the commission, in consultation with the Department of Environmental Protection, to establish a pilot program to explore options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields; providing geographic locations for the pilot program; providing goals and procedures; providing duties of the commission; requiring a report to the Governor and the Legislature; providing for expiration of the pilot program and any ordinance enacted thereunder; providing for construction; providing for a type two transfer of the Bureau of Invasive Plant Management within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; ratifying actions taken pursuant to ch. 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; transferring the Invasive Plant Control Trust Fund within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing a continuing appropriation to the commission for the costs associated with the shoreline fishing license exemption; reenacting s. 379.209(2)(a), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32, F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; reenacting ss. 379.2213, 379.3501, and 379.3712, F.S., relating to management area permit revenues, expiration of licenses and permits, and commercial hunting preserve licenses, respectively, to incorporate the amendment made to s. 379.354, F.S., in references thereto; repealing s. 327.22, F.S., relating to regulation of vessels by municipalities or counties; repealing ss. 379.2211 and 379.2212, F.S., relating to Florida waterfowl permit revenues and Florida wild turkey permit revenues, respectively; repealing s. 379.366(7), F.S., to abrogate the ex-

piration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—was referred to the Committees on Environmental Preservation and Conservation; Criminal Justice; Judiciary; and General Government Appropriations.

By Full Appropriations Council on General Government & Health Care and Representative(s) Adams, Anderson, Frishe, Grimsley, Holder, Zapata—

CS for HB 1471—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring a report to the Governor and Legislature prior to proceeding with nitrogen reduction activities; ; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth- directed focus in each program component; deleting an obsolete provision relating to the AHEC smoking-cessation initiative; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Schenck—

CS for HB 7027—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding personal information contained in motor vehicle records; amending s. 119.0712, F.S.; removing provisions which are duplicative of the federal prohibition on release and use of personal information contained in state motor vehicle records under the federal Driver's Privacy Protection Act of 1994; referencing federal law as controlling with respect to the confidentiality and release of such records; providing that such information received pursuant to federal law may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers; reorganizing provisions; making editorial and conforming changes; repealing s. 2, ch. 2004-62, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Rules.

By Policy Council, Agriculture & Natural Resources Policy Committee and Representative(s) Williams, T.—

CS for HB 7053—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative recognition and findings; providing a definition; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing amendment requirements; requiring a local government to transmit the application to the state land planning agency for review within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing for rebuttal of the presumption; specifying nonapplication to optional sector plans, rural land stewardship areas, and comprehensive plan amendments that include an inland port terminal or affiliated port development; providing construction; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

By Representative(s) Hays, Domino, McKeel—

HJR 81—House Joint Resolution A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—was referred to the Committees on Judiciary; and Rules.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Ford—

CS for HB 7051—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act for social security numbers; amending s. 119.071, F.S.; providing that social security numbers of current and former agency employees held by the employing agency are confidential and exempt from public records requirements; providing for future review and repeal of the exemption; requiring that an agency identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers and ensure compliance therewith; requiring notice as to whether collection of a social security number is authorized or mandatory under federal or state law; clarifying that the public records exemption for social security numbers held by an agency does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemptions for social security numbers; delineating conditions under which social security numbers held by an agency may be disclosed; redefining the term "commercial activity" for purposes of provisions authorizing the disclosure of a social security number under limited circumstances; eliminating agency reports of requests for social security numbers by commercial entities; reenacting ss. 119.0714(1)(i), (2)(e), and (3)(b) and 1007.35(8)(b), F.S., relating to social security numbers contained in records that are made part of a court file, a future requirement of court clerks to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to court clerks with respect to court records, the availability of social security numbers as part of official records, a future requirement of county recorders to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to county recorders with respect to official records, and access to specified information under the Florida Partnership for Minority and Underrepresented Student Achievement, respectively, for the purpose of incorporating the amendment to s. 119.071, F.S., in references thereto,; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By Economic Development & Community Affairs Policy Council and Representative(s) Murzin, Brisé—

HB 7093—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for specified proprietary business information obtained from a telecommunications company or broadband company by the Department of Management Services; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; and Rules.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for SB 502; Baker—CS for SB 1278; Bullard—CS for CS for CS for SB 1128, CS for SB 1430; Crist—CS for SB 388, CS for CS for CS for SB 1004, CS for CS for SB 1062, CS for CS for CS for SB 1154, CS for CS for SB 1502; Gaetz—SB 1848; Gelber—CS for SB 2546; Joyner—SB 500; Lynn—CS for SB 1126, CS for CS for SB 1468, CS for CS for SB 1502, CS for CS for CS for SB 1986, CS for CS for SB 2226, CS for CS for CS for SB 2244; Oelrich—SB 1370; Richter—CS for CS for SB 2226

Senator Baker was recorded as introducer of CS for CS for SB 942.

RECESS

On motion by Senator Aronberg, the Senate recessed at 7:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, April 28 or upon call of the President.

SENATE PAGES

April 27-May 1, 2009

Kelechi Anyanwu, Orlando; Lucy Beall, Apopka; Demi T. Busatta, Cape Coral; Crystal Chadwell, Panacea; Hannah Ciupalo, Tallahassee; Curtis "Tyree" Clark, Tallahassee; Courtney Dean, North Miami; Joey Doyle, Miami; Rebekah Giordano, New Port Richey; Artaveya Ingram, Tallahassee; JhaRonte James, Tallahassee; Rosemarthe Jean-Joseph, Miami; Rose Laure Jean-Joseph, Miami; Rose Jean-Mary, Miami; Mary A. Jones, Windermere; Morgan Miller, Summerfield; Nick Powell, Miami; Michael A. Robinson II, Tallahassee; Kelsey Ryan, Celebration; Herman Sanchez, Miami; Lindsey Sanders, Tallahassee; Darren M. Thedieck, Tallahassee; Victoria S. Webster, Orlando; Kyla Rae Wilkinson, DeFuniak Springs

Journal of the Senate

Number 15—Regular Session **Tuesday, April 28, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:00 a.m. A quorum present—38:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Excused: Senator Hill

PRAYER

The following prayer was offered by Rev. Donald Grantham, University Baptist Church, Tampa:

We begin this day's labor by coming into your presence with thanksgiving. For the grace and mercy we have received by your good hand, we give thanks. For your bountiful supply, we give thee thanks. Your loving kindness indeed never ceases. Your compassions never fail. They are fresh every morning. "Great is thy faithfulness."

Today, we are mindful of families that are dealing with economic difficulties. We pray for resources to assist those in need - to aid the helpless and minister to the weak. Help us to be good and faithful stewards of all you have provided.

On this day, our leaders will make decisions that will affect those who are under their care. For this reason, we would ask that you look mercifully upon them as they rule over the citizens of this great state. May they lead us with honesty and integrity. Bless them with faithfulness of heart as they serve in their office to promote the well-being of all people. Inspire them with the courage to make laws for the good of all rather than for the few. May you grant them wisdom in their judgment, compassion in their decisions, diligence in their duty.

King of heaven, we ask you to bless this nation and this great state. Bless its citizens and its leaders. "God bless America, the land that we love." Hear our prayer this day. Amen.

PLEDGE

Senate Pages Lucy Beall of Apopka; Herman Sanchez of Miami; Courtney Dean of North Miami; and Morgan Miller of Summerfield, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. James O. Brookins of Sunrise, sponsored by Senator Joyner, as doctor of the day. Dr. Brookins specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Gaetz—

By Senator Gaetz—

SR 2798—A resolution honoring the 40th Anniversary of Florida Special Olympics, recognizing Okaloosa County as the birthplace of Florida Special Olympics, and paying tribute to Dr. Charles McFarland and the late Max Bruner, Jr.

WHEREAS, in 1969, a group of dedicated educators and parents, inspired by Eunice Kennedy Shriver and led by Okaloosa County educator Charles McFarland, founded Special Olympics in this state, and

WHEREAS, thanks to the support of Superintendent of Schools Max Bruner, Jr., and the Okaloosa County School Board, Fort Walton Beach and Okaloosa County 40 years ago became the birthplace of Florida Special Olympics and hosted the first Florida state games and the first Florida winter games, and

WHEREAS, Okaloosa County's Special Olympics Program has won the world championship in girls basketball and boys handball, an international gold medal in skiing, and hundreds of state-level gold medals and state championships in numerous sports, and serves as a teacher and model for other communities in the development of physical education and special education programs for exceptional students, and

WHEREAS, as a consequence, tens of thousands of special athletes from every county in Florida have participated, competed, and excelled in Special Olympics individual and team sports, including alpine skiing, track and field, bocce, cycling, soccer, volleyball, equestrian, aquatics, softball, golf, bowling, gymnastics, powerlifting, roller skating, basketball, sailing, speed skating, figure skating, and tennis, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pays special tribute to Dr. Charles McFarland as the father of Florida Special Olympics and to the late Superintendent Max Bruner, Jr., and the other Okaloosa County pioneers of Special Olympics, and notes their historic contributions to the education of excep-

tional students and the incalculable value of their leadership to Florida's special children and their parents.

BE IT FURTHER RESOLVED that the Senate rises in respect to Florida's special athletes who have run the races, skied the slopes, excelled at the games, persevered in the competition, and proven by their success that ability is more important than disability, that strength of spirit and greatness of heart can overcome adversity, and that performance, despite challenge, can lift lives and inspire the admiration of an entire state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Charles McFarland as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Gaetz, **SR 2798** was read the second time in full and adopted.

At the request of Senator Hill—

By Senator Hill—

SR 946—A resolution recognizing April 28 2009, as "Workers' Memorial Day" in Florida.

WHEREAS, 37 years ago Congress passed the Occupational Safety and Health Act, promising every American worker the right to a safe job, and

WHEREAS, unions and their allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries, and

WHEREAS, the toll of workplace injuries, illnesses, and death nonetheless remains enormous, with 60,000 American workers dying from job-related injuries each year and another 15.6 million workers injured on the job, and

WHEREAS, the unions of the AFL-CIO are committed to the continuing struggle to make workers' safety a priority and to keep and create good jobs in America, for American workers, and

WHEREAS, America's economy and the health and vigor of American society depend on the availability of decent jobs for American workers and on the safety of those jobs, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 28, 2009, is recognized as "Workers' Memorial Day" in the State of Florida in honor of the many American workers who have suffered injury and death on the job, and in recognition of the work of the unions of the AFL-CIO to protect the safety of American workers and to secure the availability of decent jobs for Americans.

—**SR 946** was introduced, read and adopted by publication.

At the request of Senator Gaetz—

By Senator Gaetz—

SR 2794—A resolution recognizing and celebrating 2009 as Panama City's Centennial Year.

WHEREAS, three visionaries, George Mortimer West, Robert Lee McKenzie, and A.J. Gay in 1906 formed the Gulf Coast Development Company and mapped development plans for an area in the Panhandle of Florida previously known as Floriopolis, Park Resort, and Harrison, and

WHEREAS, these visionaries saw the opportunity to promote the area as a direct shipping port to the Panama Canal, which was under construction at the time, and officially changed its name to Panama City, and

WHEREAS, construction of the home of Panama City Mayor Robert Lee McKenzie was completed in 1909, which coincides with the birth of this beautiful and vibrant city, and

WHEREAS, on March 12, 1926, the State of Florida passed legislation combining three municipalities, Panama City, St. Andrews, and Millville, into one municipality known as Panama City, and

WHEREAS, the population of Panama City was 12,000 in 1926 and today stands at 36,806, and

WHEREAS, Panama City was founded by dreamers who had global vision and continues to be a beautiful and vibrant community of citizens who have dreams and visions for the future, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That 2009 is recognized as "The City of Panama City's Centennial Year," and people throughout the state are urged to celebrate this centennial and plan for the coming 100 years, as Panama City honors the past, celebrates the present, and continues to imagine the future.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Mayor of the City of Panama City as a tangible token of the sentiments of the Florida Senate.

—**SR 2794** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 2804—A resolution recognizing Lawrence "Ed" Hoffman for his 50 years of professional and public service as Dean of the Lobbying Corps.

WHEREAS, Lawrence "Ed" Hoffman served in his much-beloved United States Marine Corps with great honor and distinction in the Pacific Theater during World War II and in the Korean War, and

WHEREAS, Ed Hoffman brought his can-do attitude and outstanding leadership abilities to the legislative arena, where he has represented law enforcement officers, correctional officers, and firefighters since 1959, and

WHEREAS, Ed Hoffman has served with distinction as the assistant fire chief for the City of West Palm Beach, as president and president emeritus of Florida Professional Firefighters, and, for the last 27 years, as the senior lobbyist for the Florida Police Benevolent Association, and

WHEREAS, Ed Hoffman's efforts have resulted in many laws that have provided much-needed protection and support for law enforcement officers, correctional officers, firefighters, and their families, and

WHEREAS, as a result of Mr. Hoffman's efforts, death benefits for the surviving families of law enforcement officers, correctional officers, and firefighters killed in the line of duty have been greatly expanded, legislation has been enacted to ensure that premium tax revenue received by municipalities are properly used for municipal police and fire pensions, and the Special Risk Retirement benefit accrual rate has been fully restored, and

WHEREAS, Ed Hoffman has worked on behalf of our nation's veterans on a pro bono basis as an advocate for legislation benefiting them and their families, and

WHEREAS, in 1989, the Legislature recognized Ed Hoffman as "Dean of the Lobbying Corps," and

WHEREAS, 2009 is Ed Hoffman's 50th year representing public safety officers before the Legislature, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Lawrence "Ed" Hoffman, Dean of the Lobbying Corps, is recognized for his 50 years of professional and public service as a true champion of public safety, military veterans, and our representative system of government, and is celebrated for his unsurpassed knowledge of the issues, his legendary work ethic, his ferocious passion for the enactment of legislation benefiting his constituency, and his unequalled integrity.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Ed Hoffman as a tangible token of the sentiments expressed in this resolution.

—**SR 2804** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 2822—A resolution recognizing May 18, 2009, as "AIDS Vaccine Advocacy Day" in Florida.

WHEREAS, the AIDS Vaccine Advocacy Coalition (AVAC) was founded in 1995 as a nonprofit, community and consumer-based organization that uses public education, policy analysis, advocacy, and community mobilization to accelerate the ethical development and global delivery of AIDS vaccines and other HIV-prevention options, and

WHEREAS, more than 40 million people worldwide are infected with HIV/AIDS and 14,000 new infections occur every day, and

WHEREAS, a safe, effective, and globally accessible vaccine is the best hope for controlling the devastating AIDS pandemic, with vaccines having played the key role in saving more lives and resources than any other public health intervention in eradicating or dramatically reducing the incidence of other diseases, such as smallpox and polio, and

WHEREAS, despite unprecedented efforts, no effective vaccine has yet been developed against HIV, which killed 3 million people in 2003, more than any other infectious disease, and

WHEREAS, results are expected this year from a Project Unity study of different risk-reduction interventions for HIV vaccine trials in the United States, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That efforts to accelerate ethical research and global delivery of AIDS vaccines and other HIV prevention options are strongly encouraged and that May 18, 2009, is recognized as "AIDS Vaccine Advocacy Day" in Florida.

—**SR 2822** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SB 888** was withdrawn from the Policy and Steering Committee on Ways and Means.

BILLS ON THIRD READING

SB 902—A bill to be entitled An act relating to public health; amending ss. 381.855, 381.911, and 381.912, F.S.; conforming terminology to changes made by the act; amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; modifying the purpose of the institute; deleting the mission of the institute; revising the membership of the board of directors and the term of membership; deleting the duties of the institute to facilitate communication between biomedical researchers and health care providers, to provide an annual report of its finances, and to provide an annual report of its activities to the Governor and the Florida Center for Universal Research to Eradicate Disease; amending s. 381.981, F.S.; conforming terminology to changes made by the act; amending s. 499.01, F.S.; revising the criteria for health care clinic establishment permits; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Deutch moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (473892) (with title amendment)—Delete lines 286-338.

And the title is amended as follows:

Delete lines 18-19 and insert: providing an

On motion by Senator Deutch, further consideration of **SB 902** as amended was deferred.

Consideration of **CS for CS for SB 148**, **CS for CS for CS for SB 1004**, **SB 2656**, **CS for SB 642**, **CS for CS for SB 1894** and **CS for CS for SB 2536** was deferred.

SB 68—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; creating s. 773.06, F.S.; defining the term "equine"; requiring a child younger than a specified age to wear a helmet when riding an equine in certain locations; providing requirements for helmets; requiring a person renting or leasing an equine for riding by a child younger than a specified age to provide a helmet if the child does not have a helmet; prohibiting a parent or guardian of a child younger than a specified age from authorizing or permitting the child to engage in certain conduct; providing a penalty; providing exceptions; providing an effective date.

—as amended April 24 was read the third time by title.

An amendment was considered and adopted to conform **SB 68** to **CS for HB 169**.

Pending further consideration of **SB 68** as amended, on motion by Senator Aronberg, by two-thirds vote **CS for HB 169** was withdrawn from the Committees on Agriculture; Transportation; Judiciary; and General Government Appropriations.

On motion by Senator Aronberg, by two-thirds vote—

CS for HB 169—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; creating s. 773.06, F.S.; defining the term "equine"; requiring a child younger than a specified age to wear a helmet when riding an equine in certain locations; providing requirements for helmets; requiring a person renting or leasing an equine for riding by a child younger than a specified age to provide a helmet if the child does not have a helmet; prohibiting a parent or guardian of a child younger than a specified age from authorizing or permitting the child to engage in certain conduct; providing a penalty; providing exceptions; providing an effective date.

—a companion measure, was substituted for **SB 68** as amended and read the second time by title.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 169** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dockery	Rich
Alexander	Fasano	Richter
Altman	Gaetz	Ring
Aronberg	Gardiner	Siplin
Baker	Gelber	Smith
Bennett	Haridopolos	Sobel
Bullard	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Wilson
Detert	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Pruitt	

Nays—3

Dean	King	Oelrich

Vote after roll call:

Yea—Garcia, Peaden

CS for SB 718—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; deleting a limitation upon the imposition of indigent care and trauma center discretionary sales surtaxes by certain counties; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 718** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Peaden

CS for CS for HB 179—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property appraisers' authority to inspect property for assessment purposes to include use of image technology in lieu of physical inspection; requiring the Department of Revenue to establish minimum standards for use of image technology; providing a criterion; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for HB 179** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Peaden

On motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 1495** was withdrawn from the Committees on Banking and Insurance; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Richter, the rules were waived and by two-thirds vote—

CS for CS for CS for HB 1495—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.47, F.S.; authorizing the State Board of Administration to invest in certain revenue bonds under certain circumstances; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Florida Hurricane Catastrophe Fund; requiring the board to publish a statement of the estimated claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring a reimbursement premium formula to provide cash build-up factors for certain contract years; extending provisions relating to temporary increase in coverage limit operations for the fund; providing additional reimbursement requirements for temporary increase in coverage addenda for additional contract years; expanding the powers and duties of the board; specifying required increases in TICL reimbursement premiums for certain contract years; specifying non-application of cash build-up factors to TICL reimbursement premiums; deleting authority for the State Board of Administration to increase the claims-paying capacity of the fund; amending s. 215.5586, F.S., relating to the My Safe Florida Home Program; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval by the Legislative Budget Commission; requiring the Department of Financial Services to implement a condominium weatherization and mitigation loan program for certain purposes; specifying program requirements; specifying an administration requirement for the program; requiring the department to adopt rules; amending s. 624.4622, F.S.; prohibiting withdrawal notice requirements of longer than 30 days for members of a local government self-insurance fund; requiring local government self-insurance funds to submit an affidavit to specified entities; specifying affidavit contents; amending s. 624.605, F.S.; revising the definition of the term "casualty insurance" to include certain debt cancellation products sold or leased by certain business entities; amending s.626.753, F.S.; prohibiting certain uses of commissions derived from the sale of crop hail or multiple-peril crop insurance which are shared between certain agents and certain production credit associations or federal land bank associations; providing penalties; providing that patronage dividends and other payments to members of production credit associations or federal land bank associations are unlawful rebates under certain circumstances; providing penalties for an agent who shares commissions with a production credit association or federal land bank association under certain circumstances; amending s. 626.9541, F.S.; specifying that certain patronage dividends and other payments are unfair methods of competition and unfair or deceptive acts; providing penalties; amending s. 627.062, F.S.; extending application of file and use filing requirements for certain property insurance filings; prohibiting the Office of Insurance Regulation from interfering with an insurer's right to solicit, sell, promote, or otherwise acquire policyholders and implement coverage; specifying limited application to certain rates; specifying that certain rate filings are not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; specifying nonapplication to certain types of insurance; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the office relating to rate filings; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure discounts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing residential property

insurers to include reinsurance costs without certain TICL adjustments; amending s. 627.0655, F.S.; discontinuing authorization for a premium discount for a policyholder having multiple policies from Citizens Property Insurance Corporation or a policy that has been removed from the corporation by another insurer; amending s. 627.351, F.S.; deleting application of certain personal lines residential property insurance requirements for wind-borne debris regions insured by the corporation; revising the basis of a surcharge to offset an account deficit; providing for members of the board of governors of the corporation to serve staggered terms; providing exceptions to actuarially sound rate requirements for the corporation; providing legislative findings; requiring the corporation to implement certain actuarially sound rates for certain lines of business; providing limitations; providing for cessation of certain rate increases upon implementation of actuarially sound rates; requiring the corporation to transfer certain funds from the rate increase to the Insurance Regulatory Trust Fund in the Department of Financial Services for a certain time; deleting certain wind-only coverage maximum loss reporting requirements; amending s. 627.711, F.S.; revising eligible entities authorized to certify uniform mitigation inspection forms; authorizing insurers to contract with inspection firms to review certain verification forms and reinspect properties for certain purposes; providing for such contracts to be at the insurer's expense; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; providing an additional exception to residential property insurance windstorm coverage requirements for certain risks; expanding a requirement that insurers notify mortgageholders or lienholders of policyholder elections for coverage not covering wind; amending s. 631.65, F.S.; providing construction relating to certain prohibited advertisements or solicitations; requiring the My Safe Florida Home Program to use certain funds for certain mitigation grants; authorizing the department to establish a separate account in the trust fund for accounting purposes; amending s. 626.854, F.S.; prohibiting public adjusters from compensating, or agreeing to compensate, any person for referrals of business; providing an exception; amending s. 626.865, F.S.; revising qualifications for public adjuster's license; deleting requirement that applicant for public adjuster's license pass a written examination; amending s. 626.8651, F.S.; revising qualifications for public adjuster apprentice license; requiring that applicant for public adjuster apprentice license pass a written examination, complete certain training, and receive a specified designation; limiting the number of public adjuster apprentices that may appointed by a public adjusting firm or supervised by a supervising public adjuster; amending s. 627.7011, F.S.; specifying that provisions regulating homeowners' policies do not prohibit insurers from repairing damaged property; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature, Commissioner of Insurance, Chief Financial Officer, and Governor reviewing laws governing public adjuster; specifying review requirements; specifying a required notice for real property insurance policies issued or renewed in this state; providing notice requirements; amending s. 626.9541, F.S.; authorizing licensed general lines agents to collect a service charge for processing certain installment payments under certain circumstances; providing a limitation; providing requirements; amending s. 624.46226, F.S.; authorizing reinsurance companies to issue coverage directly to certain public housing authorities under certain circumstances; specifying that a public housing authority is considered an insurer under certain circumstances; requiring that certain reinsurance contracts issued to public housing authorities receive the same tax treatment as contracts issued to insurance companies; providing construction; requiring rating agencies or rating services to disclose certain information in public reports and ratings; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1950** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Richter, the rules were waived to allow the following amendment to be considered:

Senator Richter moved the following amendment which was adopted:

Amendment 1 (947090) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (2), subsection (4), paragraph (b) of subsection (5), and subsections (7) and (17) of section 215.555, Florida Statutes, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2005, the retention multiple shall be equal to $4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2004, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level. *In 2010, the contract year begins June 1 and ends December 31, 2010. In 2011 and thereafter, the contract year begins January 1 and ends December 31.*

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions *on or* after January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

(4) REIMBURSEMENT CONTRACTS.—

(a) The board shall enter into a contract with each insurer writing covered policies in this state to provide to the insurer the reimbursement described in paragraphs (b) and (d), in exchange for the reimbursement premium paid into the fund under subsection (5). As a condition of doing business in this state, each such insurer shall enter into such a contract.

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in *2008* ~~2007~~, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to $10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of *December 31, 2008, for the 2009 contract year; as of December 31, 2009, for the 2010 contract year; and as of December 31, 2010, for the 2011 contract year* ~~December 31, 2007~~. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. *The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage.* ~~Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph~~. This subparagraph expires on *December 31, 2011* ~~May 31, 2009~~.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of $15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the balance of the fund as of December 31, less any premiums or interest attributable to optional coverage, as defined by rule which occurred over the prior calendar year.

2. In May ~~before the start of the upcoming contract year~~ and ~~in~~ October *of* ~~during~~ the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity*, the fund's estimated claims-paying capacity,* and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity*, estimated claims-paying capacity,* and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year.

3. The board may reimburse insurers for amounts up to the published factors or multiples for determining each participating insurer's retention and projected payout derived as a result of the development of the premium formula in those situations in which the total reimbursement of losses to such insurers would not exceed the estimated claims-paying capacity of the fund. Otherwise, such factors or multiples shall be reduced uniformly among all insurers to reflect the estimated claims-paying capacity.

(e)1. Except as provided in subparagraphs 2. and 3., the contract shall provide that if an insurer demonstrates to the board that it is likely to qualify for reimbursement under the contract, and demonstrates to the board that the immediate receipt of moneys from the board is likely to prevent the insurer from becoming insolvent, the board shall advance the insurer, at market interest rates, the amounts necessary to maintain the solvency of the insurer, up to 50 percent of the board's estimate of the reimbursement due the insurer. The insurer's reimbursement shall be reduced by an amount equal to the amount of the advance and interest thereon.

2. With respect only to an entity created under s. 627.351, the contract shall also provide that the board may, upon application by such entity, advance to such entity, at market interest rates, up to 90 percent of the lesser of:

a. The board's estimate of the amount of reimbursement due to such entity; or

b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an advance has been made under this subparagraph must be reduced by an amount equal to the amount of the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.

3. The contract shall also provide specifically and solely with respect to any limited apportionment company under s. 627.351(2)(b)3. that the board may, upon application by such company, advance to such company the amount of the estimated reimbursement payable to such company as calculated pursuant to paragraph (d), at market interest rates, if the board determines that the fund's assets are sufficient and are sufficiently liquid to permit the board to make an advance to such company and at the same time fulfill its reimbursement obligations to the insurers that are participants in the fund. Such company's final reimbursement for any contract year in which an advance pursuant to this subparagraph has been made shall be reduced by an amount equal to the amount of the advance and interest thereon. In order to determine what amounts, if any, are due to such company, the board may require such company to report its exposure and its losses at such times as may be required to determine retention levels and loss reimbursements payable.

(f) In order to ensure that insurers have properly reported the insured values on which the reimbursement premium is based and to ensure that insurers have properly reported the losses for which reimbursements have been made, the board shall inspect, examine, and verify the records of each insurer's covered policies at such times as the board deems appropriate and according to standards established by rule for the specific purpose of validating the accuracy of exposures and losses required to be reported under the terms and conditions of the reimbursement contract. The costs of the examinations shall be borne by the board. However, in order to remove any incentive for an insurer to delay preparations for an examination, the board shall be reimbursed by the insurer for any examination expenses incurred in addition to the

usual and customary costs of the examination, which additional expenses were incurred as a result of an insurer's failure, despite proper notice, to be prepared for the examination or as a result of an insurer's failure to provide requested information while the examination is in progress. If the board finds any insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the board may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the insurer being examined, if such insurer has failed to maintain, complete, or correct such records or deficiencies after the board has given the insurer notice and a reasonable opportunity to do so. Any information contained in an examination report, which information is described in s. 215.557, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, as provided in s. 215.557. Nothing in this paragraph expands the exemption in s. 215.557.

(g) The contract shall provide that in the event of the insolvency of an insurer, the fund shall pay directly to the Florida Insurance Guaranty Association for the benefit of Florida policyholders of the insurer the net amount of all reimbursement moneys owed to the insurer. As used in this paragraph, the term "net amount of all reimbursement moneys" means that amount which remains after reimbursement for:

1. Preliminary or duplicate payments owed to private reinsurers or other inuring reinsurance payments to private reinsurers that satisfy statutory or contractual obligations of the insolvent insurer attributable to covered events to such reinsurers; or

2. Funds owed to a bank or other financial institution to cover obligations of the insolvent insurer under a credit agreement that assists the insolvent insurer in paying claims attributable to covered events.

The private reinsurers, banks, or other financial institutions shall be reimbursed or otherwise paid prior to payment to the Florida Insurance Guaranty Association, notwithstanding any law to the contrary. The guaranty association shall pay all claims up to the maximum amount permitted by chapter 631; thereafter, any remaining moneys shall be paid pro rata to claims not fully satisfied. This paragraph does not apply to a joint underwriting association, risk apportionment plan, or other entity created under s. 627.351.

(5) REIMBURSEMENT PREMIUMS.—

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund. The formula shall specify, for each zip code or other limited geographical area, the amount of premium to be paid by an insurer for each $1,000 of insured value under covered policies in that zip code or other area. In establishing premiums, the board shall consider the coverage elected under paragraph (4)(b) and any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, and other such factors deemed by the board to be appropriate. *The formula must provide for a cash build-up factor. For the 2009-2010 contract year, the factor is 5 percent. For the contract year beginning June 1, 2010, and ending December 31, 2010, the factor is 10 percent. For the 2011 contract year, the factor is 15 percent. For the 2012 contract year, the factor is 20 percent. For the 2013 contract year and thereafter, the factor is 25 percent.* The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed appropriate by the board. The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.

(7) ADDITIONAL POWERS AND DUTIES.—

(a) The board may procure reinsurance from reinsurers acceptable to the Office of Insurance Regulation for the purpose of maximizing the capacity of the fund and may enter into capital market transactions, including, but not limited to, industry loss warranties, catastrophe bonds, side-car arrangements, or financial contracts permissible for the board's usage under s. 215.47(10) and (11), consistent with prudent management of the fund.

(b) In addition to borrowing under subsection (6), the board may also borrow from, or enter into other financing arrangements with, any market sources at prevailing interest rates.

(c) Each fiscal year, the Legislature shall appropriate from the investment income of the Florida Hurricane Catastrophe Fund an amount no less than $10 million and no more than 35 percent of the investment income based upon the most recent fiscal year-end audited financial statements for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve hurricane preparedness, reduce potential losses in the event of a hurricane, provide research into means to reduce such losses, educate or inform the public as to means to reduce hurricane losses, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades, or protect local infrastructure from potential damage from a hurricane. Moneys shall first be available for appropriation under this paragraph in fiscal year 1997-1998. Moneys in excess of the $10 million specified in this paragraph shall not be available for appropriation under this paragraph if the State Board of Administration finds that an appropriation of investment income from the fund would jeopardize the actuarial soundness of the fund.

(d) The board may allow insurers to comply with reporting requirements and reporting format requirements by using alternative methods of reporting if the proper administration of the fund is not thereby impaired and if the alternative methods produce data which is consistent with the purposes of this section.

(e) In order to assure the equitable operation of the fund, the board may impose a reasonable fee on an insurer to recover costs involved in reprocessing inaccurate, incomplete, or untimely exposure data submitted by the insurer.

(f) The board may require insurers to notarize documents submitted to the board.

(17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.—

(a) Findings and intent.—

1. The Legislature finds that:

a. Because of temporary disruptions in the market for catastrophic reinsurance, many property insurers were unable to procure sufficient amounts of reinsurance for the 2006 hurricane season or were able to procure such reinsurance only by incurring substantially higher costs than in prior years.

b. The reinsurance market problems were responsible, at least in part, for substantial premium increases to many consumers and increases in the number of policies issued by Citizens Property Insurance Corporation.

c. It is likely that the reinsurance market disruptions will not significantly abate prior to the 2007 hurricane season.

2. It is the intent of the Legislature to create options for insurers to purchase a temporary increased coverage limit above the statutorily determined limit in subparagraph (4)(c)1., applicable for the 2007, 2008, ~~and~~ 2009*, 2010, 2011, 2012, and 2013* hurricane seasons, to address market disruptions and enable insurers, at their option, to procure additional coverage from the Florida Hurricane Catastrophe Fund.

(b) Applicability of other provisions of this section.—All provisions of this section and the rules adopted under this section apply to the coverage created by this subsection unless specifically superseded by provisions in this subsection.

(c) Optional coverage.—For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, ~~and~~ the contract year commencing June 1, 2009, and ending May 31, 2010, *the contract year commencing June 1, 2010, and ending December 31, 2010, the contract year commencing January 1, 2011, and ending December 31, 2011, the contract year commencing January 1, 2012, and ending December 31, 2012, and the contract year commencing January 1, 2013, and ending December 31,*

2013, the board shall offer, for each of such years, the optional coverage as provided in this subsection.

(d) Additional definitions.—As used in this subsection, the term:

1. "FHCF" means Florida Hurricane Catastrophe Fund.

2. "FHCF reimbursement premium" means the premium paid by an insurer for its coverage as a mandatory participant in the FHCF, but does not include additional premiums for optional coverages.

3. "Payout multiple" means the number or multiple created by dividing the statutorily defined claims-paying capacity as determined in subparagraph (4)(c)1. by the aggregate reimbursement premiums paid by all insurers estimated or projected as of calendar year-end.

4. "TICL" means the temporary increase in coverage limit.

5. "TICL options" means the temporary increase in coverage options created under this subsection.

6. "TICL insurer" means an insurer that has opted to obtain coverage under the TICL options addendum in addition to the coverage provided to the insurer under its FHCF reimbursement contract.

7. "TICL reimbursement premium" means the premium charged by the fund for coverage provided under the TICL option.

8. "TICL coverage multiple" means the coverage multiple when multiplied by an insurer's reimbursement premium that defines the temporary increase in coverage limit.

9. "TICL coverage" means the coverage for an insurer's losses above the insurer's statutorily determined claims-paying capacity based on the claims-paying limit in subparagraph (4)(c)1., which an insurer selects as its temporary increase in coverage from the fund under the TICL options selected. A TICL insurer's increased coverage limit options shall be calculated as follows:

a. The board shall calculate and report to each TICL insurer the TICL coverage multiples based on 12 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, $8 billion, $9 billion, $10 billion, $11 billion, or $12 billion by the total estimated aggregate FHCF reimbursement premiums for the 2007-2008 contract year, *and* the 2008-2009 contract year~~, and the 2009-2010 contract year~~.

b. For the 2009-2010 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on 10 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, $8 billion, $9 billion, and $10 billion by the total estimated aggregate FHCF reimbursement premiums for the 2009-2010 contract year.

c. For the contract year beginning June 1, 2010, and ending December 31, 2010, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on eight options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, and $8 billion by the total estimated aggregate FHCF reimbursement premiums for the contract year.

d. For the 2011 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on six options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, and $6 billion by the total estimated aggregate FHCF reimbursement premiums for the 2011 contract year.

e. For the 2012 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on four options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, and $4 billion by the total estimated aggregate FHCF reimbursement premiums for the 2012 contract year.

f. For the 2013 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on two options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion and $2 billion by the total estimated aggregate FHCF reimbursement premiums for the 2013 contract year.

g. ~~b.~~ The TICL insurer's increased coverage shall be the FHCF reimbursement premium multiplied by the TICL coverage multiple. In order to determine an insurer's total limit of coverage, an insurer shall add its TICL coverage multiple to its payout multiple. The total shall represent a number that, when multiplied by an insurer's FHCF reimbursement premium for a given reimbursement contract year, defines an insurer's total limit of FHCF reimbursement coverage for that reimbursement contract year.

10. "TICL options addendum" means an addendum to the reimbursement contract reflecting the obligations of the fund and insurers selecting an option to increase an insurer's FHCF coverage limit.

(e) TICL options addendum.—

1. The TICL options addendum shall provide for reimbursement of TICL insurers for covered events occurring between June 1, 2007, and May 31, 2008, ~~and~~ between June 1, 2008, and May 31, 2009, ~~or~~ between June 1, 2009, and May 31, 2010, *between June 1, 2010, and December 31, 2010, between January 1, 2011, and December 31, 2011, between January 1, 2012, and December 31, 2012, or between January 1, 2013, and December 31, 2013,* in exchange for the TICL reimbursement premium paid into the fund under paragraph (f). Any insurer writing covered policies has the option of selecting an increased limit of coverage under the TICL options addendum and shall select such coverage at the time that it executes the FHCF reimbursement contract.

2. The TICL addendum shall contain a promise by the board to reimburse the TICL insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses. The percentage shall be the same as the coverage level selected by the insurer under paragraph (4)(b).

3. The TICL addendum shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. The priorities, schedule, and method of reimbursements under the TICL addendum shall be the same as provided under subsection (4).

(f) TICL reimbursement premiums.—Each TICL insurer shall pay to the fund, in the manner and at the time provided in the reimbursement contract for payment of reimbursement premiums, a TICL reimbursement premium determined as specified in subsection (5)*, except that a cash build-up factor does not apply to the TICL reimbursement premiums. However, the TICL reimbursement premium shall be increased in contract year 2009-2010 by a factor of two, in the contract year beginning June 1, 2010, and ending December 31, 2010, by a factor of three, in the 2011 contract year by a factor of four, in the 2012 contract year by a factor of five, and in the 2013 contract year by a factor of six.*

(g) Effect on claims-paying capacity of the fund.—For the contract terms commencing June 1, 2007, June 1, 2008, ~~and~~ June 1, 2009, *June 1, 2010, January 1, 2011, January 1, 2012, and January 1, 2013,* the program created by this subsection shall increase the claims-paying capacity of the fund as provided in subparagraph (4)(c)1. by an amount not to exceed $12 billion and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. The additional capacity shall apply only to the additional coverage provided under the TICL options and shall not otherwise affect any insurer's reimbursement from the fund if the insurer chooses not to select the temporary option to increase its limit of coverage under the FHCF.

~~(h) Increasing the claims-paying capacity of the fund.—For the contract years commencing June 1, 2007, June 1, 2008, and June 1, 2009, the board may increase the claims-paying capacity of the fund as provided in paragraph (g) by an amount not to exceed $4 billion in four $1 billion options and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. Each insurer's TICL premium shall be calculated based upon the additional~~

~~limit of increased coverage that the insurer selects. Such limit is determined by multiplying the TICL multiple associated with one of the four options times the insurer's FHCF reimbursement premium. The reimbursement premium associated with the additional coverage provided in this paragraph shall be determined as specified in subsection (5).~~

Section 2. Section 215.5586, Florida Statutes, as amended by section 1 of chapter 2009-10, Laws of Florida, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide *trained and certified inspectors to perform* inspections *for owners of* ~~for at least 400,000~~ site-built, single-family, residential properties and ~~provide~~ grants to *eligible* ~~at least 35,000~~ applicants *as funding allows* ~~before June 30, 2009~~. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that *may* ~~shall~~ include the following:

(1) HURRICANE MITIGATION INSPECTIONS.

(a) *Certified inspectors to provide* ~~free~~ home-retrofit inspections of site-built, single-family, residential property *may* ~~shall~~ be offered ~~throughout the state~~ to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall contract with wind certification entities to provide ~~free~~ hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Insurer-specific information regarding premium discounts correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities. As soon as practical, the rating scale must be the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865.

(b) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity shall, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who:

a. Are certified as a building inspector under s. 468.607;

b. Are licensed as a general or residential contractor under s. 489.111;

c. Are licensed as a professional engineer under s. 471.015 and who have passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841;

d. Are licensed as a professional architect under s. 481.213; or

e. Have at least 2 years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures. Such training may be provided by a class offered online or in person.

2. Use hurricane mitigation inspectors who also:

a. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity; and

b. Have been certified, in a manner satisfactory to the department, to conduct the inspections.

3. Provide a quality assurance program including a reinspection component.

(c) The department shall implement a quality assurance program that includes a statistically valid number of reinspections.

(d) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.

(e) The owner of a site-built, single-family, residential property may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).

(2) MITIGATION GRANTS.—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) *For a homeowner* to be eligible for a grant*, the following criteria* ~~for persons who have obtained a completed inspection after May 1, 2007, a residential property~~ must *be met*:

1. *The homeowner must* have been granted a homestead exemption *on the home* under chapter 196.

2. *The home must* be a dwelling with an insured value of $300,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(10), are exempt from this requirement.

3. *The home must* have undergone an acceptable hurricane mitigation inspection *after May 1, 2007*.

4. *The home must* be located in the "wind-borne debris region" as that term is defined in s. 1609.2, International Building Code (2006*), or as subsequently amended*.

5. ~~Be a home for which~~ The building permit application for initial construction *of the home must have been* ~~was~~ made before March 1, 2002.

An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application and must have attached documents demonstrating the applicant meets the requirements of this paragraph.

(b) All grants must be matched on a dollar-for-dollar basis *up to* ~~for~~ a total of $10,000 for the actual cost of the mitigation project with the state's contribution not to exceed $5,000.

(c) The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors. Mitigation projects are subject to random reinspection of up to at least 5 percent of all projects. Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of

availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

(e) When recommended by a hurricane mitigation inspection, grants may be used for the following improvements ~~only~~:

1. Opening protection.

2. Exterior doors, including garage doors.

3. Brace gable ends.

4. Reinforcing roof-to-wall connections.

5. Improving the strength of roof-deck attachments.

6. Upgrading roof covering from code to code plus.

7. Secondary water barrier for roof.

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of reimbursing a homeowner approved for a grant. *The department may adopt, by rule, the maximum grant allowances for any improvement allowable under this paragraph.*

(f) Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must be a low-income homeowner as defined in paragraph (g), must have had a homestead exemption for that home prior to the hurricane, and must be intending to rebuild the home as that homeowner's homestead.

(g) Low-income homeowners, as defined in s. 420.0004(10), who otherwise meet the requirements of paragraphs (a), (c), (e), and (f) are eligible for a grant of up to $5,000 and are not required to provide a matching amount to receive the grant. Additionally, for low-income homeowners, grant funding may be used for repair to existing structures leading to any of the mitigation improvements provided in paragraph (e), limited to 20 percent of the grant value. The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(10) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.

(h) The department shall establish objective, reasonable criteria for prioritizing grant applications, consistent with the requirements of this section.

(i) The department shall develop a process that ensures the most efficient means to collect and verify grant applications to determine eligibility and may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

(3) EDUCATION AND CONSUMER AWARENESS.—The department may undertake a statewide multimedia public outreach and advertising campaign to inform consumers of the availability and benefits of hurricane inspections and of the safety and financial benefits of residential hurricane damage mitigation. The department may seek out and use local, state, federal, and private funds to support the campaign.

(4) ADVISORY COUNCIL.—There is created an advisory council to provide advice and assistance to the department regarding administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the *Florida* Division of Emergency Management ~~of the Department of Community Affairs~~.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve *as* voting ex officio *members*. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(5) FUNDING.—The department may seek out and leverage local, state, federal, or private funds to enhance the financial resources of the program.

(6) RULES.—The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the program; implement the provisions of this section; including rules governing hurricane mitigation inspections *and grants*, mitigation contractors, and training of inspectors and contractors; and carry out the duties of the department under this section.

(7) HURRICANE MITIGATION INSPECTOR LIST.—The department shall develop and maintain as a public record a current list of hurricane mitigation inspectors authorized to conduct hurricane mitigation inspections pursuant to this section.

~~(8) NO INTEREST LOANS.—The department shall implement a no-interest loan program by October 1, 2008, contingent upon the selection of a qualified vendor and execution of a contract acceptable to the department and the vendor. The department shall enter into partnerships with the private sector to provide loans to owners of site built, single-family, residential property to pay for mitigation measures listed in subsection (2). A loan eligible for interest payments pursuant to this subsection may be for a term of up to 3 years and cover up to $5,000 in mitigation measures. The department shall pay the creditor the market rate of interest using funds appropriated for the My Safe Florida Home Program. In no case shall the department pay more than the interest rate set by s. 687.03. To be eligible for a loan, a loan applicant must first obtain a home inspection and report that specifies what improvements are needed to reduce the property's vulnerability to windstorm damage pursuant to this section and meet loan underwriting requirements set by the lender. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection which may include eligibility criteria.~~

(8) ~~(9)~~ PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS AND SALES ASSOCIATES.—The program shall develop brochures for distribution to general contractors, roofing contractors, and real estate brokers and sales associates licensed under part I of chapter 475 explaining the benefits to homeowners of residential hurricane damage mitigation. The program shall encourage contractors to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repairs or contracting for the construction of a new home. The program shall encourage real estate brokers and sales associates licensed under part I of chapter 475 to distribute the brochures to clients prior to the purchase of a home. The brochures may be made available electronically.

(9) ~~(10)~~ CONTRACT MANAGEMENT.—The department may contract with third parties for grants management, inspection services,

contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts shall be considered direct costs of the program and shall not be subject to administrative cost limits, but contracts valued at *$1 million* ~~$500,000~~ or more shall be subject to review and approval by the Legislative Budget Commission. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(10) ~~(11)~~ INTENT.—It is the intent of the Legislature that grants made to residential property owners under this section shall be considered disaster-relief assistance within the meaning of s. 139 of the Internal Revenue Code of 1986, as amended.

(11) ~~(12)~~ REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, and the number and value of grants approved. The report shall be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 3. Subsection (13) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(13) A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

The provisions of *subsections (5)-(13)* ~~subsections (5)-(12)~~ apply only to residential property insurance policies and condominium association policies as defined in s. 718.111(11).

Section 4. Subsection (7) is added to section 627.7011, Florida Statutes, to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(7) This section does not prohibit an insurer from exercising its right to repair damaged property in compliance with its policy and s. 627.702(7).

Section 5. Subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster's qualifications, bond.—

(1) The department shall issue a license to an applicant for a public adjuster's license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

(a) Is a natural person at least 18 years of age.

(b) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and a bona fide resident of this state.

(c) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.

(d) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and effects of the provisions of those types of insurance contracts, and possesses adequate knowledge of the laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom the applicant may have business as a public adjuster.

~~(e) Has passed the required written examination.~~

Section 6. Section 626.8651, Florida Statutes, is amended to read:

626.8651 Public adjuster apprentice license; qualifications.—

(1) The department shall issue a license as a public adjuster apprentice to an applicant who is:

(a) A natural person at least 18 years of age.

(b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state.

(c) Trustworthy and has such business reputation as would reasonably ensure that the applicant will conduct business as a public adjuster apprentice fairly and in good faith and without detriment to the public.

(2) All applicable license fees, as prescribed in s. 624.501, must be paid in full before issuance of the license.

(3) *An applicant must pass the required written examination before a license may be issued.*

(4) An applicant must have received designation as an Accredited Claims Adjuster (ACA) after completion of training that qualifies the applicant to engage in the business of a public adjuster apprentice fairly and without injury to the public. Such training and instruction must address adjusting damages and losses under insurance contracts, the terms and effects of insurance contracts, and knowledge of the laws of this state relating to insurance contracts.

(5) At the time of application for license as a public adjuster apprentice, the applicant shall file with the department a bond executed and issued by a surety insurer authorized to transact such business in this state in the amount of $50,000, conditioned upon the faithful performance of his or her duties as a public adjuster apprentice under the license for which the applicant has applied, and thereafter maintain the bond unimpaired throughout the existence of the license and for at least 1 year after termination of the license. The bond shall be in favor of the department and shall specifically authorize recovery by the department of the damages sustained in case the licensee commits fraud or unfair practices in connection with his or her business as a public adjuster apprentice. The aggregate liability of the surety for all such damages may not exceed the amount of the bond, and the bond may not be terminated by the issuing insurer unless written notice of at least 30 days is given to the licensee and filed with the department.

(6) ~~(4)~~ A public adjuster apprentice shall complete at a minimum 100 hours of employment per month for 12 months of employment under the supervision of a licensed and appointed all-lines public adjuster in order to qualify for licensure as a public adjuster. The department may adopt rules that establish standards for such employment requirements.

(7) ~~(5)~~ *An appointing public adjusting firm may not maintain more than 12 public adjuster apprentices simultaneously. However,* a supervising public adjuster *may not* ~~shall~~ be responsible *for more than 3 public adjuster apprentices simultaneously* and *shall be* accountable for the acts of *all* ~~a~~ public adjuster *apprentices* ~~apprentice~~ which are related to transacting business as a public adjuster apprentice.

(8) ~~(6)~~ An apprentice license is effective for 18 months unless the license expires due to lack of maintaining an appointment; is surrendered by the licensee; is terminated, suspended, or revoked by the department; or is canceled by the department upon issuance of a public adjuster license. The department may not issue a public adjuster apprentice license to any individual who has held such a license in this state within 2 years after expiration, surrender, termination, revocation, or cancellation of the license.

(9) ~~(7)~~ After completing the requirements for employment as a public adjuster apprentice, the licensee may file an application for a public adjuster license. The applicant and supervising public adjuster or public

adjusting firm must each file a sworn affidavit, on a form prescribed by the department, verifying that the employment of the public adjuster apprentice meets the requirements of this section.

(10) ~~(8)~~ In no event shall a public adjuster apprentice licensed under this section perform any of the functions for which a public adjuster's license is required after expiration of the public adjuster apprentice license without having obtained a public adjuster license.

(11) ~~(9)~~ A public adjuster apprentice has the same authority as the licensed public adjuster or public adjusting firm that employs the apprentice except that an apprentice may not execute contracts for the services of a public adjuster or public adjusting firm and may not solicit contracts for the services except under the direct supervision and guidance of the supervisory public adjuster. An individual may not be, act as, or hold himself or herself out to be a public adjuster apprentice unless the individual is licensed and holds a current appointment by a licensed public all-lines adjuster or a public adjusting firm that employs a licensed all-lines public adjuster.

Section 7. Subsections (2) and (5) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the office under one of the following procedures except as provided in subparagraph 3.:

1. If the filing is made at least 90 days before the proposed effective date and the filing is not implemented during the office's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the office to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

3. For all *residential* property insurance filings made or submitted after January 25, 2007, but before December 31, *2012* ~~2009~~, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a "file and use" filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered to be property coverages.

(b) Upon receiving a rate filing, the office shall review the rate filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The commission may adopt rules using reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to such classes of insurance written in this state and the manner in which such investment income shall be used to calculate insurance rates. Such manner shall contemplate allowances for an underwriting profit factor and full consideration of investment income which produce a reasonable rate of return; however, investment income from invested surplus may not be considered.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

7. The adequacy of loss reserves.

8. The cost of reinsurance. The office shall not disapprove a rate as excessive solely due to the insurer having obtained catastrophic reinsurance to cover the insurer's estimated 250-year probable maximum loss or any lower level of loss.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. Projected hurricane losses, if applicable, which must be estimated using a model or method found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology, and as further provided in s. 627.0628.

12. A reasonable margin for underwriting profit and contingencies.

13. The cost of medical services, if applicable.

14. Other relevant factors which impact upon the frequency or severity of claims or upon expenses.

(c) In the case of fire insurance rates, consideration shall be given to the availability of water supplies and the experience of the fire insurance business during a period of not less than the most recent 5-year period for which such experience is available.

(d) If conflagration or catastrophe hazards are given consideration by an insurer in its rates or rating plan, including surcharges and discounts, the insurer shall establish a reserve for that portion of the premium allocated to such hazard and shall maintain the premium in a catastrophe reserve. Any removal of such premiums from the reserve for purposes other than paying claims associated with a catastrophe or purchasing reinsurance for catastrophes shall be subject to approval of the office. Any ceding commission received by an insurer purchasing reinsurance for catastrophes shall be placed in the catastrophe reserve.

(e) After consideration of the rate factors provided in paragraphs (b), (c), and (d), a rate may be found by the office to be excessive, inadequate, or unfairly discriminatory based upon the following standards:

1. Rates shall be deemed excessive if they are likely to produce a profit from Florida business that is unreasonably high in relation to the risk involved in the class of business or if expenses are unreasonably high in relation to services rendered.

2. Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, when the replenishment is attributable to investment losses.

3. Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

4. A rating plan, including discounts, credits, or surcharges, shall be deemed unfairly discriminatory if it fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adopted pursuant to s. 627.0625.

5. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

6. A rate shall be deemed unfairly discriminatory as to a risk or group of risks if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks.

(f) In reviewing a rate filing, the office may require the insurer to provide at the insurer's expense all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated in this section.

(g) The office may at any time review a rate, rating schedule, rating manual, or rate change; the pertinent records of the insurer; and market conditions. If the office finds on a preliminary basis that a rate may be excessive, inadequate, or unfairly discriminatory, the office shall initiate proceedings to disapprove the rate and shall so notify the insurer. However, the office may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for a period of 1 year after the effective date of the filing unless the office finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being so notified, the insurer or rating organization shall, within 60 days, file with the office all information which, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. The office shall issue a notice of intent to approve or a notice of intent to disapprove pursuant to the procedures of paragraph (a) within 90 days after receipt of the insurer's initial response. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the office notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the office withdraws the notification, the insurer shall not alter the rate except to conform with the office's notice until the earlier of 120 days after the date the notification was provided or 180 days after the date of the implementation of the rate. The office may, subject to chapter 120, disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(h) In the event the office finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the office shall issue an order of disapproval specifying that a new rate or rate schedule which responds to the findings of the office be filed by the insurer. The office shall further order, for any "use and file" filing made in accordance with subparagraph (a)2., that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to such policyholder in the form of a credit or refund. If the office finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the office in response to such a finding shall be applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.

(i) Except as otherwise specifically provided in this chapter, the office shall not prohibit any insurer, including any residual market plan or joint underwriting association, from paying acquisition costs based on the full amount of premium, as defined in s. 627.403, applicable to any policy, or prohibit any such insurer from including the full amount of acquisition costs in a rate filing.

(j) With respect to residential property insurance rate filings, the rate filing must account for mitigation measures undertaken by policyholders to reduce hurricane losses.

(k)1. An insurer may make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs to replace or finance payment of amounts covered by the Florida Hurricane Catastrophe Fund if:

a. Reinsurance costs contained in the filing do not result in an overall premium increase of more than 10 percent for any individual policyholder. If the insurer elects to purchase a liquidity instrument or line of credit instead of reinsurance, the cost included in the filing for the liquidity instrument or line of credit may not result in a premium increase exceeding 3 percent for any individual policyholder;

b. The insurer includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculations upon which the proposed rate changes are based demonstrating that the costs meet the criteria of this section and are not loaded for expenses or profit;

c. The insurer makes no other changes to its rates; and

d. The insurer has not implemented an increase in its rate within the 6 months immediately preceding the filing.

2. An insurer making a filing pursuant to this paragraph is not eligible to file for any additional rate increase for the same business for at least 12 months after implementation of the limited filing.

3. This paragraph does not limit the authority of the office to disapprove the rate filing as excessive, inadequate, or unfairly discriminatory. All other standards of the rating law apply, including the standard of reasonableness.

4. This paragraph does not apply to rate filings for any insurance other than residential property insurance.

The provisions of this subsection *do* ~~shall~~ not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but *except as otherwise provided in this section,* may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.

Section 8. Section 627.0621, Florida Statutes, is amended to read:

627.0621 Transparency in rate regulation.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Rate filing" means any original or amended rate residential property insurance filing.

(b) "Recommendation" means any proposed, preliminary, or final recommendation from an office actuary reviewing a rate filing with respect to the issue of approval or disapproval of the rate filing or with respect to rate indications that the office would consider acceptable.

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.—

(a) With respect to any *residential property* rate filing ~~made on or after July 1, 2008~~, the office shall provide the following information on a publicly accessible Internet website:

1. ~~(a)~~ The overall rate change requested by the insurer.

2. The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.

3. Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.

(b) For any rate filing, whether or not the filing is subject to a public hearing, the office shall provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail regarding the proposed rate change. Such e-mail must be accessible to the actuary assigned to review the rate filing.

~~(b) All assumptions made by the office's actuaries.~~

~~(c) A statement describing any assumptions or methods that deviate from the actuarial standards of practice of the Casualty Actuarial Society or the American Academy of Actuaries, including an explanation of the nature, rationale, and effect of the deviation.~~

~~(d) All recommendations made by any office actuary who reviewed the rate filing.~~

~~(e) Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.~~

~~(f) The overall rate change approved by the office.~~

~~(3) ATTORNEY CLIENT PRIVILEGE; WORK PRODUCT. It is the intent of the Legislature that the principles of the public records and open meetings laws apply to the assertion of attorney-client privilege and work product confidentiality by the office in connection with a challenge to its actions on a rate filing. Therefore, in any administrative or judicial proceeding relating to a rate filing, attorney-client privilege and work product exemptions from disclosure do not apply to communications with office attorneys or records prepared by or at the direction of an office attorney, except when the conditions of paragraphs (a) and (b) have been met:~~

~~(a) The communication or record reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or office that was prepared exclusively for civil or criminal litigation or adversarial administrative proceedings.~~

~~(b) The communication occurred or the record was prepared after the initiation of an action in a court of competent jurisdiction, after the issuance of a notice of intent to deny a rate filing, or after the filing of a request for a proceeding under ss. 120.569 and 120.57.~~

Section 9. *Section 627.0612, Florida Statutes, is repealed.*

Section 10. Subsection (5) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(5) In order to provide an appropriate transition period, an insurer may, in its sole discretion, implement an approved rate filing for residential property insurance over a period of years. An insurer electing to phase in its rate filing must provide an informational notice to the office setting out its schedule for implementation of the phased-in rate filing. *An insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. 215.555(17)(d)9. However, this cost for reinsurance may not include any expense or profit load or result in a total annual base rate increase in excess of 10 percent.*

Section 11. Paragraphs (a), (c), (m), and (x) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. It is the public purpose of this subsection to ensure the existence of an orderly market for property insurance for Floridians and Florida businesses. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, Citizens Property Insurance Corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that Citizens Property Insurance Corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. The corporation shall continue to operate pursuant to the plan of operation approved by the Office of Insurance Regulation until October 1, 2006. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. Effective January 1, 2009, a personal lines residential structure that has a dwelling replacement cost of $2 million or more, or a single condominium unit that has a combined dwelling and content replacement cost of $2 million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings that are insured by the corporation and become ineligible for coverage due to the provisions of this subparagraph may reapply and obtain coverage if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation prior to being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of $750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under

the Florida Building Code for a newly constructed residential structure in that area. A residential structure shall be deemed to comply with the requirements of this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed. ~~Effective January 1, 2010, for personal lines residential property insured by the corporation that is located in the wind borne debris region and has an insured value on the structure of $500,000 or more, a prospective purchaser of any such residential property must be provided by the seller a written disclosure that contains the structure's windstorm mitigation rating based on the uniform home grading scale adopted under s. 215.55865. Such rating shall be provided to the purchaser at or before the time the purchaser executes a contract for sale and purchase.~~

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. that contain more restrictive coverage.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (p)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other

surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.a. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of eight individuals who are residents of this state, from different geographical areas of this state. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All members of the board of governors are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. *However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term.* Any board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, with regard to a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, the policyholder remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, with regard to a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, the policyholder remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. For purposes of determining comparable coverage under sub-subparagraphs a. and b., the comparison shall be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the high-risk account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant shall be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the high-risk account in 2006 or thereafter may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds pursuant to s. 627.3512, but the regular assessment must be paid in full within 12 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (p)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

14. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide, by July 1, 2007, a premium payment plan option to its policyholders which allows at a minimum for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

18. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

(m)1. Rates for coverage provided by the corporation shall be actuarially sound and subject to the requirements of s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall

provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, that model shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The rate filings for the corporation which were approved by the office and which took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and shall provide refunds to policyholders who have paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, shall remain in effect for the 2007 and 2008 calendar years except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

5. Beginning on July 15, 2009, and each year thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.

6. Notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall implement a rate increase each year which does not exceed 5 percent for any single policy issued by the corporation, excluding coverage changes and surcharges.

7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).

8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease upon the corporation's implementation of actuarially sound rates.

9. Beginning January 1, 2010, and each quarter thereafter, the corporation shall transfer an amount equal to 10 percent of the funds projected to be collected from the rate increase prescribed by subparagraph 6. to the General Revenue Fund. The corporation shall cease such transfers upon the implementation of actuarially sound rates or the existence of a deficit in any account as described in subparagraph (b)3.

(x) It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time, reduce the probable maximum windstorm losses in the residual markets and should reduce the potential assessments to be levied on property insurers and policyholders statewide. In furtherance of this intent:

1. The board shall, on or before February 1 of each year, provide a report to the President of the Senate and the Speaker of the House of Representatives showing the reduction or increase in the 100-year probable maximum loss attributable to wind-only coverages and the quota share program under this subsection combined, as compared to the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association. For purposes of this paragraph, the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association shall be the calculation dated February 2001 and based on November 30, 2000, exposures. In order to ensure comparability of data, the board shall use the same methods for calculating its probable maximum loss as were used to calculate the benchmark probable maximum loss.

2. Beginning *December 1, 2010* ~~February 1, 2010~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, 2015, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

Section 12. Section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.—

(1) *The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by any residual market entity, including regular assessments levied on insurers by Citizens Property Insurance Corporation and any other assessments levied on insurers by an insurance risk apportionment plan or assigned risk plan under s. 627.311 or s. 627.351 constitute advances of funds from the insurer to the residual market entity, and that the insurer is entitled to fully recoup such advances.* An insurer or insurer group may recoup any assessments that have been paid during or after 1995 by the insurer or insurer group to defray deficits of an insurance risk apportionment plan or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer or insurer group by the association or plan for any year after 1993. A limited apportionment company as defined in s. 627.351(6)(c) may recoup any regular assessment that has been levied by, or paid to, Citizens Property Insurance Corporation.

(2) The recoupment shall be made by applying a separate *recoupment* ~~assessment~~ factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines. The separate assessment factor shall provide for full recoupment of the assessments over a period of 1 year, unless the insurer or insurer group, at its option, elects to recoup the assessments over a longer period. The assessment factor expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

(3) ~~(2)~~ The *recoupment* ~~assessment~~ factor *may* ~~must~~ not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group *does not* ~~fails to~~ collect the full amount of the deficit assessment *during one 12-month period*, the insurer or insurer group *may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12-month periods* ~~must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount~~.

(4) ~~(3)~~ The insurer or insurer group shall file with the office a statement *for informational purposes only* setting forth the amount of the *recoupment* ~~assessment~~ factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The *informational* statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the *recoupment* ~~assessment~~ factor. ~~The office shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations.~~ The insurer or insurer group may use the *recoupment* ~~assessment~~ factor at any time after the expiration of the 15-day period ~~unless the office has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect~~. *The recoupment factor shall apply to all policies described in subsection (3) that are issued or renewed by the insurer or insurer group during a 12-month period. If full recoupment requires the insurer or insurer group to apply a recoupment factor over a subsequent*

12-month period, the insurer or insurer group must file a supplemental informational statement pursuant to this subsection.

(5) No later than 90 days after the insurer or insurer group has completed the recoupment process, it shall file with the office a final accounting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year.

(6) ~~(4)~~ The commission may adopt rules to implement this section.

Section 13. Subsection (2) of section 627.711, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:

(a) A hurricane mitigation inspector *certified* ~~employed~~ by *the* ~~an approved~~ My Safe Florida Home *program* ~~wind certification entity~~;

(b) A building code inspector certified under s. 468.607;

(c) A general or residential contractor licensed under s. 489.111;

(d) A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841; ~~or~~

(e) A professional architect licensed under s. 481.213*; or*

(f) Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.

(3) An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 14. Subsections (1) and (2) of section 627.712, Florida Statutes, are amended to read:

627.712 Residential windstorm coverage required; availability of exclusions for windstorm or contents.—

(1) An insurer issuing a residential property insurance policy must provide windstorm coverage. Except as provided in paragraph (2)(c), this section does not apply with respect to risks that are eligible for wind-only coverage from Citizens Property Insurance Corporation under s. 627.351(6)*, and with respect to risks that are not eligible for coverage from Citizens Property Insurance Corporation under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. A risk ineligible for Citizens coverage under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. is exempt from the requirements of this section only if the risk is located within the boundaries of the high-risk account of the corporation.*

(2) A property insurer must make available, at the option of the policyholder, an exclusion of windstorm coverage.

(a) The coverage may be excluded only if:

1. When the policyholder is a natural person, the policyholder personally writes and provides to the insurer the following statement in his or her own handwriting and signs his or her name, which must also be signed by every other named insured on the policy, and dated: "I do not want the insurance on my (home/mobile home/condominium unit) to pay for damage from windstorms. I will pay those costs. My insurance will not."

2. When the policyholder is other than a natural person, the policyholder provides to the insurer on the policyholder's letterhead the following statement that must be signed by the policyholder's authorized representative and dated: "____(Name of entity)____ does not want the insurance on its ____(type of structure)____ to pay for damage from windstorms. ____(Name of entity)____ will be responsible for these costs. ____(Name of entity's)____ insurance will not."

(b) If the structure insured by the policy is subject to a mortgage or lien, the policyholder must provide the insurer with a written statement from the mortgageholder or lienholder indicating that the mortgageholder or lienholder approves the policyholder electing to exclude windstorm coverage or hurricane coverage from his or her or its property insurance policy.

(c) ~~If the residential structure is eligible for wind-only coverage from Citizens Property Insurance Corporation,~~ An insurer nonrenewing a policy and issuing a replacement policy, or issuing a new policy, that does not provide wind coverage shall provide a notice to the mortgageholder or lienholder indicating the policyholder has elected coverage that does not cover wind.

Section 15. Section 631.65, Florida Statutes, is amended to read:

631.65 Prohibited advertisement or solicitation.—No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement which uses the existence of the insurance guaranty association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered under this part. *However, this section does not prohibit a duly licensed insurance agent from explaining the existence or function of the insurance guaranty association to policyholders, prospects, or applicants for coverage.*

Section 16. *Upon receipt of funds transferred to the General Revenue fund pursuant to s. 627.351(6)(m)8., Florida Statutes, the funds transferred are appropriated on a nonrecurring basis from the General Revenue Fund to the Insurance Regulatory Trust Fund in the Department of Financial Services for purposes of the My Safe Florida Home Program specified in s. 215.5586, Florida Statutes. The My Safe Florida Home Program shall use the funds solely for the provision of mitigation grants pursuant to s. 215.5586(2), Florida Statutes, for single-family homes insured by the Citizens Property Insurance Corporation on June 1, 2009. The department shall establish a separate account within the trust fund for accounting purposes.*

Section 17. This act shall take effect June 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up

factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 626.854, F.S.; prohibiting a public adjuster from accepting referrals for compensation from a person with whom the public adjuster conducts business; prohibiting a public adjuster from compensating a person other than a public adjuster for referrals; amending s. 627.7011, F.S.; providing that an insurer may repair damaged property in compliance with its policy; amending s. 626.865, F.S.; deleting a requirement that an applicant for a license as a public adjuster pass a written examination as a prerequisite to licensure; amending s. 626.8651, F.S.; requiring an applicant for a public adjuster apprentice license to pass a written exam and receive an Accredited Claims Adjuster designation and related training before licensure; limiting the number of public adjuster apprentices that may be maintained by a single public adjusting firm or supervised by a public adjuster; amending s. 627.062, F.S.; extending the period for which an insurer seeking a residential property insurance rate that is greater than the rate most recently approved by the Office of Insurance Regulation must make a "file and use" filing; authorizing an insurer to make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs to replace or finance payment of amounts covered by the Florida Hurricane Catastrophe Fund under certain circumstances; providing that certain insurers are not eligible to file for certain additional rate increases during a specified period after implementation of a limited filing; preserving the authority of the office to disapprove a rate filing as excessive, inadequate, or unfairly discriminatory; providing for the applicability of certain provisions of state law; amending s. 627.0621, F.S.; requiring that the Office of Insurance Regulation provide certain information regarding any residential property rate filing on a publicly accessible Internet website; requiring that the office provide a means on its website for certain persons to submit e-mail regarding any rate filing; requiring that such e-mail be accessible by the actuary assigned to review the subject rate filing; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; repealing s. 627.0612, F.S., relating to administrative proceedings in rating determinations; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the date after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; providing legislative findings; providing for the recoupment of residual market assessments paid by insurers or insurer groups; limiting the amount of a recoupment factor; authorizing an insurer to apply recalculated recoupment factors to policies issued or renewed during specified periods under certain circumstances; requiring that insurers or insurer groups file a statement setting forth certain information; providing for the application of recoupment factors to certain policies upon issuance or renewal; requiring that insurers or insurer groups file a supplemental statement under certain circumstances; requiring that such entities file a final accounting report documenting certain information within a specified period after the completion of the recoupment process; requiring that such report provide certain information; amending s. 627.711, F.S.; requiring that an insurer accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by certain individuals or entities; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

On motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 1495** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Oelrich
Altman	Fasano	Pruitt
Aronberg	Gaetz	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Storms
Dean	Justice	Wise
Detert	King	
Deutch	Lawson	

Nays—2

Garcia	Sobel

Vote after roll call:

Yea—Peaden, Wilson

Nay—Villalobos

CS for CS for HB 453—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.186, F.S.; providing that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax; amending s. 220.187, F.S.; defining the term "direct certification list"; expanding the Corporate Income Tax Credit Scholarship Program to include insurance premium tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; providing that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax; imposing an additional requirement on the Department of Education; specifying school district tax credit scholarship notification requirements and limitations; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; providing conforming revisions; authorizing certain insurers that made past contributions to the Florida Tax Credit Scholarship Program to claim the credits against future corporate income tax liability; requiring the insurer to apply to the Department of Revenue for the tax credits; requiring such insurers to file amended corporate income tax and insurance premium tax returns; providing severability; providing an effective date.

—was read the third time by title.

Senator Smith moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (443806)—Delete lines 122-124 and insert: ~~each state fiscal year~~ under this section *and s. 624.51055* is *$115,640,000* ~~:~~

~~1. Through June 30, 2008, $88 million.~~

~~2. Beginning July 1, 2008, and thereafter, $118 million~~.

On motion by Senator Gardiner, **CS for CS for HB 453** was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Detert	Oelrich
Alexander	Diaz de la Portilla	Peaden
Altman	Dockery	Pruitt
Aronberg	Fasano	Richter
Baker	Gaetz	Ring
Bennett	Gardiner	Siplin
Constantine	Haridopolos	Storms
Crist	Lawson	Wise
Dean	Lynn	

Nays—11

Bullard	Joyner	Smith
Deutch	Justice	Sobel
Gelber	King	Wilson
Jones	Rich	

Vote after roll call:

Yea—Garcia

SB 234—A bill to be entitled An act relating to state university presidents; amending ss. 1001.706 and 1001.74, F.S.; revising powers and duties of the Board of Governors and university boards of trustees relating to personnel; providing that a state university president is not subject to the personnel program established by the Board of Governors; requiring that a board of trustees appoint the university president and administer a personnel program for the president; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **SB 234** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

CS for CS for CS for HB 29—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services; providing that such violation is a first-degree misdemeanor; providing for prima facie evidence of intent to violate such prohibition; providing that theft of utility services for the purpose of manufacturing a controlled substance is a first-degree misdemeanor; providing penalties; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for CS for HB 29** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for CS for SB 448—A bill to be entitled An act relating to sexual activities involving animals; creating s. 828.126, F.S.; providing definitions; prohibiting knowing sexual conduct or sexual contact with an animal; prohibiting specified related activities; providing penalties; providing that the act does not apply to certain husbandry, conformation judging, and veterinary practices; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for CS for CS for SB 448** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

CS for HB 123—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; providing that a person commits a misdemeanor if he or she transports an individual into this state from another country and knows, or should know, that the individual is illegally entering the United States; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for HB 123** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Detert	Joyner
Alexander	Deutch	Justice
Altman	Diaz de la Portilla	King
Aronberg	Dockery	Lawson
Baker	Fasano	Lynn
Bennett	Gaetz	Oelrich
Bullard	Gardiner	Peaden
Constantine	Gelber	Pruitt
Crist	Haridopolos	Rich
Dean	Jones	Richter

Ring	Sobel	Wise
Siplin	Storms	
Smith	Wilson	

Nays—None

Vote after roll call:

Yea—Garcia

CS for CS for SB 526—A bill to be entitled An act relating to court costs; amending s. 938.10, F.S.; expanding the list of provisions of law for which a court is required to impose an additional court cost for certain pleadings or findings relating to offenses against a minor and certain other offenses; increasing the amount of the court cost; providing for distribution of a portion of the court costs to the Office of the Statewide Guardian Ad Litem and the Florida Network of Children's Advocacy Centers, Inc.; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Lynn, **CS for CS for SB 526** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Jones	Smith
Constantine	Joyner	Sobel
Crist	Justice	Storms
Dean	King	Wilson
Detert	Lawson	Wise
Deutch	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

CS for HB 739—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for HB 739** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Lawson
Alexander	Dockery	Lynn
Altman	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Smith
Detert	Justice	Sobel
Deutch	King	Wilson
Wise		

Nays—1

Storms

CS for CS for CS for SB 1128—A bill to be entitled An act relating to the education for children in shelter care or foster care and exceptional students; amending s. 39.0016, F.S.; defining the term "surrogate parent"; requiring the Department of Education and district school boards to access the Florida Safe Families Network to obtain information about children known to the Department of Children and Family Services; providing legislative intent; providing conditions and requirements for district school superintendent or court appointment of a surrogate parent for educational decisionmaking for a child who has or is suspected of having a disability; providing requirements for educational placement; providing requirements relating to qualifications and responsibilities of surrogate parents; limiting liability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child's medical records and educational records if a child is placed in a shelter; authorizing appointment of a surrogate parent; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring that an exceptional student be enrolled in school; requiring review of the student's individual educational plan; providing for determining responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education to adopt rules; requiring a cooperative agreement between the Department of Education and agencies, to be executed on or before January 1, 2010; prescribing conditions and requirements for the agreement; providing an effective date.

—as amended April 27 was read the third time by title.

MOTION

On motion by Senator Storms, the rules were waived to allow the following amendment to be considered:

Senator Storms moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (804886) (with title amendment)—Delete lines 83-114 and insert:

(2) AGENCY AGREEMENTS.—

(a) ~~(3)~~ The department shall enter into an agreement with the Department of Education regarding the education and related care of children known to the department. Such agreement shall be designed to provide educational access to children known to the department for the purpose of facilitating the delivery of services or programs to children known to the department. The agreement shall avoid duplication of services or programs and shall provide for combining resources to maximize the availability or delivery of services or programs. *The agreement must require the Department of Education to access the department's Florida Safe Families Network to obtain information about children known to the department, consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g.*

(b) ~~(4)~~ The department shall enter into agreements with district school boards or other local educational entities regarding education and related services for children known to the department who are of school age and children known to the department who are younger than school age but who would otherwise qualify for services from the district school board. Such agreements shall include, but are not limited to:

1. ~~(a)~~ A requirement that the department shall:

a. ~~1.~~ Enroll children known to the department in school. The agreement shall provide for continuing the enrollment of a child known to the department at the same school, if possible, with the goal of avoiding disruption of education.

b. ~~2.~~ Notify the school and school district in which a child known to the department is enrolled of the name and phone number of the child known to the department caregiver and caseworker for child safety purposes.

c. ~~3.~~ Establish a protocol for the department to share information about a child known to the department with the school district, consistent with the Family Educational Rights and Privacy Act, since the sharing of information will assist each agency in obtaining education and related services for the benefit of the child. *The protocol must require the district school boards or other local educational entities to access the department's Florida Safe Families Network to obtain information about children known to the department, consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g.*

And the title is amended as follows:

Delete line 5 and insert: "surrogate parent"; requiring the Department of Education and district school boards to access the Florida Safe Families Network to obtain information about children known to the Department of Children and Family Services; providing legislative intent;

On motion by Senator Rich, **CS for CS for CS for SB 1128** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 177—A bill to be entitled An act relating to firearms transactions; amending s. 790.335, F.S.; clarifying that violations of provisions prohibiting keeping any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms may be committed by entities as well as individuals; requiring that secondhand dealers and pawnbrokers who electronically submit certain firearm transaction records to law enforcement agencies submit certain specified information in Florida Crime Information Center coding; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for HB 177** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

CS for HB 1269—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for HB 1269** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

CS for CS for HB 1209—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; revising the definition of the term "approved program" and defining terms for purposes of the Nurse Practice Act; amending s. 464.019, F.S.; revising provisions for the approval of nursing programs by the Board of Nursing; requiring institutions wishing to conduct certain nursing programs to submit a program application and pay a program review fee to the Department of Health; specifying that a program application is deemed approved if the board does not act within specified timeframes; providing application requirements and procedures; providing standards for the approval of nursing programs; specifying that, upon the board's approval of a program application, the program becomes an approved program; providing that programs provisionally approved by the board, and certain programs on probationary status, as of a specified date are approved programs under the act; providing that certain programs on probationary status as of a specified date remain on probationary status; requiring such programs on probationary status to comply within a specified period with a requirement related to program graduate passage rates; requiring the board to terminate programs that do not comply; requiring approved programs to annually submit a report; specifying contents of annual reports; providing for denial of program applications; providing procedures for processing incomplete program applications; requiring the board to provide a notice of intent to deny a program application that

does not document compliance with certain standards; authorizing an administrative hearing for review of a notice of intent to deny an application; requiring the board to publish on its Internet website certain data about nursing programs; requiring that a nursing program be placed on probation under certain circumstances; requiring programs placed on probation to disclose certain information to students and applicants; requiring the board to terminate a nursing program under certain circumstances; requiring a nursing program that closes to notify the board of certain information; specifying that the board, with certain exceptions, does not have rulemaking authority to administer the act; specifying that the board may not impose any condition or requirement on program approval or retention except as expressly provided in the act; requiring the board to repeal certain rules in existence as of a specified date; requiring the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for HB 1209** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for CS for SB 2404—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising terminology; amending s. 415.102, F.S.; defining the term "activities of daily living" and revising the term "vulnerable adult"; conforming a cross-reference; amending s. 415.103, F.S.; requiring that the central abuse hotline, which is maintained by the Department of Children and Family Services, immediately transfer reports relating to vulnerable adults to the appropriate county sheriff's office; amending s. 415.1051, F.S.; authorizing the department to file a petition to determine incapacity; prohibiting the department from acting as guardian or providing legal counsel to the guardian; amending s. 322.142, F.S.; providing a cross-reference to authorize the release of certain records for purposes of protective investigations; amending ss. 943.0585 and 943.059, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for CS for CS for SB 2404** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deutch	Justice
Alexander	Diaz de la Portilla	King
Altman	Dockery	Lawson
Aronberg	Fasano	Lynn
Baker	Gaetz	Oelrich
Bennett	Garcia	Peaden
Bullard	Gardiner	Pruitt
Constantine	Gelber	Rich
Crist	Haridopolos	Richter
Dean	Jones	Ring
Detert	Joyner	Siplin
Smith	Storms	Wilson
Sobel	Villalobos	Wise

Nays—None

HB 7117—A bill to be entitled An act relating to student records; amending s. 1002.21, F.S.; deleting provisions relating to the rights parents have regarding their children's postsecondary student records to conform to changes made by the act; amending s. 1002.22, F.S.; deleting certain provisions governing the release of K-12 student records and reports to specified parties; deleting definitions; defining the terms "agency" and "institution"; requiring that the State Board of Education comply with federal law with respect to the release of education records; requiring that the State Board of Education adopt rules; creating s. 1002.225, F.S.; defining the term "education records" for purposes of records of students in public postsecondary educational institutions; requiring that a public postsecondary educational institution comply with federal law; authorizing such institution to charge a fee for furnishing copies of education records; prohibiting an institution from charging a fee that exceeds the actual cost incurred by the institution for producing such copies; prohibiting the institution from including the costs of searching for or retrieving the records in the fee; providing an aggrieved student with the right to bring an action in court; providing for the award of attorney's fees and court costs; amending ss. 220.187, 1002.39, 1003.451, and 1009.94, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **HB 7117** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

HB 381—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child's records may be obtained after the child leaves the department's custody; authorizing the department to adopt rules; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a

relative does not undo any previous action of the court absent a finding that a change is in the child's best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming "children's zones" as "children's initiatives"; revising legislative findings and intent; requiring the governing body to establish a children's initiative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the initiative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children's initiative corporation; changing the name of the Magic City Children's Zone, Inc., to the Miami Children's Initiative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children's initiative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **HB 381** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Pruitt
Alexander	Fasano	Rich
Altman	Gaetz	Richter
Aronberg	Garcia	Ring
Baker	Gardiner	Siplin
Bennett	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Justice	Storms
Crist	King	Villalobos
Dean	Lawson	Wilson
Detert	Lynn	Wise
Deutch	Oelrich	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Joyner

aVote Recorded:

April 30, 2009: Yea—Gelber

The Senate resumed consideration of—

SB 902—A bill to be entitled An act relating to public health; amending ss. 381.855, 381.911, and 381.912, F.S.; conforming terminology to changes made by the act; amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; modifying the purpose of the institute; deleting the mission of the institute; revising the membership of the board of directors and the term of membership; deleting the duties of the institute to facilitate communication between biomedical researchers and health care providers, to provide an annual report of its finances, and to provide an annual report of its activities to the Governor and the Florida Center for Universal Research to Eradicate Disease; amending s. 381.981, F.S.; conforming terminology to changes made by the act; amending s. 499.01, F.S.; revising the criteria for health care clinic establishment permits; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **SB 902** as amended, on motion by Senator Deutch, by two-thirds vote **HB 331** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Deutch, by two-thirds vote—

HB 331—A bill to be entitled An act relating to public health initiatives; amending s. 381.98, F.S.; establishing the Florida Public Health Institute, Inc., and deleting provisions relating to the Florida Public Health Foundation, Inc.; providing purposes of the institute; providing for the institute to operate as a not-for-profit corporation; revising composition of the board of directors; removing obsolete language relating to certain research; requiring annual reports to the Legislature; amending ss. 381.855, 381.911, and 381.981, F.S.; conforming terminology; amending s. 499.029, F.S.; renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; revising definitions; expanding the drugs and supplies that may be donated under the program; expanding the types of facilities and practitioners that may participate in the program; conforming provisions to changes in terminology; removing obsolete language relating to the adoption of initial rules; providing an effective date.

—a companion measure, was substituted for **SB 902** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Deutch, the rules were waived to allow the following amendment to be considered:

Senator Deutch moved the following amendment which was adopted:

Amendment 1 (853812) (with title amendment)—Delete lines 275-445.

And the title is amended as follows:

Delete lines 11-19 and insert: 381.981, F.S.; conforming terminology; providing an effective date.

On motion by Senator Deutch, by two-thirds vote **HB 331** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Alexander, Baker

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for HB 55** and **CS for CS for SB 2482** was deferred.

On motion by Senator Alexander—

SB 2058—An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; renaming the surtax; expanding the eligibility to levy the surtax to all charter counties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2058** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, the Senate resumed consideration of—

CS for CS for SB 2614—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; creating s. 385.401, F.S.; authorizing the department to establish a direct-support organization; providing definitions; providing for a board of directors; providing terms; providing for membership; authorizing the department to allow the direct-support organization to use the department's fixed property and facilities within the state public health system; providing an ex-

ception; requiring that the direct-support organization submit certain federal forms to the department; requiring that the direct-support organization provide an annual financial audit; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—which was previously considered and amended April 27. Pending **Amendment 4 (402490)** by Senator Lawson was withdrawn.

SENATOR KING PRESIDING

Senator Lawson moved the following amendment:

Amendment 5 (328652) (with title amendment)—Delete lines 305-331 and insert:

Section 5. *Purchasing and repackaging of pharmaceuticals; studies and reports.—*

(1) The Office of Program Policy Analysis and Government Accountability shall evaluate and submit a report to the Legislature by October 31, 2009, containing recommendations for the statewide consolidation of pharmaceutical repackaging services, including an evaluation of the value to the state of all potential credits, rebates, and cost avoidances that may be realized through repackaging for the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health. The Office of Program Policy Analysis and Government Accountability shall also include in its report an analysis of verifiable annual utilization rates for the dispensing of pharmaceuticals for fiscal years 2004-2005 through 2008-2009 by each of the five agencies that would participate in a consolidated repackaging services program and the approximate daily output capabilities that would be required to meet the projected average daily utilization rate, as adjusted for future growth projections over the next 3 years for the five agencies. The report shall include an assessment of the projected capitalized cost of leases and equipment and the fully burdened labor rate, projected FTE requirements, and associated operating costs needed by the Department of Health to meet the projected daily utilization requirements for statewide consolidated repackaging services and, if applicable, any cost avoidances or credits that would apply or not apply, as well as any federal regulatory requirements, including any inspection and certification requirements by the United States Food and Drug Administration.

(2) The Office of Program Policy Analysis and Government Accountability shall evaluate and submit a report to the Legislature by October 31, 2009, containing recommendations concerning options for implementing a statewide consolidated program for purchasing pharmaceuticals under an adopted formulary to be used by the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health and the feasibility of the state obtaining discounts below both wholesale acquisition cost and the Minnesota Multistate Contracting Alliance for Pharmacy prices for the pharmaceuticals listed on the adopted formulary, including the availability and regulatory prerequisites for obtaining 340b pricing under the federal Medicare program.

(3) The Department of Health shall study the feasibility of consolidating drug repackaging services through the Department of Health's central pharmacy and compare that with the costs and benefits of contracting out for such services to a private pharmaceutical repackager licensed by the United States Food and Drug Administration, with preference given to vendors with Florida-based manufacturing operations that will promote the creation and maintenance of jobs in the state. The department shall be prohibited from contracting with any other agency to provide pharmaceutical repackaging services until the results of the Office of Program Policy Analysis and Government Accountability study are reported to the Legislature and the department has submitted a plan for consolidating pharmaceutical repackaging services for the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health, consistent with the recommendations of the Office of Program Policy Analysis and Government Accountability and the Pharmacy and Therapeutic Advisory Council. The plan shall be submitted to the Legislature by January 31, 2010.

And the title is amended as follows:

Delete lines 22-27 and insert: fewer residents; requiring the Office of Program Policy Analysis and Government Accountability to evaluate and submit reports to the Legislature regarding consolidation of pharmaceutical repackaging services and implementation of a statewide consolidated pharmaceutical purchasing program; requiring the Department of Health to conduct a study; prohibiting the department from entering into certain contracts until the results of the Office of Program Policy Analysis and Government Accountability report are submitted to the Legislature and the department has submitted a plan to the Legislature for consolidation of pharmaceutical repackaging services; transferring,

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following substitute amendment which was adopted:

Amendment 6 (653042)—Delete line 328 and insert: *subdivisions of the state upon written agreement. State agencies purchasing pharmaceutical services shall purchase pharmaceutical services, including pharmaceutical repackaging and dispensing services in the most cost-effective manner consistent with the delivery of quality medical care. Nothing in this subsection prohibits state agencies from contracting with vendors to provide these pharmaceutical services. Cost savings*

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted:

Amendment 7 (953516) (with directory and title amendments)—Between lines 257 and 258 insert:

(18) A function related to air quality inside an enclosed ice rink to protect the health and safety of visitors and employees of an enclosed ice skating rink from dangers associated with oxides of nitrogen (NO_X), hydrocarbons (C_XH_X), carbon monoxide (CO), carbon dioxide (CO_2) and other harmful gasses, vapors, or particles as identified by the department that change the air quality due to the operation of the ice rink. The department may adopt rules including definitions; air quality standards, monitoring, testing, and record keeping; maintenance and operation requirements for equipment that affects air quality; ventilation of the facility; operators' required response activities to the exceedance of an air quality standard; and assessment of fees. The department may enter and inspect an enclosed ice skating rink at reasonable hours to determine compliance with applicable statutes or rules. The department may assess a fee no greater than $300 to cover the actual costs of the annual inspection and review of the air quality of enclosed ice skating rinks. The air quality standards adopted by the department must be consistent with risk values or exposure guidelines recommended by the United States Environmental Protection Agency or the United States Centers for Disease Control and Prevention.

Section 4. Subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which shall not exceed $500 for each violation, for a violation of s. 381.006(16), *s. 381.006(18),* s. 381.0065, s. 381.0066, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of any of the provisions of chapter 386. Notice of intent to

impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

And the directory clause is amended as follows:

Delete lines 209-210 and insert:

Section 3. Subsection (16) of section 381.006, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

And the title is amended as follows:

Delete line 15 and insert: with five or fewer residents; requiring the Department of Health to include in its environmental health program the testing of the air in enclosed ice rinks; authorizing the department to adopt rules relating to air quality standards, monitoring, testing, record keeping, the maintenance and operation of equipment that affects air quality, and assessment of fees; authorizing the department to enter and inspect an enclosed ice skating rink at reasonable hours to determine compliance with applicable air quality statutes or rules; authorizing the department to assess a fee for a specified purpose; requiring the air quality standards be consistent with federal risk values or exposure guidelines; amending s. 381.0061, F.S.; providing that the department may impose a fine, which may not exceed a specified amount for a violation of the ice rink air quality standards; amending s. 381.0072,

SENATOR FASANO PRESIDING

Pursuant to Rule 4.19, **CS for CS for SB 2614** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for CS for CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending s. 1002.20, F.S.; conforming cross-references; requiring that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals; requiring that such review be conducted at a district school board meeting held pursuant to state law; requiring that the district school board take public testimony at such meeting; providing for the expiration of a district school board's policy authorizing corporal punishment under certain circumstances; amending s. 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; providing that zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring each district school board to adopt a cooperative agreement with the Department of Juvenile Justice which establishes certain guidelines; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; prohibiting a student from exposing below-waist underwear in a specified manner while on the grounds of a public school; providing penalties; providing an effective date.

—was read the second time by title.

Senator Sobel offered the following amendment which was moved by Senator Wise and adopted:

Amendment 1 (167034) (with title amendment)—Delete lines 266-283.

And the title is amended as follows:

Delete lines 33-36 and insert: will pose a threat to school safety; providing an effective

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 1540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 2572—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative findings; defining the term "rural agricultural industrial center"; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing requirements for such application; requiring that the local government amend its comprehensive plan within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing that such presumption may be rebutted by a preponderance of the evidence; providing an exception for optional sector plans and rural land stewardship areas; clarifying that any land area that is not designated as a rural area of critical economic concern does not hold any of the rights or benefits derived from such designation; amending ss. 163.3184 and 380.06, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2572** to **CS for HB 7053**.

Pending further consideration of **CS for CS for SB 2572** as amended, on motion by Senator Dean, by two-thirds vote **CS for HB 7053** was withdrawn from the Committees on Agriculture; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

On motion by Senator Dean—

CS for HB 7053—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative recognition and findings; providing a definition; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing amendment requirements; requiring a local government to transmit the application to the state land planning agency for review within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing for rebuttal of the presumption; specifying nonapplication to optional sector plans, rural land stewardship areas, and comprehensive plan amendments that include an inland port terminal or affiliated port development; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2572** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7053** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 478—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding cardio and strength-training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods; amending s. 538.21, F.S.; providing that the procedures governing hold notices issued when a law enforcement officer has reasonable cause to believe that certain regulated metals in the possession of a secondary metals recycler have been stolen are of statewide application, and that the state therefore preempts municipal or county ordinances enacted after a specified date which specifically relate to secondary metals recyclers holding such metals; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for SB 478** to **CS for CS for HB 339**.

Pending further consideration of **CS for CS for CS for SB 478** as amended, on motion by Senator Baker, by two-thirds vote **CS for CS for HB 339** was withdrawn from the Committees on Community Affairs; Commerce; and Criminal Justice.

On motion by Senator Baker, the rules were waived and by two-thirds vote—

CS for CS for HB 339—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding specified equipment from the definition of "secondhand goods"; amending s. 538.21, F.S.; preempting certain local government ordinances relating to hold notices for secondary metals recyclers; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 478** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 339** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 227** was withdrawn from the Committees on Community Affairs; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Haridopolos, the rules were waived and—

CS for CS for HB 227—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; requiring the government to prove certain elements of an impact fee by a preponderance of the evidence; prohibiting a court from using a deferential standard in a court action; prohibiting certain local governments from increasing impact fees or imposing new impact fees; providing nonapplication to impact fees pledged to retire debt or certain impact fee increases; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 580** and read the second time by title.

Senator Smith moved the following amendment which failed:

Amendment 1 (547082) (with title amendment)—Delete lines 21-22 and insert: *requirements of state legal precedent or this section. This subsection does not apply to impact fees adopted before July 1, 2009.*

And the title is amended as follows:

Delete lines 5-6 and insert: providing nonapplication to impact fees adopted before a specified date; prohibiting certain local governments from

Senator Haridopolos moved the following amendment which was adopted:

Amendment 2 (529366) (with title amendment)—Delete lines 23-30.

And the title is amended as follows:

Delete lines 6-10 and insert: court action; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 227** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

CS for CS for SB 712—A bill to be entitled An act relating to special districts; creating s. 189.4221, F.S.; authorizing special districts to purchase commodities and contractual services from purchasing agreements of other special districts, municipalities, or counties; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (647400) (with title amendment)—Between lines 25 and 26 insert:

Section 2. Subsection (2) of section 189.418, Florida Statutes, is amended to read:

189.418 Reports; budgets; audits.—

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in s. 189.421 for failure to file the information required by this subsection. *However, for the purposes of this section and s. 175.101(1), the boundaries of a district shall be deemed to include an area that has been annexed until the completion of the 4-year period specified in s. 171.093(4) or other mutually agreed upon extension, or when a district is providing services pursuant to an interlocal agreement entered into pursuant to s. 171.093(3).*

And the title is amended as follows:

Delete line 6 and insert: municipalities, or counties; amending s. 189.418, F.S.; providing that the boundaries of a special district are deemed to include an annexed area under certain circumstances; providing an effective

Pursuant to Rule 4.19, **CS for CS for SB 712** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1978** was deferred.

CS for CS for SB 752—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include additional information relating to past and proposed millage rates and ad valorem taxes and assessment reductions and exemptions; defining a term; amending ss. 192.0105 and 200.065, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 752** to **HB 701**.

Pending further consideration of **CS for CS for SB 752** as amended, on motion by Senator Richter, by two-thirds vote **HB 701** was withdrawn from the Committees on Community Affairs; Finance and Tax; and General Government Appropriations.

On motion by Senator Richter—

HB 701—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include additional information relating to past and proposed millage rates and ad valorem taxes and assessment reductions and exemptions; defining a term; amending ss. 192.0105 and 200.065, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 752** as amended and read the second time by title.

Senator Richter moved the following amendment which was adopted:

Amendment 1 (778228)—Delete lines 98-99 and insert: the *tax* ~~millage~~ rate previously authorized by referendum~~, and the taxable value of the parcel as~~

Pursuant to Rule 4.19, **HB 701** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **CS for CS for HB 333** was withdrawn from the Committees on Agriculture; and Transportation; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker—

CS for CS for HB 333—A bill to be entitled An act relating to off-highway vehicles; amending ss. 261.03, 316.2074, and 317.0003, F.S.; revising the definitions of the terms "ATV," "all-terrain vehicle," and "off-highway vehicle" and defining the term "ROV" for purposes of provisions relating to the sale and use of motorized off-highway vehicles; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 798** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 333** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 210—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.545, F.S.; increasing the maximum weight limits on certain vehicles to compensate for weight increases that result from the installation of idle-reduction technologies; providing an effective date.

—was read the second time by title.

Senator Rich moved the following amendment which was adopted:

Amendment 1 (493702) (with title amendment)—Between lines 43 and 44 insert:

Section 2. Subsection (6) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(6) Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive speed limit is enforced clearly designated thereon. Flashing beacons activated by a time clock, or other automatic device, or manually activated may be used as an alternative to posting the times during which the restrictive school speed limit is enforced. Beginning July 1, 2008, for any newly established school zone or any school zone in which the signing has been replaced, a sign stating "Speeding Fines Doubled" shall be installed within *or in advance of* the school zone. The Department of Transportation shall establish adequate standards for the signs and flashing beacons.

And the title is amended as follows:

Delete line 6 and insert: technologies; amending s. 316.1895, F.S.; revising the authorized locations for the placement of certain warning signs at school zones; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 210** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 682** was deferred.

On motion by Senator Garcia—

CS for CS for SB 810—A bill to be entitled An act relating to the Unemployment Compensation Trust Fund; amending s. 443.1217, F.S.; raising the amount of an employee's wages subject to an employer's contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer's contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer's contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor's designee to request advances; creating s. 443.1117, F.S.; establishing temporary state extended benefits for claims between July 5, 2009, and December 26, 2009; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing that the act fulfills an important state interest; providing effective dates.

—was read the second time by title.

Senators Hill and Gelber offered the following amendment which was moved by Senator Gelber and failed:

Amendment 1 (402308) (with title amendment)—Delete line 29 and insert:

Section 1. Subsection (7) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, the term:

(7) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year. *Wages in a base period used to establish a monetarily eligible benefit year may not be used to establish monetary eligibility in a subsequent benefit year.*

(a) If information regarding wages for the calendar quarters immediately preceding the benefit year has not been entered into the Agency for Workforce Innovation's mainframe database from the regular quarterly reports of wage information submitted under s. 443.163 or is otherwise unavailable, the agency shall request the information from the employer by mail. The employer must provide the requested information within 10 days after the agency mails the request. An employer that fails to provide the requested wage information within the required time period is subject to the penalty for delinquent reports under s. 443.141.

(b) For a benefit year commencing on or after January 1, 2010, if an individual is not monetarily eligible in the base period to qualify for benefits, the Agency for Workforce Innovation must designate an alternative base period. As used in this subsection, the term "alternative base period" means the last four completed calendar quarters immediately preceding the first day of an individual's benefit year. If the agency is unable to access wage information through its mainframe database for determining monetary eligibility for benefits based on the individual's alternative base period, the agency may base the determination on an affidavit submitted by the individual attesting to his or her wages for those calendar quarters. The individual must also furnish payroll information, if available, in support of the affidavit. Benefits based on an alternative base period must be adjusted if the quarterly report of wage information received from the employer under s. 443.141 results in a change in the monetary determination.

Section 2. Effective January 1, 2010, paragraph (a) of

And the title is amended as follows:

Delete line 3 and insert: Fund; amending s. 443.036, F.S.; revising the definition of "base period;" amending s. 443.1217, F.S.; raising the amount

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (600024)—Delete line 55 and insert:

(e) *Assignment of variations from the standard rate.—For the calculation of contribution rates effective January 1, 2010, and thereafter:*

Senator Garcia moved the following amendment:

Amendment 3 (460898) (with title amendment)—Delete lines 278-390 and insert:

Section 4. Effective upon becoming a law, and retroactive to February 1, 2009, and expiring January 2, 2009, section 443.1117, Florida Statutes, is created to read:

443.1117 Temporary Extended Benefits

(1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except when the result is inconsistent with the other provisions of this section, the provisions of s. 443.1115(3), (4), (6), and (7) apply to all claims covered by this section.

(2) DEFINITIONS.—For the purposes of this section the term:

(a) "Regular benefits" and "extended benefits" have the same meaning as in s. 443.1115.

(b) "Eligibility period" means the period consisting of the weeks in an individual's benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) "Emergency benefits" means Emergency Unemployment Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No. 110-449, and Pub. L. No. 111-5.

(d) "Extended benefit period" means a period that:

1. Begins with the third week after a week for which there is a state "on" indicator; and

2. Ends with any of the following weeks, whichever occurs later:

a. The third week after the first week for which there is a state "off" indicator;

b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state "on" indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) "Emergency benefit period" means the period during which an individual receives emergency benefits as defined in paragraph (c).

(f) "Exhaustee" means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available although, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year which expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) "State 'on' indicator" means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 6.5 percent.

(h) "High unemployment period" means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 8 percent.

(h) "State 'off' indicator" means the occurrence of a week in which there is no state "on" indicator or which does not constitute a high unemployment period.

(3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in subsection (5):

(a) For any week for which there is an "on" indicator pursuant to paragraph (3)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period as defined in paragraph (3)(h), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.

Section 5. *The provisions of section 443.1117, Florida Statutes, as created by this act, apply only to claims for weeks of unemployment, in which an exhaustee establishes entitlement to extended benefits pursuant to that section, established for the period between February 22, 2009 and January 2, 2010.*

And the title is amended as follows:

Delete lines 20-24 and insert: providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment between February 22 2009, and January 2, 2010; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing for applicability of s. 443.1117, F.S.; providing that the act fulfills an

Senator Garcia moved the following substitute amendment which was adopted:

Amendment 4 (358898) (with title amendment)—Delete lines 278-390 and insert:

Section 4. Effective upon becoming a law, and retroactive to February 1, 2009, and expiring January 2, 2010, section 443.1117, Florida Statutes, is created to read:

443.1117 Temporary extended benefits.—

(1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except when the result is inconsistent with the other provisions of this section, the provisions of s. 443.1115(3), (4), (6), and (7) apply to all claims covered by this section.

(2) DEFINITIONS.—For the purposes of this section the term:

(a) "Regular benefits" and "extended benefits" have the same meaning as in s. 443.1115.

(b) "Eligibility period" means the period consisting of the weeks in an individual's benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) "Emergency benefits" means Emergency Unemployment Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No. 110-449, and Pub. L. No. 111-5.

(d) "Extended benefit period" means a period that:

1. Begins with the third week after a week for which there is a state "on" indicator; and

2. Ends with any of the following weeks, whichever occurs later:

a. The third week after the first week for which there is a state "off" indicator;

b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state "on" indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) "Emergency benefit period" means the period during which an individual receives emergency benefits as defined in paragraph (c).

(f) "Exhaustee" means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available although, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year which expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) "State 'on' indicator" means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 6.5 percent.

(h) "High unemployment period" means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 8 percent.

(h) "State 'off' indicator" means the occurrence of a week in which there is no state "on" indicator or which does not constitute a high unemployment period.

(3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in subsection (5):

(a) For any week for which there is an "on" indicator pursuant to paragraph (3)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period as defined in paragraph (3)(h), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.

Section 5. *The provisions of s. 443.1117, Florida Statutes, as created by this act, apply only to claims for weeks of unemployment, in which an exhaustee establishes entitlement to extended benefits pursuant to that section, established for the period between February 22, 2009 and January 2, 2010.*

And the title is amended as follows:

Delete lines 20-24 and insert: providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment between February 22, 2009, and January 2, 2010; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing for applicability of s. 443.1117, F.S.; providing that the act fulfills an

Senator Garcia moved the following amendment which was adopted:

Amendment 5 (600344) (with title amendment)—Between lines 390 and 391 insert:

Section 5. Paragraph (a) of subsection (1) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left his or her work without good cause attributable to his or her employing unit or in which the individual has been discharged by his or her employing unit for misconduct connected with his or her work, based on a finding by the Agency for Workforce Innovation. As used in this paragraph, the term "work" means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after he or she has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" includes only that cause attributable to the employing unit or which consists of illness or disability of the individual requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. For benefit years beginning on or after July 1, 2004, an individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual has become reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by the Agency for Workforce Innovation in each case according to the circumstances in each case or the seriousness of the misconduct, under the agency's rules adopted for determinations of disqualification for benefits for misconduct.

3. When an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct prior to the date the voluntary quit was to take effect, the individual, if otherwise entitled, will receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

4. When an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, prior to the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to 443.091(1)(c)1 for failing to be available for work for the week or weeks of unemployment occurring prior to the effective date of the discharge.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to unemployment compensation; amending s. 443.1217, F.S.; raising the amount of an employee's wages subject to an employer's contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer's contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer's contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor's designee to request advances; creating s. 443.1117, F.S.; establishing temporary state extended benefits for claims between July 5, 2009, and December 26, 2009; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; amending s. 443.101, F.S.; providing additional provisions dealing with disqualification for benefits under certain conditions; providing that the act fulfills an important state interest; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 810** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1022—A bill to be entitled An act relating to Medicare; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1022** to **CS for CS for HB 675**.

Pending further consideration of **CS for CS for CS for SB 1022** as amended, on motion by Senator Altman, by two-thirds vote **CS for CS for HB 675** was withdrawn from the Committees on Banking and Insurance; and Health Regulation; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Altman—

CS for CS for HB 675—A bill to be entitled An act relating to Medicare supplement policies; amending s. 627.671, F.S.; revising a short title; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1022** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 675** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 845** was withdrawn from the Committees on Banking and Insurance; Communications, Energy, and Public Utilities; Higher Education; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

CS for CS for HB 845—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4621, F.S.; requiring an application for workers' compensation coverage issued by a group self-insurance fund to notify applicants that policyholders must make additional contributions to the fund if the fund is unable to pay its obligations; creating s. 624.4626, F.S.; authorizing certain electric cooperatives to operate a self-insurance fund for certain purposes; providing requirements; subjecting such funds to certain assessments; exempting such funds from certain group self-insurance fund requirements under certain circumstances; amending s. 626.89, F.S.; requiring certain administrators to submit fiscal year statements within a specific time; amending s. 631.904, F.S.; revising the definition of "self-insurance fund" under the Florida Workers' Compensation Insurance Guaranty Association Act to exclude certain types of self-insurance funds; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1138** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 845** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **HB 379** was withdrawn from the Committees on Banking and Insurance; and Judiciary; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Richter—

HB 379—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; amending s. 738.602, F.S.; providing definitions; providing requirements for the determination of income from certain compensation plans, annuities, and retirement plans or accounts; providing trustee requirements with respect to payment allocations; providing criteria for the payment of certain funds to a spouse; providing applicability; providing an effective date.

—a companion measure, was substituted for **SB 1222** and read the second time by title.

Pursuant to Rule 4.19, **HB 379** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for SB 2072—A bill to be entitled An act relating to workers' compensation; repealing s. 440.105(3)(c), F.S., relating to the prohibition against a fee, consideration, or gratuity for an attorney or other person for certain services; amending s. 440.20, F.S.; requiring that a judge of compensation claims enter an order determining the portion of settlement proceeds to be allocated to child support arrearages; deleting the requirement that a judge of compensation claims approve the attorney's fees paid by a claimant; deleting the requirement that parties to a settlement submit information or documentation to support the settlement; exempting settlement attorney's fees from certain provisions of state law; limiting the amount of attorney's fees paid by a claimant; requiring payment of a settlement within a specified time after a judge determines the portion of the settlement amount allocated to child support; amending s. 440.34, F.S.; providing that a claimant is responsible for the payment of his or her attorney's fees; providing exceptions; specifying a schedule for the determination of attorney's fees to be paid by a carrier or employer; requiring that a judge of compensation claims determine the amount of attorney's fees unless the parties agree otherwise; deleting certain restrictions on the amount of attorney's fees; deleting requirements relating to offers of settlement; preserving the right of a claimant to contract with an attorney for representation in connection with certain claims; prohibiting the recovery of attorney's fees under certain circumstances; prohibiting the recoupment of certain attorney's fees and costs by a carrier; prohibiting the inclusion of such fees or costs in any rate base or rate filing and the use of such fees or costs to justify a rate or rate change; providing that the finder of fact and law is not bound by provisions of state law relating to the provision of indemnity or medical benefits for employment-related accidents or injuries involving exposure to a toxic substance or occupational disease when awarding attorney's fees in cases involving first responders; requiring that the finder of fact and law consider certain factors when awarding attorney's fees in such cases; defining the term "occupational disease" for specified purposes; deleting provisions authorizing a judge of compensation claims to approve alternative attorney's fees under certain circumstances; providing legislative findings; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2072** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2036** was deferred.

CS for CS for CS for SB 2684—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; requiring the department to provide assessment briefings to seaport authority governing boards and local regional domestic security task force co-chairs at least once per year; requiring certain board members to attend assessment briefings; adding the department to those entities responsible for allocating funds for security projects; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing a contingency with respect to assessment briefings conducted by the department; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2684** to **CS for HB 7141**.

Pending further consideration of **CS for CS for CS for SB 2684** as amended, on motion by Senator Aronberg, by two-thirds vote **CS for HB 7141** was withdrawn from the Committees on Military Affairs and Domestic Security; Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Aronberg—

CS for HB 7141—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; providing for per diem and travel expenses; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Oversight Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; adding the department to those entities responsible for allocating funds for security projects; deleting provisions relating to the Seaport Security Standards Advisory Council; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repeal-

ing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2684** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7141** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for SB 2226—A bill to be entitled An act relating to mortgage brokering and mortgage lending; amending s. 494.001, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; authorizing the Office of Financial Regulation to participate in the Nationwide Mortgage Licensing System and Registry; creating s. 494.00115, F.S.; providing exemptions from part I, II, and III of ch. 494, F.S., relating to the licensing and regulation of loan originators, mortgage brokers, and mortgage lenders; creating s. 494.00135, F.S.; providing for the issuance of subpoenas; amending s. 494.0014, F.S.; revising provisions relating to the refund of fees; deleting an obsolete provision; amending s. 494.00165, F.S.; prohibiting unfair and deceptive advertising relating to mortgage brokering and lending; repealing s. 494.0017, F.S., relating to claims paid from the Regulatory Trust Fund; creating s. 494.00172, F.S.; providing for a $20 fee to be assessed against loan originators and a $100 fee to be assessed against mortgage brokers and lenders at the time of license application or renewal; providing that such fees shall be deposited into the Mortgage Guaranty Trust Fund and used to pay claims against licensees; providing for a cap on the amount collected and deposited; providing requirements for seeking recovery from the trust fund; providing limitations on the amount paid; providing for the assignment of certain rights to the office; providing that payment for a claim is prima facie grounds for the revocation of a license; amending s. 494.0018, F.S.; conforming cross-references; amending ss. 494.0019 and 494.002, F.S.; conforming terms; amending s. 494.0023, F.S.; deleting the statutory disclosure form and revising the disclosure that must be provided to a borrower in writing; providing that there is a conflicting interest if a licensee or the licensee's relatives have a 1 percent or more interest in the person providing additional products or services; authorizing the commission to adopt rules; amending s. 494.0025, F.S.; prohibiting the alteration, withholding, concealment, or destruction of records relevant to regulated activities; creating s. 494.255, F.S.; providing for license violations and administrative penalties; authorizing a fine of $1,000 for each day of unlicensed activity up to $25,000; amending s. 494.0026, F.S.; conforming cross-references; amending s. 494.0028, F.S.; conforming terms; repealing ss. 494.0029 and 494.00295, F.S., relating to mortgage business schools and continuing education requirements; creating s. 494.00296, F.S.; providing for loan modification services; prohibiting certain related acts by a mortgage broker, mortgage brokerage business, correspondent mortgage lender, or mortgage lender; providing for a loan modification agreement and for the inclusion of a borrower's right of cancellation statement; providing remedies; amending s. 494.00295, F.S.; deleting references to a mortgage brokerage business and a correspondent mortgage lender, and adding reference to a loan originator; providing a directive to the Division of Statutory Revision; repealing s. 494.003, F.S., relating to exemptions from mortgage broker licensing and regulation; repealing s. 494.0031, F.S., relating to licensure as a mortgage brokerage business; creating s. 494.00312, F.S.; providing for the licensure of loan originators; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00313, F.S.; providing for the renewal of a loan originator license; repealing s. 494.0032, F.S., relating to renewal of a mortgage brokerage business license or branch office license; creating s. 494.00321, F.S.; providing for the licensure of mortgage brokers; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed by a certain date; creating s. 494.00322, F.S.; providing for the annual renewal of a mortgage broker license; providing license renewal requirements; repealing s. 494.0033, F.S., relating to a mortgage broker license; amending s. 494.00331, F.S.; requiring a loan originator to be an employee or independent contractor for a mortgage broker or mortgage lender; repealing s. 494.0034, F.S., relating to renewal of mortgage broker license; amending s. 494.0035, F.S.; providing for the management of a mortgage broker by a principal loan originator and a branch office by a loan originator; providing minimum requirements; amending s. 494.0036, F.S.; revising provisions relating to the licensure of a mortgage broker's branch office; amending s. 494.0038, F.S.; revising provisions relating to loan origination and mortgage broker fees; amending s. 494.0039, F.S.; conforming terms; amending s. 494.004, F.S.; revising provisions relating to licensees; providing for registry requirements; deleting obsolete provisions; repealing s. 494.0041, F.S., relating to license violations and administrative penalties; providing additional grounds for assessing fines and penalties; amending s. 494.0042, F.S.; providing for loan origination fees; conforming terms; amending ss. 494.00421 and 494.0043, F.S.; conforming terms; repealing s. 494.006, F.S., relating to mortgage lender licensing and regulation; repealing s. 494.0061, F.S., relating to mortgage lender license requirements; creating s. 494.00611, F.S.; providing for the licensure of mortgage lenders; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00612, F.S.; providing for the renewal of a mortgage lender license; repealing s. 494.0062, F.S., relating to correspondent mortgage lender license requirements; amending s. 494.0063, F.S.; requiring a mortgage lender to obtain an annual financial audit report and submit a copy to the office within certain time periods; repealing s. 494.0064, F.S., relating to renewal of mortgage lender license; repealing s. 494.0065, F.S., relating to certain licenses and registrations that were converted into mortgage lender licenses; amending s. 494.0066, F.S.; revising provisions relating to a mortgage lender branch office license; creating s. 494.00665, F.S.; providing for a principal loan originator and branch manager for a mortgage lender; providing requirements and limitations; amending s. 494.0067, F.S.; revising requirements of mortgage lenders; providing for registry requirements; deleting obsolete provisions; providing for servicing agreements; amending ss. 494.0068, 494.0069, 494.007, and 494.0071, F.S.; conforming terms; repealing s. 494.0072, F.S., relating to license violations and administrative penalties; amending ss. 494.00721, 494.0073, 494.0075, 494.0076, 494.0077, and 501.1377 F.S.; redefining terms and conforming cross-references; amending ss. 201.23, 420.507, 520.52, 520.63, 607.0505, and 687.12, F.S.; conforming cross-references; providing for the termination of mortgage business school licenses; providing for the expiration of mortgage brokerage business licenses, mortgage broker licenses, and correspondent mortgage lender licenses; providing requirements for applying for a loan originator, mortgage broker and mortgage lender license by a certain date; providing effective dates.

—was read the second time by title.

Senator Richter moved the following amendments which were adopted:

Amendment 1 (577302)—Delete lines 166-193 and insert:

Section 1. Effective January 1, 2010, subsection (3) of section 494.001, Florida Statutes, is amended to read:

494.001 Definitions.—As used in ss. 494.001-494.0077, the term:

(3) "Act as a mortgage broker" means, for compensation or gain, or in the expectation of compensation or gain, ~~either~~ directly or indirectly, accepting or offering to accept an application for a mortgage loan, soliciting or offering to solicit a mortgage loan on behalf of a borrower,

negotiating or offering to negotiate the terms or conditions of a *new or existing* mortgage loan on behalf of a *borrower or* lender, or negotiating or offering to negotiate the sale of an existing mortgage loan to a non-institutional investor. An employee whose activities are ministerial and clerical, which may include quoting available interest rates or loan terms and conditions, is not acting as a mortgage broker.

Section 2. Section 494.001, Florida Statutes, as amended by this act, is amended to read:

494.001 Definitions.—As used in ss. 494.001-494.0077, the term:

~~(1) "Act as a correspondent mortgage lender" means to make a mortgage loan.~~

~~(2) "Act as a loan originator" means being employed by a mortgage lender or correspondent mortgage lender, for compensation or gain or in the expectation of compensation or gain, to negotiate, offer to negotiate, or assist any licensed or exempt entity in negotiating the making of a mortgage loan, including, but not limited to, working with a licensed or exempt entity to structure a loan or discussing terms and conditions necessary for the delivery of a loan product. A natural person whose activities are ministerial and clerical, which may include quoting available interest rates, is not acting as a loan originator.~~

~~(3) "Act as a mortgage broker" means, for compensation or gain, or in the expectation of compensation or gain, directly or indirectly, accepting or offering to accept an application for a mortgage loan, soliciting or offering to solicit a mortgage loan on behalf of a borrower, negotiating or offering to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiating or offering to negotiate the sale of an existing mortgage loan to a noninstitutional investor. An employee whose activities are ministerial and clerical, which may include quoting available interest rates or loan terms and conditions, is not acting as a mortgage broker.~~

Amendment 2 (953602)—Delete lines 650-651 and insert:

(1) The following are exempt from regulation under parts I, II, and III of this chapter.

Amendment 3 (212376)—Delete lines 1462-1578 and insert:

(4) DEFINITIONS.—As used in this section, the term:

(a) "Borrower" means a person who is obligated to repay a mortgage loan and includes, but is not limited to, a coborrower, cosignor, or guarantor.

(b) "Loan modification" means a modification to an existing loan. The term does not include a refinancing transaction.

Section 19. Subsections (1), (2), and (4) of section 494.00296, Florida Statutes, as created by this act, are amended to read:

494.00296 Loan modification.—

(1) PROHIBITED ACTS.—When offering or providing loan modification services, a *loan originator,* mortgage broker, ~~mortgage brokerage business, mortgage lender,~~ or ~~correspondent~~ mortgage lender ~~licensed or required to be licensed under ss. 494.001-494.0077~~ may not:

(a) Engage in or initiate loan modification services without first executing a written agreement for loan modification services with the borrower;

(b) Execute a loan modification without the consent of the borrower after the borrower is made aware of each modified term; or

(c) Solicit, charge, receive, or attempt to collect or secure payment, directly or indirectly, for loan modification services before completing or performing all services included in the agreement for loan modification services. A fee may be charged only if the loan modification results in a material benefit to the borrower. The commission may adopt rules to provide guidance on what constitutes a material benefit to the borrower

(2) LOAN MODIFICATION AGREEMENT.—

(a) The written agreement for loan modification services must be printed in at least 12-point uppercase type and signed by both parties. The agreement must include the name and address of the person providing loan modification services, the exact nature and specific detail of each service to be provided, the total amount and terms of charges to be paid by the borrower for the services, and the date of the agreement. The date of the agreement may not be earlier than the date the borrower signed the agreement. The mortgage *broker or* ~~brokerage business, mortgage lender, or correspondent~~ mortgage lender must give the borrower a copy of the agreement to review at least 1 business day before the borrower is to sign the agreement.

(b) The borrower has the right to cancel the written agreement without any penalty or obligation if the borrower cancels the agreement within 3 business days after signing the agreement. The right to cancel may not be waived by the borrower or limited in any manner by the *loan originator,* mortgage broker, ~~mortgage brokerage business, mortgage lender,~~ or ~~correspondent~~ mortgage lender. If the borrower cancels the agreement, any payments made must be returned to the borrower within 10 business days after receipt of the notice of cancellation.

(c) An agreement for loan modification services must contain, immediately above the signature line, a statement in at least 12-point uppercase type which substantially complies with the following:

BORROWER'S RIGHT OF CANCELLATION

YOU MAY CANCEL THIS AGREEMENT FOR LOAN MODIFICATION SERVICES WITHOUT ANY PENALTY OR OBLIGATION WITHIN 3 BUSINESS DAYS AFTER THE DATE THIS AGREEMENT IS SIGNED BY YOU.

THE *LOAN ORIGINATOR,* MORTGAGE BROKER, ~~MORTGAGE BROKERAGE BUSINESS, MORTGAGE LENDER,~~ OR ~~CORRESPONDENT~~ MORTGAGE LENDER IS PROHIBITED BY LAW FROM ACCEPTING ANY MONEY, PROPERTY, OR OTHER FORM OF PAYMENT FROM YOU UNTIL ALL PROMISED SERVICES HAVE BEEN COMPLETED. IF FOR ANY REASON YOU HAVE PAID THE CONSULTANT BEFORE CANCELLATION, YOUR PAYMENT MUST BE RETURNED TO YOU WITHIN 10 BUSINESS DAYS AFTER THE CONSULTANT RECEIVES YOUR CANCELLATION NOTICE.

TO CANCEL THIS AGREEMENT, A SIGNED AND DATED COPY OF A STATEMENT THAT YOU ARE CANCELING THE AGREEMENT SHOULD BE MAILED (POSTMARKED) OR DELIVERED TO ...(NAME)... AT ...(ADDRESS)... NO LATER THAN MIDNIGHT OF ...(DATE)....

IMPORTANT: IT IS RECOMMENDED THAT YOU CONTACT YOUR MORTGAGE LENDER OR MORTGAGE SERVICER BEFORE SIGNING THIS AGREEMENT. YOUR LENDER OR SERVICER MAY BE WILLING TO NEGOTIATE A PAYMENT PLAN OR A RESTRUCTURING WITH YOU FREE OF CHARGE.

(d) The inclusion of the statement does not prohibit a *loan originator,* mortgage broker, ~~mortgage brokerage business, mortgage lender,~~ or ~~correspondent~~ mortgage lender from giving the homeowner more time to cancel the agreement than is set forth in the statement if all other requirements of this subsection are met.

(e) The person offering or providing the loan modification services must give the borrower a copy of the signed agreement within 3 hours after the borrower signs the agreement.

~~(4) DEFINITIONS.—As used in this section, the term:~~

~~(a) "Borrower" means a person obligated to repay a mortgage loan and includes, but is not limited to, a coborrower, cosignor, or guarantor.~~

~~(b) "Loan modification" means a modification to an existing loan. The term does not include a refinancing transaction.~~

Amendment 4 (788172) (with title amendment)—Delete lines 3246-3359 and insert:

7. An attorney licensed to practice law in this state who provides foreclosure rescue-related services as an ancillary matter to the attorney's representation of a homeowner as a client.

(c) "Foreclosure-related rescue services" means any good or service related to, or promising assistance in connection with:

1. Stopping, avoiding, or delaying foreclosure proceedings concerning residential real property; or

2. Curing or otherwise addressing a default or failure to timely pay with respect to a residential mortgage loan obligation.

(d) "Foreclosure-rescue transaction" means a transaction:

1. By which residential real property in foreclosure is conveyed to an equity purchaser and the homeowner maintains a legal or equitable interest in the residential real property conveyed, including, without limitation, a lease option interest, an option to acquire the property, an interest as beneficiary or trustee to a land trust, or other interest in the property conveyed; and

2. That is designed or intended by the parties to stop, avoid, or delay foreclosure proceedings against a homeowner's residential real property.

(e) "Homeowner" means *the* ~~any~~ record title owner of residential real property ~~that is the subject of foreclosure proceedings~~.

(f) "Residential real property" means real property consisting of one-family to four-family dwelling units~~, one of which is occupied by the owner as his or her principal place of residence~~.

(g) "Residential real property in foreclosure" means residential real property against which there is an outstanding notice of the pendency of foreclosure proceedings recorded pursuant to s. 48.23.

Section 62. Paragraph (b) of subsection (2) of section 501.1377, Florida Statutes, as amended by this act, is amended to read:

501.1377 Violations involving homeowners during the course of residential foreclosure proceedings.—

(2) DEFINITIONS.—As used in this section, the term:

(b) "Foreclosure-rescue consultant" means a person who directly or indirectly makes a solicitation, representation, or offer to a homeowner to provide or perform, in return for payment of money or other valuable consideration, foreclosure-related rescue services. The term does not apply to:

1. A person excluded under s. 501.212.

2. A person acting under the express authority or written approval of the United States Department of Housing and Urban Development or other department or agency of the United States or this state to provide foreclosure-related rescue services.

3. A charitable, not-for-profit agency or organization, as determined by the United States Internal Revenue Service under s. 501(c)(3) of the Internal Revenue Code, which offers counseling or advice to an owner of residential real property in foreclosure or loan default if the agency or organization does not contract for foreclosure-related rescue services with a for-profit lender or person facilitating or engaging in foreclosure-rescue transactions.

4. A person who holds or is owed an obligation secured by a lien on any residential real property in foreclosure if the person performs foreclosure-related rescue services in connection with this obligation or lien and the obligation or lien was not the result of or part of a proposed foreclosure reconveyance or foreclosure-rescue transaction.

5. A financial institution as defined in s. 655.005 and any parent or subsidiary of the financial institution or of the parent or subsidiary.

6. A licensed mortgage broker~~, mortgage lender,~~ or ~~correspondent~~ mortgage lender that provides mortgage counseling or advice regarding residential real property in foreclosure, which counseling or advice is within the scope of services set forth in chapter 494 and is provided without payment of money or other consideration other than a *loan origination* ~~mortgage brokerage~~ fee ~~as defined in s. 494.001~~.

7. An attorney licensed to practice law in this state who provides foreclosure rescue-related services as an ancillary matter to the attorney's representation of a homeowner as a client.

And the title is amended as follows:

Delete lines 151-152 and insert: 494.0076, and 494.0077, F.S.; conforming terms and cross-references; amending s. 501.1377, F.S.; revising definitions and conforming terms; exempting certain attorneys from the definition of "foreclosure-rescue consultant"; amending ss.

Pursuant to Rule 4.19, **CS for CS for SB 2226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:52 a.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:29 p.m. A quorum present—39:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **SB 2266** was withdrawn from the Committee on Judiciary; **CS for CS for SB 114**, **SB 1438**, **CS for CS for SB's 1646 and 1038**, and **CS for CS for SB 1898** were withdrawn from the Committee on General Government Appropriations; and **SB 338**, **CS for SB 1278**, **CS for SB 1308**, **CS for CS for SB 2000**, and **CS for SB 2272** were withdrawn from the Policy and Steering Committee on Ways and Means.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Pruitt, by two-thirds vote **CS for HB 515** was withdrawn from the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Pruitt—

CS for HB 515—A bill to be entitled An act relating to oil and gas production taxes; amending s. 211.02, F.S.; providing a tiered tax rate structure for the oil production tax on tertiary oil; revising definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 978** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 515** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by unanimous consent—

CS for SB 344—A bill to be entitled An act relating to safety belt law enforcement; creating the Dori Slosberg and Katie Marchetti Safety Belt Law; amending s. 316.614, F.S.; deleting a provision exempting passengers in a pickup truck from the requirement to use a safety belt; providing an exemption for certain vehicles from provisions of state law relating to the use of safety belts; deleting a requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Rich, by two-thirds vote **CS for SB 344** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bullard	Gelber	Ring
Constantine	Haridopolos	Sobel
Dean	Jones	Storms
Detert	Joyner	Villalobos
Deutch	Justice	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—4

Bennett	King	Siplin
Smith		

Vote after roll call:

Yea—Crist, Lawson

SPECIAL GUESTS

Senator Rich introduced former Representative Irving Slosberg; and Laura and Vin Marchetti who were present in the gallery.

CS for CS for SB 880—A bill to be entitled An act relating to community associations; amending s. 718.110, F.S.; providing for the application of certain amendments to a declaration of condominium to certain unit owners; amending s. 718.111, F.S.; providing penalties for any person who knowingly or intentionally defaces or destroys certain records of an association with the intent to harm the association or any of its members; providing that an association is not responsible for the use or misuse of certain information obtained pursuant to state law requiring the maintenance of certain records of an association; providing an exception; providing that, notwithstanding the other requirements, certain records are not accessible to unit owners; requiring that any rules adopted for the purpose of setting forth accounting principles or addressing financial reporting requirements include certain provisions and standards; amending s. 718.112, F.S.; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; providing that a director or officer delinquent in the payment of fee, fine, regular assesment, or special assessments by more than a specified number of days is deemed to have abandoned the office; requiring that a director charged by information or indictment of certain offenses involving an association's funds or property be removed from office; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.116, F.S.; limiting the amount of certain costs to the unit owner; providing an exception; authorizing an association to demand future regular assessments related to the condominium unit under specified conditions; providing that the demand is continuing in nature; requiring that a tenant continue to pay assessments until the occurrence of specified events; requiring the delivery of notice of such demand; limiting the liability of a tenant; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; excluding certain common elements from such authorization; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain notice requirements; providing circumstances under which such notice requirements do not apply; providing procedures and notice requirements for levying a fine or imposing a suspension; authorizing an association to suspend voting rights due to nonpayment of assessments, fines, or other charges delinquent by a specified number of days under certain circumstances; amending s. 718.103, F.S.; expanding the definition of "developer" to include a bulk assignee or bulk buyer; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect not less than a majority of the members of the board of administration of an association; creating part VII of ch. 718, F.S.; providing a short title; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from taking certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association and requiring that such bulk assignee comply with certain requirements; requiring that a bulk assignee or bulk buyer comply with certain requirements regarding certain contracts; providing unit owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a unit; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing for the determination of the date of acquisition of a parcel; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; preserving certain liabilities for certain parties; amending s. 719.108, F.S.; authorizing an association to recover charges incurred in connection with collecting a delinquent assessment up to a specified maximum amount; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; authorizing an association to demand future regular assessments related to a unit under specified conditions; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing the association to suspend certain rights under certain circumstances; providing that certain provisions regarding the suspension-of-use rights of an association do not apply to certain portions of common areas; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.3085, F.S.; authorizing an association to demand future regular assessments related to a parcel under specified conditions; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; amending s. 721.05, F.S.; limiting the

definition of "facility" to certain permanent amenities; repealing s. 553.509(2), F.S., relating to public elevators and emergency operation plans in certain condominiums and multifamily dwellings; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.306, F.S.; providing requirements for secret ballots; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; amending s. 723.071, F.S.; revising notice requirements relating to the sale of mobile home parks; revising provisions relating to a homeowners' association's right to purchase the mobile home park; providing requirements for the purchase of the park by a homeowners' association; requiring that a park owner comply with certain provisions of state law if the mobile home owners have informed the park owner that they are ready and willing to purchase the park; providing that the park owner has no obligation to comply with such provisions under certain circumstances; providing requirements for the homeowners' expression of readiness and willingness to purchase the park; deleting definitions to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment:

Amendment 1 (681964) (with title amendment)—Delete lines 1809-1903.

And the title is amended as follows:

Delete lines 165-180 and insert: developer unless certain conditions are met; providing an effective date.

On motion by Senator Fasano, further consideration of **CS for CS for SB 880** with pending **Amendment 1 (681964)** was deferred.

On motion by Senator Villalobos, by unanimous consent—

SB 1574—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating the authority of members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring that persons addressing a legislative committee take an oath or affirmation of truthfulness; providing exceptions; requiring that a member of the legislative committee administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of such card; providing for penalties for making a false statement after signing such card; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **SB 1574** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 880—A bill to be entitled An act relating to community associations; amending s. 718.110, F.S.; providing for the application of certain amendments to a declaration of condominium to certain unit owners; amending s. 718.111, F.S.; providing penalties for any person who knowingly or intentionally defaces or destroys certain records of an association with the intent to harm the association or any of its members; providing that an association is not responsible for the use or misuse of certain information obtained pursuant to state law requiring the maintenance of certain records of an association; providing an exception; providing that, notwithstanding the other requirements, certain records are not accessible to unit owners; requiring that any rules adopted for the purpose of setting forth accounting principles or addressing financial reporting requirements include certain provisions and standards; amending s. 718.112, F.S.; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; providing that a director or officer delinquent in the payment of fee, fine, regular assesment, or special assessments by more than a specified number of days is deemed to have abandoned the office; requiring that a director charged by information or indictment of certain offenses involving an association's funds or property be removed from office; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.116, F.S.; limiting the amount of certain costs to the unit owner; providing an exception; authorizing an association to demand future regular assessments related to the condominium unit under specified conditions; providing that the demand is continuing in nature; requiring that a tenant continue to pay assessments until the occurrence of specified events; requiring the delivery of notice of such demand; limiting the liability of a tenant; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; excluding certain common elements from such authorization; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain notice requirements; providing circumstances under which such notice requirements do not apply; providing procedures and notice requirements for levying a fine or imposing a suspension; authorizing an association to suspend voting rights due to nonpayment of assessments, fines, or other charges delinquent by a specified number of days under certain circumstances; amending s. 718.103, F.S.; expanding the definition of "developer" to include a bulk assignee or bulk buyer; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect not less than a majority of the members of the board of administration of an association; creating part VII of ch. 718, F.S.; providing a short title; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from taking certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association and requiring that such bulk assignee comply with certain requirements; requiring that a bulk assignee or bulk buyer comply with certain requirements regarding certain contracts; providing unit owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a unit; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing for the determination of the date of acquisition of a parcel; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; preserving certain liabilities for certain parties; amending s. 719.108, F.S.; authorizing an association to recover charges incurred in connection with collecting a delinquent assessment up to a specified maximum amount; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; authorizing an association to demand future regular assessments related to a unit under specified conditions; amending s.

720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing the association to suspend certain rights under certain circumstances; providing that certain provisions regarding the suspension-of-use rights of an association do not apply to certain portions of common areas; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.3085, F.S.; authorizing an association to demand future regular assessments related to a parcel under specified conditions; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; amending s. 721.05, F.S.; limiting the definition of "facility" to certain permanent amenities; repealing s. 553.509(2), F.S., relating to public elevators and emergency operation plans in certain condominiums and multifamily dwellings; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.306, F.S.; providing requirements for secret ballots; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; amending s. 723.071, F.S.; revising notice requirements relating to the sale of mobile home parks; revising provisions relating to a homeowners' association's right to purchase the mobile home park; providing requirements for the purchase of the park by a homeowners' association; requiring that a park owner comply with certain provisions of state law if the mobile home owners have informed the park owner that they are ready and willing to purchase the park; providing that the park owner has no obligation to comply with such provisions under certain circumstances; providing requirements for the homeowners' expression of readiness and willingness to purchase the park; deleting definitions to conform to changes made by the act; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (681964)** by Senator King.

On motion by Senator Fasano, further consideration of **CS for CS for SB 880** with pending **Amendment 1 (681964)** was deferred.

Consideration of **CS for CS for SB 2088** was deferred.

On motion by Senator Joyner—

CS for CS for SB 168—A bill to be entitled An act relating to human trafficking; creating within the Department of Children and Family Services the Florida Statewide Task Force on Human Trafficking; prescribing the membership of the task force; providing for members of the task force to serve without compensation or reimbursement for per diem and travel expenses; providing specific responsibilities and duties of the task force and its members; requiring that the task force prepare a final report by a specified date; providing duties of the Florida State University Center for the Advancement of Human Rights; abolishing the task force on a specified date; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 168** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **CS for HB 135** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Dockery—

CS for HB 135—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for personal identifying information of certain insured dependents; providing a statement of retroactive application of the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 270** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 135** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **CS for CS for CS for HB 439** was withdrawn from the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Aronberg, the rules were waived and—

CS for CS for CS for HB 439—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2004** and read the second time by title.

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment:

Amendment 1 (611714) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (86) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

Section 2. Section 316.0076, Florida Statutes, is created to read:

316.0076 Regulation and use of cameras.—Regulation and use of cameras for enforcing the provisions of this chapter are expressly preempted to the state.

Section 3. Section 316.0083, Florida Statutes, is created to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1) The department may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on the State Highway System as defined in s. 334.03.

(2) Counties and municipalities may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on any highways, streets, or roads located within their boundaries, except the State Highway System.

(3)(a) For purposes of administering this section, the department, counties, or municipalities may by rule or ordinance authorize a traffic infraction enforcement officer to issue a uniform traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. The term "traffic infraction enforcement officer" means the designee of the department, county, or municipality who is authorized to enforce s. 316.074(1) or s. 316.075(1)(c) 1. when a driver fails to stop at a traffic signal. The department, county, or municipality may designate traffic infraction enforcement officers pursuant to s. 316.640(1).

(b) A citation issued under this section shall be issued by mailing the citation by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. The citation must be mailed to the registered owner of the motor vehicle involved in the violation within 7 business days after the date of the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying remedies available under s. 318.18(15).

(c)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle passed through the intersection due to a medical emergency;

d. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person; or

e. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

a. Affidavits supporting exemptions under sub-subparagraph 1.d. must include the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

b. If a citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. was issued at the location of the violation by a law enforcement officer, the serial number of the uniform traffic citation.

Upon receipt of an affidavit, the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal is not responsible for paying the citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

(d) A written report of a traffic infraction enforcement officer, along with photographic or electronic images or streaming video evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal has occurred, is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal.

(4) The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) This section supplements the enforcement of s. 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers when a driver fails to stop at a traffic signal, and this section does not prohibit a law enforcement officer from issuing a citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal in accordance with normal traffic-enforcement techniques.

(6)(a) Each county or municipality that operates a traffic infraction detector shall submit an annual report to the department which details the results of using the traffic infraction detector and the procedures for enforcement. The information submitted by the counties and municipalities must include statistical data and information required by the department to complete the report and be submitted no later than 90 days prior to the due date of the annual report.

(b) The department shall provide an annual summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors under this section. The summary report must include a review of the information submitted to the department by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs. The department shall report its recommendations, including any necessary legislation, on or before December 1, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(7) Any governmental entity may supply the department with data that is machine readable by the department's computer system, listing persons who have one or more outstanding violations of this section. Pursuant to s. 320.03(8), those persons may not be issued a license plate or revalidation sticker for any motor vehicle.

Section 4. Subsection (6) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(6)*(a)* Any system of traffic control devices controlled and operated from a remote location by electronic computers or similar devices *must* ~~shall~~ meet all requirements established for the uniform system, and*, if* ~~where~~ such *a system affects* ~~systems affect~~ the movement of traffic on state roads*,* the design of the system *must* ~~shall~~ be reviewed and approved by the Department of Transportation.

(b) Any traffic infraction detector deployed on the highways, streets, and roads of the state must meet specifications established by the Department of Transportation and must be tested at regular intervals according to procedures prescribed by that department. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a county or municipality before the effective date of this act or equipment used to enforce an ordinance enacted by a county or municipality before the effective date of this act is not required to meet the specifications established by the Department of Transportation until September 30, 2010.

Section 5. Section 316.0776, Florida Statutes, is created to read:

316.0776 Traffic infraction detectors; placement and installation.—Placement and installation of traffic infraction detectors is allowed on the State Highway System, county roads, and municipal streets under specifications developed by the Department of Transportation, so long as safety and operation of the road facility is not impaired.

Section 6. Paragraph (b) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

3.a. The department shall develop training and qualifications standards for traffic infraction enforcement officers whose sole authority is to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal pursuant to s. 316.0083. This sub-subparagraph does not authorize the carrying of firearms or other weapons by a traffic infraction enforcement officer and does not authorize a traffic infraction enforcement officer to make arrests.

b. For the purpose of enforcing s. 316.0083, the department, counties, or municipalities may employ independent contractors or designate employees as traffic infraction enforcement officers; however, any such traffic infraction enforcement officer must successfully meet the training and qualifications standards for traffic infraction enforcement officers established by the department.

Section 7. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)(a) Except for a traffic citation issued pursuant to s. 316.1001 *and s. 316.0083*, each traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any municipality or town, shall deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation issuance system, the chief administrative officer shall provide by an electronic transmission a replica of the citation data to a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator.

(b) If a traffic citation is issued pursuant to s. 316.1001, a traffic enforcement officer may deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation system, may provide by an electronic transmission a replica of the citation data to a court having jurisdiction over the alleged offense or with its traffic violations bureau within 45 days after the date of issuance of the citation to the violator. If the person cited for the violation of s. 316.1001 makes the election provided by s. 318.14(12) and pays the $25 fine, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, in accordance with s. 318.14(12), the traffic citation will not be submitted to the court, the disposition will be reported to the department by the governmental entity that issued the citation, or on whose behalf the citation was issued, and no points will be assessed against the person's driver's license.

(c) If a traffic citation is issued under s. 316.0083, the traffic infraction enforcement officer shall provide by electronic transmission a replica of the citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 business days after the date of issuance of the citation to the violator.

Section 8. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in s. 316.1001(2) *and s. 316.0083(3)*, any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18.

Section 9. Subsection (15) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(15)*(a)* One hundred *fifty* ~~twenty-five~~ dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal *and when enforced by a law enforcement officer*. Sixty dollars shall be distributed as provided in s. 318.21, *$25 shall be distributed to the General Revenue Fund,* and the remaining $65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

(b) One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer shall be distributed to the General Revenue Fund.

(c) One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a county or municipality's traffic infraction enforcement officer. Ninety dollars shall be distributed to the county or municipality issuing the citation, $40 shall be distributed to the General Revenue Fund, and the remaining $20 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund.

(d) If a person who is cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic infraction enforcement officer under s. 316.0083, presents documentation from the appropriate governmental entity that the uniform traffic citation was in error, the clerk of court may dismiss the case. The clerk of court shall not charge for this service.

Funds deposited into the Department of Health Administrative Trust Fund under this subsection shall be distributed as provided in s. 395.4036(1).

Section 10. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed resulting in a crash—6 points.

4. Passing a stopped school bus—4 points.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. *However, no points shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer.*

7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).

8. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.

9. Any conviction under s. 403.413(6)(b)—3 points.

10. Any conviction under s. 316.0775(2)—4 points.

Section 11. Subsection (1) of section 395.4036, Florida Statutes, is amended to read:

395.4036 Trauma payments.—

(1) Recognizing the Legislature's stated intent to provide financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers as part of a system of state-sponsored trauma centers, the department shall *use* ~~utilize~~ funds collected under s. 318.18(15)*(a) and (c)* and deposited into the Administrative Trust Fund of the department to ensure the availability and accessibility of trauma *and emergency* services throughout the state as provided in this subsection.

(a) Funds collected under s. 318.18(15)(a) and (c) shall be distributed as follows:

1. ~~(a)~~ *Eighteen* ~~Twenty~~ percent of the total funds collected under *s. 318.18(15)(a) and (c)* ~~this subsection~~ during the state fiscal year shall be distributed to verified trauma centers that have a local funding contribution as of December 31. Distribution of funds under this paragraph shall be based on trauma caseload volume for the most recent calendar year available.

2. ~~(b)~~ *Thirty-nine* ~~Forty~~ percent of the total funds collected under *s. 318.18(15)(a) and (c)* ~~this subsection~~ shall be distributed to verified trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of funds under this paragraph shall be based on the department's Trauma Registry data.

3. ~~(c)~~ *Thirty-nine* ~~Forty~~ percent of the total funds collected under *s. 318.18(15)(a) and (c)* ~~this subsection~~ shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of funds under this paragraph shall be based on the department's International Classification Injury Severity Scores or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule.

4. Two percent of the total funds collected under s. 318.18(15)(a) and (c) shall be distributed to public hospitals that qualify for distributions under s. 409.911(4), that are not verified trauma centers but are located in trauma services areas defined under s. 395.402, and that do not have a verified trauma center based on their proportionate number of emergency room visits on an annual basis. The Agency for Health Care Administration shall provide the department with a list of public hospitals and emergency room visits.

5. Two percent of the total funds collected under s. 318.18(15)(a) and (c) shall be distributed to provide an enhanced Medicaid payment to nursing homes that serve residents who have brain and spinal cord injuries and are Medicaid recipients.

(b) Funds deposited in the department's Administrative Trust Fund for verified trauma centers may be used to maximize the receipt of federal funds that may be available for such trauma centers *and public hospitals eligible for nontrauma funds under subparagraph (a)4.* Notwithstanding this section and s. 318.14, distributions to trauma centers may be adjusted in a manner to ensure that total payments to trauma centers represent the same proportional allocation as set forth in this section and s. 318.14. For purposes of this section and s. 318.14, total funds distributed to trauma centers may include revenue from the Administrative Trust Fund and federal funds for which revenue from the Administrative Trust Fund is used to meet state or local matching requirements. Funds collected under ss. 318.14 and 318.18(15)*(a) and (c)* and deposited in the Administrative Trust Fund of the department shall be distributed to trauma centers *and public hospitals eligible for nontrauma funds under subparagraph (a)4.* on a quarterly basis using the most recent calendar year data available. Such data shall not be used for more than four quarterly distributions unless there are extenuating circumstances as determined by the department, in which case the most recent calendar year data available shall continue to be used and appropriate adjustments shall be made as soon as the more recent data becomes available.

Section 12. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 13. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to uniform traffic control; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program; authorizing the Department of Highway Safety and Motor Vehicles, a county, or municipality to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer to issue and enforce a citation for such violation; providing exemptions from citations; providing procedures for disposition and enforcement of citations; providing that certain evidence is admissible for enforcement; providing penalties for submission of a false affidavit; providing that the act does not preclude the issuance of citations by law enforcement officers; establishing a fine of a certain amount; providing

for disposition of revenue collected; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; providing that certain persons may not be issued a license plate or revalidation sticker; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; providing for preexisting equipment; creating s. 316.0776, F.S.; providing for placement and installation of detectors on certain roads; amending s. 316.640, F.S.; requiring the Department of Highway Safety and Motor Vehicles to develop training and qualification standards for traffic infraction enforcement officers; amending s. 316.650, F.S.; requiring a traffic enforcement agency to provide a replica of the citation data by electronic transmission under certain conditions; amending s. 318.14, F.S.; providing an exception from provisions requiring a person cited for an infraction for failing to stop at a traffic control signal steady red light to sign and accept a citation indicating a promise to appear; amending s. 318.18, F.S.; increasing certain fines; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; allowing the clerk of court to dismiss certain cases upon receiving documentation that the uniform traffic citation was issued in error; amending s. 322.27, F.S.; providing that no points may be assessed against the drivers license for infractions enforced by a traffic infraction enforcement officer; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, and certain nursing homes; providing for severability; providing an effective date.

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (706606)—Delete line 39 and insert: *State Highway System. However, the department may, by interlocal agreement, contract with counties and municipalities to allow the use of traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. on the State Highway System and funds from the fines will be distributed as provided in s. 318.18(15)(c).*

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment to **Amendment 1**:

Amendment 1B (338640) (with title amendment)—Delete lines 264-300 and insert:

(d) If a traffic citation is issued under s. 316.0083 and the violation occurred in the unincorporated portion of a county which has divided the function of clerk between the clerk of the circuit court and the county comptroller who serves as ex officio clerk of the board of county commissioners, recorder, auditor, and custodian of all county funds and official records, the traffic infraction officer shall provide a replica of the citation to the county comptroller within 5 days after the date of issuance of the citation to the violator.

Section 8. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in s. 316.1001(2) *and s. 316.0083(3)*, any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18.

Section 9. Subsection (15) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(15)*(a)* One hundred *fifty* ~~twenty five~~ dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal *and when enforced by a law enforcement officer*. Sixty dollars shall be distributed as provided in s. 318.21, *$25 shall be distributed to the General Revenue Fund,* and the remaining $65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

(b) One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer shall be distributed to the General Revenue Fund.

(c) One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a county or municipality's traffic infraction enforcement officer. Eighty-five dollars shall be distributed to the county or municipality issuing the citation, $40 shall be distributed to the General Revenue Fund, and the remaining $25 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund.

And the title is amended as follows:

Delete line 482 and insert: electronic transmission under certain conditions; requiring the traffic infraction officer to provide a replica of a traffic citation to the county comptroller under certain circumstances;

On motion by Senator Aronberg, further consideration of **CS for CS for CS for HB 439** with pending **Amendment 1 (6117714)** and **Amendment 1B (338640)** was deferred.

On motion by Senator Pruitt, by unanimous consent—

CS for SB 58—A bill to be entitled An act for the relief of Jorge and Debbie Garcia-Bengochea and their adoptive children, Brian, Matthew, and James, by the Department of Children and Family Services; providing an appropriation to compensate them for injuries and damages sustained as a result of negligence by employees of the department or its predecessor agency; providing a limitation on the payment of attorney's fees and lobbying fees; providing legislative intent with respect to ratification of terms of the parties' settlement agreement and waiver of lien interests held by the state; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for SB 58** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dockery	Pruitt
Alexander	Fasano	Rich
Altman	Gardiner	Ring
Aronberg	Gelber	Siplin
Baker	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Joyner	Storms
Dean	Justice	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Peaden	

Nays—7

Bennett	Garcia	Richter
Crist	King	
Gaetz	Oelrich	

Vote after roll call:

Nay to Yea—Richter

On motion by Senator Rich, by two-thirds vote **CS for HB 1409** was withdrawn from the Committees on Children, Families, and Elder Af-

fairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

On motion by Senator Rich—

CS for HB 1409—A bill to be entitled An act relating to the placement of children; creating s. 409.408, F.S.; authorizing the Governor to execute a new Interstate Compact for the Placement of Children; specifying the provisions of the compact; creating s. 409.409, F.S.; providing for the present compact to remain in effect until the Governor enters into the new compact; creating s. 409.410, F.S.; providing rulemaking authority to the Department of Children and Family Services; providing an effective date.

—a companion measure, was substituted for **CS for SB 2240** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1409** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 7025** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; and Rules.

On motion by Senator Haridopolos—

HB 7025—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding archival materials; renumbering and amending s. 257.35(1)(b), F.S.; transferring provisions which provide a public record exemption for all public records transferred to the custody of the division and any nonpublic manuscript and or other archival material which is placed in the keeping of the division under special terms and conditions; amending s. 257.38, F.S.; defining "nonpublic manuscript or other archival material"; clarifying the public records exemption for nonpublic manuscripts or other archival materials donated to and held by an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscripts or materials; removing the scheduled repeal of the exemption; making editorial changes; amending s. 257.35, F.S.; reorganizing provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1834** and read the second time by title.

Pursuant to Rule 4.19, **HB 7025** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for SB 1580—A bill to be entitled An act relating to partial tax payments; defining the term "partial payment"; authorizing tax collectors to accept partial payment of taxes under certain circumstances; imposing a processing fee on a partial tax payment; requiring a tax collector to mail a notice of the remaining amount due after the payment of a partial payment; providing a deadline for payment of the remaining balance; authorizing a tax collector to treat certain underpayment as full payment; providing for the distribution of partial tax payments; amending s. 197.343, F.S.; revising a tax notice to warn taxpayers that a tax certificate will be sold if their property taxes are not paid in full; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which was adopted:

Amendment 1 (146878) (with title amendment)—Between lines 59 and 60 insert:

Section 3. *The amendment to s. 196.192, Florida Statutes, made by section 2 of chapter 2008-193, Laws of Florida, shall operate retroactively to January 1, 2005.*

And the title is amended as follows:

Delete lines 2-14 and insert: An act relating to ad valorem taxation; defining the term "partial payment"; authorizing tax collectors to accept partial payment of taxes under certain circumstances; imposing a processing fee on a partial tax payment; requiring a tax collector to mail a notice of the remaining amount due after the payment of a partial payment; providing a deadline for payment of the remaining balance; authorizing a tax collector to treat certain underpayment as full payment; providing for the distribution of partial tax payments; amending s. 197.343, F.S.; revising a tax notice to warn taxpayers that a tax certificate will be sold if their property taxes are not paid in full; providing for a provision exempting property owned by an educational institution from ad valorem taxation to apply retroactively to January 1, 2005;

Pursuant to Rule 4.19, **CS for SB 1580** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner, by two-thirds vote **CS for CS for HB 57** was withdrawn from the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Joyner—

CS for CS for HB 57—A bill to be entitled An act relating to law enforcement explorers; amending s. 784.07, F.S.; defining the term "law enforcement explorer"; providing for reclassification of certain offenses against law enforcement explorers; reenacting s. 921.0022(3)(d), (f), and (g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to s. 784.07, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 508** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 57** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for SB 440—A bill to be entitled An act relating to public records; creating s. 893.0551, F.S.; exempting from public-records requirements for information and records reported to the Department of Health under the electronic prescription drug monitoring program for the monitoring and dispensing of prescriptions of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to information identifying patients, practitioners, or pharmacists; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (138908) (with title amendment)—Delete lines 24-163 and insert:

(1) For purposes of this section, the term:

(a) "Active investigation" has the same meaning as provided in s. 893.055.

(b) "Dispenser" has the same meaning as provided in s. 893.055.

(c) "Health care practitioner" or "practitioner" has the same meaning as provided in s. 893.055.

(d) "Health care regulatory board" has the same meaning as provided in s. 893.055.

(e) "Law enforcement agency" has the same meaning as provided in s. 893.055.

(f) "Pharmacist" means any person licensed under chapter 465 to practice the profession of pharmacy.

(g) "Pharmacy" has the same meaning as provided in s. 893.055.

(h) "Prescriber" has the same meaning as provided in s. 893.055.

(2) The following information of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy that is contained in records held by the department under s. 893.055 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Name.

(b) Address.

(c) Telephone number.

(d) Insurance plan number.

(e) Government-issued identification number.

(f) Provider number.

(g) Drug Enforcement Administration number.

(h) Any other unique identifying information or number.

(3) The department shall disclose such confidential and exempt information to the following entities after using a verification process to ensure the legitimacy of that person's or entity's request for the information:

(a) The Attorney General and his or her designee when working on Medicaid fraud cases involving prescription drugs or when the Attorney General has initiated a review of specific identifiers of Medicaid fraud regarding prescription drugs. The Attorney General or his or her designee may disclose the confidential and exempt information received from the department to a criminal justice agency as defined in s. 119.011 as part of an active investigation that is specific to a violation of prescription drug abuse or prescription drug diversion law as it relates to controlled substances. The Attorney General's Medicaid fraud investigators may not have direct access to the department's database.

(b) The department's relevant health care regulatory boards responsible for the licensure, regulation, or discipline of a practitioner, pharmacist, or other person who is authorized to prescribe, administer, or dispense controlled substances and who is involved in a specific controlled substances investigation for prescription drugs involving a designated person. The health care regulatory boards may request information from the department but may not have direct access to its database. The health care regulatory boards may provide such information to a law enforcement agency pursuant to ss. 456.066 and 456.073.

(c) A law enforcement agency that has initiated an active investigation involving a specific violation of law regarding prescription drug abuse or diversion of prescribed controlled substances. The law enforcement agency may disclose the confidential and exempt information received from the department to a criminal justice agency as defined in s. 119.011 as part of an active investigation that is specific to a violation of prescription drug abuse or prescription drug diversion law as it relates to controlled substances. A law enforcement agency may request information from the department but may not have direct access to its database.

(d) A health care practitioner who certifies that the information is necessary to provide medical treatment to a current patient in accordance with ss. 893.05 and 893.055.

(e) A pharmacist who certifies that the requested information will be used to dispense controlled substances to a current patient in accordance with ss. 893.04 and 893.055.

(f) A patient or the legal guardian or designated health care surrogate for an incapacitated patient, if applicable, making a request as provided in s. 893.055(7)(c)4.

(g) The patient's pharmacy, prescriber, or dispenser who certifies that the information is necessary to provide medical treatment to his or her current patient in accordance with s. 893.055.

(4) Any agency or person who obtains such confidential and exempt information pursuant to this section must maintain the confidential and exempt status of that information.

(5) Any person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that certain identification and location information of a patient or patient's agent; a health care practitioner as defined in s. 893.055, Florida Statutes; a dispenser as defined in s. 893.055, Florida Statutes; an employee of the practitioner who is acting on behalf of and at the direction of the practitioner; a pharmacist; or a pharmacy as defined in s. 893.055, Florida Statutes, that is contained in records that are held by the Department of Health under s. 893.055, Florida Statutes, the electronic prescription drug monitoring system for the monitoring of the prescribing and dispensing of controlled substances, be made confidential and exempt from public records requirements. Specifically, the Legislature finds that it is a public necessity to make confidential and exempt the name, address, telephone number, insurance plan number, government-issued identification number, provider number, Drug Enforcement Administration number, and any other unique identifying information or number. Information concerning the prescriptions that have been prescribed or dispensed to a patient is a private, personal matter between the patient, the practitioner, and the pharmacist. Nevertheless, the reporting of prescriptions on a timely and accurate basis by dispensing practitioners and pharmacists will ensure the ability of the state to review and provide oversight of prescribing and dispensing practices. Further, the reporting of this information will facilitate investigations and prosecutions of violations of state drug laws by patients, practitioners, and pharmacists, thereby increasing compliance with those laws. However, if in the process the information that would identify a patient is not made confidential and exempt from disclosure, any person could inspect and copy the record and be aware of the patient's prescriptions. The availability of such information to the public would result in the invasion of the patient's privacy. If the identity of the patient could be correlated with his or her prescriptions and his or her prescription dispensing history, it would be possible for the public to become aware of the diseases or other medical concerns for which a patient is being treated by his or her physician. This knowledge could be used to embarrass or to humiliate a patient or to discriminate against him or her. Requiring the reporting of prescribing and dispensing information while protecting a patient's personal identifying information will facilitate efforts to maintain compliance with the state's drug laws and will facilitate the sharing of information between health care practitioners and pharmacists while maintaining and ensuring patient privacy. Additionally, exempting from disclosure the personal identifying information of practitioners will ensure that an individual will not be able to identify which practitioners prescribe the largest amount of a particular type of drug and to seek out those practitioners in order to increase the likelihood of obtaining a particular prescribed substance. Further, protecting personal identifying information of pharmacists and dispensers ensures that an individual will not be able to identify which pharmacists, pharmacies, or dispensing health care practitioners dispense the largest amount of a particular controlled substance and identify that pharmacy or dispensing health care practitioner as a potential target for a robbery or burglary. Thus, the Legislature finds that it is a public necessity to make confidential and exempt from public records requirements certain identification and location information of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy.*

Section 3. This act shall take effect July 1, 2009, if CS for CS for CS for CS for SB 462, or similar legislation establishing an

And the title is amended as follows:

Delete lines 2-16 and insert: An act relating to public records; creating s. 893.0551, F.S.; providing definitions; exempting from public records requirements information and records reported to the Department of Health under the electronic prescription drug monitoring program for monitoring the prescribing and dispensing of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying, practitioner-identifying, or pharmacist-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative

review and repeal; providing a finding of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for CS for SB 440** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SM 1330—A memorial to the Congress of the United States, urging Congress to authorize the Silver Alert Grant Program.

WHEREAS, Alzheimer's disease and other forms of dementia are characterized by the loss of the ability to reason, think, and remember, and

WHEREAS, the National Institute on Aging has determined that as many as 5 million Americans may be afflicted with Alzheimer's disease, and

WHEREAS, the Alzheimer's Association estimates that more than 60 percent of Americans who suffer from this affliction will wander from the care of their loved ones in a confused and distracted state, unable to find their way home, and

WHEREAS, several states have developed notification systems patterned after the Amber Alert system that disseminate information on missing senior citizens and other victims of dementia-related disorders to law enforcement agencies, thereby increasing the possibility that these victims will be rescued, and

WHEREAS, the current financial recession has taken a toll on state budgets making it difficult to underwrite the costs of administering new notification programs, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is requested to authorize the Silver Alert Grant Program to help establish and improve state-administered notification systems that assist in locating missing senior citizens and other individuals suffering from dementia-related disorders.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Jones, **SM 1330** was adopted and certified to the House.

On motion by Senator Constantine, by two-thirds vote **HB 7037** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Constantine—

HB 7037—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding identification and location information of federal attorneys and judges; amending s. 119.071, F.S.; reorganizing provisions to relocate the public record exemption for identification and location information of current or former United States attorneys and assistant United States attorneys and the spouses and children thereof and current or former judges of United States Courts of Appeal, United States district judges, and United States magistrates and the spouses and children thereof; defining "identification and location information"; providing that the exemption is conditioned upon submission by the attorney, judge, or magistrate of a written request for the exemption and a written statement that reasonable efforts have been made to protect the information from disclosure through other means; removing the scheduled repeals of the exemptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1342** and read the second time by title.

Pursuant to Rule 4.19, **HB 7037** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 258—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name have fingerprints submitted for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; requiring submission of the results of a criminal history records check to the clerk of court; providing for use of the results by the court; requiring the clerk of court to instruct the petitioner on the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and conducting criminal history records checks; providing for the scheduling of a hearing on a petition to restore a former name and the scheduling of a hearing on a petition for which a criminal history records check is required; revising the content of a report of the final judgment on a petition for a name change; deleting duplicative provisions regarding payment of costs associated with fingerprinting; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (310986) (with title amendment)—Delete lines 105-153 and insert:

(5) ~~(4)~~ On filing the final judgment, the clerk *of the court* shall, if the birth occurred in this state, send a report of the judgment to the Office of Vital Statistics of the Department of Health on a form to be furnished by the department. The form *must* ~~shall~~ contain sufficient information to identify the original birth certificate of the person, the new name, and the file number of the judgment. This report shall be filed by the department with respect to a person born in this state and shall become a part of the vital statistics of this state. With respect to a person born in another state, the clerk *of the court* shall provide the petitioner with a certified copy of the final judgment.

(6) ~~(5)~~ The clerk *of the court* must, upon the filing of the final judgment, send a report of the judgment to the Department of Law Enforcement on a form to be furnished by that department. The Department of Law Enforcement must send a copy of the report to the Department of Highway Safety and Motor Vehicles, which may be delivered by electronic transmission. The report must contain sufficient information to identify the petitioner, including *the results of the criminal history records check if applicable* ~~a set of the petitioner's fingerprints taken by a law enforcement agency~~, the new name of the petitioner, and the file number of the judgment. Any information retained by the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles may be revised or supplemented by said departments to reflect changes made by the final judgment. With respect to a person convicted of a felony in another state or of a federal offense, the Department of Law Enforcement must send the report to the respective state's office of law enforcement records or to the office of the Federal Bureau of Investigation. The Department of Law Enforcement may forward the report to any other law enforcement agency it believes may retain information related to the petitioner. ~~Any costs associated with fingerprinting must be paid by the petitioner.~~

(7) ~~(6)~~ A husband and wife and minor children may join in one petition for change of name and the petition *must* ~~shall~~ show the facts required of a petitioner as to the husband and wife and the names of the minor children may be changed at the discretion of the court.

(8) ~~(7)~~ When only one parent petitions for a change of name of a minor child, process shall be served on the other parent and proof of such service shall be filed in the cause; ~~provided,~~ however, *if* ~~that where~~ the other parent is a nonresident, constructive notice of the petition may be given pursuant to chapter 49, and proof of publication shall be filed in the cause without the necessity of recordation.

(9) ~~(8)~~ *This section does not apply* ~~Nothing herein applies~~ to any change of name in proceedings for dissolution of marriage or for adoption of children.

Section 2. This act shall take effect October 1, 2009.

And the title is amended as follows:

Delete lines 10-11 and insert: records check to the clerk of the court; providing for use of the results by the clerk of the court; requiring the clerk of

Pursuant to Rule 4.19, **CS for SB 258** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 7017** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

On motion by Senator Aronberg—

HB 7017—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding building plans and blueprints; amending s. 119.071, F.S., which provides an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by an agency which depict the internal layout or structural elements of certain facilities, complexes, and developments; reorganizing the exemption; making editorial changes; repealing s. 2, ch. 2004-9, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 754** and read the second time by title.

Pursuant to Rule 4.19, **HB 7017** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 732—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; increasing the maximum percentage of funds under the control of the Chief Financial Officer to be invested in certain securities; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; providing for the expiration of such increase and the reversion of statutory text; creating s. 17.575, F.S.; creating the Treasury Investment Committee within the Division of Treasury; providing for membership on the committee; requiring that the committee annually elect a chair and vice chair from among its membership; providing duties of the committee; requiring that the committee submit an annual report on a specified date and annually thereafter outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee; amending s. 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; amending s. 532.01, F.S.; including payroll debit cards under requirements applicable to payment instruments; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (204338) (with directory and title amendments)—Delete lines 40-125 and insert:

(7) In addition to the deposits authorized under this section and notwithstanding any other provisions of law, funds that are not needed to meet the disbursement needs of the state may be deposited by the Chief Financial Officer in accordance with the following conditions:

(a) The funds are initially deposited in a qualified public depository, as defined in s. 280.02, selected by the Chief Financial Officer.

(b) The selected depository arranges for *depositing* ~~the deposit of~~ the funds in *financial deposit instruments insured by the Federal Deposit Insurance Corporation* ~~certificates of deposit~~ in one or more federally insured banks or savings and loan associations, wherever located, for the account of the state.

(c) The full amount of *the* principal and accrued interest of each *financial deposit instrument* ~~such certificate of deposit~~ is insured by the Federal Deposit Insurance Corporation.

(d) The selected depository acts as custodian for the state with respect to *each financial deposit instrument* ~~such certificates of deposit~~ issued for its account.

~~(e) At the same time the state's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits from customers of other federally insured financial institutions, wherever located, equal to or greater than the amount of the funds initially invested by the Chief Financial Officer through the selected depository.~~

And the directory clause is amended as follows:

Delete lines 37-38 and insert:

Section 1. Subsection (7) of section 17.57, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 3-23 and insert: 17.57, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; amending s.

Amendment 2 (725852) (with title amendment)—Between lines 125 and 126 insert:

Section 4. Paragraph (b) of subsection (4) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(4) REIMBURSEMENT CONTRACTS.—

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in *2008* ~~2007~~, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to $10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of December 31, *2008, for the 2009-2010 contract year; as of December 31, 2009, for the contract year beginning June 1, 2010, and ending December 31, 2010; and as of December 31, 2010, for the 2011 contract year* ~~2007~~. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims-

paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. *The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage shall apply. Such coverage shall apply and must be paid concurrently with the mandatory coverage.* ~~Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph.~~ This subparagraph expires on *December* ~~May~~ 31, *2011* ~~2009~~.

And the title is amended as follows:

Delete line 24 and insert: 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending the application of provisions relating to reimbursement contracts; amending s. 218.415, F.S.; requiring that the Chief Financial

MOTION

On motion by Senator Haridopolos, the rules were waived to allow the following amendment to be considered:

Senator Haridopolos moved the following amendment:

Amendment 3 (218998) (with title amendment)—Between lines 169 and 170 insert:

Section 5. Section 516.01, Florida Statutes, is amended to read:

516.01 Definitions.—As used in this chapter, the term:

(1) ~~(3)~~ "Commission" means the Financial Services Commission.

(2) ~~(1)~~ "Consumer finance borrower" or "borrower" means a person who has incurred either direct or contingent liability to repay a consumer finance loan *or a nonrecourse loan*.

(3) ~~(2)~~ "Consumer finance loan" means a loan of money, credit, goods, or choses in action, including, except as otherwise specifically indicated, provision of a line of credit, in an amount or to a value of $25,000 or less for which the lender charges, contracts for, collects, or receives interest at a rate greater than 18 percent per annum.

(4) ~~(8)~~ "Control person" means an individual, partnership, corporation, trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person is presumed to control a company if, with respect to a particular company, that person:

(a) Is a director, general partner, or officer exercising executive responsibility or having similar status or functions;

(b) Directly or indirectly may vote 10 percent or more of a class of a voting security or sell or direct the sale of 10 percent or more of a class of voting securities; or

(c) In the case of a partnership, may receive upon dissolution or has contributed 10 percent or more of the capital.

(5) "Interest" means the cost of obtaining a consumer finance loan and includes any profit or advantage of any kind whatsoever that a lender may charge, contract for, collect, receive, or in anywise obtain, including by means of any collateral sale, purchase, or agreement, as a condition for a consumer finance loan. Charges specifically permitted by this chapter, including commissions received for insurance written as permitted by this chapter, shall not be deemed interest.

(6) "License" means a permit issued under this chapter to make and collect loans in accordance with this chapter at a single place of business.

(7) "Licensee" means a person to whom a license is issued.

(8) "Nonrecourse loan" means a loan of $5,000 or less that is unsecured or may be secured by the personal property of the borrower, that has a term of not more than 3 years, that fully amortizes over the term of the loan, and for which the borrower has no liability beyond the property that is security for the loan if such loan is secured, except in the instance of fraud.

(9) ~~(4)~~ "Office" means the Office of Financial Regulation of the commission.

Section 6. Subsections (2) through (5) of section 516.031, Florida Statutes, are renumbered as subsections (3) through (6), respectively, a new subsection (2) is added to that section, and present paragraph (a) of subsection (3) of that section is amended, to read:

516.031 Finance charge; maximum rates.—

(2) NONRECOURSE LOAN.—In a nonrecourse loan transaction, every licensee may charge, contract for, and receive interest not to exceed 48 percent per annum on the outstanding principal balance of the nonrecourse loan plus a monthly administrative fee not to exceed 10 percent per month on the outstanding principal balance of the nonrecourse loan

(4) ~~(3)~~ OTHER CHARGES.—

(a) In addition to the interest, *administrative fee,* delinquency, and insurance charges herein provided for, no further or other charges or amount whatsoever for any examination, service, commission, or other thing or otherwise shall be directly or indirectly charged, contracted for, or received as a condition to the grant of a loan, except:

1. An amount not to exceed $25 to reimburse a portion of the costs for investigating the character and credit of the person applying for the loan;

2. An annual fee of $25 on the anniversary date of each line-of-credit account;

3. Charges paid for brokerage fee on a loan or line of credit of more than $10,000, title insurance, and the appraisal of real property offered as security when paid to a third party and supported by an actual expenditure;

4. Intangible personal property tax on the loan note or obligation when secured by a lien on real property;

5. The documentary excise tax and lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter;

6. The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the licensee in connection with the loan, if the premium does not exceed the fees which would otherwise be payable, which premium may be collected when the loan is made or at any time thereafter;

7. Actual and reasonable attorney's fees and court costs as determined by the court in which suit is filed;

8. Actual and commercially reasonable expenses of repossession, storing, repairing and placing in condition for sale, and selling of any property pledged as security; or

9. A delinquency charge not to exceed $10 for each payment in default for a period of not less than 10 days, if the charge is agreed upon, in writing, between the parties before imposing the charge.

Any charges, including interest, in excess of the combined total of all charges authorized and permitted by this chapter constitute a violation of chapter 687 governing interest and usury, and the penalties of that chapter apply. In the event of a bona fide error, the licensee shall refund or credit the borrower with the amount of the overcharge immediately but within 20 days from the discovery of such error.

And the title is amended as follows:

Delete line 31 and insert: institutions; amending s. 516.01, F.S.; providing a definition; amending s. 516.031, F.S.; authorizing licensees to charge and receive interest and a monthly administrative fee in nonrecourse loan transactions; providing limitations; amending s. 532.01, F.S.; including

SENATOR VILLALOBOS PRESIDING

POINT OF ORDER

Senator Joyner raised a point of order that pursuant to Rule 7.1 **Amendment 3 (218998)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Aronberg, Vice Chair of the Committee on Rules.

On motion by Senator Smith, further consideration of **CS for CS for SB 732** as amended with pending **Amendment 3 (218998)** and pending point of order was deferred.

On motion by Senator Storms, by two-thirds vote **HB 7021** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Storms—

HB 7021—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding councils on children's services and juvenile welfare boards; amending s. 125.901, F.S., which provides an exemption from public records requirements for personal identifying information of a child, or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity, or held by a service provider or researcher under contract with such entity; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 748** and read the second time by title.

Pursuant to Rule 4.19, **HB 7021** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **CS for CS for HB 375** was withdrawn from the Committees on Commerce; Judiciary; Finance and Tax; and General Government Appropriations.

On motion by Senator Dean—

CS for CS for HB 375—A bill to be entitled An act relating to reimbursement of federal excise taxes on motor fuel; creating s. 686.701, F.S.; providing requirements and limitations on reimbursement provisions of certain fuel supply contracts; providing notice requirements; providing for payment security requirements; providing for electronic transfer of funds; specifying application to contracts; providing an effective date.

—a companion measure, was substituted for **CS for SB 1024** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 375** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 732—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; increasing the maximum percentage of funds under the control of the Chief Financial Officer to be invested in certain securities; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; providing for the expiration of such increase and the reversion of statutory text; creating s. 17.575, F.S.; creating the Treasury Investment Committee within the Division of Treasury; providing for membership on the committee; requiring that the committee annually elect a chair and vice chair from among its membership; providing duties of the committee; requiring that the committee submit an annual report on a specified date and annually thereafter outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee; amending s. 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; amending s. 532.01, F.S.; including payroll debit cards under requirements applicable to payment instruments; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 3 (218998)** by Senator Haridopolos and pending point of order by Senator Joyner.

POINT OF ORDER DISPOSITION

Pending point of order by Senator Joyner was withdrawn.

On motion by Senator Smith, further consideration of **CS for CS for SB 732** with pending **Amendment 3 (218998)** was deferred.

On motion by Senator Baker, by two-thirds vote **HB 1003** was withdrawn from the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

On motion by Senator Baker—

HB 1003—A bill to be entitled An act relating to sale and delivery of firearms; amending s. 790.065, F.S.; deleting future repeal of provisions governing the sale and delivery of firearms; requiring a review of the provisions relating to the sale and delivery of firearms before the limit on a fee charged by the Department of Law Enforcement for processing a criminal history check on purchasers may be increased; providing an effective date.

—a companion measure, was substituted for **SB 658** and read the second time by title.

Pursuant to Rule 4.19, **HB 1003** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **CS for HB 7019** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Bennett—

CS for HB 7019—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding participants in government-sponsored recreation programs; amending s. 119.071, F.S., which provides an exemption from public records requirements for information that would identify or locate a child who participates in a government-sponsored recreation program or a parent or guardian of the child; providing definitions; reorganizing the exemption; making editorial changes; removing superfluous language; repealing s. 2, ch. 2004-32, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1824** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7019** was placed on the calendar of Bills on Third Reading.

SB 1500—A bill to be entitled An act relating to corporations; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of each fiscal year or within such additional time as is

reasonably necessary under certain circumstances; specifying means by which such requirement may be satisfied; providing an alternate means of satisfying such requirement with respect to corporations that have a specified class of outstanding securities; providing for applicability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1500** to **CS for HB 1517**.

Pending further consideration of **SB 1500** as amended, on motion by Senator Fasano, by two-thirds vote **CS for HB 1517** was withdrawn from the Committees on Commerce; Judiciary; and Finance and Tax.

On motion by Senator Fasano—

CS for HB 1517—A bill to be entitled An act relating to corporate annual financial statements; amending s. 607.1620, F.S.; revising a requirement for corporations to provide annual financial statements to shareholders; specifying criteria for satisfaction of such requirement; providing application; providing an effective date.

—a companion measure, was substituted for **SB 1500** as amended and read the second time by title.

On motion by Senator Fasano, further consideration of **CS for HB 1517** was deferred.

On motion by Senator Wise, by two-thirds vote **CS for HB 281** was withdrawn from the Committees on Higher Education; Finance and Tax; and Higher Education Appropriations.

On motion by Senator Wise—

CS for HB 281—A bill to be entitled An act relating to prepaid college programs; amending s. 1009.98, F.S.; providing that a purchaser of an advance payment contract may receive a refund of the unused portion of the contract under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1426** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 281** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, the Senate resumed consideration of—

CS for HB 1517—A bill to be entitled An act relating to corporate annual financial statements; amending s. 607.1620, F.S.; revising a requirement for corporations to provide annual financial statements to shareholders; specifying criteria for satisfaction of such requirement; providing application; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for HB 1517** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1400** was deferred.

CS for SB 1296—A bill to be entitled An act relating to public swimming; amending s. 514.011, F.S.; defining the term "beach waters"; amending s. 514.023, F.S.; requiring the Department of Health to notify the local government and the local office of the Department of Environmental Protection when it issues a health advisory against swimming in beach waters due to elevated levels of bacteria; requiring the Department of Environmental Protection to promptly investigate wastewater treatment facilities within a certain distance of the beach and notify the local government of the results of such investigation; amending s. 514.025, F.S.; authorizing the department to delegate duties relating to public swimming or bathing facilities to independent special districts; amending s. 515.25, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1296** to **HB 707**.

Pending further consideration of **CS for SB 1296** as amended, on motion by Senator Bennett, by two-thirds vote **HB 707** was withdrawn from the Committees on Health Regulation; Environmental Preservation and Conservation; and General Government Appropriations.

On motion by Senator Bennett—

HB 707—A bill to be entitled An act relating to the management of wastewater; amending s. 514.023, F.S.; requiring the Department of Health to notify local governments and local offices of the Department of Environmental Protection when certain health advisories are issued; requiring local offices of the Department of Environmental Protection to conduct investigations of certain wastewater treatment facilities and provide the results of such investigations to local governments; amending s. 514.025, F.S.; authorizing the department to assign certain responsibilities and functions relating to public swimming pools and bathing places to multicounty independent special districts under specified conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1296** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 707** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 7013** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Bennett—

HB 7013—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding business information provided to a governmental condemning authority; amending s. 73.0155, F.S., which provides an exemption from public records requirements for business information provided by the owner of a business to a governmental condemning authority as part of an offer of business damages in presuit negotiations in an eminent domain proceeding; reorganizing the exemption; clarifying provisions; removing superfluous provisions; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1826** and read the second time by title.

Pursuant to Rule 4.19, **HB 7013** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2080** was deferred.

On motion by Senator King, by two-thirds vote **HB 7093** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; and Rules.

On motion by Senator King—

HB 7093—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for specified proprietary business information obtained from a telecommunications company or broadband company by the Department of Management Services; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 2126** and read the second time by title.

Pursuant to Rule 4.19, **HB 7093** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for CS for SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the "Consumer Choice and Protection Act"; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; amending s. 364.013, F.S.; providing for local interconnection rights regardless of technology; amending s. 364.02, F.S.; redefining the terms "basic local telecommunications service," "nonbasic service," and "telecommunications company"; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company's schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; revising provisions that allow for an increase in rates for nonbasic services under certain circumstances; deleting provisions relating to rate increases for nonbasic services; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; amending s. 364.10, F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; requiring each local exchange telecommunications company to advise each residential customer of the least-cost service available to that customer when the residential customer initially requests basic local telecommunications service; amending s. 364.603, F.S.; providing procedures for resolving complaints regarding preferred carrier freezes on local exchange service; amending ss. 364.059 and 364.105, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (449438) (with title amendment)—Delete lines 416-419 and insert: presumptively valid. *However, the price for any service that was treated as basic service before July 1, 2009, may not be increased by more than the amount allowed for basic service as provided in subsection (2).*

And the title is amended as follows:

Delete lines 30-32 and insert: to storm damage; providing that the price for any service that was treated as basic service before a specified date may not be increased by more than the amount allowed for basic service; deleting provisions relating to rate

Amendment 2 (185202) (with title amendment)—Delete lines 734-737 and insert:

~~(1)~~ A local exchange telecommunications company, when a residential customer initially requests service, shall advise each residential customer of the least-cost service available to that customer.

And the title is amended as follows:

Delete lines 60-64 and insert:deleting the requirement that each local exchange telecommunications company submit to the Public Service Commission copies of the written notices and information concerning basic service for prior approval; amending s. 364.603, F.S.;

Pursuant to Rule 4.19, **CS for CS for SB 2626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, the Senate resumed consideration of—

CS for CS for SB 732—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; increasing the maximum percentage of funds under the control of the Chief Financial Officer to be invested in certain securities; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; providing for the expiration of such increase and the reversion of statutory text; creating s. 17.575, F.S.; creating the Treasury Investment Committee within the Division of Treasury; providing for membership on the committee; requiring that the committee annually elect a chair and vice chair from among its membership; providing duties of the committee; requiring that the committee submit an annual report on a specified date and annually thereafter outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee; amending s. 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; amending s. 532.01, F.S.; including payroll debit cards under requirements applicable to payment instruments; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3 (218998)** by Senator Haridopolos was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 732** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 274—A bill to be entitled An act relating to water resources; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and groundwater; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to implement a

statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (264116)—Delete lines 327-340 and insert:

(3) All new septic systems installed on or after January 1, 2010 that are located on properties abutting a water body or water segment that is listed as impaired pursuant to s. 403.067, or properties within a designated spring protection zone pursuant to 369.404, must be designed to meet a target annual average groundwater concentration of no more than 3 milligrams per liter total nitrogen at the owner's property line. Compliance with these requirements does not require groundwater monitoring. The department must initiate and develop by rule design standards for achieving this target annual average groundwater concentration. At a minimum, this standard must take into consideration the relationship between the treatment level achieved by the septic system and the area of usable property available for rainwater dilution. Such design standards adopted by the department must provide multiple options that may be used to meet the standards established in s. 369.406(3).

(4) Prior to adoption of the design standards by the department, compliance with the requirements in

Amendment 2 (360238) (with title amendment)—Delete lines 506-540 and insert:

(4) The department must initiate and develop rules to implement subsections (3), (4), and (5) of s.369.406, in conjunction with the Department of Health, but may not adopt such rules until such date as the type II transfer of the Bureau of Onsite Sewage becomes effective.

(Renumber subsequent sections.)

And the title is amended as follows:

Delete lines 19-29 and insert: Services to adopt rules; amending s. 403.1835, F.S.;

Amendment 3 (819208) (with title amendment)—Delete lines 586-620 and insert:

Section 5. Section 403.093, Florida Statutes, is created to read:

403.093 Onsite sewage treatment and disposal systems; inspection.—

(1) In order to increase protection of state water bodies and provide for potential cost savings to the people of this state, it is the intent of the Legislature to consider creation of a statewide onsite sewage treatment and disposal system inspection program.

(2) The department shall develop a report that details the process to be used and resources needed. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2011. The report shall, at a minimum:

a. Provide a method to ensure that each onsite sewage treatment and disposal system be inspected at least once every 5 years.

b. Recommend exemptions from the inspection requirement for onsite sewage treatment and disposal systems. In identifying systems for potential exemption, the department shall consider the risk a system or a certain density of systems poses to water bodies. Such evaluation shall also account for the proximity of the system or systems to a water body or water segment that is listed as impaired pursuant to s. 403.067 or is within a spring protection zone designated pursuant to s. 369.404.

c. Identify the appropriate mechanism for tracking inspections and providing notification to the owner of an onsite sewage treatment and disposal system that requires repairs or modifications.

d. A projection of the revenues that may be generated and those expenses that may be needed to administer an inspection program. These projections are to be based on an inspection fee that will cover the full costs of the proposed program.

(3) It is the intent of the Legislature that revenues derived from an inspection program be used to fund the administrative costs of the program and the remaining revenues be used to fund the grant program created pursuant to s. 369.407.

And the title is amended as follows:

Delete lines 38-43 and insert: specified date; creating s. 403.093, F.S.; providing legislative intent to consider creation of a statewide onsite sewage treatment and disposal system inspection program; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; requiring the Department of Environmental Protection to provide procedures for implementing an inspection program; requiring minimum standards; directing disposition of revenues to fund the costs of the program; directing remaining revenues be used to fund the grant program;

Amendment 4 (635868)—Delete line 754 and insert: *Department of Environmental Protection. The Department of Environmental Protection in cooperation with the Department of Health must develop a plan to implement the type II transfer and deliver the proposal to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 15, 2010.*

Amendment 5 (461750) (with title amendment)—Delete lines 802-1359:

(Renumber subsequent sections.)

And the title is amended as follows:

Delete lines 60-105 and insert: offsets in the Wekiva Study Area;

Pursuant to Rule 4.19, **CS for CS for SB 274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **HB 7039** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Storms—

HB 7039—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding insurance claim data exchange information; amending s. 409.25661, F.S., which provides an exemption from public records requirements for certain records obtained by the Department of Revenue under an insurance claim data exchange system; saving the exemption from repeal under the Open Government Sunset Review Act; extending the repeal date; providing an effective date.

—a companion measure, was substituted for **CS for SB 750** and read the second time by title.

Pursuant to Rule 4.19, **HB 7039** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 644** was deferred.

On motion by Senator Gardiner, by two-thirds vote **CS for HB 7027** was withdrawn from the Committees on Transportation; Governmental Oversight and Accountability; and Rules.

On motion by Senator Gardiner—

CS for HB 7027—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding personal information contained in motor vehicle records; amending s. 119.0712, F.S.; removing provisions which are duplicative of the federal prohibition on release and use of personal information contained in state motor vehicle records under the federal Driver's Privacy Protection Act of 1994; referencing federal law as controlling with respect to the confidentiality and release of such records; providing that such information received pursuant to federal law may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers; reorganizing provisions; making editorial and conforming changes; repealing s. 2, ch. 2004-62, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1290** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7027** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 509** was withdrawn from the Committees on Military Affairs and Domestic Security; Community Affairs; and Higher Education; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano—

HB 509—A bill to be entitled An act relating to veterans; amending s. 295.16, F.S.; revising an exemption from license or permit fees required for improvements to a dwelling owned by a disabled veteran if the improvements are for the purpose of making the dwelling safe; removing a provision limiting the exemption to veterans confined to wheelchairs; amending s. 320.089, F.S.; deleting the monetary limitation on the amount of general revenue deposited into the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs; amending s. 1009.27, F.S.; authorizing an eligible student who receives benefits as a veteran who served on active duty in the Armed Forces after September 11, 2001, to defer college tuition and fees under certain circumstances; providing effective dates.

—a companion measure, was substituted for **SB 644** and read the second time by title.

Pursuant to Rule 4.19, **HB 509** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1370— A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action subject to review pursuant to state law; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General's written determination to enter into such contract be posted on the department's website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department's website within a specified period after the date on which payment of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

Senator Jones moved the following amendment which failed:

Amendment 1 (437656) (with title amendment)—Delete line 110 and insert: *private attorneys retained to achieve the recovery. Provided further, the provisions of this subsection do not apply if the Attorney General determines that exigent or unusual circumstances or a need or requirement for specialized legal knowledge or experience justifies an exception to the requirements of this subsection, provides written evidence to support the determination and the determination is approved by majority vote of the Cabinet.*

And the title is amended as follows:

Delete line 31 and insert:contract with the department; providing exceptions; requiring that copies of

The vote was:

Yeas—18

Aronberg	Dockery	Lawson
Bennett	Gelber	Lynn
Bullard	Jones	Rich
Dean	Joyner	Ring
Deutch	Justice	Siplin

Smith	Sobel	Villalobos

Nays—20

Mr. President	Diaz de la Portilla	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Baker	Garcia	Richter
Constantine	Gardiner	Storms
Crist	Haridopolos	Wise
Detert	King	

Pursuant to Rule 4.19, **SB 1370** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 362** was deferred.

On motion by Senator Rich—

CS for CS for SB 918—A bill to be entitled An act relating to the Florida Kidcare program; amending s. 409.810, F.S.; correcting a cross-reference; amending s. 409.811, F.S.; conforming cross-references; amending s. 409.812, F.S.; clarifying the application of the Florida Kidcare program to include all eligible uninsured, low-income children; amending s. 409.813, F.S.; specifying funding sources for health benefits coverage for certain children; specifying program components to be marketed as the Florida Kidcare program; conforming cross-references; amending s. 409.8132, F.S.; revising provisions relating to penalties for nonpayment of premiums and waiting periods for reinstatement of coverage; amending s. 409.8134, F.S.; revising provisions relating to enrollment in the Florida Kidcare program; amending s. 409.814, F.S.; removing a restriction on participation in the Florida Healthy Kids program; authorizing certain enrollees to opt out of the Children's Medical Services network; revising coverage limitations; revising restrictions on enrollment of children whose coverage was voluntarily canceled; providing exceptions; deleting provisions that place a limit on enrollment in Medikids and the Florida Healthy Kids full-pay program; requiring notice to health plans and providers when a child is no longer eligible for certain coverage; requiring electronic verification of applicants' income; providing circumstances under which written documentation is required; revising the timeframe for an enrollee to resolve disputes regarding the withholding of benefits; amending s. 409.815, F.S.; authorizing the Agency for Health Care Administration to increase premium assistance payments for benefits provided through Florida Kidcare Plus instead of the Children's Medical Services; conforming cross-references; amending ss. 409.816 and 409.817, F.S.; conforming cross-references; amending s. 409.8177, F.S.; revising information to be included in the annual program evaluation to the Governor and Legislature; amending s. 409.818, F.S.; clarifying that the Department of Health is the chair of Florida Kidcare coordinating council; conforming cross-references; amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation; revising the date in which the corporation must provide a study to the Legislature and the Governor; correcting a cross-reference; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 918** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **HB 7015** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

On motion by Senator Alexander—

HB 7015—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding campaign finance reports; amending s. 106.0706, F.S., which provides an exemption from public records requirements for user identifications and passwords held by the Department of State, and information entered in the department's electronic filing system, in connection with electronic filing of campaign finance reports; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1348** and read the second time by title.

Pursuant to Rule 4.19, **HB 7015** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for SB 1000—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances; requiring a referendum; providing for distribution of surtax proceeds; authorizing an administrative fee; providing for interlocal agreements; providing agreement requirements; requiring a reduction in the budget for ad valorem tax levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax; requiring any surplus surtax revenues to be used to further reduce ad valorem taxes; prohibiting entities not entering into an interlocal agreement from receiving a portion of surtax proceeds; specifying the distribution of surtax revenues and limiting reimbursements among participating jurisdictions under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Finance and Tax recommended the following amendment which was moved by Senator Fasano and adopted:

Amendment 1 (246788) (with title amendment)—Delete line 54 and insert: *voting in a referendum held for such purpose. The referendum shall be placed on the ballot of a regularly scheduled election. The ballot for the*

The Committee on Finance and Tax recommended the following amendment which was moved by Senator Fasano:

Amendment 2 (182010)—Delete lines 58-63 and insert:

(c) Pursuant to s. 212.054(4), the proceeds of the discretionary sales surtax collected under this subsection, less an administrative fee that may be retained by the Department of Revenue, shall be distributed by the department to the county. The county shall distribute the proceeds if receives from the department to the participating jurisdictions that have entered into an interlocal agreement with the county under this subsection. The county may also

Senator Fasano moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (459890)—Delete line 9 and insert: *The county shall distribute the proceeds it receives from the*

Amendment 2 as amended was adopted.

Senator Fasano moved the following amendment which was adopted:

Amendment 3 (920912)—Delete lines 40-41 and insert:

(a) The governing authority of a county, other than a county that has imposed two separate discretionary surtaxes without expiration, may, by ordinance, levy a discretionary sales surtax of up to 1 percent for

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted:

Amendment 4 (704926) (with title amendment)—Between lines 132 and 133 insert:

(j) Notwithstanding s. 212.054, if a multicounty independent special district created pursuant to chapter 67-764, Laws of Florida, levies ad valorem taxes on district property to fund emergency fire rescue services within the district and is required by s. 2, Art. VII of the State Constitution to maintain a uniform ad valorem tax rate throughout the district, the county may not levy the discretionary sales surtax authorized by this subsection within the boundaries of the district.

And the title is amended as follows:

Delete line 20 and insert: circumstances; prohibiting a county from levying the surtax within certain multicounty independent special districts; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1000** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1114** was deferred.

On motion by Senator Sobel—

CS for SB 398—A bill to be entitled An act relating to district and school advisory councils; amending s. 1001.452, F.S.; requiring that a district school board make a good faith effort to advertise and open the school advisory council to members of the community; providing that a majority of the members of a school advisory council not be employed by the school; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 398** was placed on the calendar of Bills on Third Reading.

CS for SB 392—A bill to be entitled An act relating to timeshares; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; expanding the use of revenues derived from the tourist development tax to include publicly owned convention center hotels and their facilities; providing for application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term "casualty insurance" to include a seller of a timeshare interests or the parents, subsidiaries, or affiliated entities of a seller; amending s. 721.05, F.S.; redefining the term "facility"; amending s. 721.07, F.S.; specifying additional information required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing for severability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 392** to **CS for HB 61**.

Pending further consideration of **CS for SB 392** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for HB 61** was withdrawn from the Committees on Regulated Industries; Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Haridopolos—

CS for HB 61—A bill to be entitled An act relating to temporary accommodations; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; providing application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term "casualty insurance" to include sellers of timeshare interests; amending s. 721.05, F.S.; revising a definition; amending s. 721.07, F.S.; specifying additional information required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 392** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 61** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 308** was deferred.

On motion by Senator Joyner—

CS for SB 264—A bill to be entitled An act relating to voter information cards; amending s. 97.071, F.S.; requiring voter information cards to contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; providing transitional instructions for the supervisors of elections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 264** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich, by two-thirds vote **HB 7041** was withdrawn from the Committees on Higher Education; Governmental Oversight and Accountability; and Rules.

On motion by Senator Oelrich—

HB 7041—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Institute for Human and Machine Cognition, Inc.; amending s. 1004.4472, F.S., which provides an exemption from public records requirements for information held by the Florida Institute for Human and Machine Cognition, Inc., or its subsidiary and an exemption from public meeting requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt information is presented or discussed; providing definitions; reorganizing and conforming provisions; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1902** and read the second time by title.

Pursuant to Rule 4.19, **HB 7041** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2326—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Go Green Florida license plate, a Florida Biodiversity Foundation license plate, a Toomey Foundation for the Natural Sciences license plate, and a Trinity license plate; establishing an annual fee for the plates; providing for the distribution of use fees received from the annual sale of such plates; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Ring, the rules were waived to allow the following amendment to be considered:

Senator Ring moved the following amendment which was adopted:

Amendment 1 (541010) (with title amendment)—Delete lines 14-117 and insert:

Section 1. Paragraphs (qqq)and (rrr) (are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(qqq) Go Green Florida license plate, $25.

(rrr) Florida Biodiversity Foundation license plate, $25.

Section 2. Subsections (69) and (70) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(69) GO GREEN FLORIDA LICENSE PLATES.—

(a) The department shall develop a Go Green Florida license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Go Green Florida" must appear at the bottom of the plate. The Go Green Florida emblem or logo must appear on the plate.

(b) The requirements of s. 320.08053 must be met before the issuance of the plate.

(c) The proceeds from the sale of the plate shall be distributed to the Coalition for Renewable Energy Solutions, Inc. After reimbursement for documented costs expended to establish the plates and for annual auditing costs, the coalition shall use the proceeds of the annual use fees in the following manner:

1. A maximum of 5 percent shall be used for administrative costs directly associated with the management and distribution of the proceeds.

2. A maximum of 25 percent shall be used for the continuing statewide promotion and marketing of the plate.

3. Seventy percent shall be used to fund the Renewable Energy and Energy-Efficient Technology Grants Program pursuant to s. 377.804, the Solar Energy System Incentives Program pursuant to s. 377.806, under the Florida Energy and Climate Commission, or other educational programs dedicated to providing effective alternative energy practices.

(d) The coalition shall comply with the financial audit requirements of s. 320.08062.

(e) The Go Green Florida emblem or logo may be used as a decal by the department in recognition of energy-efficient vehicle usage and practices. However, the display of the decal is not a substitute for a license plate.

(70) FLORIDA BIODIVERSITY FOUNDATION LICENSE PLATES.—

(a) The department shall develop a Florida Biodiversity Foundation license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save Wild Florida" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Biodiversity Foundation Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to fund research, education, and scientific study of the diversity of animals and plants and to aid in the preservation, study, conservation, and recovery of imperiled organisms.

And the title is amended as follows:

Delete lines 4-6 and insert: Florida license plate and a Florida Biodiversity Foundation license

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment:

Amendment 2 (118028) (with title amendment)—Between lines 117 and 118 insert:

Section 3. Paragraph (uuu)is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(uuu) Children First license plate, $25.

Section 4. Subsection (73) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(73) CHILDREN FIRST LICENSE PLATES.—

(a) The department shall develop a Children First license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Children First" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to Children First Florida, Inc., which shall retain all proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 15 percent of the proceeds may be used to administer the license plate program and for direct administrative costs associated with the operations of Children First Florida, Inc.

2. A maximum of 10 percent of the proceeds may be used to promote and market the license plates.

3. The remaining fees shall be used by Children First Florida, Inc., to fund public schools in this state, including teacher salaries.

And the title is amended as follows:

Delete line 9 and insert: from the annual sale of such plates; creating a Children First license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of the plate; providing an

POINT OF ORDER

Senator Rich raised a point of order that pursuant to rule 7.1 **Amendment 2 (118028)** contained language of an amendment defeated by a Senate committee and was therefore out of order.

The President referred the point of order and the amendment to Senator Aronberg, Vice Chair of the Committee on Rules.

On motion by Senator Ring, further consideration of **CS for CS for SB 2326** as amended with pending **Amendment 2 (118028)** and pending point of order was deferred.

On motion by Senator Ring—

CS for CS for SB 308—A bill to be entitled An act relating to developmental disabilities; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder or other developmental disability and inform the parent or legal guardian of the right to direct access to that specialist

under certain circumstances; defining the term "appropriate specialist"; amending ss. 627.6686 and 641.31098, F.S.; defining the term "developmental disability"; providing health insurance coverage for individuals with developmental disabilities; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disabilities; defining the term "direct patient access"; requiring the insurer's policy or the health maintenance organization's contract to provide a minimum number of visits per year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disabilities; providing an effective date.

—was read the second time by title.

Senator Gardiner moved the following amendment which was adopted:

Amendment 1 (198444) (with title amendment)—Delete lines 85-230 and insert:

(c) "Developmental disability" means a disorder or syndrome attributable to cerebral palsy or Down syndrome, which manifests before the age of 18 years old and constitutes a substantial handicap that can reasonably be expected to continue indefinitely. As used in this section:

1. "Cerebral palsy" has the same meaning as in s. 393.063.

2. "Down syndrome" means a disorder caused by the presence of an extra chromosome 21.

(d) ~~(c)~~ "Eligible individual" means an individual under 18 years of age or an individual 18 years of age or older who is in high school *and* who has been diagnosed as having a developmental disability at 8 years of age or younger.

(e) ~~(d)~~ "Health insurance plan" means a group health insurance policy or group health benefit plan offered by an insurer which includes the state group insurance program provided under s. 110.123. The term does not include *a* ~~any~~ health insurance plan offered in the individual market, *a* ~~any~~ health insurance plan that is individually underwritten, or *a* ~~any~~ health insurance plan provided to a small employer.

(f) ~~(e)~~ "Insurer" means an insurer providing health insurance coverage, which is licensed to engage in the business of insurance in this state and is subject to insurance regulation.

(3) A health insurance plan issued or renewed on or after April 1, 2009, shall provide coverage to an eligible individual for:

(a) Well-baby and well-child screening for diagnosing the presence of autism spectrum disorder *or other developmental disability*.

(b) Treatment of autism spectrum disorder *or other developmental disability* through speech therapy, occupational therapy, physical therapy, and applied behavior analysis. Applied behavior analysis services shall be provided by an individual certified pursuant to s. 393.17 or an individual licensed under chapter 490 or chapter 491.

(11) Notwithstanding any provision of this section, an insurer shall provide direct patient access for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disability to an appropriate specialist, as defined in s. 381.986. As used in this subsection, the term "direct patient access" means the ability of a subscriber or insured to obtain services from an in-network provider without a referral or other authorization before receiving services. Pursuant to this subsection, the insurer's policy must provide a minimum of three visits per policy year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disability.

Section 3. Subsections (2) and (3) of section 641.31098, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

641.31098 Coverage for individuals with developmental disabilities.—

(2) As used in this section, the term:

(a) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including, but not limited to, the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" means any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

1. Autistic disorder.

2. Asperger's syndrome.

3. Pervasive developmental disorder not otherwise specified.

(c) "Developmental disability" means a disorder or syndrome attributable to cerebral palsy or Down syndrome, which manifests before the age of 18 years old and constitutes a substantial handicap that can reasonably be expected to continue indefinitely. As used in this section:

1. "Cerebral palsy" has the same meaning as in s. 393.063.

2. "Down syndrome" means a disorder caused by the presence of an extra chromosome 21.

And the title is amended as follows:

Delete line 11 and insert: disability" to include cerebral palsy and Down syndrome; providing health insurance coverage for

MOTION

On motion by Senator Ring, the rules were waived to allow the following amendment to be considered:

Senator Ring moved the following amendment which was adopted:

Amendment 2 (151992)—Delete lines 31-51 and insert:

(1) If the parent or legal guardian of a minor believes that the minor exhibits symptoms of autism spectrum disorder or other developmental disability, the parent or legal guardian may report his or her observation to a primary care physician licensed in this state, other than an obstetrician or gynecologist. The physician shall immediately refer the minor to an appropriate specialist for further screening if, after examination and initial screening, the referral is clinically indicated. The physician shall also inform the parent or legal guardian of the right to direct access to an appropriate specialist for screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disability. This section does not apply to a physician providing care under s. 395.1041.

(2) As used in this section, the term "appropriate specialist" means a qualified professional who is licensed in this state and experienced in the evaluation of autism spectrum disorder or other developmental disabilities, who has training in validated diagnostic tools, and includes, but is not limited to:

Pursuant to Rule 4.19, **CS for CS for SB 308** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **HB 7123** was withdrawn from the Committees on Military Affairs and Domestic Security; and Commerce; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

HB 7123—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Florida Council on Military Base and Mission Support; providing for the mission of the council; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for reimbursement of members for expenses; requiring the Office of Tourism, Trade, and Economic Development to provide administrative support; providing for council work-

groups and tasks thereof; requiring an annual report to the Legislature and Governor; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2322** and read the second time by title.

Pursuant to Rule 4.19, **HB 7123** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **HB 7125** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

On motion by Senator Gaetz—

HB 7125—A bill to be entitled An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public records requirements for specified records relating to military bases which are held by the Florida Council on Military Base and Mission Support; creating an exemption from public meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2324** and read the second time by title.

Pursuant to Rule 4.19, **HB 7125** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2658** was deferred.

CS for CS for CS for SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire state land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.7829, F.S.; conforming a cross-reference; amending s. 253.783, F.S.; revising provisions relating to the disposition of surplus lands; authorizing the Department of Environmental Protection to extend the second right of refusal to the current owner of adjacent lands affected by acquired surplus lands under certain circumstances; authorizing the department to extend the third right of refusal to the original owner or the original owner's heirs of lands acquired by the Canal Authority of the State of Florida or the United States Army Corps of Engineers; authorizing the department to extend the fourth right of refusal to any person having a leasehold interest in the land from the canal authority; conforming cross-references; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring an affirmative vote of six members of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; requiring that certain proceeds from the Florida Forever Trust Fund be spent on capital projects within a year after acquisition rather than only at the time of acquisition; requiring an affirmative vote of six members of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; requiring the department to recover notification costs from responsible parties; providing an exception; amending s. 403.0876, F.S.; providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

SENATOR VILLALOBOS PRESIDING

Senator Constantine moved the following amendment:

Amendment 1 (563234) (with title amendment)—Between lines 1374 and 1375 insert:

Section 25. Part IV of chapter 369, Florida Statutes, consisting of sections 369.401, 369.402, 369.403, 369.404, 369.405, 369.406, 369.407, and 369.408, is created to read:

369.401 Short title.—This part may be cited as the "Florida Springs Protection Act."

369.402 Legislative findings and intent.—

(1) Florida's springs are a precious and fragile natural resource that must be protected. Springs provide recreational opportunities for swimmers, canoeists, wildlife watchers, cave divers, and others. Because of the recreational opportunities and accompanying tourism, many of the state's

springs greatly benefit state and local economies. In addition, springs provide critical habitat for plants and animals, including many endangered or threatened species, and serve as indicators of groundwater and surface water quality.

(2) In general, Florida's springs, whether found in urban or rural settings, or on public or private lands, are threatened by actual, or potential, flow reductions and declining water quality. Many of Florida's springs show signs of ecological imbalance, increased nutrient loading, and lowered water flow. Groundwater sources of spring discharges are recharged by seepage from the surface and through direct conduits such as sinkholes and can be adversely affected by polluted runoff from urban and agricultural lands and discharges resulting from poor wastewater management practices.

(3) Springs and groundwater can be restored through good stewardship, including effective planning strategies, best-management practices, and appropriate regulatory programs that preserve and protect the springs and their springsheds.

369.403 Definitions.—As used in this part, the term:

(1) "Cooperating entities" means the Department of Environmental Protection, the Department of Health, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Transportation, and each water management district and those county and municipal governments having jurisdiction in the areas of the springs identified in s. 369.404.

(2) "Department" means the Department of Environmental Protection.

(3) "Estimated sewage flow" means the quantity of domestic and commercial wastewater in gallons per day which is expected to be produced by an establishment or single-family residence as determined by rule of the Department of Health.

(4) "First magnitude spring" means a spring that has a median discharge of greater than or equal to 100 cubic feet per second for the period of record, as determined by the department.

(5) "Karst" means landforms, generally formed by the dissolution of soluble rocks such as limestone or dolostone, forming direct connections to the groundwater such as springs, sinkholes, sinking streams, closed depressions, subterranean drainage, and caves.

(6) "Onsite sewage treatment and disposal system" or "septic system" means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.

(7) "Second magnitude spring" means a spring that has a median discharge of 10 to 100 cubic feet per second for the period of record, as determined by the department.

(8) "Spring" means a point where groundwater is discharged onto the earth's surface, including under any surface water of the state, including seeps. The term includes a spring run.

(9) "Springshed" means those areas within the groundwater and surface water basins which contribute to the discharge of a spring.

(10) "Usable property" means the area of the property expressed in acres exclusive of all paved areas and prepared road beds within public or private rights-of-way or easements and exclusive of surface water bodies.

369.404 Designation of spring protection zones.—

(1) All counties or municipalities in which there are located first or second magnitude springs are hereby designated as spring protection zones.

(2) By July 1, 2010, the department is directed to propose for adoption rules to implement the requirements of this section.

(a) Such rules at a minimum shall create a priority list of first and second magnitude springs designating them as high, medium, or low priority based on the following measurements of nitrate concentration in the water column at the point that the spring discharges onto the earth's surface as an average annual concentration:

1. High – nitrate greater than or equal to 1.0 milligrams per liter as determined using existing water quality data;

2. Medium – nitrate greater than or equal to 0.5 milligrams per liter and less than 1.0 milligrams per liter as determined using existing water quality data; and

3. Low – all first or second magnitude springs not categorized as either High or Medium.

(b) Based on the priority determination of the department for first and second magnitude springs, the corresponding deadlines apply to the requirements of s. 369.405 to spring protection zones as designated in this section.

1. For high-priority springs, the deadline for compliance shall be no later than July 1, 2016;

2. For medium-priority springs, the deadline for compliance shall be no later than July 1, 2019; and

3. For low-priority springs, the deadline for compliance shall be no later than July 1, 2024.

(3) By July 1, 2010, the department is directed to propose for adoption rules that provide the minimum scientific methodologies, data, or tools that shall be used by a county or municipal government to support the request for an exemption as provided for in subsection (4).

(4) A county or municipal government, upon application to the department, may seek to have specific geographic areas exempted from the requirements of sections 369.405, 369.406, and 369.407 by demonstrating that activities within such areas will not impact the springshed in a manner that leads to new or continued degradation.

(5) Pursuant to subsection (4), the department may approve or deny an application for an exemption, or may modify the boundaries of the specific geographic areas for which an exemption is sought. The ruling of the department on the applicant's request shall constitute a final agency action subject to review pursuant to ss. 120.569 and 120.57.

(6) By July 1, 2010, the department must conduct a study and report its findings of nitrate concentrations within spring protection zones designated pursuant to s. 369.404.

369.405 Requirements for spring protection zones.—The requirements of this section are subject to the timelines established in s. 369.404.

(1) Domestic wastewater discharge and wastewater residual application must comply with the requirements of this subsection.

(a) All existing wastewater discharges from facilities having permitted capacities greater than or equal to 100,000 gallons per day must achieve annual average total nitrogen concentrations less than or equal to 3 milligrams per liter, as nitrogen.

(b) All existing wastewater discharges from facilities having permitted capacities less than 100,000 gallons per day but greater than 10,000 gallons per day must achieve annual average concentrations less than or equal to 10 milligrams per liter, as nitrogen.

(2) Onsite sewage treatment and disposal systems in areas permitted to or that contain septic systems in densities greater than or equal to 640 systems per square mile must connect to a central wastewater treatment facility or other centralized collection and treatment system. For the purposes of this subsection, density must be calculated using the largest number of systems possible within a square mile.

(3) Agricultural operations must implement applicable best-management practices, including nutrient management, adopted by the Depart-

ment of Agriculture and Consumer Services to reduce nitrogen impacts to groundwater. By December 31, 2009, the Department of Agriculture and Consumer Services, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption by rule equine, and cow and calf best-management practices pursuant to this paragraph. Implementation must be in accordance with paragraph 403.067(7)(b).

(4) Stormwater systems must comply with the requirements of this section. The department is directed to propose for adoption rules to implement the requirements of this subsection by July 1, 2010.

(a) Local governments in cooperation with the water management districts must develop and implement a remediation plan for all existing drainage wells containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation. All new drainage wells must comply with the department's underground injection control rules.

(b) Local governments must develop and implement a remediation plan for all stormwater management systems constructed prior to 1982 which have not been modified to provide stormwater treatment containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable.

(c) Local governments in cooperation with the water management districts must develop and implement a remediation plan to reduce nitrogen loading to groundwater including reducing existing direct discharges of stormwater into groundwater through karst features to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(d) The Department of Transportation must identify any untreated stormwater discharges into groundwater through natural subterranean drainages such as sinkholes and develop and implement a remediation plan to reduce nitrogen loading to groundwater, including reducing existing such groundwater discharges to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(5) This subsection does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.406 Additional requirements for all spring protection zones.—

(1) All newly constructed or expanded domestic wastewater facilities operational after July 1, 2012, must meet the advanced wastewater treatment requirements of s. 403.086(4).

(2) For all development not permitted as of July 1, 2009, which has septic system densities greater than or equal to 640 systems per square mile, connection to a central wastewater treatment facility or other centralized collection and treatment system is required. For the purposes of this subsection, density must be calculated using the largest number of systems possible within a square mile.

(3) All new septic systems installed on or after January 1, 2010 that are located on properties abutting a water body or water segment that is listed as impaired pursuant to s. 403.067, or properties within a designated spring protection zone pursuant to 369.404, must be designed to meet a target annual average groundwater concentration of no more than 3 milligrams per liter total nitrogen at the owner's property line. Compliance with these requirements does not require groundwater monitoring. The department must initiate and develop by rule design standards for achieving this target annual average groundwater concentration. At a minimum, this standard must take into consideration the relationship between the treatment level achieved by the septic system and the area of usable property available for rainwater dilution. Such design standards adopted by the department must provide multiple options that may be used to meet the standards established in this subsection.

(4) Prior to adoption of the design standards by the department, compliance with the requirements in subsection (3) is presumed if one of the following conditions is met:

(a) The lot associated with the establishment or single-family home is served by a septic system meeting the baseline system standards set forth in rules of the Department of Health, and the ratio of estimated sewage flow in gallons per day to acres of usable property is 100 to 1 or less.

(b) The lot associated with the establishment or single-family home is served by a septic system meeting at least the advanced secondary treatment standards for nitrogen as set forth in rules of the Department of Health, combined with a drip irrigation system, a shallow low pressure dosed or a time-dosed drainfield system.

(c) The lot associated with the establishment or single-family home is scheduled to connect to a central wastewater treatment facility within 6 months after the application for the permit.

(5) Subsection (4) does not supersede the jurisdictional flow limits established in s. 381.0065(3)(b).

(6) Land application of septage is prohibited and subject to a $250 fine for a first offense and $500 fine for a second or subsequent offense pursuant to the authority granted to the Department of Health in s. 381.0065(3)(h).

(7) Any septic system, when requiring repair, modification, or reapproval, must meet a 24-inch separation from the wet season water table and the surface water setback requirements in s. 381.0065(4). All treatment receptacles must be within one size of the requirements in rules of the Department of Health and must be tested for watertightness by a state-licensed septic tank contractor or plumber.

(8) Each owner of a publicly owned or investor-owned sewerage system must notify all owners of septic systems, excluding approved graywater systems, of the availability of central sewerage facilities for purposes of connection pursuant to s. 381.00655(1) within 60 days after receipt of notification from the Department of Health that collection facilities for the central sewerage system have been cleared for use.

(a) Notwithstanding s. 381.00655(2)(b), a publicly owned or investor-owned sewerage system may not waive the requirement for mandatory onsite sewage disposal connection to an available publicly owned or investor-owned sewerage system, except as provided in paragraph (b).

(b) With the approval of the Department of Health, a publicly owned or investor-owned sewerage system may waive the requirement for mandatory onsite sewage disposal connection for a sewage treatment system that meets or exceeds standards established for septic systems if it determines that such connection is not required in the public interest due to water quality or public health considerations.

(9) In hardship cases the Department of Health may grant variances to the provisions of this section and any rules adopted under this section in accordance with s. 381.0065(4)(h).

(10) After July 1, 2010, land application of Class A, Class B, or Class AA wastewater residuals, as defined by department rule, is prohibited. This prohibition does not apply to Class AA residuals that are marketed and distributed as fertilizer products in accordance with department rule.

(11) Animal feeding operations must implement the requirements of rules adopted by the department to reduce nitrogen impacts to groundwater. By December 31, 2009, the department, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption, revised rules for animal feeding operations which address requirements for lined wastewater storage ponds and the development and implementation of nutrient management plans, including the land spreading of animal waste not treated and packaged as fertilizer.

(12) All county and municipal governments must, at a minimum, adopt the department's model ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants and Restrictions (2009) by December 31, 2010.

(13) The department and the water management districts shall adopt design criteria for stormwater treatment systems located within spring protection zones to minimize the movement of nitrogen into the groundwater and to prevent the formation of sinkholes within stormwater systems.

(14) This subsection does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.407 Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program.—

(1) The Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program is established in the department and shall be administered by it. The purpose of the program is to provide grants to low-income property owners in spring protection zones using septic systems to assist the property owners in complying with rules for these systems developed by the department, or the water management districts, or to connect to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 369.405(2) or s. 381.00655(1). The grant program is effective upon final adoption of the department rules and may be applied to costs incurred on or after such date.

(2) Any property owner in a spring protection zone having an income less than or equal to 200 percent of the federal poverty level who is required by rule of the department or the water management districts to alter, repair, or modify any existing septic system to a nitrate-reducing system pursuant to s. 369.406(3), or to assist property owners with connecting to available publicly owned or investor-owned sewerage system pursuant to s. 381.00655(1), may apply to the department for a grant to assist the owner with the costs of compliance or connection.

(3) The amount of the grant is limited to the cost differential between the replacement of a comparable existing septic system and that of an upgraded nitrate-reducing treatment system pursuant to s. 369.406(3), or the actual costs incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 385.00655(1), but may not exceed $5,000 per property.

(4) The grant must be in the form of a rebate to the property owner for costs incurred in complying with the requirements for septic systems pursuant to s. 369.406(3), or incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 381.00655(1). The property owner must provide documentation of those costs in the grant application to the department.

(5) The department shall adopt rules providing forms, procedures, and requirements for applying for and disbursing grants, including bid requirements, and for documenting compliance or connection costs incurred.

(6) The department, in coordination with the water management districts, shall continue to evaluate, by any means it deems appropriate, the level of nitrate deposited in Florida springs by septic systems.

369.408 Rules.—

(1) The department, the Department of Health, and the Department of Agriculture and Consumer Services may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this part, as applicable.

(2)(a) The Department of Agriculture and Consumer Services shall be the lead agency coordinating the reduction of agricultural nonpoint sources of pollution for springs protection. The Department of Agriculture and Consumer Services and the department, pursuant to s. 403.067(7)(c) 4., shall study and if necessary, in cooperation with the other cooperating entities, applicable county and municipal governments, and stakeholders, initiate rulemaking to implement new or revised best-management practices for improving and protecting springs. As needed to implement the new or revised practices, the Department of Agriculture and Consumer Services, shall revise its best-management practices rules to require implementation of the modified practice within a reasonable time period as specified in the rule.

(b) The Department of Agriculture and Consumer Services, the department, and the University of Florida's Institute of Food and Agricultural Sciences shall cooperate in the conduct of necessary research and demonstration projects to develop improved or additional nutrient management tools, including the use of controlled release fertilizer, which can be used by agricultural producers as part of an agricultural best-management practices program. The development of such tools shall reflect a balance between water quality improvements and agricultural productivity and, where applicable, shall be incorporated into revised best-management practices adopted by rule of the Department of Agriculture and Consumer Services.

(3) The department shall as a part of the rules developed for this part include provisions that allow for the variance of the compliance deadlines provided for in paragraph (b) of s. 369.404(2). Such variance shall, at a minimum, be based on the financial ability of the responsible county or municipality to meet the requirements of this part.

(4) The department must initiate and develop rules to implement subsections (3),(4), and (5) of s. 369.406, in conjunction with the Department of Health, but may not adopt such rules until such date as the type II transfer of the Bureau of Onsite Sewage becomes effective.

Section 26. Subsection (7) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(7) Eligible projects must be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or *groundwater* ~~ground water~~ quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities. The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

(a) Eliminate public health hazards;

(b) Enable compliance with laws requiring the elimination of discharges to specific water bodies, including the requirements of s. 403.086(9) regarding domestic wastewater ocean outfalls;

(c) Assist in the implementation of total maximum daily loads *and basin management action plans* adopted under s. 403.067;

(d) Enable compliance with other pollution control requirements, including, but not limited to, toxics control, wastewater residuals management, and reduction of nutrients and bacteria;

(e) Assist in the implementation of surface water improvement and management plans and pollutant load reduction goals developed under state water policy;

(f) Promote reclaimed water reuse;

(g) Eliminate *environmental damage caused by* failing onsite sewage treatment and disposal systems*, with priority given to systems located within an area designated as an area of critical state concern under s. 380.05 or located in a spring protection zone designated pursuant to s. 369.404* ~~or those that are causing environmental damage~~; or

(h) Reduce pollutants to and otherwise promote the restoration of *state* ~~Florida's~~ surface *waters* and *groundwaters* ~~ground waters~~.

Section 27. *All state agencies and water management districts shall asses nitrogen loading from all publically owned buildings and facilities owned or managed by each respective agency or district located within a spring protection zone using a consistent methodology, evaluate existing management activities, and develop and begin implementing management plans to reduce adverse impacts to the springs no later than December 31, 2011.*

Section 28. Section 403.093, Florida Statutes, is created to read:

403.093 Onsite sewage treatment and disposal systems; inspection.—

(1) In order to increase protection of state water bodies and provide for potential cost savings to the people of this state, it is the intent of the Legislature to consider creation of a statewide onsite sewage treatment and disposal system inspection program.

(2) The department shall develop a report that details the process to be used and resources needed. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2011. The report shall, at a minimum:

a. Provide a method to ensure that each onsite sewage treatment and disposal system be inspected at least once every 5 years.

b. Recommend exemptions from the inspection requirement for onsite sewage treatment and disposal systems. In identifying systems for potential exemption, the department shall consider the risk a system or a certain density of systems poses to water bodies. Such evaluation shall also account for the proximity of the system or systems to a water body or water segment that is listed as impaired pursuant to s. 403.067 or is within a spring protection zone designated pursuant to s. 369.404.

c. Identify the appropriate mechanism for tracking inspections and providing notification to the owner of an onsite sewage treatment and disposal system that requires repairs or modifications.

d. A projection of the revenues that may be generated and those expenses that may be needed to administer an inspection program. These projections are to be based on an inspection fee that will cover the full costs of the proposed program.

(3) It is the intent of the Legislature that revenues derived from an inspection program be used to fund the administrative costs of the program and the remaining revenues be used to fund the grant program created pursuant to s. 369.407.

Section 29. Paragraph (m) is added to subsection (9) of section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(9) The Acquisition and Restoration Council shall recommend rules for adoption by the board of trustees to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b) and for additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4). In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

(m) Any part of the project area falls within a springs protection zone as defined by ss. 369.401-369.407.

Section 30. Section 403.9335, Florida Statutes, is created to read:

403.9335 Protection of urban and residential environments and water.—

(1) The Legislature finds that the implementation of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions (2009) manual, which was developed consistent with the recommendations of the Florida Consumer Fertilizer Task Force, in concert with the provisions of the Labeling Requirements for Urban Turf Fertilizers found in chapter 5E-1 Florida Administrative Code, will assist in protecting the quality of Florida's surface water and groundwater resources. The Legislature further finds that local circumstances, including the varying types and conditions of water bodies, site-specific soils and geology, and urban or rural densities and characteristics, necessitates that additional or more stringent fertilizer-management practices may be needed at the local government level.

(2) All county and municipal governments are encouraged to adopt and enforce the provisions in the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes as a mechanism for better protecting local surface water and groundwater quality.

(3) Each county and municipal government located within the watershed of a water body or water segment that is listed by the department as impaired by nutrients pursuant to s. 403.067, or designated as a spring protection zone pursuant to 369.404, shall adopt, at a minimum, the provisions of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A county or municipal government may adopt additional or more stringent provisions than the model ordinance if the following criteria are met:

(a) The county or municipal government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, economically and technically feasible, that additional or more stringent provisions to the model ordinance are necessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

(b) The county or municipal government documents consideration of all relevant scientific information including input from the department, the Department of Agriculture and Consumer Services and the University of Florida Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation shall be made part of the public record prior to adoption of the additional or more stringent criteria.

(4) Any county or municipal government that has adopted its own fertilizer use ordinance before January 1, 2009 is exempt from the provisions of this section. Ordinances adopted or amended after January 1, 2009 shall adopt the provisions in the most recent version of the model fertilizer ordinance and shall be subject to the criteria described in subsections (1) and (2) above.

(5) Nothing herein shall be construed to regulate the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 31. Section 403.9337, Florida Statutes, is created to read:

403.9337 Urban turf fertilizers.—

(1) As used in this section, the term:

(a) "No-phosphate fertilizer" or "no-phosphorus fertilizer" means fertilizer that contains less than 0.5 percent phosphate by weight.

(b) "Urban turf" means noncropland planted, mowed, and managed grasses, including, but not limited to, residential lawns; turf on commercial property; filter strips; and turf on property owned by federal, state, or local governments and other public lands, including roadways, roadsides, parks, campsites, recreation areas, school grounds, and other public grounds. The term does not include pastures, hay production and grazing land, turf grown on sod farms, or any other form of agricultural production; golf courses or sports turf fields; or garden fruits, flowers, or vegetables.

(c) "Soil test" means a test performed on soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf growth.

(d) "Tissue test" means a test performed on plant tissue growing in the soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf.

(2) Other than no-phosphate and no-phosphorus fertilizers, fertilizer containing phosphorus may not be applied to urban turf anywhere in this state on or after July 1, 2011, unless a soil or tissue test that is conducted pursuant to a method approved by the Department of Agriculture and Consumer Services indicates:

(a) For turf that is being initially established by seed or sod, the level of available phosphorus is insufficient to establish new turf growth and a root system. However, during the first year, a one-time application only of up to 1 pound of phosphate per 1,000 square feet of area may be applied.

(b) For established turf, the level of available phosphorus is insufficient to support healthy turf growth. However, no more than 0.25 pound of phosphate per 1,000 square feet of area per each application may be applied, not to exceed 0.5 pound of phosphate per 1,000 square feet of area per year.

Section 32. *Effective July 1, 2010, all of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Onsite Sewage Programs in the Department of Health, as authorized and governed by ss. 20.43, 20.435, 153.73, 153.54, 163.3180, 180.03, 381.006, 381.0061, 381.0064-381.0068, and 489.551-558, are transferred by a type II transfer, pursuant to s. 20.06(2), to the Florida Department of En-*

vironmental Protection. In addition all existing powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts associated with county health departments' onsite sewage programs are transferred to the Department of Environmental Protection. The Department of Environmental Protection in cooperation with the Department of Health must develop a plan to implement the type II transfer and deliver the proposal to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 15, 2010.

Section 33. Subsection (6) of section 369.317, Florida Statutes, is amended to read:

369.317 Wekiva Parkway.—

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. *If any of the lands identified in this subsection are used as environmental mitigation for road construction related impacts incurred by the Department of Transportation or Orlando-Orange County Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva parkway alignment corridor, and if the mitigation offsets these impacts, then the St. Johns River Water Management District and the Department of Environmental Protection shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).*

Section 34. *(1) A task force is established to develop legislative recommendations relating to stormwater management system design in the state. The task force shall:*

(a) Review the Joint Professional Engineers and Landscape Architecture Committee Report conducted pursuant to s. 17, chapter 88-347, Laws of Florida, and determine the current validity of the report and the need to revise any of the conclusions or recommendations.

(b) Determine how a licensed and registered professional might demonstrate competency for stormwater management system design.

(c) Determine how the Board of Professional Engineers and the Board of Landscape Architecture might administer certification tests or continuing education requirements for stormwater management system design.

(d) Provide recommendations for grandfathering the rights of licensed professionals who currently practice stormwater management design in a manner that will allow them to continue to practice without meeting any new requirements the task force recommends be placed on licensed professionals in the future.

(2)(a) The Board of Landscape Architecture, the Board of Professional Engineers, the Florida Engineering Society, the Florida Chapter of the American Society of Landscape Architects, the Secretary of Environmental Protection, and the Secretary of Transportation shall each appoint one member to the task force.

(b) Members of the task force may not be reimbursed for travel, per diem, or any other costs associated with serving on the task force.

(c) The task force shall meet a minimum of four times either in person or via teleconference; however, a minimum of two meetings shall be public hearings with testimony.

(d) The task force shall expire on November 1, 2009.

(3) The task force shall provide its findings and legislative recommendations to the President of the Senate and the Speaker of the House of Representatives by November 1, 2009.

Renumber subsequent sections

And the title is amended as follows:

Delete lines 126-127 and insert: certain Class I landfills; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and groundwater; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; creating s. 403.093, F.S.; providing legislative intent to consider creation of a statewide onsite sewage treatment and disposal system inspection program; requiring a report to the Governor and Legislature; requiring the Department of Environmental Protection to provide procedures for implementing an inspection program; requiring minimum standards; directing disposition of revenues to fund the costs of the program; directing remaining reserves be used to fund the grant program; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

On motion by Senator Constantine, further consideration of **CS for CS for CS for SB 2104** with pending **Amendment 1 (563234)** was deferred.

The Senate resumed consideration of—

CS for CS for SB 2326—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Go Green Florida license plate, a Florida Biodiversity Foundation license plate, a Toomey Foundation for the Natural Sciences license plate, and a Trinity license plate; establishing an annual fee for the plates; providing for the distribution of use fees received from the annual sale of such plates; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 2 (118028)** by Sentor Siplin and pending point of order by Senator Rich.

RULING ON POINT OF ORDER

Senator Aronberg, Vice Chair of the Committee on Rules, recommended that the point is not well taken as Rule 7.1 does not prohibit the introduction on the floor of an amendment previously rejected in committee. The President ruled the point not well taken. Pending **Amendment 2 (118028)** by Senator Siplin was adopted.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment which was adopted:

Amendment 3 (217360)—Delete line 105 and insert: *must appear at the bottom of the plate. The plate shall not include any religious image.*

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendments to be considered:

Senator Altman moved the following amendments which were adopted:

Amendment 4 (308790) (with title amendment)—Delete lines 14-24 and insert:

Section 1. Paragraph (cc) of subsection (4) of section 320.08056, Florida Statutes, is amended, and paragraphs (qqq) through (zzz)are added to that section to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(cc) Choose Life license plate, *$25* ~~$20~~.

(qqq) Florida Horse Park license plate $25.

(rrr) Let's Go Surfing license plate $25.

(sss) Fraternal Order of Police license plate $25.

(ttt) Autism license plate license plate $25.

(uuu) Go Green Florida license plate $25.

(vvv) Catch Me, Release Me license plate $25.

(www) Endless Summer license plate $25.

(xxx) St. Johns River license plate $25.

(yyy) Florida Biodiversity Foundation license plate $25.

(zzz) Preserving the Past license plate $25.

And the title is amended as follows:

Delete lines 2-3 and insert: An act relating to license plates; amending s. 320.08056, F.S.; revising the annual use fee for the Choose Life license, and establishing annual use fees for specified license plates; amending s. 320.08058, F.S.; revising authorized

Amendment 5 (979264) (with title amendment)—Delete lines 25-118 and insert:

Section 2. Paragraph (c) is added to subsection (29) of section 320.08058, Florida Statutes, paragraph (b) of subsection (32) of that section, is amended, and subsections (69), (70), (71), (72), (73), (74), (75), (76), (77), and (78) are added to that section, to read:

320.08058 Specialty license plates.—

(29) CHOOSE LIFE LICENSE PLATES.—

(c) Choose Life license plate funds generated in counties that do not have a qualified service provider or have not submitted an attestation within the last 12 months shall be redistributed by the department, in an equitable manner, to counties having a qualified service provider.

(32) UNITED WE STAND LICENSE PLATES.—

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, *notwithstanding the provisions of s. 332.14,* ~~100 percent of~~ the annual use fee shall be distributed to the Department of Transportation SAFE Council *for the development and implementation of programs* ~~to fund a grant program~~ to enhance security at airports throughout the state~~, pursuant to s. 332.14~~. *Up to 10 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including the annual audit and compliance affidavit costs.*

(69) FLORIDA HORSE PARK LICENSE PLATES.—

(a) The department shall develop a Florida Horse Park license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Discover Florida's Horses" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Agriculture Center and Horse Park Authority created by s. 570.952, which shall retain all proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 10 percent of the proceeds may be used to administer the license plate program.

2. A maximum of 15 percent of the proceeds may be used to promote and market the license plates.

3. The remaining fees shall be used by the authority to promote the Florida Agriculture Center and Horse Park located in Marion County; to support continued development of the park, including the construction of additional educational facilities, barns, and other structures; to provide improvements to the existing infrastructure at the park; and to provide for operational expenses of the park.

(70) LET'S GO SURFING LICENSE PLATES.—

(a) This subsection may be cited as the "Erik Jersted Memorial Act."

(b) The department shall develop a Let's Go Surfing license plate as provided in this section. Let's Go Surfing license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Let's Go Surfing" must appear at the bottom of the plate.

(c) The license plate annual use fees shall be distributed to East Coast Surfing Hall of Fame and Museum, Inc., to fund activities, programs, and projects to promote Florida's surfing-related tourism, preserve Florida's surfing history and heritage, preserve Florida's surf and shores, and honor lifeguards who patrol Florida's surf and shores to protect beachgoers, surfers, and others. East Coast Surfing Hall of Fame and Museum,

Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 25 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including costs of the annual audit and compliance affidavit.

(71) FRATERNAL ORDER OF POLICE LICENSE PLATES.—

(a)1. The department shall develop a Fraternal Order of Police license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Fraternal Order of Police" must appear at the bottom of the plate.

2. The department may issue the plate only to an applicant who submits a notarized letter from the Florida State Lodge of the Fraternal Order of Police stating that the applicant is a member of the lodge in good standing or a member of a lodge member's family, together with other fees and documents required for a specialty plate.

(b) The annual use fees shall be distributed to the Florida State Lodge of the Fraternal Order of Police, which shall retain all proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, the proceeds shall be distributed to the Florida State Lodge Memorial Foundation of the Fraternal Order of Police and used as follows:

1. A maximum of 25 percent of the proceeds may be used to promote and market the plate, to administer the license plate program, and to pay administrative costs directly associated with the state Fraternal Order of Police Law Enforcement Memorial.

2. The remaining fees shall be used by the foundation to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

(72) AUTISM LICENSE PLATES.—

(a) The department shall develop an Autism license plate as provided in this section. Autism license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Autism Programs" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness. Achievement and Rehabilitation Centers, Inc., shall establish an Autism Services Grant Council whose membership shall be drawn from among stakeholders throughout the state who represent the interests of individuals with autism and related disabilities. The grant council shall provide grants from available Autism license plate proceeds to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc., shall also establish an Autism License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) Achievement and Rehabilitation Centers, Inc., may retain all proceeds from the annual use fee up to $85,000 until all documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Achievement and Rehabilitation Centers, Inc., may use up to 10 percent of the proceeds from the annual use fee for all administrative costs associated with the operation of the Autism Services Grant Council, the Autism License Plate Fund, and the programs established and operated as provided in subparagraph 2., including the costs of an annual audit or compliance affidavit.

2. Achievement and Rehabilitation Centers, Inc., may use up to 25 percent of the proceeds from the annual use fee to establish and operate programs statewide to support individuals with autism and related disabilities and their families through direct services, evaluation, and training.

3. Achievement and Rehabilitation Centers, Inc., shall disburse 15 percent of the proceeds from the annual use fee to the Center for Autism and Related Disabilities at the University of Miami for distribution to the seven regional autism centers created under s. 1004.55. To the extent possible, the director of the Center for Autism and Related Disabilities at the University of Miami shall distribute funds proportionately among the regional centers. The regional centers shall use the funds to support the services they provide.

4. Achievement and Rehabilitation Centers, Inc., shall disburse 50 percent of the proceeds from the annual use fee to the Autism Services Grant Council, which shall provide grants to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate.

All grant recipients, the Achievement and Rehabilitation Centers, Inc., and the Center for Autism and Related Disabilities at the University of Miami shall provide to the Autism Services Grant Council an annual program and financial report regarding the use of the proceeds from the annual use fee. The report shall be made available to the public.

(73) GO GREEN FLORIDA LICENSE PLATES.—

(a) The department shall develop a Go Green Florida license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Go Green Florida" must appear at the bottom of the plate. The Go Green Florida emblem or logo must appear on the plate.

(b) The requirements of s. 320.08053 must be met before the issuance of the plate.

(c) The proceeds from the sale of the plate shall be distributed to the Coalition for Renewable Energy Solutions, Inc. After reimbursement for documented costs expended to establish the plates and for annual auditing costs, the coalition shall use the proceeds of the annual use fees in the following manner:

1. A maximum of 5 percent shall be used for administrative costs directly associated with the management and distribution of the proceeds.

2. A maximum of 25 percent shall be used for the continuing statewide promotion and marketing of the plate.

3. Seventy percent shall be used to fund the Renewable Energy and Energy Efficient Technology Grants program pursuant to s. 377.804, the Solar Energy System Incentives program pursuant to s. 377.806, under the Florida Energy and Climate Commission, or other educational programs dedicated to providing effective alternative energy practices.

(d) The coalition shall comply with the financial audit requirements of s. 320.08062.

(e) The Go Green Florida emblem or logo may be used as a decal by the department in recognition of energy-efficient vehicle usage and practices. However, the display of the decal is not a substitute for a license plate.

(74) CATCH ME, RELEASE ME LICENSE PLATES.—

(a) The department shall develop a Catch Me, Release Me license plate as provided in this section. The plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Catch Me, Release Me" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Guy Harvey Ocean Foundation, Inc., which shall administer the fees as follows:

1. The foundation shall retain the first $60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval of the plates. Thereafter, up to

15 percent of the annual use fees may be used for administrative costs directly associated with the operation of the foundation and up to 10 percent may be used for promotion and marketing of the plate.

2. Any remaining funds shall be used by the foundation to fund scientific research related to marine issues, including research of free-ranging pelagic marine species that inhabit, use, or migrate through the waters of this state, and to fund conservation initiatives and education and public outreach programs for school-aged children.

(75) ENDLESS SUMMER LICENSE PLATES.—

(a) The department shall develop an Endless Summer license plate as provided in this section. Endless Summer license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Endless Summer" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to Surfing's Evolution & Preservation Corporation to fund its activities, programs, and projects aimed at preserving the sport of surfing. Surfing's Evolution & Preservation Corporation may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 25 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the corporation's programs and the specialty license plate. Surfing's Evolution & Preservation Corporation shall use the remaining funds as follows:

1. To fund the proposed Surfing's Evolution & Preservation Experience project.

2. To provide funds for the provision of lifeguards or the building of artificial reefs.

3. To provide funds to organizations that house the history and artifacts of surfing or promote the sport through exhibits, lectures, and events.

4. To support programs and events of other organizations that support beaches and oceans and promote education on beach safety, coastal pollution, and beach ecology.

(76) ST. JOHNS RIVER LICENSE PLATES.—

(a) The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a 501(c)(3) nonprofit organization, which shall administer the fees as follows:

1. The St. Johns River Alliance, Inc., shall retain the first $60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization and up to 10 percent may be used for promotion and marketing of the specialty license plate.

2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.

3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.

(77) FLORIDA BIODIVERSITY FOUNDATION LICENSE PLATES.—

(a) The department shall develop a Florida Biodiversity Foundation license plate as provided in this section. Florida Biodiversity Foundation license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save Wild Florida" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Biodiversity Foundation, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to fund research, education, and scientific study of the diversity of animals and plants and to aid in the preservation, study, conservation, and recovery of imperiled organisms.

(78) PRESERVING THE PAST LICENSE PLATES.—

(a) The department shall develop a Preserving the Past license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Preserving the Past" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to acquire, manage, and preserve properties that are of scientific importance to paleontologists, archeologists, or geologists for the purposes of research and education, and to promote and protect the unique natural sciences of this state.

Section 3. Paragraph (h) is added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(h) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of $1 to Ronald McDonald Houses of Florida. Such contributions must be distributed by the department each month to Ronald McDonald House Charities Tampa Bay, Inc., a not-for-profit organization.

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

Section 4. This act shall take effect September 1, 2009.

And the title is amended as follows:

Delete lines 3-9 and insert: amending s. 320.08058, F.S., revising authorized uses of proceeds received from the sale of the Choose Life license plate; revising authorized uses of proceeds received from the sale of the United We Stand license plate; creating a Florida Horse Park license plate; a Let's Go Surfing license plate; a Fraternal Order of Police license plate; an Autism license plate; a Go Green Florida license plate; a Catch Me, Release Me license plate; an Endless Summer license plate; a St. Johns River license plate; A Florida Biodiversity Foundation license plate; and a Preserving the Past license plate; providing for the distribution of use fees received from the sale of such plates; amending s. 320.02, F.S., requiring the application form for motor vehicle registration and renewal of registration to include language permitting a vo-

luntary contribution to the Ronald McDonald Houses of Florida; revising provisions for distribution of such contributions; providing an

MOTION

On motion by Senator Storms, the rules were waived to allow the following amendment to be considered:

Senator Storms moved the following amendment:

Amendment 6 (364522) (with directory and title amendments)—Delete lines 25-117 and insert:

(uuu) Fraternal Order of Police license plate, $25.

(vvv) Autism license plate, $25.

(www) "I Believe" license plate, $25.

Section 2. Paragraph (b) of subsection (32) of section 320.08058, Florida Statutes, is amended, and subsections (69), (70), (71), (72), (73), (74), and (75) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(32) UNITED WE STAND LICENSE PLATES.—

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, *notwithstanding the provisions of s. 332.14,* ~~100 percent of~~ the annual use fee shall be distributed to the Department of Transportation SAFE Council *for the development and implementation of programs* ~~to fund a grant program~~ to enhance security at airports throughout the state~~, pursuant to s. 332.14~~. *Up to 10 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including the annual audit and compliance affidavit costs.*

(69) GO GREEN FLORIDA LICENSE PLATES.—

(a) The department shall develop a Go Green Florida license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Go Green Florida" must appear at the bottom of the plate. The Go Green Florida emblem or logo must appear on the plate.

(b) The requirements of s. 320.08053 must be met before the issuance of the plate.

(c) The proceeds from the sale of the plate shall be distributed to the Coalition for Renewable Energy Solutions, Inc. After reimbursement for documented costs expended to establish the plates and for annual auditing costs, the coalition shall use the proceeds of the annual use fees in the following manner:

1. A maximum of 5 percent shall be used for administrative costs directly associated with the management and distribution of the proceeds.

2. A maximum of 25 percent shall be used for the continuing statewide promotion and marketing of the plate.

3. Seventy percent shall be used to fund the Renewable Energy and Energy-Efficient Technology Grants Program pursuant to s. 377.804, the Solar Energy System Incentives Program pursuant to s. 377.806, under the Florida Energy and Climate Commission, or other educational programs dedicated to providing effective alternative energy practices.

(d) The coalition shall comply with the financial audit requirements of s. 320.08062.

(e) The Go Green Florida emblem or logo may be used as a decal by the department in recognition of energy-efficient vehicle usage and practices. However, the display of the decal is not a substitute for a license plate.

(70) FLORIDA BIODIVERSITY FOUNDATION LICENSE PLATES.—

(a) The department shall develop a Florida Biodiversity Foundation license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save Wild Florida" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Biodiversity Foundation Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to fund research, education, and scientific study of the diversity of animals and plants and to aid in the preservation, study, conservation, and recovery of imperiled organisms.

(71) TOOMEY FOUNDATION FOR THE NATURAL SCIENCES LICENSE PLATES.—

(a) The department shall develop a Toomey Foundation for the Natural Sciences license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Preserving the Past" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to acquire, manage, and preserve properties that are of scientific importance to paleontologists, archeologists, or geologists for the purposes of research and education, and to promote and protect the unique natural sciences of this state.

(72) TRINITY LICENSE PLATES.—

(a) The department shall develop a Trinity license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Sunshine State" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to support educational, research, and scientific activities in this state, including the distribution of funds to qualified entities in furtherance of the stated purposes of the foundation.

(73) FRATERNAL ORDER OF POLICE LICENSE PLATES.—

(a)1. The department shall develop a Fraternal Order of Police license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Fraternal Order of Police" must appear at the bottom of the plate.

2. The department may issue the plate only to an applicant who submits a notarized letter from the Florida State Lodge of the Fraternal Order of Police stating that the applicant is a member of the lodge in good standing or a member of a lodge member's family, together with other fees and documents required for a specialty plate.

(b) The annual use fees shall be distributed to the Florida State Lodge of the Fraternal Order of Police, which shall retain all proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, the proceeds shall be distributed to the Florida State Lodge Memorial Foundation of the Fraternal Order of Police and used as follows:

1. A maximum of 25 percent of the proceeds may be used to promote and market the plate, to administer the license plate program, and to pay administrative costs directly associated with the state Fraternal Order of Police Law Enforcement Memorial.

2. The remaining fees shall be used by the foundation to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

(74) AUTISM LICENSE PLATES.—

(a) The department shall develop an Autism license plate as provided in this section. Autism license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Autism Programs" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness. Achievement and Rehabilitation Centers, Inc., shall establish an Autism Services Grant Council whose membership shall be drawn from among stakeholders throughout the state who represent the interests of individuals with autism and related disabilities. The grant council shall provide grants from available Autism license plate proceeds to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc., shall also establish an Autism License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) Achievement and Rehabilitation Centers, Inc., may retain all proceeds from the annual use fee up to $85,000 until all documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Achievement and Rehabilitation Centers, Inc., may use up to 10 percent of the proceeds from the annual use fee for all administrative costs associated with the operation of the Autism Services Grant Council, the Autism License Plate Fund, and the programs established and operated as provided in subparagraph 2., including the costs of an annual audit or compliance affidavit.

2. Achievement and Rehabilitation Centers, Inc., may use up to 25 percent of the proceeds from the annual use fee to establish and operate programs statewide to support individuals with autism and related disabilities and their families through direct services, evaluation, and training.

3. Achievement and Rehabilitation Centers, Inc., shall disburse 15 percent of the proceeds from the annual use fee to the Center for Autism and Related Disabilities at the University of Miami for distribution to the seven regional autism centers created under s. 1004.55. To the extent possible, the director of the Center for Autism and Related Disabilities at the University of Miami shall distribute funds proportionately among the regional centers. The regional centers shall use the funds to support the services they provide.

4. Achievement and Rehabilitation Centers, Inc., shall disburse 50 percent of the proceeds from the annual use fee to the Autism Services Grant Council, which shall provide grants to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate.

All grant recipients, the Achievement and Rehabilitation Centers, Inc., and the Center for Autism and Related Disabilities at the University of Miami shall provide to the Autism Services Grant Council an annual program and financial report regarding the use of the proceeds from the annual use fee. The report shall be made available to the public.

(75) "I BELIEVE" LICENSE PLATES.—Notwithstanding s. 320.08053, the department shall develop an "I Believe" license plate as provided in this section.

(a) "I Believe" license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "I Believe" must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met before the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to Faith in Teaching, Inc., to fund activities, programs, and projects that promote faith-based education for youth within the state. Faith in Teaching, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative, promotional, and marketing costs.

And the directory clause is amended as follows:

Delete lines 14-16 and insert:

Section 1. Paragraphs (qqq), (rrr), (sss), (ttt), (uuu), (vvv), and (www) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

And the title is amended as follows:

Delete lines 3-7 and insert: 320.08056 and 320.08058, F.S.; revising the requirements for the United We Stand license plate; creating a Go Green Florida license plate, a Florida Biodiversity Foundation license plate, a Toomey Foundation for the Natural Sciences license plate, a Trinity license plate, a Fraternal Order of Police license plate, an autism license plate, and an "I Believe" license plate; establishing an annual fee for the plates;

On motion by Senator Ring, further consideration of **CS for CS for SB 2326** as amended with pending **Amendment 6 (364522)** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

THE PRESIDENT PRESIDING

On motion by Senator Alexander, by two-thirds vote **CS for SB 254** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; **CS for CS for SB 868** was withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 2248** was withdrawn from the Policy and Steering Committee on Ways and Means; and **SB 1136** was withdrawn from the Committee on Higher Education Appropriations.

On motion by the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 5013 and that the Senate be asked to concur with the bill as passed by the House, or failing such concurrence, the House agrees to conference.

Robert L. "Bob" Ward, Clerk

By Transportation & Economic Development Appropriations Committee and Representative(s) Glorioso—

HB 5013—A bill to be entitled An act relating to transportation; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; revising the definition of the term "attraction"; removing provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; revising contract provisions for related services; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for certain sign locations; providing for distribution of proceeds from such fees; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, by two-thirds vote **HB 5013** was withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, the rules were waived and by two-thirds vote **HB 5013** was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Fasano, by two-thirds vote **HB 5013** was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (421310) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Fasano, by two-thirds vote **HB 5013** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander, the Senate requested that the House concur in **HB 5013** as amended and in the event the House refused to concur, **HB 5013** be included in the conference committee on appropriations as previously appointed.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 5129 and that the Senate be asked to concur with the bill as passed by the House, or failing such concurrence, the House agrees to conference.

Robert L. "Bob" Ward, Clerk

By Government Operations Appropriations Committee and Representative(s) Hays—

HB 5129—A bill to be entitled An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for enforcement of medical support obligations in child-support-enforcement cases; amending s. 61.13, F.S.; establishing standards for a presumption of reasonable costs of and accessibility of health insurance; requiring that the court make a written finding before deviating from the presumed reasonable cost; providing method for calculating a child's health insurance and noncovered medical expenses under certain circumstances; amending s. 61.1301, F.S.; conforming a provision to changes made by the act; amending s. 409.2554, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for the enforcement of medical support obligations in child-support-enforcement cases that received services under the Social Security Act; amending s. 409.2561, F.S.; conforming provisions to changes made by the act; amending s. 409.2563, F.S.; conforming provisions to changes made by the act; amending s. 409.2572, F.S.; conforming a cross-reference to changes made by the act; amending s. 409.2576, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker, by two-thirds vote **HB 5129** was withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker, the rules were waived and by two-thirds vote **HB 5129** was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Baker, by two-thirds vote **HB 5129** was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (976020) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Baker, by two-thirds vote **HB 5129** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deutch	Joyner
Alexander	Diaz de la Portilla	Justice
Altman	Dockery	King
Aronberg	Fasano	Lawson
Baker	Gaetz	Lynn
Bennett	Garcia	Oelrich
Constantine	Gardiner	Peaden
Crist	Gelber	Pruitt
Dean	Haridopolos	Rich
Detert	Jones	Richter

Ring	Sobel	Wise
Siplin	Storms	
Smith	Villalobos	

Nays—None

MOTION

On motion by Senator Alexander, the Senate requested that the House concur in **HB 5129** as amended and in the event the House refused to concur, **HB 5129** be included in the conference committee on appropriations as previously appointed.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Haridopolos, by two-thirds vote **CS for SB 1318** was withdrawn from the Committee on Ethics and Elections.

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 1114—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a first violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; amending s. 316.193, F.S.; requiring a court to order a defendant, after a first conviction for driving under the influence, to participate in a minimum of 50 hours of community service as a condition of probation; authorizing a court to impose a specified fine under certain conditions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1114** to **CS for CS for HB 481**.

Pending further consideration of **CS for CS for SB 1114** as amended, on motion by Senator Richter, by two-thirds vote **CS for CS for HB 481** was withdrawn from the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Richter—

CS for CS for HB 481—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1114** as amended and read the second time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendments to be considered:

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (380932) (with title amendment)—Between lines 180 and 181 insert:

Section 5. Paragraph (c) of subsection (4) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(4) Whenever a law enforcement officer determines that a person was engaged in a drag race or race, as described in subsection (1), the officer may immediately arrest and take such person into custody. The court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within 7 business days after the date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle.

(c) Any motor vehicle used in violation of subsection (2) may be impounded for a period of *30* ~~10~~ business days if a law enforcement officer has arrested and taken a person into custody pursuant to this subsection and the person being arrested is the registered owner or coowner of the motor vehicle. If the arresting officer finds that the criteria of this paragraph are met, the officer may immediately impound the motor vehicle. The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any impoundment for violation of this subsection in accordance with procedures established by the department. The provisions of paragraphs (a) and (b) shall be applicable to such impoundment.

And the title is amended as follows:

Delete line 16 and insert: trauma centers; amending s. 316.191, F.S.; increasing the period for which a vehicle may be impounded for certain violations of state law relating to racing on highways; providing an effective date.

Amendment 2 (585062) (with title amendment)—Between lines 19 and 20 insert:

Section 1. Paragraph (c) of subsection (1) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(1) As used in this section, the term:

(c) *"Race"* ~~"Racing"~~ means the use of one or more motor vehicles in *competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts* ~~an attempt~~ to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle or motor vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. *A race may be prearranged or may occur through a competitive response to conduct on the part of one or more drivers which, under the totality of the circumstances, can reasonably be interpreted as a challenge to race.*

And the title is amended as follows:

Delete line 2 and insert: An act relating to highway safety; amending s. 316.191, F.S.; defining the term "race"; amending s. 318.18,

MOTION

On motion by Senator Richter, the rules were waived to allow the following amendment to be considered:

Senator Richter moved the following amendment which was adopted:

Amendment 3 (575708) (with title amendment)—Between lines 180 and 181 insert:

Section 5. Paragraph (a) of subsection (6) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. ~~; or~~ The court may order *a* ~~instead, that any~~ defendant *to* pay *a* ~~an additional~~ fine of $10 for each hour of public service or community work otherwise required *only* ~~;~~ if *the court finds that* ~~, after consideration of~~ the residence or location of the defendant at the time public service or community work is required *or the defendant's employment obligations would create an undue hardship for the defendant* ~~, payment of the fine is in the best interests of the state~~. However, the total period of probation and incarceration may not exceed 1 year. The court must also, as a condition of probation, order the impoundment or immobilization of the vehicle that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 days or for the unexpired term of any lease or rental agreement that expires within 10 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), paragraph (f), paragraph (g), or paragraph (h).

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

And the title is amended as follows:

Delete line 16 and insert: trauma centers; amending s. 316.193, F.S.; requiring a court to order a defendant, after a first conviction for driving under the influence, to participate in a minimum of 50 hours of community service as a condition of probation; authorizing a court to impose a specified fine under certain conditions; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 481** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and **CS for CS for HB 55** was retained on the Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 29.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Special Order Calendar for Tuesday, April 28, 2009: CS for CS for SB 2226, CS for SB 978, CS for CS for SB 880, CS for CS for SB 2088, CS for CS for SB 168, CS for SB 270, CS for CS for CS for SB 2004, CS for SB 2240, CS for SB 1834, CS for SB 1580, CS for SB 508, CS for CS for SB 440, SM 1330, CS for SB 1342, CS for SB 58, CS for SB 258, SB 754, CS for CS for SB 732, CS for SB 748, CS for SB 1024, SB 658, CS for SB 1824, SB 1500, SB 1426, CS for SB 1400, CS for SB 1296, CS for SB 1826, SB 2080, CS for CS for SB 2126, CS for CS for SB 2626, CS for CS for SB 274, CS for SB 750, SB 644, CS for SB 1290, SB 1370, CS for CS for SB 362, CS for CS for SB 918, CS for SB 1348, CS for CS for SB 1000, CS for CS for SB 1114, CS for SB 398, CS for SB 392, CS for CS for SB 308, CS for SB 344, CS for SB 264, CS for SB 1902, CS for CS for SB 2326, CS for CS for SB 2322, CS for SB 2324, CS for CS for SB 2658, CS for CS for CS for SB 2104, CS for SB 2158, CS for CS for CS for SB 2244, CS for CS for CS for SB 2034, CS for SB 2032, CS for CS for SB 1602, CS for SB 1838, CS for CS for SB 836, CS for SB 746, CS for SB 538, CS for SB 616, CS for CS for SB 424, CS for SB 2374, CS for CS for SB 2262, CS for SB 2030, CS for SB 1126, CS for CS for CS for SB 1182, CS for CS for SB 942, CS for SB 2038, CS for SB 1912, SB 1066, SB 442, SB 1862, CS for CS for SB 340, CS for SB 1122, CS for CS for SB 1468, CS for SB 1268, CS for CS for SB 604, CS for SB 2198, CS for SB 2282, CS for CS for SB 2286, SB 2416, SB 2246, CS for SB 2334, CS for CS for SB 1372, SB 628, SB 1574, CS for SB 2408, CS for SB 2296, CS for SB 1864, CS for CS for CS for SB 904, CS for SB 1054, CS for CS for SB 564, SJR 566, CS for CS for CS for SB 1154, CS for CS for SB 1502, CS for CS for SB 126.

Respectfully submitted,
Mike Fasano, President Pro Tempore
Alfred "Al" Lawson, Jr., Minority Leader
JD Alexander, Chair, Policy and Steering Committee on Ways and Means

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for CS for HB 27, CS for CS for HB 239, HB 331, CS for CS for HB 339, CS for CS for CS for CS for HB 425, CS for CS for CS for HB 569, CS for HB 853, CS for CS for HB 1241, CS for CS for CS for HB 1495, CS for CS for HB 7031 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Finance & Tax Council, Civil Justice & Courts Policy Committee, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Ambler, Bovo, Zapata—

CS for CS for CS for HB 27—A bill to be entitled An act relating to residential properties; amending s. 468.436, F.S.; revising a ground for disciplinary action relating to misconduct or negligence; requiring the Department of Business and Professional Regulation to enter an order permanently revoking certain community association manager licenses; amending s. 718.111, F.S.; providing that an association has power to borrow money; requiring two-thirds vote of members to borrow money above a certain threshold; requiring certain notice of meeting; requiring that association access to a unit must be by two persons, one of whom must be a board member or manager or employee of the association; providing an exception for emergencies; amending s. 718.112, F.S.; revising notice requirements for board of administration meetings; revising requirements for the reappointment of certain board members; providing an exception to the expiration of the terms of members of certain boards; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; providing requirements for bylaw amendments by a board of administration; amending s. 718.116, F.S.; authorizing association demands for assessment payments from tenants of delinquent owners during pendency of a foreclosure action of a condominium unit; providing for notice; providing for credits against rent for assessment payments by tenants; providing for eviction proceedings for nonpayment; providing for effect of provisions on rights and duties of the

tenant and association; amending s. 718.501, F.S.; providing for division jurisdiction to investigate complaints concerning failure to maintain common elements; prohibiting an officer or director from acting as such for a specified period after having been found to have committed specified violations; providing for payment of restitution and costs of investigation and prosecution in certain circumstances; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.1265, F.S.; limiting the exercise of specified special powers unless a certain number of units are rendered uninhabitable; amending s. 718.303, F.S.; revising provisions relating to levy of fines; amending s. 718.5012, F.S.; providing a responsibility of the ombudsman to prepare and adopt a "Florida Condominium Handbook"; requiring the publishing and updating of the handbook to be done in conjunction with the Division of Florida Condominiums, Timeshares, and Mobile Homes; providing the purpose of the handbook; requiring the handbook to be published on the ombudsman's Internet website; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, reserve accounts of budgets, and recall of directors; prohibiting a salary or compensation for certain association personnel; providing exceptions; providing requirements for the borrowing of funds or committing to a line of credit by the board; providing requirements relating to transfer fees; amending s. 720.304, F.S.; revising requirements with respect to the display of flags; amending s. 720.305, F.S.; authorizing fines assessed against members which exceed a certain amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring an association to retain certifications for a specified time; amending s. 720.3085, F.S.; requiring a tenant in a unit in which the regular assessments are delinquent to pay future regular assessments to the association; requiring notice; providing for eviction by the association; specifying rights of the tenant; creating s. 720.3095, F.S.; providing requirements of maintenance and management contracts of a homeowners' association; requiring disclosures; providing a penalty; providing exceptions; creating s. 720.3096, F.S.; limiting contracts entered into by a homeowners' association; providing requirements for such contracts; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform to changes made by the act; amending s. 720.302, F.S.; correcting a cross-reference to conform to changes made by the act; establishing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners' associations; providing that dispute resolution cases pending on the date of repeal will continue under the repealed provisions; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; setting applicability of provisions for mediation and arbitration applicable to disputes in homeowners' associations; creating exceptions; providing applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that the notice of dispute be delivered before referral to mediation or arbitration; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of a mediator and times to meet; providing penalties for failure to mediate; creating s. 720.506, F.S.; creating an opt-out provision; creating s. 720.507, F.S.; creating a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of an arbitrator and times to meet; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing for rules of procedure; providing for confidentiality; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for enforcement of mediation agreements and arbitration awards; amending s. 718.103, F.S.; expanding the definition of "developer" to include a bulk assignee or bulk buyer; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect not less than a majority of the members of the board of administration of an association; creating part VII of ch. 718, F.S.; providing a short title; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from taking certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association and requiring that such bulk assignee comply with certain requirements; requiring that a bulk assignee or bulk buyer comply with certain requirements regarding certain contracts; providing unit owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a unit; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing for the determination of the date of acquisition of a parcel; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; preserving certain liabilities for certain parties; requiring all new residential construction in a deed-restricted community that requires mandatory membership in the association under specified provisions of Florida law to comply with specified provisions of federal law; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Judiciary.

By Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee and Representative(s) Glorioso, Ford, Garcia, McBurney, Precourt, Robaina—

CS for CS for HB 239—A bill to be entitled An act relating to motor vehicles; amending s. 320.08056, F.S.; revising the annual use fee for the Choose Life license plate; establishing annual use fees for specified license plates; limiting the use of proceeds from the sale of specialty license plates; amending s. 320.08058, F.S.; revising authorized uses of proceeds received from the sale of the Choose Life license plate, United We Stand license plate, and Florida Golf license plate; creating an Autism license plate, a Let's Go Surfing license plate, a Florida Horse Park license plate, a St. Johns River license plate, an Endless Summer license plate, a Catch Me, Release Me license plate, a Fraternal Order of Police license plate, a Go Green Florida license plate, and a Florida Biodiversity Foundation license plate; providing for the distribution of use fees received from the sale of such plates; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to the Autism License Plate Fund and Ronald McDonald Houses of Florida; providing for distribution of such contributions; amending s. 320.0706, F.S.; providing for the display of license plates on wreckers; providing penalties; amending s. 322.08, F.S.; requiring the application form for a driver's license or duplicate thereof to include language permitting a voluntary contribution to the Autism License Plate Fund; amending ss. 320.08056 and 320.08058, F.S.; creating a Hispanics Settled Florida in 1565 license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; and General Government Appropriations.

By Representative(s) Skidmore, Zapata—

HB 331—A bill to be entitled An act relating to public health initiatives; amending s. 381.98, F.S.; establishing the Florida Public Health Institute, Inc., and deleting provisions relating to the Florida Public Health Foundation, Inc.; providing purposes of the institute; providing for the institute to operate as a not-for-profit corporation; revising composition of the board of directors; removing obsolete language relating to certain research; requiring annual reports to the Legislature; amending ss. 381.855, 381.911, and 381.981, F.S.; conforming terminology; amending s. 499.029, F.S.; renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; revising definitions; expanding the drugs and supplies that may be donated under the program; expanding the types of facilities and practitioners that may participate in the program; conforming provisions to changes in terminology; removing obsolete language relating to the adoption of initial rules; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Economic Development & Community Affairs Policy Council, Agriculture & Natural Resources Policy Committee and Representative(s) Patterson, Fresen, Hukill, Workman—

CS for CS for HB 339—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding specified equipment from the definition of "secondhand goods"; amending s. 538.21, F.S.; preempting certain local government ordinances relating to hold notices for secondary metals recyclers; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce; and Criminal Justice.

By Full Appropriations Council on General Government & Health Care, Government Operations Appropriations Committee, General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Plakon, Fresen—

CS for CS for CS for CS for HB 425—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026, F.S.; increasing maximum fees for cosmetology licenses; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 481.229, F.S.; exempting certain persons or entities engaged in the manufacture, sale, or installation of commercial food service equipment from provisions regulating architecture and interior design under certain circumstances; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing maximum fees for construction contractor certifications; establishing fees for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending s. 489.127, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.128, F.S.; revising the

circumstances under which a person is considered an unlicensed contractor; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending ss. 489.129 and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain designated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 509.302, F.S.; defining the term "hospitality industry"; revising the purpose of the program to focus on certain training and transition programs; requiring a statewide nonprofit organization that receives the program's grant funding to represent a hospitality industry in the state; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to use a portion of certain annual licenses fees for programs directed to careers in the restaurant industry and a portion of the fees for programs directed to careers in the lodging industry; authorizing the division to use a portion of the fees for administration of the program; deleting provisions related to the allocation of the funds to various programs; revising the criteria for the award of grants to conform to changes made by the act; removing an expired provision that authorized administrative fines to be used for the program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; amending s. 471.003, F.S.; revises the types of construction projects for which certain contractors are exempt from licensure as an engineer; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing for retroactive application; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

—was referred to the Committees on Regulated Industries; Community Affairs; and General Government Appropriations.

By Finance & Tax Council, General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Roberson, K.—

CS for CS for CS for HB 569—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; amending s. 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; amending s. 532.01, F.S.; including payroll debit cards under requirements applicable to payment instruments; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By General Government Policy Council and Representative(s) Patterson, Kreegel, Murzin, Williams, T., Zapata—

CS for HB 853—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; specifying nonapplication of certain provisions of law to surplus lines insurance; providing an exception; amending s. 626.924, F.S.; requiring surplus lines policies issued on or after a specified date to have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for the retroactive applicability of certain provisions; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Natural Resources Appropriations Committee, Agriculture & Natural Resources Policy Committee and Representative(s) Troutman, Bullard, Murzin, Zapata—

CS for CS for HB 1241—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufactures, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision pro-

hibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that section; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer's gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county's powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the "Agricultural Land Acknowledgement Act"; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

By Full Appropriations Council on General Government & Health Care, General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Nelson, Hays, Long, Plakon, Williams, T.—

CS for CS for CS for HB 1495—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.47, F.S.; authorizing the State Board of Administration to invest in certain revenue bonds under certain circumstances; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Florida Hurricane Catastrophe Fund; requiring the board to publish a statement of the estimated claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring a reimbursement premium formula to provide cash build-up factors for certain contract years; extending provisions relating to temporary increase in coverage limit operations for the fund; providing additional reimbursement requirements for temporary increase in coverage addenda for additional contract years; expanding the powers and duties of the board; specifying required increases in TICL reimbursement premiums for certain contract years; specifying nonapplication of cash build-up factors to TICL reimbursement premiums; deleting authority for the State Board of Administration to increase the claims-paying capacity of the fund; amending s. 215.5586, F.S., relating to the My Safe Florida Home Program; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval by the Legislative Budget Commission; requiring the Department of Financial Services to implement a condominium weatherization and mitigation loan program for certain purposes; specifying program requirements; specifying an administration requirement for the program; requiring the department to adopt rules; amending s. 624.4622, F.S.; prohibiting withdrawal notice requirements of longer than 30 days for members of a local government self-insurance fund; requiring local government self-insurance funds to submit an affidavit to specified entities; specifying affidavit contents; amending s. 624.605, F.S.; revising the definition of the term "casualty insurance" to include certain debt cancellation products sold or leased by certain business entities; amending s. 626.753, F.S.; prohibiting certain uses of commissions derived from the sale of crop hail or multiple-peril crop insurance which are shared between certain agents and certain production credit associations or federal land bank associations; providing penalties; providing that patronage dividends and other payments to members of production credit associations or federal land bank associations are unlawful rebates under certain circumstances; providing penalties for an agent who shares commissions with a production credit association or federal land bank association under certain circumstances; amending s. 626.9541, F.S.; specifying that certain patronage dividends and other payments are unfair methods of competition and unfair or deceptive acts; providing penalties; amending s. 627.062, F.S.; extending application of file and use filing requirements for certain property insurance filings; prohibiting the Office of Insurance Regulation from interfering with an insurer's right to solicit, sell, promote, or otherwise acquire policyholders and implement coverage; specifying limited application to certain rates; specifying that certain rate filings are not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; specifying nonapplication to certain types of insurance; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the office relating to rate filings; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure dis-

counts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing residential property insurers to include reinsurance costs without certain TICL adjustments; amending s. 627.0655, F.S.; discontinuing authorization for a premium discount for a policyholder having multiple policies from Citizens Property Insurance Corporation or a policy that has been removed from the corporation by another insurer; amending s. 627.351, F.S.; deleting application of certain personal lines residential property insurance requirements for wind-borne debris regions insured by the corporation; revising the basis of a surcharge to offset an account deficit; providing for members of the board of governors of the corporation to serve staggered terms; providing exceptions to actuarially sound rate requirements for the corporation; providing legislative findings; requiring the corporation to implement certain actuarially sound rates for certain lines of business; providing limitations; providing for cessation of certain rate increases upon implementation of actuarially sound rates; requiring the corporation to transfer certain funds from the rate increase to the Insurance Regulatory Trust Fund in the Department of Financial Services for a certain time; deleting certain wind-only coverage maximum loss reporting requirements; amending s. 627.711, F.S.; revising eligible entities authorized to certify uniform mitigation inspection forms; authorizing insurers to contract with inspection firms to review certain verification forms and reinspect properties for certain purposes; providing for such contracts to be at the insurer's expense; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; providing an additional exception to residential property insurance windstorm coverage requirements for certain risks; expanding a requirement that insurers notify mortgageholders or lienholders of policyholder elections for coverage not covering wind; amending s. 631.65, F.S.; providing construction relating to certain prohibited advertisements or solicitations; requiring the My Safe Florida Home Program to use certain funds for certain mitigation grants; authorizing the department to establish a separate account in the trust fund for accounting purposes; amending s. 626.854, F.S.; prohibiting public adjusters from compensating, or agreeing to compensate, any person for referrals of business; providing an exception; amending s. 626.865, F.S.; revising qualifications for public adjuster's license; deleting requirement that applicant for public adjuster's license pass a written examination; amending s. 626.8651, F.S.; revising qualifications for public adjuster apprentice license; requiring that applicant for public adjuster apprentice license pass a written examination, complete certain training, and receive a specified designation; limiting the number of public adjuster apprentices that may appointed by a public adjusting firm or supervised by a supervising public adjuster; amending s. 627.7011, F.S.; specifying that provisions regulating homeowners' policies do not prohibit insurers from repairing damaged property; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature, Commissioner of Insurance, Chief Financial Officer, and Governor reviewing laws governing public adjuster; specifying review requirements; specifying a required notice for real property insurance policies issued or renewed in this state; providing notice requirements; amending s. 626.9541, F.S.; authorizing licensed general lines agents to collect a service charge for processing certain installment payments under certain circumstances; providing a limitation; providing requirements; amending s. 624.46226, F.S.; authorizing reinsurance companies to issue coverage directly to certain public housing authorities under certain circumstances; specifying that a public housing authority is considered an insurer under certain circumstances; requiring that certain reinsurance contracts issued to public housing authorities receive the same tax treatment as contracts issued to insurance companies; providing construction; requiring rating agencies or rating services to disclose certain information in public reports and ratings; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council, Economic Development & Community Affairs Policy Council, Economic Development Policy Committee and Representative(s) Carroll, Van Zant—

CS for CS for HB 7031—A bill to be entitled An act relating to economic development; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; adding the Office of Tourism, Trade, and Economic Development and certain partners and offices of such office to the list of agencies to be reviewed by July 1, 2010; revising the date by which the office must submit an agency report to the Legislature; amending ss. 166.231 and 220.15, F.S.; revising industry code designations; providing a definition; amending s. 212.05, F.S.; extending the time nonresident purchasers have to remove a boat from the state after purchase; providing for an extension decal to be issued by a dealer; imposing a decal cost; revising industry code designations; amending s. 212.097, F.S.; revising review and certification requirements for Urban High-Crime Area Job Tax Credit Program applications; amending s. 212.098, F.S.; revising the definition of the term "qualified area"; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing the Governor to designate a portion of the state as an additional rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising and providing definitions; including targeted industry zones under the tax refund program for qualified target industry businesses; revising industry code designation requirements for the program; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising criteria for businesses eligible for brownfield redevelopment bonus refunds; providing an additional criterion for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick

Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending s. 288.1089, F.S.; including alternative and renewable energy projects under the Innovation Incentive Program; revising and providing definitions; revising applicant review and qualification criteria; authorizing reduction or waiver of certain matching requirements in certain areas; revising Enterprise Florida, Inc., proposal evaluation requirements; specifying additional evaluation criteria for alternative and renewable energy proposals; deleting an evaluation and recommendation requirement for the Florida Energy and Climate Commission for certain proposals; revising requirements and criteria for agreements to award and receive incentive funds; providing additional agreement requirements; revising award performance reporting requirements; requiring award recipients to comply with certain business ethics standards; requiring the Office of Tourism, Trade, and Economic Development to submit annual reports to the Governor and Legislature on program grant recipients' activities; requiring the Office of Program Policy Analysis and Government Accountability to submit triennial reports evaluating the program; creating s. 288.10895, F.S.; providing requirements and procedures for and limitations on transfers of economic development incentives; providing definitions; providing for the amount of the incentive that may be transferred; providing conditions for use of transferred incentives; providing a limitation on the number of transfers; providing eligibility of transfers; providing for recovery of transfers under certain circumstances; providing certain agency rulemaking authority; amending s. 288.9622, F.S.; revising legislative intent for the Florida Capital Formation Act; amending s. 288.9624, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; providing a limitation on the funds that may be used in making investments; establishing authority for certain actions to be taken to use public and private funds; revising a report requirement; amending s. 380.06, F.S.; exempting certain nonresidential developments and catalyst sites from development of regional impact requirements under certain circumstances; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

HOUSE MESSAGES, RETURNING

CONFEREES APPOINTED

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for HB 5013 and HB 5129: Chair: Rep. Rivera, Llorente; Members At Large: Rep. Bogdanoff, Cannon, Galvano, Hasner, Lopez-Cantera, Reagan, Fitzgerald, Saunders, Skidmore; Criminal & Civil Justice Appropriations: Chair: Rep. Adams, Thompson, N., Rouson, Eisnaugle, Planas, Snyder, Soto, Taylor, P.; Gov't Operations Appropriations: Chair: Rep. Hays, Hooper, Braynon, Ford, McBurney, Nelson, Schultz, Williams, A.; Health Care Appropriations: Chair: Rep. Ambler, Patronis, Brandenburg, Frishe, Grimsley, Homan, Jones, Kreegel, Renuart; Healthy Seniors Appropriations: Chair: Rep. Domino, Anderson, Schwartz, Hudson, Nehr, Pafford; Human Services Appropriations: Chair: Rep. Zapata, Holder, Roberson, Y., Roberson, K., Van Zant, Rader, Rogers; Natural Resources Appropriations: Chair: Rep. Poppell, Williams, T., Boyd, Bembry, Crisafulli, Fetterman, Mayfield, Plakon, Troutman; PreK-12 Appropriations: Chair: Flores, Legg, Kiar, Adkins, Bullard, Coley, Clarke-Reed, Culp, Fresen, Stargel, Weinstein; State Universities & Private Colleges Appropriations: Chair: Rep. Proctor, Precourt, Heller, Burgin, Dorworth, O'Toole, Patterson, Reed, Taylor, D.; State & Community Colleges & Workforce Appropriations: Chair: Rep. Weatherford, McKeel, Brise, Kelly,Thompson, G., Tobia; Transportation & Economic Development Appropriations: Chair: Rep. Glorioso, Evers, Gibbons, Aubuchon, Bovo, Carroll, Drake, Gibson, Horner, Hukill, Long, Murzin, Ray, Sachs, Schenck, Steinberg, Thurston.

Robert L. "Bob" Ward, Clerk

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1552; and adopted SCR 2726.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for CS for CS for SB 1004; Bullard—CS for SB 2240; Crist—SB 350; Haridopolos—CS for CS for SB 2322; Joyner—SB 150, CS for SB 1880; Justice—CS for SB 1024

RECESS

On motion by Senator Villalobos, the Senate recessed at 4:56 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 29 or upon call of the President.

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Abbreviations

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
RC — Reference Change
Boldfaced Page Numbers — Passage of Bill

Types of Bills

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition

Adopted
CSP — Companion or Similar Bill Passed
DCC — Died in Conference Committee
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DS — Died in Senate
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
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USC — Unfavorable Report, Senate Committee
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14 Relief/J. Rae Hoyer/Collier Co. Sheriff's Office (Aronberg) (FR) 8 DSC
16 Relief/Doretta Spurway/HSMV (Dean) (FR)8 DSC
18 Relief/Kamel & Dimitri/Palm Beach Co. School Board (Crist) (FR)8 DSC
20 Relief/Timothy & Theresa Ann Kulik/HSMV (Baker) (FR)8 DSC
22 Relief/Stephenson/DOT (Fasano) (FR)8 DSC
24 Relief/Eddie Weekley/Charlotte Williams/APD (Lawson) (FR) 8 DSC
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30 Relief/Sheila & John Forehand/City of Jacksonville (Hill) (FR) 9, (CR)162, (RC)215, (CR)251, (BA)**532**, (CR)589, 839 Ch. 2009-245
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168 Florida Statewide Task Force on Human Trafficking (Higher Education and others) (FR)15, (CS)114, (CR)118, (CO)161, (CR)163, (CR)339, (CS/CS)341, (CO)470, (MO)588, (BA)693, (CR)725, (BA)**752**, 991, (CO)1495 Ch. 2009-95
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230 Elections/Qualifying Fee for Write-in Candidates (Wilson) (FR) 18 DSC
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232 Full-time Public School Teachers/Minimum Salaries (Wilson) (FR)18 DSC
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234 State University Presidents (Gaetz and others) (FR)18, (CR) 117, (CR)163, (CR)164, (CR)507, (BA)632, (BA)639, (CR)642, (BA)**674**, 839, (CO)991 Ch. 2009-213
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238 Wounded Warrior Project Participants/Tuition (Wise and others) 19, (CO)235 WNI
240 Ballots/Selection of I Choose Not to Vote (Ethics and Elections and Bennett) (FR)19, (CR)166, (CS)216 DSC
242 Human Vaccinations (Children, Families, and Elder Affairs and Ring) (FR)19, (CR)163, (CR)291, (RC)319, (CR)413, (CS) 414, (RC)437, (CO)444 DSC
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258 Name Change/Petition/Criminal History Check (Judiciary and Wise) (FR)19, (CS)114, (CR)118, (CR)162, (MO)471, (BA)700, (BA)701, (CR)725, (BA)**754**, 991 Ch. 2009-173
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266 Voting/Challenging a Person Desiring to Vote (Justice) (FR) 20 DSC
268 Public K-12 Health Education/Human Sexuality (Ring) (FR) 20 DSC
270 Pub. Rec./Insured Dependents/Agency Group Plan (Community Affairs and others) (FR)20, (CR)141, (CS)158, (CO)161, (CO)235, (CR)338, (CO)358, (MO)471, (BA)693, (CR)725, (CO) 991 LTS/CSP-CS/HB 135
272 Wine Shipments (Dockery) (FR)20, (MO)243 DSC
274 Water Resources (Health Regulation and others) (FR)20, (CR) 164, (CS)217, (CO)235, (CO)248, (CR)338, (CR)413, (CS/CS) 415, (CO)517, (MO)588, (BA)705, (BA)707, (CR)725, (BA)757, (BA)883, (BA)886, (BA)1103 DCS/CSP-CS/CS/CS/SB 494
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294 Interstate 95/Alternative Routes Study (Bullard) (FR)22 DSC/CSP-HB 1021
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296 All Mothers (Bullard) (FR)**283** Adopted
298 All Fathers (Bullard) (FR)**283** Adopted
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300 Use Tax Exemption/Aircraft Temporarily in State (Wise) (FR) 22, (CR)249, (CR)395 DSC
302 Slot Machine Revenue Tax/K-12 Education Funding (Sobel) (FR)22 DSC
304 Homestead Property Assessments/Increase/Just Value (Bennett and others) (FR)22 DSC
306 Vessel and Personal Watercraft Safety (Commerce and others) (FR)22, (CR)117, (CR)165, (CS)217, (CR)412, (BA)505, (CR) 507, (BA)536, (BA)**537** FPS
308 Developmental Disabilities (Banking and Insurance and others) (FR)23, (CR)308, (CS)310, (RC)319, (CR)395, (CS/CS)397, (RC)408, (MO)588, (BA)709, (BA)710, (BA)711, (CR)725, (BA) **760**, (CO)991 DHC
310 Reproductive Health Services and Family Planning (Rich and others) (FR)23, (CO)235, (CO)248, (CO)411 DSC
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314 Basic Rights (Sobel and others) (FR)23, (CR)117, (CR)164, (CO) 235 DSC
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342 St. Johns River License Plate (Transportation and Economic Development Appropriations and others) (FR)25, (CR)249, (CR)338, (CR)456, (CS)456, (BA)538, (CR)589, (BA)599, **600** DHC
344 Dori Slosberg and Katie Marchetti Safety Belt Law (Transportation and others) (FR)25, (CO)161, (CR)165, (CS)217, (CO) 235, (CR)455, (MO)588, (BA)**691**, (CR)725, 839, (CO)1112, 1494 Ch. 2009-32
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350 Entertainment Industry Economic Development (Haridopolos and others) (FR)25, (CR)162, (CO)235, (CO)732 DSC
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360 Growth Management (Policy & Steering Committee on Ways and Means and others) (FR)26, (CS)115, (CR)117, (CR)118, (CR)166, (CS/CS)218, (BA)242, (BA)243, (CR)244, (BA)284, **285**, (BA)929, **938**, (BA)1092, **1100**, 1112 Ch. 2009-96 CSP-CS/HB 597
362 Growth Management (Transportation and others) (FR)26, (CR) 308, (CS)310, (RC)354, (CR)396, (CS/CS)397, (RC)437, (MO) 485, (BA)708, (CR)725, (BA)831, (BA)871 DCS/CSP-CS/CS/ SB 360
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368 Building Codes (Bennett) (FR)26 DSC
370 Growth Management (Bennett) (FR)26 DSC
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378 Affordable Housing (Bennett) (FR)27 DSC
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394 Credit Cards Marketing/Undergraduate Students (Baker) (FR) 27 DSC
396 Sales Tax Exemption/Books/Clothing/School Supplies (Baker) (FR)27 DSC
398 District and School Advisory Councils (Governmental Oversight and Accountability and Sobel) (FR)27, (CR)308, (CR)507, (CS)507, (BA)709, (CR)725, (BA)**759** DHC
400 Bingo Games/Drawings by Chance (Fasano) (FR)27, (MO) 337 WS
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404 Commissioner of Education/Student Final Exams (Sobel) (FR) 28 DSC
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408 Clinical Laboratories/Drug Tests/Human Specimens (Judiciary and others) (FR)28, (CR)117, (CR)166, (CS)218, (RC)231, (CR) 251, (CO)280, (BA)288, (CR)291, (BA)**334**, 839 Ch. 2009-127
410 Insurance/Unfair Competition/Deceptive Acts (Fasano and others) (FR)28, (MO)337 WS
412 Service of Process (Criminal and Civil Justice Appropriations and Crist) (FR)28, (CR)117, (CR)140, (CR)162, (CR)396, (CS) 398, (BA)489, (BA)490, (CR)506, (BA)**535**, (BA)**552**, 839 Ch. 2009-215 CSP-CS/SB 1718
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418 Enterprise Zones (Finance and Tax) (FR)29, (CR)162, (CR)338, (MO)394, (CR)455, (CS)456 DSC/CSP-HB 5013

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420 Florida Commission on Human Relations (Joyner and others) (FR)**139** Adopted

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424 Transportation (Finance and Tax and others) (FR)29, (CR)164, (CS)218, (CR)249, (CR)455, (CS/CS)457, (MO)588, (CR)725, (BA)820, (BA)850, (BA)975, (BA)976, (BA)977 LTS/CSP-HB 1021, HB 5013
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428 Department of Highway Safety and Motor Vehicles (Gardiner) (FR)29 DSC
430 Highway Safety (Gardiner) (FR)29 DSC
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434 Domestic Violence/Injunction for Protection (Fasano and others) (FR)29, (CR)117, (CO)444 DSC
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438 Agriculture (Dean) (FR)29 DSC
440 Pub. Rec./DOH Prescription Drug Monitoring Program (Governmental Oversight and Accountability and others) (FR)29, (CR)141, (CS)158, (CR)293, (CS/CS)293, (MO)521, (BA)698, (BA)700, (CR)725, (BA)**753**, (CO)991 Ch. 2009-197 CSP- CS/ CS/CS/CS/SB 462
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444 Title Insurance (Bennett) (FR)30, (CR)395 DSC
446 Florida Farm Winery Program (Baker) (FR)30 DSC
448 Sexual Activities Involving Animals (Criminal and Civil Justice Appropriations and others) (FR)30, (CS)115, (CR)118, (CR) 165, (CS/CS)219, (CR)307, (CR)455, (CS/CS/CS)458, (BA)632, (CR)642, (BA)**674** DM
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460 Adoption (Rich) (FR)31 DSC
462 Prescription Drugs/Electronic Monitoring/DOH (Health and Human Services Appropriations and others) (FR)31, (CR)165, (CS)219, (CR)252, (CS/CS)254, (CR)292, (CS/CS/CS)293, (CO) 358, (CR)414, (CS/CS/CS/CS)416, (BA)484, (BA)485, (CR)506, (BA)530, **531**, (CO)991 Ch. 2009-198 CSP-CS/CS/SB 440
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470 Driving Under the Influence Penalties (Crist) (FR)31 DSC/ CSP-CS/CS/HB 481
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474 Public Moneys & Property/Professional Sports Teams (Bennett) (FR)32 DSC
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482 Auctioneers and Apprentices (Regulated Industries and Baker) (FR)32, (CR)164, (CS)219, (CR)308, (CR)412, (BA)452, (CR) 454, (BA)478 LTS
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494 Water Conservation (General Government Appropriations and others) (FR)34, (CS)115, (CR)118, (CR)141, (CS/CS)159, (CR) 414, (CS/CS/CS)416, (CO)517, (BA)571, (BA)572, (CR)589, (BA) 606, **607**, 991 Ch. 2009-199
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502 Human Smuggling (Criminal and Civil Justice Appropriations and others) (FR)34, (CR)117, (CR)140, (CR)455, (CS)458, (CO) 470, (BA)632, (CR)642, (CO)653, (CO)991 LTS/CSP-CS/HB 123
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508 Law Enforcement Explorers (Criminal Justice and others) (FR) 34, (CR)251, (CS)254, (CO)470, (MO)588, (BA)698, (CR)725 LTS/CSP-CS/CS/HB 57
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534 Defined Contribution Retirement Program (Fasano) (FR)35, (MO)337 WS
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548 Department of Elder Affairs (Sobel) (FR)37 DSC
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550 Florida Retirement System (Aronberg and others) (FR)37, (CR) 117, (CO)235 DSC
552 Prescribed Pancreatic Enzyme Supplements/Use (Education Pre-K - 12 Appropriations and Wise) (FR)37, (CR)117, (CR)141, (CS)159, (CR)166, (CS/CS)220, (BA)288, (CR)291, (BA)**332** DHC
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556 Medicaid Program/Low-Income Pool Council (Policy & Steering Committee on Ways and Means and others) (FR)37, (CR) 163, (CR)165, (CS)220, (CO)235, (CR)339, (CS/CS)341, (BA) 587, (CR)589 LTS/CSP-CS/HB 285
558 Insurance Coverage for Prescription Drugs (Fasano) (FR)37 DSC
560 Construction Bonds (Regulated Industries and Bennett) (FR) 37, (CR)308, (CS)311 DSC
562 Travel Buying Clubs and Travel Buying Services (Fasano) (FR) 38, (MO)337 WS
564 Public Campaign Financing (Policy & Steering Committee on Ways and Means and others) (FR)38, (CR)117, (CR)165, (CS) 220, (CR)252, (CS/CS)254, (MO)589, (CR)725, (BA)829, (BA) 831, (BA)832, (BA)**928** DM/CSP-HJR 81
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570 Health Care Facilities and Services (Gaetz) (FR)38 DSC
572 Health Care Practitioners (Gaetz) (FR)38 DSC
574 Prescription Drugs/Purchase (Health Regulation and Gaetz) (FR)38, (CR)141, (CS)159, (RC)231, (CR)251, (BA)288, (BA) 289, (CR)291, (BA)**334**, (MO)394 DS
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578 State Pharmacy Services (Health Regulation and others) (FR) 38, (CR)292, (CS)294, (CO)305, (CR)455 DSC
580 Impact Fees/Challenges (Judiciary and others) (FR)38, (CR) 140, (CO)235, (CR)309, (CS)312, (CO)330, (CR)395, (CR)412, (CR)642, (BA)682 LTS/CSP-CS/CS/HB 227
582 Transportation (Transportation and Baker) (FR)39, (CR)141, (CS)159, (CR)162, (CR)250, (CR)395, (BA)452, (CR)454, (BA) 546, (BA)551, (CR)589, (BA)602, (BA)611, **614**, (BA)1067, (BA) 1090, (BA)1091, **1092** DM/CSP-HB 1021, CS/HB 1213, HB 5013
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596 Residential Tenancies/Violence (Criminal Justice and others) (FR)39, (CR)293, (CS)294, (CO)330 DSC
598 Schools/Funds for Operation (Baker) (FR)39 DSC
600 State University System/Optional Retirement Prog. (Fasano) (FR)39, (CR)250 DSC
602 Prekindergarten Instructors/Credentials (Fasano and others) (FR)39, (CO)161 DSC
604 Confidential Informants/Rachael's Law (Judiciary and others) (FR)39, (CR)165, (CS)220, (CR)338, (CS/CS)341, (MO)471, (CR) 725, (BA)828, (BA)836 LTS/CSP-CS/CS/HB 271
606 Florida Prepaid College Program (Higher Education Appropriations and others) (FR)40, (CR)141, (CS)159, (CO)161, (CR) 244, (CS/CS)244, (CO)280, (BA)289, (CR)291, (BA)**332**, 839, (CO)1495 Ch. 2009-175
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614 Monitoring the Dispensing of Controlled Substances (Health Regulation and Aronberg) (FR)40, (CR)308, (CS)312 DSC/CSP-CS/CS/CS/CS/SB 462
616 Public Construction Projects (Community Affairs and Haridopolos) (FR)41, (CR)309, (CS)312, (CR)412, (MO)485, (CR)725, (BA)820 LTS/CSP-CS/CS/HB 611
618 Sales Tax/Fractional Aircraft Ownership Program (Commerce and Altman) (FR)41, (CR)251, (CS)254, (CR)395 DSC
620 Health Facilities (Health Regulation and Oelrich) (FR)41, (CS)115, (RC)117, (CR)118, (CR)140, (BA)289, (CR)291, (BA)**334**, 839 Ch. 2009-176
622 Community College Student Fees (Higher Education Appropriations and others) (FR)41, (CR)141, (CS)159, (CR)396, (CS/CS)399, (BA)633, (CR)642 LTS
624 Law Enforcement Officers and Correctional Officers (Community Affairs and Fasano) (FR)41, (CR)339, (CS)341, (RC)355, (CR)412, (BA)572, (BA)573, (CR)589, (BA)607, (BA)610, **611**, 839 Ch. 2009-200
626 Patient Lifting and Handling Practices (Fasano) (FR)41 DSC
628 Enterprise Zones/City of Ocala (Lynn and others) (FR)41, (CR)162, (CR)307, (MO)394, (CR)412, (MO)588, (CR)725, (BA)828, (CO)1495 LTS/CSP-CS/CS/HB 127
630 Local Taxes (Community Affairs and Bennett) (FR)41, (CR)395, (CS)399 DSC
632 Voting Conflicts/Members of the Legislature (Dockery) (FR)41 DSC
634 Research Commercialization Matching Grant Program (Gaetz) (FR)41, (CR)164 DSC
636 Pub. Rec./Crime Scene Photographs/Video Recordings (Dean) (FR)42 DSC
638 Law Enforcement Photographs & Video Recordings/Use (Dean) (FR)42 DSC
640 False Impersonation of a Law Enforcement Officer (Garcia) (FR)42, (CR)162, (MO)454 WS
642 License Plates (Health and Human Services Appropriations and others) (FR)42, (CO)235, (CR)249, (CR)308, (CR)414, (CS)417, (BA)538, (BA)542, (BA)544, (BA)545, (CR)589, (BA)600, (BA)656, (BA)743, (BA)880, (BA)1103 DCS/CSP-CS/CS/SB 1778
644 Veterans (Fasano and others) (FR)42, (CR)162, (CO)235, (CR)250, (MO)485, (MO)588, (BA)707, (CR)725 LTS/CSP-HB 509, CS/CS/SB 1696
646 Residential Foreclosure Proceedings (Fasano) (FR)42 DSC
648 Pub. Rec./DOEA Direct-Support Organization Donors (Fasano) (FR)42, (CR)117 DSC/CSP-CS/SB 746
650 Catch Me, Release Me License Plate (General Government Appropriations and Garcia) (FR)43, (CR)249, (CR)338, (CR)414, (CS)417, (BA)543, (CR)589, (BA)**600** DHC
652 Credit Cards/Fraudulently Taking or Using (Crist) (FR)43, (CR)394 DSC
654 Juvenile Justice (Dean) (FR)43, (CR)414 USC/LTS
656 Enterprise Zones/Lake City/Columbia County (Dean and others) (FR)43, (CR)162, (CR)338 DSC
658 Sale and Delivery of Firearms (Baker) (FR)43, (CR)140, (CR)395, (MO)471, (BA)703, (CR)725 LTS/CSP-HB 1003
660 Service Contracts/Automatic Renewal (Commerce and Justice) (FR)43, (CS)116, (CR)118, (CR)291 DSC
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662 NAACP Day (Hill and others) (CO)470, (FR)474, **475** Adopted
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664 Condominiums/Handrails and Guardrails (Sobel) (FR)43 DSC
666 Senior Services/Independent Special District (Children, Families, and Elder Affairs and others) (FR)43, (CR)162, (CO)235, (CR)251, (CS)254 DSC
668 Pardons/Restoration of Rights/Rosa Parks Act (Hill) (FR)44 DSC
670 Women's Health (Sobel) (FR)44 DSC
672 Road and Bridge Designations (Transportation and Pruitt) (FR)44, (CR)339, (CS)341, (BA)393, (CR)394, (BA)449, (BA)451, (BA)**454**, (BA)**476** DHC
674 Construction Contracting (Regulated Industries and Constantine) (FR)44, (CR)292, (CS)294, (RC)321, (CR)338, (CR)455, (BA)543, (CR)589, (BA)**600** DHC/CSP-CS/CS/CS/CS/HB 425
676 Community Supervision (Dockery) (FR)44 DSC
678 Criminal Penalties (Dockery) (FR)44 DSC
680 Death Penalty (Dockery) (FR)44 DSC
682 Government Reorganization (General Government Appropriations and Fasano) (FR)44, (CR)165, (CS)220, (CR)412, (CR)456, (CS/CS)458, (CR)642, (BA)683, (BA)762, (BA)850, (BA)869, (BA)939, (BA)1037, **1038** DH/CSP-CS/CS/CS/CS/HB 425
684 Arcade Amusement Centers (Jones) (FR)44, (MO)454 WS
686 Construction Contracting (Jones) (FR)44, (MO)454 WS
688 Juneteenth Independence Day (Hill) (FR)45, (CR)163 DSC
690 Parole (Dockery) (FR)45 DSC
692 Motor Vehicles/Lake Beds (Lynn) (FR)45 DSC
694 Elevator Safety (Jones) (FR)45, (MO)454 WS
696 Construction Lien Law (Jones) (FR)45, (MO)454 WS
698 Alcoholic Beverages (Jones) (FR)45, (MO)454 WS
700 Community Associations (Jones) (FR)45, (MO)454 WS
702 Health Care Access (Banking and Insurance and Gaetz) (FR)45, (CR)117, (CR)141, (CS)159, (CR)164, (BA)289, (CR)291, (BA)334, (BA)366 LTS/CSP-CS/HB 185
704 Foreclosure/Termination of a Rental Agreement (Lynn) (FR)45 DSC
706 Corrections (Dockery) (FR)45 DSC
708 Law Enforcement (Dockery) (FR)45 DSC
710 Juvenile Justice (Dockery) (FR)45 DSC
712 Special Districts/Commodities/Contractual Services (Policy & Steering Committee on Ways and Means and others) (FR)45, (CR)141, (CS)159, (CR)292, (CR)507, (CS/CS)508, (CR)642, (BA)682, (BA)**748**, (CO)991 Ch. 2009-217
714 Condominiums (General Government Appropriations and others) (FR)46, (CR)164, (CR)165, (CS)220, (CO)235, (CO)248, (CR)414, (CS/CS)417, (BA)543, (BA)544, (CR)589, (BA)600, **601**, 839 Vetoed
716 Gambling (Jones) (FR)46, (MO)454 WS
718 Discretionary Sales Surtaxes (Health Regulation and King) (FR)46, (CR)165, (CS)220, (RC)246, (CR)250, (CR)507, (BA)624, (CR)642, (BA)**657**, 839 Vetoed
720 Physician Practice (Health Regulation and others) (FR)46, (CO)235, (CR)412, (CR)413, (CS)417, (BA)585, (BA)586, (CR)589, (BA)**608**, 839 Ch. 2009-177
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722 Paul Azinger (Bennett) (FR)331, **332** Adopted
SB
724 Annuity Contracts for Senior Consumers (Bennett) (FR)46 DSC
726 Homeless Housing Assistance Grants (Smith) (FR)46, (CR)307, (CR)412 DSC/CSP-CS/CS/SB 360
728 Excise Tax on Documents (Finance and Tax and Bennett) (FR)46, (CS)116, (CR)118, (CR)309, (CS/CS)312, (RC)321, (CR)507, (BA)624, (CR)642 LTS
730 Department of Community Affairs (Bennett) (FR)46 DSC
732 Financial Instruments (Policy & Steering Committee on Ways and Means and Smith) (FR)46, (CR)163, (CR)292, (CS)294, (CR)412, (MO)472, (CR)589, (CS/CS)589, (BA)701, (BA)703, (BA)705, (CR)725, (BA)754 LTS/CSP-CS/CS/CS/HB 569, CS/CS/CS/HB 1495
734 Identification Cards/Surrender of Driver's License (Lynn) (FR)46 DSC
736 Traffic Control Synchronization (Garcia) (FR)47, (MO)454 WS
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738 Limitation on Amount of Combined Ad Valorem Taxes (Bennett) (FR)47, (CR)162 DSC
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740 Summer Camp Personnel/Fingerprint Requirements (Aronberg) (FR)47 DSC
742 Sinkhole Losses (Banking and Insurance and others) (FR)47, (CR)140, (CS)159, (CR)163, (CR)292, (BA)336, (CR)338, (BA)**366**, 839 Ch. 2009-178
744 Homestead Assessments (Finance and Tax and others) (FR)47, (CR)249, (CO)280, (CR)339, (CS)342, (MO)471 DSC
746 Direct-Support Organizations (Governmental Oversight and Accountability and Fasano) (FR)47, (CR)117, (CR)413, (CS)

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748 OGSR/Children's Services Council or Similar Entity (Governmental Oversight and Accountability) (FR)47, (CR)117, (CR)252, (CS)255, (MO)471, (BA)703, (CR)725 LTS/CSP-HB 7021
750 OGSR/Insurance Claim Data Exchange Information (Governmental Oversight and Accountability) (FR)47, (CR)117, (CR)252, (CS)255, (MO)471, (BA)707, (CR)725 LTS/CSP-HB 7039
752 Proposed Property Tax Notice (General Government Appropriations and others) (FR)47, (CR)162, (CR)413, (CS)418, (CR)456, (CS/CS)458, (CR)642, (BA)682 LTS/CSP-HB 701
754 OGSR/Building Plans, Blueprints Held by an Agency (Military Affairs and Domestic Security) (FR)47, (CR)117, (CR)140, (MO)471, (BA)701, (CR)725 LTS/CSP-HB 7017
756 Education (Detert) (FR)47 DSC
758 Education (Detert) (FR)47 DSC
760 Education (Detert) (FR)48 DSC
762 State University Tuition and Fees (Higher Education Appropriations and others) (FR)48, (CS)116, (CR)118, (CO)235, (CR)293, (CS/CS)294, (CR)412, (BA)483, (CR)506, (BA)529, (BA)**599**, 839, (CO)991 Ch. 2009-98
764 Wine Production and Shipment (Regulated Industries and others) (FR)48, (CR)165, (CS)220, (CR)250, (CR)412 DSC
766 Anatomical Gifts (Judiciary and others) (FR)48, (CS)116, (CR)118, (CR)244, (CS/CS)244, (RC)246, (CO)280, (BA)289, (BA)290, (CR)291, (BA)334, **335**, 839 Ch. 2009-218
768 Tax Credits for Research and Development (Oelrich and others) (FR)48, (CO)161 DSC
770 Area Agencies on Aging (Governmental Oversight and Accountability and Fasano) (FR)48, (CR)165, (CS)220, (CR)292, (CS/CS)294, (CR)395, (BA)480, (CR)506, (BA)525 LTS/CSP-CS/CS/CS/HB 935
772 Credit Card Rates (Justice) (FR)48 DSC
774 Health Insurance/Loss Ratio (Justice) (FR)48 DSC
776 K-12 Public Schools/Character-Development Programs (Siplin) (FR)49 DSC
778 Paintball Guns & Markers (Siplin) (FR)49 DSC
780 Hispanics Settled Florida in 1513 License Plate (Siplin) (FR)49 DSC
782 District School Boards (Siplin) (FR)49 DSC
784 Job Opportunities for Youth (Education Pre-K - 12 and Siplin) (FR)49, (CR)251, (CS)255, (RC)304, (MO)836, (BA)878, (BA)879, (BA)**1030** DM
786 Juvenile Proceedings (Siplin) (FR)49 DSC
788 Gaming (Policy & Steering Committee on Ways and Means and others) (FR)49, (CR)252, (CS)255, (RC)273, (CO)280, (CR)339, (CS/CS)342, (BA)382, **383**, (MO)392, (CR)394, (BA)733, (BA)742, (MO)742, 838, 839, 1348, (BA)**1368**, 1495 Ch. 2009-170 CSP-SB 2600
790 Slot Machines (Jones) (FR)49, (MO)454 WS
792 Firefighter Death Benefits (Governmental Oversight and Accountability and others) (FR)49, (CR)163, (CO)411, (CR)507, (CS)508 DSC
794 Police Technology Fee (Baker) (FR)49 DSC
796 Police Technology Trust Fund/FDLE (Baker) (FR)49 DSC
798 Off-highway Vehicles (Transportation and Baker) (FR)50, (CR)166, (CS)220, (CR)309, (CS/CS)312, (CR)507, (CR)642, (BA)683 LTS/CSP-CS/CS/HB 333
800 Property Appraiser/Assessments/Homestead Exemption (Finance and Tax and Baker) (FR)50, (CR)140, (CR)165, (CS)221, (RC)247, (CR)507, (BA)625, (CR)642 LTS/CSP-CS/CS/HB 179
802 Drug Paraphernalia Sales Surtax (Wise) (FR)50 DSC
804 School Food Service Programs (Wise) (FR)50 DSC/CSP-CS/CS/SB 1676
806 Novelty Lighters (Commerce and Constantine) (FR)50, (CR)164, (CS)221 DSC
808 Workforce Development (Garcia) (FR)50 DSC
810 Unemployment Compensation (Policy & Steering Committee on Ways and Means and others) (FR)50, (CR)395, (CS)399, (CO)411, (RC)438, (CR)507, (CS/CS)508, (CR)642, (BA)683, (BA)686, (BA)**749**, 839, (CO)991 Ch. 2009-99
812 Economic Development (Garcia) (FR)50 DSC
SB
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816 Legislative Sunset Review/OTTED (Commerce and Garcia) (FR)50, (CR)166, (CS)221, (RC)232 DSC
818 Economic Development (Garcia) (FR)50 DSC
820 Economic Development (Garcia) (FR)50 DSC
822 Insurance Rates/Carbon Monoxide Detectors (Garcia) (FR)50, (MO)454 WS
824 Department of State (Garcia) (FR)51 DSC
826 Electronic Gaming Machines (Jones) (FR)51, (MO)454 WS
828 Video Lotteries (Jones) (FR)51, (MO)454 WS
830 Cardrooms (Jones) (FR)51, (MO)454 WS
832 Gaming Promotions (Jones) (FR)51, (MO)454 WS
834 Quarter Horse Racing (Jones) (FR)51, (MO)454 WS
836 Gaming (Policy & Steering Committee on Ways and Means and others) (FR)51, (CR)252, (CS)255, (RC)273, (CS)280, (BA)393, (CR)394, (CR)414, (CS/CS)418, (CR)725, (BA)796, (BA)797, (BA)798 LTS/CSP-CS/CS/SB 788
838 Professional and Business Regulation (Jones) (FR)51, (MO)454 WS
840 State Lottery (Jones) (FR)51, (MO)454 WS
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844 Postsecondary Distance Learning (Higher Education) (FR)51, (CR)339, (CS)342, (RC)355, (CR)395, (BA)483, (CR)506 LTS/CSP-HB 7121
846 Higher Education (Oelrich) (FR)51 DSC
848 Higher Education (Oelrich) (FR)51 DSC
850 Cigarette Tax Revenues/Moffitt Cancer Center (Fasano) (FR)51 DSC
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854 Hatch Act (Detert and others) (FR)52, (CR)250, (CO)280 DSC
SB
856 Developments of Regional Impact (Transportation and Bennett) (FR)52, (CR)140, (CR)292, (CR)396, (CS)399 DSC/CSP-HB 1021, CS/CS/SB 360
858 Driver Licenses/Contribution to Stop Heart Disease (Health Regulation and Garcia) (FR)52, (CR)163, (CR)252, (CS)256, (CR)395, (BA)452, (BA)454, (CR)454, (BA)**478**, 839 Ch. 2009-100
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862 Insurance (Fasano) (FR)52 DSC
864 Corporal Discipline (Detert) (FR)52, (CR)249 DSC
866 Veterans/Resident Status for Tuition Purposes (Hill) (FR)52 DSC
868 Department of Agriculture and Consumer Services (Regulated Industries and Dean) (FR)52, (CR)165, (CS)221, (RC)232, (CR)309, (MO)471, (MO)722 DCS
870 Public Employees' Charitable Campaigns (Sobel) (FR)52 DSC
872 Fictitious Names (Smith) (FR)52, (CR)291, (CR)455, (BA)544, (CR)589, (BA)**601**, 839 Ch. 2009-129
874 Real Property Registration (Smith) (FR)53 DSC
876 Health Care Information (Gaetz) (FR)53 DSC/CSP-CS/CS/SB 162
878 Court Actions Involving Families (Judiciary and others) (FR)53, (CS)116, (CR)118, (CR)141, (CS/CS)159, (CO)161 DSC
880 Community Associations (Judiciary and others) (FR)53, (CO)235, (CR)308, (RC)321, (CR)395, (CR)507, (CS/CS)508, (BA)691, (BA)692, (BA)693, (CR)725, (BA)762, (BA)850 DCS/CSP-CS/HB 61
882 Government Contractors/Contractual Relationships (Fasano) (FR)54, (MO)337 WS
884 H. Lee Moffitt Cancer Center & Research Institute (Fasano) (FR)54 DSC
886 Liability Releases (Judiciary and others) (FR)54, (RC)412, (CS)419 DSC
888 Space Industry (Commerce and others) (FR)54, (CO)161, (CR)309, (CS)312, (CR)395, (MO)656 DCS
890 Florida Funeral, Cemetery, & Consumer Services Act (Crist) (FR)54 DSC

SB
892 Mental Health and Substance Abuse Services (Children, Families, and Elder Affairs and others) (FR)55, (CR)165, (CS)222, (CR)308, (CR)395, (BA)480, (CR)506 LTS/CSP-HB 767
894 Medicaid Prescribed Drugs/Purchasing (Bennett) (FR)55, (MO) 243 WS
896 Parental Rights Termination/Incarceration (Rich) (FR)55 DSC
898 Early Voting Task Force (Smith) (FR)55 DSC
900 Procurement of Contractual Services (Bennett) (FR)55 DSC
902 Public Health (Deutch) (FR)55, (CR)163, (CR)395, (BA)486, (CR)506, (BA)531, (BA)599, (BA)656, (BA)678 LTS/CSP-HB 331
904 Parental Responsibility and Time-sharing (Policy & Steering Committee on Ways and Means and others) (FR)55, (CR)165, (CS)222, (CR)339, (CS/CS)342, (CR)507, (CS/CS/CS)509, (CR) 725, (BA)829, (BA)**925**, (CO)991, (BA)**1106**, (CO)1112 Ch. 2009-180
906 Motor Vehicle Title Transfer (Judiciary and Smith) (FR)56, (CR)291, (CR)414, (CS)419, (MO)762, (MO)990, (MO)991, (BA) 997 LTS/CSP-CS/CS/HB 293
SJR
908 Restoration of Civil Rights/Clemency (Criminal Justice and Wilson) (FR)56, (CR)309, (CS)313 DSC
SB
910 Criminal Justice/Keep Florida Working Act (Governmental Oversight and Accountability and others) (FR)56, (CR)292, (CS)294, (CR)308, (CR)395, (MO)624, (MO)836, (BA)871, (BA) 872, (CO)991, (BA)1035, **1036**, (CO)1112 DM
912 Affordable Housing for Seniors (Deutch) (FR)56 DSC
914 Motor Vehicle License Plates/Validation Stickers (Garcia) (FR) 56, (MO)290 WS
916 Corporate Tax Credit Scholarship Program (Wilson) (FR)56 DSC
918 Florida Kidcare Program (Health and Human Services Appropriations and others) (FR)56, (CO)235, (CO)248, (CR)338, (CS)342, (CR)394, (CO)411, (CR)413, (CS/CS)419, (MO)485, (BA)708, (CR)725, (BA)**758**, (CO)1112 Ch. 2009-113
920 Statewide Articulation Agreements (Baker) (FR)57 DSC
922 Dangerous Dogs/Breed-specific Regulation (Hill) (FR)57 DSC
924 Mosquito Control Dist./Outstanding Florida Waters (Dean) (FR)57 DSC
926 Cemeteries (Higher Education Appropriations and others) (FR) 57, (CR)141, (CS)160, (CR)291, (CR)396, (CS/CS)399, (BA)452, (CR)454, (BA)**478**, **995** Ch. 2009-219
928 Statewide Mortgage Fraud Task Force Trust Fund/DLA (Fasano) (FR)57 DSC
930 Statewide Mortgage Fraud Task Force (Fasano) (FR)57 DSC
932 Transportation (Transportation) (FR)57 DSC/CSP-HB 1021, HB 5013
SR
934 The Omega Psi Phi Fraternity, Inc. (Hill) (FR)**447** Adopted
SB
936 Homestead Property/Minors (Dean) (FR)58 DSC
938 HIV Testing/Health Care/Routine Annual Examination (Wilson) (FR)58 DSC
940 Retired Justices and Judges (Dean) (FR)58 DSC
942 Energy-efficient Appliance Rebate Program (Finance and Tax and others) (FR)58, (CO)280, (CR)308, (CS)313, (MO)394, (CR) 455, (CS/CS)458, (MO)485, (CO)653, (CR)725, (BA)823, (BA) 824 LTS/CSP-CS/CS/HB 167
SR
944 Fair Housing Month (Garcia) (FR)518, **519** Adopted
946 Workers' Memorial Day (Hill) (FR)**655** Adopted
SB
948 Emergency Medical Services (Health Regulation and Jones) (FR)58, (CR)141, (CS)160, (CR)308, (BA)486, (CR)506, (BA) **531**, 839 Ch. 2009-181
950 Elections (Alexander) (FR)58 DSC
952 Ethics in Government (Alexander) (FR)59 DSC
954 Elections (Alexander) (FR)59 DSC
956 Elections (Ethics and Elections and Alexander) (FR)59, (CR) 414, (CS)419, (RC)438, (MO)598 DCS/CSP-SB 216
958 Ethics in Government (Alexander) (FR)59 DSC
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960 Civil Remedies Against Insurers (Gaetz and others) (FR)59, (CO)248, (CO)280 DSC
962 Insurance (Gaetz and others) (FR)59, (CO)248, (CO)280 DSC
964 Insurance/Fiduciary Duty (Gaetz) (FR)59 DSC
966 Minors/Protection Online (Fasano) (FR)59, (MO)337 WS
968 Traffic Offenses (Criminal Justice and Garcia) (FR)59, (CR) 309, (CS)313, (MO)521 DSC
SR
970 Prostate Cancer Awareness Month/September 2009 (Hill) (FR) 447, **448** Adopted
972 Power to End Stroke Campaign (Hill) (FR)840, **841** Adopted
SB
974 Sale of Assets by Corporations and LLCs (Smith) (FR)59 DSC
976 Sales Tax Exemption/Energy-efficient Products (Sobel) (FR) 60 DSC
978 Oil and Gas Production Taxes (Finance and Tax and Pruitt) (FR)60, (CR)162, (CR)252, (CS)256, (CR)412, (MO)521, (BA) 690, (CR)725 LTS/CSP-CS/HB 515
980 Elections (Alexander) (FR)60 DSC
982 Urban/Residential Environments & Water/Protection (Constantine) (FR)60 DSC/CSP-CS/CS/CS/SB 494
984 Drug Donation Program Act (Wise) (FR)60, (CR)291, (CR) 395 DSC
986 Department of Highway Safety and Motor Vehicles (Transportation) (FR)60 DSC/CSP-CS/CS/SB 1100, CS/CS/SB 1778
988 Nursing Homes (Fasano) (FR)61 DSC
990 Elections (Rich) (FR)61 DSC
992 Dogs and Cats/Sterilization (Community Affairs and Rich) (FR)61, (CR)165, (CS)222 DSC
994 Sexual Battery on a Minor (Aronberg) (FR)61 DSC
SR
996 Spinal Cord Injury Awareness Week (Rich) (FR)**364** Adopted
SB
998 Condominiums and Homeowners' Associations (Regulated Industries and Ring) (FR)61, (CR)308, (CS)313, (CR)338 DSC
1000 Discretionary Sales Surtaxes/Fire Rescue Services (Judiciary and others) (FR)62, (CR)163, (CO)235, (CR)252, (CS)256, (CO) 280, (CR)339, (CS/CS)342, (MO)394, (CR)412, (RC)590, (BA) 708, (BA)709, (CR)725, (BA)**759**, 991 Ch. 2009-182
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1004 Coral Reefs (General Government Appropriations and others) (FR)62, (CR)252, (CS)256, (RC)274, (CR)339, (CS/CS)343, (CR) 414, (CS/CS/CS)421, (BA)505, (CR)507, (BA)536, (BA)599, (CO) 653, (BA)656, (CO)732, (BA)**743** DHC/CSP-CS/CS/HB 1423
1006 Ad Valorem Assessments/Challenges (Finance and Tax and others) (FR)62, (CR)163, (CO)235, (CR)250, (CR)413, (CS)421, (MO)836, (BA)878, (CO)991, (CO)1112 LTS/CSP-CS/CS/HB 521
SCR
1008 Equal Rights for Men and Women (Joyner and others) (FR)62, (CO)161, (CO)235, (CO)248 DSC
SB
1010 McKay Scholarships for Students with Disabilities (Ring and others) (FR)62, (CO)280 DSC
1012 State Lands (General Government Appropriations and Constantine) (FR)62, (CR)165, (CS)222, (RC)233, (CR)293, (CS/CS) 295, (BA)383, (BA)385, (BA)**392**, (MO)392, (CR)394, 469, 1494 DCC
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1020 Articulation Accountability Process (Lynn) (FR)63 DSC
1022 Medicare Supplement/Disability/Renal Disease (Policy & Steering Committee on Ways and Means and others) (FR)63, (CR)165, (CS)222, (CO)235, (CR)293, (CS/CS)295, (CR)507, (CS/CS/CS)509, (CR)642, (BA)686, (CO)991 LTS/CSP-CS/CS/HB 675

SB
1024 Federal Excise Taxes on Motor Fuel/Reimbursement (Commerce and others) (FR)63, (CR)165, (CS)222, (CO)235, (CR)291, (CR)412, (MO)485, (BA)703, (CR)725, (CO)732 LTS/CSP-CS/CS/HB 375
1026 Enterprise Zones/Martin County (Pruitt) (FR)63, (CR)162, (CR)338, (MO)394, (CR)412 DSC
1028 Racial and Ethnic Minority Health Care (Sobel) (FR)63 DSC
1030 Motor Vehicle Emergency Lights/Correctional Agency (Garcia and others) (FR)63, (CR)162, (CR)251, (BA)336, (CR)338, (BA)**366**, 839, (CO)1495 Ch. 2009-220
1032 Mobile Home Park Lot Tenancies (Fasano and others) (FR)63, (CO)235 DSC
1034 Florida 211 Network (Fasano) (FR)64 DSC
1036 Legislative Compensation Reduction (Fasano and others) (FR)64 DSC
1038 Landlord-tenant Relations (Joyner) (FR)64, (CR)308 LTS, refer to combined CS/CS/SB 1646
1040 Affordable Housing (Judiciary and Bennett) (FR)64, (CR)165, (CS)223, (CR)507, (CS/CS)509 DSC/CSP-CS/CS/SB 360
1042 Affordable Housing (Finance and Tax and others) (FR)64, (CR)251, (CS)256, (RC)321, (CR)455, (CS/CS)458, (CO)517 DSC/CSP-CS/HB 597, CS/CS/SB 360
1044 Pub. Rec./Vacant or Abandoned Real Property Reg. (Smith) (FR)65 DSC
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1054 Homelessness (Children, Families, and Elder Affairs and Crist) (FR)65, (CR)292, (CS)295, (CR)338, (MO)588, (CR)725, (BA)829, (BA)833 LTS/CSP-CS/HB 597, CS/CS/SB 360
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1068 Spinal Muscular Atrophy Awareness Month (Rich) (FR)**364** Adopted
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1084 Federal Grants Trust Fund/FDLE (Crist) (FR)67, (CR)117, (BA)243, (CR)244, (BA)285 LTS/CSP-HB 7073
1086 Federal Grants Trust Fund/State Courts System (Crist) (FR)67, (CR)117, (BA)243, (CR)244, (BA)285 LTS/CSP-HB 7069
1088 Delivery Vehicles (Commerce and Altman) (FR)67, (CR)251, (CS)257, (CR)308, (CS/CS)313, (CR)396, (CS/CS/CS)399, (CR)412, (BA)544, (CR)589 LTS/CSP-CS/CS/HB 405
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1090 Federal Grants Trust Fund/DOC (Crist) (FR)67, (CR)117, (BA)243, (CR)244, (BA)286 LTS/CSP-HB 7071
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1110 Administrative Trust Fund/FDLE (Crist) (FR)68, (CR)117, (BA)243, (CR)244, (BA)287 LTS/CSP-HB 7065
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1114 Highway Safety Violations (Policy & Steering Committee on Ways and Means and others) (FR)68, (CR)291, (CR)413, (CS)422, (RC)439, (MO)472, (CR)589, (CS/CS)589, (BA)709, (BA)724, (CR)725, (CO)1495 LTS/CSP-CS/CS/HB 481
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1132 Credit Counseling Services (Banking and Insurance and others) (FR)70, (CR)164, (CS)223, (CO)235 DSC
1134 Streamlined Sales and Use Tax Agreement (Lynn and others) (FR)70, (CO)161 DSC
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1142 Public Officers and Employees (Wise) (FR)71 DSC
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1156 Florida Renewable Energy Trust Fund/FECC (Environmental Preservation and Conservation and King) (FR)71, (CR)251, (CS)258, (CR)339, (CS/CS)343 DSC
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1158 Osteopathic Physicians (Peaden) (FR)**331** Adopted
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1160 Land Management Funding Formulas (Constantine) (FR)71 DSC
1162 Public Records and Meetings (Jones) (FR)71, (MO)506 WS
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1164 Homestead Property Assessment/Declining Value (Fasano) (FR)71, (CR)162 DSC
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1166 Proceeds of Forfeitures (Wise) (FR)72 DSC
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1170 Fla. & Caribbean Chapter/Special Libraries Assoc. (Lawson) (FR)**240** Adopted
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1172 Tobacco Tax (Jones) (FR)72, (MO)454 WS
1174 Florida School for the Deaf & the Blind (Wise) (FR)72 DSC
1176 Juvenile Justice (Wise) (FR)72 DSC
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1180 Forensic Mental Health Policy (Judiciary and others) (FR)73, (CR)251, (CS)258, (CR)308, (CO)330, (CR)413, (CS/CS)422, (CR)455, (CS/CS/CS)459 DSC
1182 State Retirement System (Governmental Oversight and Accountability and others) (FR)73, (CR)251, (CS)258, (CR)339, (CS/CS)343, (CR)507, (CS/CS/CS)509, (RC)590, (CR)725, (BA) 823, (BA)851 LTS/CSP-CS/CS/HB 479
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1258 FRS/Special Risk Class/Public Acute Care Hospitals (Hill) (FR) 76 DSC
1260 Pub. Rec./Public Educational Institution Employees (Hill and others) (FR)76, (CO)161 DSC
1262 Sale or Lease of Business Opportunities (Ring) (FR)76, (CR) 163 DSC
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1264 Florida Nurses Association 100th Anniversary (Bennett) (FR) **240** Adopted
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1266 Land Conservation (Constantine) (FR)76 DSC
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1290 OGSR/Motor Vehicle Records (Governmental Oversight and Accountability) (FR)79, (CR)163, (CR)339, (CS)344, (MO)471, (BA)707, (CR)725 LTS/CSP-CS/HB 7027
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1302 Property Tax Exemption/Military Personnel (Policy & Steering Committee on Ways and Means and others) (FR)80, (CR)163, (CO)235, (CR)293, (CS)295, (CO)470, (CR)507, (CS/CS)510, (MO)588, (MO)836, (BA)879 LTS/CSP-CS/HJR 833
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1304 Byrd Alzheimer's Center and Research Institute (Higher Education Appropriations and Joyner) (FR)80, (CR)244, (CS) 245, (CR)338, (CR)413, (CS/CS)423 DHC/CSP-CS/CS/SB 1696
1306 Growth Management (Transportation and Bennett) (FR)80, (CR)252, (CS)260, (MO)394, (CR)396, (CS/CS)400 DS/CSP-CS/CS/SB 360

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1312 Sexual Battery (Criminal Justice and others) (FR)81, (CR)164, (CS)225, (RC)234, (BA)290, (CR)291, (CO)330, (BA)**335**, 1112 Ch. 2009-184
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1318 Circuit Court/Jurisdiction (Judiciary and Peaden) (FR)81, (CR) 339, (CS)344, (MO)724, (MO)762 DSC
1320 School Bus Stops (Bullard) (FR)81 DSC
1322 Use of Deadly Force/Dart-firing Stun Gun (Criminal Justice and Deutch) (FR)81, (CR)293, (CS)295 DSC
1324 Direct-mail Marketing Solicitations (Aronberg) (FR)81 DSC
1326 Bingo (Regulated Industries and Fasano) (FR)82, (CR)165, (CS)225 DSC
1328 Commercial Fertilizer Application (Baker) (FR)82, (CR)249 DSC/CSP-CS/CS/CS/SB 494
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1330 Silver Alert Grant Program (Jones and others) (FR)82, (CR) 164, (MO)521, (BA)**700**, (CR)725, 839, (CO)1495 Adopted
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1332 Elevator Safety (Regulated Industries and Jones) (FR)82, (CR) 308, (CS)313 DSC
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1334 Swimming Pool Safety Month (Detert) (FR)364, **365** Adopted
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1340 Firearms Transactions (Criminal Justice and others) (FR)83, (CR)164, (CS)225, (CR)412, (BA)636, (CR)642, (CO)1495 LTS/CSP-CS/HB 177
1342 OGSR/Certain Agency Personnel Information (Judiciary) (FR) 83, (CR)165, (CS)226, (CR)412, (MO)471, (BA)700, (CR)725 LTS/CSP-HB 7037
1344 My Safe Florida Home Program (Bennett) (FR)83 DSC
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1348 OGSR/Campaign Finance Reports (Governmental Oversight and Accountability) (FR)83, (CR)163, (CR)413, (CS)423, (MO) 471, (BA)708, (CR)725 LTS/CSP-HB 7015
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1352 Elections (Alexander) (FR)83 DSC
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1364 Florida Bright Futures Scholarship Program (Higher Education and Pruitt) (FR)84, (CR)251, (CS)260, (RC)274 DSC/CSP-CS/CS/SB 1696
1366 Data Destruction (Fasano) (FR)84, (MO)337 WS
1368 Local Government Budgets (Governmental Oversight and Accountability and Dean) (FR)84, (CR)250, (CR)413, (CS)423 DSC/CSP-CS/CS/SB 278
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1380 Energy (Communications, Energy, and Public Utilities and others) (FR)85, (CR)165, (CS)226, (RC)234, (CO)248, (MO)521, (MO)588, (MO)836, (BA)879, (BA)880, (BA)1036, **1037**, (CO) 1112 DM/CSP-HB 5013
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1388 Point-of-Purchase Messaging/Alcohol and Pregnancy (Bennett) (FR)85 DSC
1390 MacKay and Williams Memorial Bridge (Oelrich) (FR)85 DSC
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1394 Motor Vehicle Registration Applications (Oelrich and others) (FR)86, (CR)163, (CR)250, (CR)395, (BA)452, (CR)454, (CO) 1495 LTS/CSP-HB 687
1396 Administration of Estates (Aronberg) (FR)86, (CR)164, (MO) 394, (BA)490, (CR)506 LTS/CSP-CS/HB 599, CS/HB 631
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1400 Pub. Rec./Estate Inventories and Accountings (Judiciary and Aronberg) (FR)86, (CR)165, (CS)226, (CR)412, (MO)471, (BA) 704, (CR)725, (BA)763 LTS/CSP-CS/HB 631, CS/HB 599
1402 Drug Prescription Information/Commercial Use (Aronberg and others) (FR)86 DSC
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1414 Managed Care Plans/Medicaid-eligible Children (Rich) (FR) 87 DSC
1416 Collaborative Process/Dispute Resolution (Rich) (FR)87 DSC
1418 Hospitality Education Program (Regulated Industries and Jones) (FR)87, (CR)396, (CS)400, (MO)521 DSC/CSP-CS/CS/CS/CS/HB 425
1420 Commercial Motor Vehicles (Fasano) (FR)87, (MO)337 WS
1422 Construction Contracting Requirements/Exemptions (Baker) (FR)87, (CR)292 LTS, refer to combined CS/SB 674
1424 Summary Judgment/Florida Supreme Court (Judiciary and others) (FR)87, (CR)244, (CS)245 DSC
1426 Prepaid College Programs (Wise and others) (FR)87, (CR)250, (MO)471, (MO)588, (BA)704, (CR)725, (CO)1495 LTS/CSP-CS/HB 281
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1430 Adolescent Offenders/Parole (Criminal Justice and others) (FR)87, (CR)164, (CS)226, (CO)235, (CO)653 DSC
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1436 Water Management Districts (Bennett) (FR)88, (CR)250 DSC
1438 Injection Wells (Bullard) (FR)88, (CR)163, (CR)394, (MO)690 DCS
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1440 Delta Sigma Theta Sorority, Inc. (Bullard and others) (FR)**238**, (CO)248 Adopted
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1442 Drainage and Water Control (Constantine) (FR)88 DSC
1444 Greenways and Trails (Constantine) (FR)88 DSC
1446 Land Acquisition (Constantine) (FR)88 DSC
1448 Medicaid Managed Care Plans (Lynn) (FR)88, (CR)249 DSC
1450 Brownfields (Constantine) (FR)88 DSC
1452 Contaminated Site Cleanup (Constantine) (FR)88 DSC
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1468 Working Waterfront Property (Finance and Tax and others) (FR)89, (CR)165, (CS)226, (CO)235, (CO)248, (CR)413, (CS/CS)424, (MO)472, (CR)507, (CO)653, (CR)725, (BA)825, (BA)827, (BA)922, (BA)923, **924**, (BA)1107, (CO)1112 DM
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1472 Civil Liability (Constantine) (FR)89 DSC
1474 Litigation (Constantine) (FR)89 DSC
1476 Judiciary (Constantine) (FR)89 DSC
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1478 Taxation and Assessments (Bennett) (FR)89 DSC
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1480 Minority Business Recertification (Lawson and others) (FR)89, (CR)140, (CR)291, (CO)358, (CR)412, (BA)451, (BA)454, (CR)454, (CO)470 LTS/CSP-HB 319
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1660 Agency for Persons with Disabilities (Health and Human Services Appropriations and Peaden) (FR)101, (CR)252, (CS) 263, (RC)323, (CR)338, (BA)**370**, (MO)392, (CR)394, 469, 596, 1335, (BA)**1338**, 1494, 1495 Ch. 2009-56 CSP-SB 2600
1662 Department of Health (Health and Human Services Appropriations and Peaden) (FR)101, (CR)252, (CS)263, (RC)323, (CR)338, (BA)**370**, (MO)392, (CR)394, 469, 596, 1338, (BA) **1340**, 1494, 1495 Ch. 2009-57 CSP-SB 2600
1664 Distribution of Funds (Health and Human Services Appropriations and Peaden) (FR)101, (CR)252, (CS)263, (RC)323, (CR)338, (BA)**370**, (MO)392, (CR)394, 469, 596, 1340, (BA) **1342**, 1494, 1495 Ch. 2009-58 CSP-SB 2600
1666 Health and Human Service Contracts (Children, Families, and Elder Affairs and Peaden) (FR)101, (CR)252, (CS)263, (RC)323, (CR)413, (CS/CS)425, (MO)521 DSC
1668 Governmental Operations (Peaden) (FR)101 DSC
1670 Governmental Operations (Peaden) (FR)101 DSC
1672 Governmental Operations (Peaden) (FR)101 DSC
1674 Governmental Operations (Peaden) (FR)101 DSC
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1682 School Improvement and Accountability (Education Pre-K - 12 Appropriations and others) (FR)102, (CR)396, (CS)401, (RC) 440, (BA)587, (CR)589, (CO)1112 LTS/CSP-CS/CS/HB 991
1684 Governmental Operations (Wise) (FR)102 DSC
1686 Governmental Operations (Wise) (FR)102 DSC
1688 Governmental Operations (Wise) (FR)102 DSC
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1718 State Judicial System (Criminal and Civil Justice Appropriations and Crist) (FR)103, (CR)292, (CS)297, (RC)325, (CR)338, (BA)**371**, (MO)392, (CR)394, 469, 1453, (BA)**1460**, 1494, 1495 Ch. 2009-61 CSP-CS/SB 412, CS/CS/SB 2108, SB 2600
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1732 Governmental Operations (Crist) (FR)104 DSC
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1740 Water Protection & Sustainability Program TF/DEP (General Government Appropriations and Baker) (FR)104, (CR)292, (CS)299, (RC)326, (CR)338, (BA)**373**, (MO)392, (CR)394, 444, 470, 642 Ch. 2009-23
1742 Fish & Wildlife Conservation Commission (General Government Appropriations and Baker) (FR)104, (CR)292, (CS)299, (RC)327, (CR)338, (BA)**373**, (MO)392, (CR)394, 469, 1368, 1369, (BA)**1370**, 1494, 1495 Ch. 2009-65 CSP-CS/CS/HB 1423, SB 2600
1744 Department of Agriculture and Consumer Services (General Government Appropriations and Baker) (FR)104, (CR)292, (CS)299, (RC)327, (CR)338, (BA)**374**, (MO)392, (CR)394, 469, 1370, (BA)**1386**, 1494, 1495 Ch. 2009-66 CSP-SB 2600
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1758 Department of Financial Services (General Government Appropriations and Baker) (FR)105, (CR)292, (CS)299, (RC)327, (CR)338, (BA)**375**, (MO)392, (CR)394, 469, 1397, (BA)**1399**, 1494, 1495 Ch. 2009-70 CSP-SB 2600
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1762 Governmental Operations (Baker) (FR)105 DSC
1764 Governmental Operations (Baker) (FR)105 DSC
1766 Governmental Operations (Baker) (FR)105 DSC
1768 Governmental Operations (Baker) (FR)105 DSC
1770 Governmental Operations (Baker) (FR)105 DSC
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1774 Governmental Operations (Baker) (FR)105 DSC
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1778 Department of Highway Safety and Motor Vehicles (Policy & Steering Committee on Ways and Means and others) (FR)105, (CR)292, (CS)300, (RC)328, (CR)339, (CS/CS)346, (BA)376, **378**, (MO)392, (CR)394, 469, 1399, (BA)**1410**, 1494, 1495 Ch. 2009-71 CSP-SB 2600
1780 Department of State (Policy & Steering Committee on Ways and Means and others) (FR)105, (CR)292, (CS)300, (RC)328, (CR)339, (CS/CS)346, (BA)**378**, (MO)392, (CR)394, 469, 1411, (BA)**1418**, 1494, 1495 Ch. 2009-72 CSP-SB 2600
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1792 Governmental Operations (Fasano) (FR)106 DSC
1794 Governmental Operations (Fasano) (FR)106 DSC
1796 Governmental Financial Information (Governmental Oversight and Accountability and others) (FR)106, (CR)252, (CS)263, (RC)275, (CR)339, (CS/CS)347, (BA)**383**, (MO)392, (CR)394, (CO)411, (CO)444, 839, 1420, (BA)**1422**, 1494, (CO)1495 Ch. 2009-74 CSP-CS/CS/SB 2108, SB 2600
1798 State Employees (Policy & Steering Committee on Ways and Means and Alexander) (FR)106, (CR)339, (CS)347, (RC)355, (BA)**379**, (MO)392, (CR)394, 469, 596, 1422, (BA)**1423**, 1494, 1495 Ch. 2009-75 CSP-SB 2600
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1802 Retirement (Policy & Steering Committee on Ways and Means and Alexander) (FR)106, (CR)339, (CS)347, (RC)356, (BA)**379**, (MO)392, (CR)394, 469, 596, 1423, (BA)**1425**, 1494, 1495 Ch. 2009-76 CSP-SB 2600
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1806 Service Charge on Income of Trust Funds (Policy & Steering Committee on Ways and Means and Alexander) (FR)106, (CR)339, (CS)347, (RC)356, (BA)**380**, (MO)392, (CR)394, 469, 1427, (BA)**1430**, 1494, 1495 Ch. 2009-78 CSP-SB 2600
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1816 Amendment to the State Constitution (Alexander) (FR)107 DSC
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1826 OGSR/Business Info./Govt. Condemning Authority (Governmental Oversight and Accountability; and Community Affairs) (FR)108, (CR)140, (CR)166, (CS)228, (MO)471, (BA)704, (CR)725 LTS/CSP-HB 7013
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1828 Revision of Class Size Requirements/Public Schools (Wise and others) (FR)108, (CR)162, (CO)235, (CR)412, (CO)444, (MO)836, (BA)878 DCS
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1830 Power Plants/Nuclear/Cost Recovery (Fasano) (FR)108 DSC
1832 Retirement (Governmental Oversight and Accountability) (FR)108, (CR)165, (CS)228 DSC/CSP-CS/SB 1802
1834 OGSR/Archival Material (Governmental Oversight and Accountability) (FR)108, (CR)164, (CS)228, (CR)338, (MO)471, (BA)698, (CR)725 LTS/CSP-HB 7025
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1838 OGSR/Social Security Numbers (Governmental Oversight and Accountability) (FR)108, (CR)507, (CS)510, (MO)521, (CR)725, (BA)795 LTS/CSP-CS/HB 7051
1840 Protecting Health/Surcharge on Tobacco Products (Policy & Steering Committee on Ways and Means and others) (FR)108, (CR)252, (CS)263, (RC)329, (CR)339, (CS/CS)348, (BA)380, (BA)382, (BA)388, (MO)**392**, (CR)394, 469, 1342, (BA)**1348**, 1494, 1495 Ch. 2009-79 CSP-SB 2600
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1848 Prisoner's Immigration Status/Verification (Detert and others) (FR)110, (CR)163, (CR)249, (CO)280, (CR)412, (BA)586, (CR)589, (BA)**608**, (CO)653, (CO)1112 DHC
1850 Substance Abuse Treatment Programs (Siplin) (FR)110 DSC
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1854 Abortion (Gardiner and others) (FR)111, (CO)235 DSC

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1856 Local Governmental Powers/Private Property Owners (Bennett) (FR)111 DSC
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Journal

of the

S E N A T E

State of Florida

CONTINUATION OF

FORTY-FIRST REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 3 THROUGH MAY 8, 2009

Journal of the Senate

Number 16—Regular Session **Wednesday, April 29, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 10:00 a.m. A quorum present—40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

PRAYER

The following prayer was offered by The Rev. Canon Laughton D. Thomas, St. Michael and All Angels Episcopal Church, Tallahassee:

Almighty God, our nation and our state are experiencing the affects of financial crisis. Everyone is watching and waiting to see the possible full impact. Our state's House and Senate have been working long hours on educational concerns, off-shore drilling, legal changes and a budget that will be equitable to all interests. They are now close to agreement on a final budget to submit to Governor Crist. We pray that your holy spirit will continue to guide their deliberations on this and all legislation before them during this final week of the regularly scheduled session.

Lord, we thank you for inspiring the commitment shown by our Senators. Watch over them and bless them in their going out and coming in. May they serve the people of their districts and the State of Florida to the best of their abilities. May partisanship and individual gains take a back seat to doing justice, loving mercy, and walking humbly with their God.

This prayer we ask in your precious name. Amen.

PLEDGE

Senate Pages Lindsey Sanders, Curtis "Tyree" Clark, and Michael A. Robinson II all of Tallahassee; and Rose Jean-Mary of Miami, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Alan B. Pillersdorf of Palm Springs, whom he is sponsoring as doctor of the day. Dr. Pillersdorf specializes in Plastic Surgery.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 788, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 788—A bill to be entitled An act relating to a gaming compact between the State of Florida and the Seminole Tribe of Florida; defining terms; providing that the previous compact between the Tribe and the Governor is not approved or ratified by the Legislature; directing the Governor to negotiate a gaming compact with the Tribe; specifying requirements and minimum standards for the compact; specifying the date on which the authority of the Governor to negotiate a compact expires; specifying games that may be authorized for play pursuant to the compact; specifying revenue sharing between the state and the Tribe; requiring the release of certain gaming revenues to the state; providing for the reduction of the Tribe's net win on which revenue sharing is based if additional Class III games are authorized under certain circumstances; providing for completion of the term of the compact in the event that the voters repeal a constitutional provision authorizing slot machines at certain pari-mutuel facilities; providing that the compact becomes void as the result of a judicial decision or decision of the Secretary of the United States Department of the Interior invalidating certain provisions of the compact; specifying limits on the term of a compact; limiting the number of facilities at which gaming may occur; specifying requirements for a central computer system on gaming facility premises; requiring that the system provide the state with access to certain data; specifying the authority of the state to oversee gaming activities by the Tribe; requiring medical professionals employed at the Tribe's gaming facilities to have certain minimum qualifications; requiring access for municipal or county emergency medical services; specifying minimum construction standards for the Tribe's gaming facilities; specifying minimum environmental standards; requiring the Tribe to establish procedures to dispose of tort claims; requiring the Tribe to maintain a minimum amount of general liability insurance for tort claims; prohibiting the Tribe or its insurer from invoking sovereign immunity under certain circumstances; requiring the Tribe to waive its sovereign immunity for disputes relating to the compact; requiring presuit arbitration of disputes relating to the compact; requiring the Tribe to maintain nondiscriminatory employment practices; requiring the Tribe to use its best efforts to spend its revenue in this state; providing legislative intent to review the compact; directing the Governor to negotiate agreements with Indian tribes in this state, subject to approval

by the Legislature, relating to the application state taxes on Indian lands; amending s. 1013.737, F.S.; authorizing the state to pledge to use revenues from gaming activities to repay bonds; providing a contingent effective date.

House Amendment 1 (386451) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 285.711, Florida Statutes, is created to read:

285.711 Gaming compact between the Seminole Tribe and the State of Florida.—The Governor is authorized and directed to negotiate and execute a gaming compact with the Seminole Tribe of Florida on behalf of the State of Florida subject to ratification by the Legislature in the form substantially as follows:

Gaming Compact Between the Seminole Tribe of Florida and the State of Florida

This compact is made and entered into by and between the Seminole Tribe of Florida, a federally recognized Indian Tribe and the State of Florida, with respect to the operation of covered games on the Tribe's Indian lands as defined by the Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

PART I.

TITLE.—This Compact shall be referred to as the "Seminole Tribe of Florida and State of Florida Gaming Compact."

PART II.

RECITALS.—

A. The Seminole Tribe of Florida is a federally recognized tribal government possessing sovereign powers and rights of self-government.

B. The State of Florida is a state of the United States of America possessing the sovereign powers and rights of a state.

C. The State of Florida and the Seminole Tribe of Florida maintain a government-to-government relationship.

D. The United States Supreme Court has long recognized the right of an Indian Tribe to regulate activity on lands within its jurisdiction, but the Congress, through the Indian Gaming Regulatory Act, has given states a role in the conduct of tribal gaming in accordance with negotiated tribal-state compacts.

E. Pursuant to the Seminole Tribe Amended Gaming Ordinance, adopted by Resolution No. C-195-06, and approved by the National Indian Gaming Commission on July 10, 2006, hereafter referred to as the Seminole Tribal Gaming Code, the Seminole Tribe of Florida desires to offer the play of Covered Games, as defined in Part III. of this Compact, as a means of generating revenues for purposes authorized by the Indian Gaming Regulatory Act, including without limitation the support of tribal governmental programs, such as health care, housing, sewer and water projects, police, fire suppression, general assistance for tribal elders, day care for children, economic development, educational opportunities, per capita payments to tribal members and other typical and valuable governmental services and programs for tribal members.

F. It is in the best interest of the State of Florida to enter into a compact with the Seminole Tribe of Florida. This compact will generally benefit Florida, while at the same time limiting the expansion of gaming within the State. The State of Florida also recognizes that the significant revenue participation pursuant to the Compact in exchange for its exclusivity provisions provide an opportunity to increase and enhance the dollars available to spend on governmental programs that benefit the citizens of Florida.

PART III.

DEFINITIONS.—As used in this Compact and the Appendices thereto:

A. "Annual Oversight Assessment" means the assessment described in Part XI., Section C. of this Compact.

B. "Class III gaming" means the forms of Class III gaming defined in 25 U.S.C. s. 2703(8) and by the regulations of the National Indian Gaming Commission.

C. "Commission" means the Seminole Tribal Gaming Commission, which is the tribal governmental agency that has the authority to carry out the Tribe's regulatory and oversight responsibilities under this Compact.

D. "Compact" means the Seminole Tribe of Florida and State of Florida Gaming Compact.

E. "Covered Game" or "Covered Gaming Activity" means the following Class III gaming activities:

1.(a) Slot machines, meaning any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system, except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. Slot machines may use spinning reels, video displays, or both.

(b) If at any time, State law authorizes alters, amends, or otherwise changes the definition of slot machines said definition will apply.

2. High stakes poker games, as provided in Part V., Section K.; and

3. This definition specifically does not include banking or banked card games, including baccarat, chemin de fer and blackjack, roulette, craps, roulette-styled games, or craps-styled games.

F. "Covered Game Employee" or "Covered Employee" means any individual employed and licensed by the Tribe whose responsibilities include the rendering of services with respect to the operation, maintenance or management of Covered Games, including, but not limited to, the following: managers and assistant managers; accounting personnel; Commission officers; surveillance and security personnel; cashiers, supervisors, and floor personnel; cage personnel; and any other employee whose employment duties require or authorize access to areas of the Facility related to the conduct of Covered Games or the technical support or storage of Covered Game components. This definition does not include the Tribe's elected officials provided that such individuals are not directly involved in the operation, maintenance, or management of Covered Games or Covered Games components.

G. "Documents" means books, records, electronic, magnetic and computer media documents and other writings and materials, copies thereof, and information contained therein.

H. "Effective Date" means the date on which the Compact becomes effective pursuant to Part XVII., Section A. of this Compact.

I. "Facility" or "Facilities" means any building of the Tribe in which the Covered Games authorized by this Compact are conducted on Indian lands as defined by the Indian Gaming Regulatory Act.

J. "Guaranteed Minimum Payment" means the minimum Payment the Tribe agrees to make to the State as provided by Part XI. of the Compact.

K. "Indian Gaming Regulatory Act" or "IGRA" means the Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17, 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq., and 18 U.S.C. ss. 1166-1168.

L. "Net Poker Income" means the total revenue from all hands played, including buy-ins and rebuys.

M. "Net Win" means the total receipts from the play of all Covered Games less all prize payouts.

N. "Non-tribal member" means a person who is not a bona fide member of an Indian tribe as defined in 25 U.S.C. s. 2703(5).

O. "Patron" means any person who is on the premises of a Facility, or who is entering the Tribe's Indian lands for the purpose of playing Covered Games authorized by this Compact.

P. "Reservation" means any of the seven Tribal locations currently with gaming facilities, specifically enumerated in Part IV., Section B.

Q. "Revenue Share" means the periodic payment by the Tribe to the State provided for in Part XI., Sections A. and B. of this Compact.

R. "Revenue Sharing Cycle" means the annual (12-month) period of the Tribe's operation of Covered Games in its Facilities and whose first annual Cycle shall commence on the day the Tribe makes Covered Games available for public play in its Facilities.

S. "Rules and regulations" means the rules and regulations promulgated by the Commission for implementation of this Compact.

T. "State" means the State of Florida.

U. "State Compliance Agency" or "SCA" means any state agency that has the authority granted by the Legislature to carry out the State's oversight responsibilities under this Compact. The SCA shall be the Governor or his designee unless and until an SCA has been designated by the Legislature for this purpose.

V. "Tribe" means the Seminole Tribe of Florida or any affiliate thereof conducting activities pursuant to this Compact under the authority of the Seminole Tribe of Florida.

PART IV.

AUTHORIZATION AND LOCATION OF COVERED GAMES.—

A. The Tribe and State agree that the Tribe is authorized to operate Covered Games on its Indian lands, as defined in the Indian Gaming Regulatory Act, in accordance with the provisions of this Compact. However, except for the provisions in Part XI., Section A. below, nothing in this Compact shall limit the Tribe's right to operate any game that is Class II under the Indian Gaming Regulatory Act.

B. The Tribe is authorized to conduct Covered Games under this Compact at only the following seven existing gaming Facilities on Tribal lands:

1. Seminole Indian Casino on the Brighton Indian Reservation in Okeechobee County.

2. Seminole Indian Casino in the City of Coconut Creek in Broward County.

3. Seminole Indian Casino in the City of Hollywood in Broward County.

4. Seminole Indian Casino in Immokalee in Collier County.

5. Seminole Indian Big Cypress Casino in the City of Clewiston in Hendry County.

6. Seminole Hard Rock Hotel & Casino in the City of Hollywood in Broward County.

7. Seminole Hard Rock Hotel & Casino in the City of Tampa in Hillsborough County.

C. Any of the identified Facilities in Section B. may be expanded or replaced by another Facility on the same reservation with advance notice to the State of sixty (60) calendar days, subject to the understanding that the number of existing Facilities on each reservation and the number of reservations upon which Class III gaming is authorized shall remain the same as provided in Section B.

PART V.

RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR OPERATIONS.—

A. At all times during the Term of this Compact, the Tribe shall be responsible for all duties which are assigned to it and the Commission under this Compact. The Tribe shall promulgate any rules and regulations necessary to implement this Compact, which at a minimum shall expressly include or incorporate by reference all provisions of this Part and the procedural requirements of Part VI. of this Compact. Nothing in this Compact shall be construed to affect the Tribe's right to amend its rules and regulations, provided that any such amendment shall be in conformity with this Compact and subject to approval by the SCA. The SCA may propose additional rules and regulations consistent with and related to the implementation of this Compact to the Commission at any time, and the Commission shall give good faith consideration to such suggestions and shall notify the SCA of its response or action with respect thereto.

B. All Facilities shall comply with, and all Covered Games approved under this Compact shall be operated in accordance with, the requirements set forth in this Compact, including, but not limited to, those set forth in Sections C. and D. of this Part and the Tribe's Internal Control Policies and Procedures. In addition, all Facilities and all Covered Games shall be operated in strict compliance with tribal internal control standards that provide a level of control that equals or exceeds those set forth in the National Indian Gaming Commission's Minimum Internal Control Standards (25 C.F.R. Part 542), as the same may be amended or supplemented from time to time.

C. The Tribe and the Commission shall retain all records in compliance with the requirements set forth in the Record Retention Policies and Procedures.

D. The Tribe will continue and maintain its program to combat problem gambling and curtail compulsive gambling, including work with the Florida Council on Compulsive Gambling or other organization dedicated to assisting problem gamblers. The Tribe will continue to maintain the following safeguards against problem gambling.

1. The Tribe will provide a comprehensive training and education program designed in cooperation with the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) to every new gaming employee.

2. The Tribe will make printed materials available to Patrons, which include contact information for the Florida Council on Compulsive Gambling 24-Hour Helpline (or other hotline dedicated to assisting problem gamblers), and will work with the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) to provide contact information for the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers), and to provide such information on the Facilities' internet website. The Tribe will continue to display all literature from the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) within the Facilities.

3. The Commission shall establish a list of the Patrons voluntarily excluded from the Tribe's Facilities, pursuant to subsection 5.

4. The Tribe shall employ its best efforts to exclude Patrons on such list from entry into its Facilities; provided that nothing in this Compact shall create for Patrons who are excluded but gain access to the Facilities, or any other person, a cause of action or claim against the State, the Tribe or the Commission or any other person, entity, or agency for failing to enforce such exclusion.

5. Patrons who believe they may be playing Covered Games on a compulsive basis may request that their names be placed on the list of the Patrons voluntarily excluded from the Tribe's Facilities.

6. All Covered Game employees shall receive training on identifying players who have a problem with compulsive gambling and shall be instructed to ask them to leave. Signs bearing a toll-free help-line number and educational and informational materials shall be made available at conspicuous locations and automated teller machines in each Facility, which aim at the prevention of problem gaming and which specify where Patrons may receive counseling or assistance for gambling problems. All Covered Game employees shall also be screened for compulsive gambling habits. Nothing in this Section shall create for Patrons, or any other person, a cause of action or claim against the State, the Tribe or the Commission or any other person, entity, or agency for failing to identify a

Patron or person who is a compulsive gambler and/or ask that person to leave.

7. The Tribe shall follow the rules for exclusion of Patrons set forth in Article XI of the Seminole Tribal Gaming Code.

8. The Tribe shall make diligent efforts to prevent underage individuals from loitering in the area of each Facility where the Covered Games take place.

9. The Tribe shall assure that advertising and marketing of the Covered Games at the Facilities contain a responsible gambling message and a toll-free help-line number for problem gamblers, where practical, and that they make no false or misleading claims.

E. Summaries of the rules for playing Covered Games and promotional contests shall be visibly displayed in the Facilities. Complete sets of rules shall be available in the Facilities upon request. Copies of all such rules shall be provided to the SCA within thirty (30) calendar days of their issuance or their amendment.

F. The Tribe shall provide the Commission and SCA with a chart of the supervisory lines of authority with respect to those directly responsible for the conduct of Covered Games, and shall promptly notify those agencies of any material changes thereto.

G. The Tribe engages in and shall continue to maintain proactive approaches to prevent improper alcohol sales, drunk driving, underage drinking, and underage gambling. These approaches involve intensive staff training, screening and certification, Patron education, and the use of security personnel and surveillance equipment in order to enhance Patrons' enjoyment of the Facilities and provide for Patron safety. Staff training includes specialized employee training in nonviolent crisis intervention, driver's license verification and the detection of intoxication. Patron education is carried out through notices transmitted on valet parking stubs, posted signs in the Facilities and in brochures. Roving and fixed security officers, along with surveillance cameras, assist in the detection of intoxicated Patrons, investigate problems, and engage with Patrons to de-escalate volatile situations. To help prevent alcohol-related crashes, the Tribe will continue to operate the "Safe Ride Home Program," a free taxi service. Additionally, to reduce risks of underage gambling and underage drinking, the Tribe will continue to prohibit entry onto the casino floor of anyone under eighteen (18) years of age. The Tribe shall maintain these programs and policies in its Alcohol Beverage Control Act for the duration of the Compact but may replace such programs and policies with either stricter or more extensive programs and policies. The Tribe shall provide the State with written notice of any changes to the programs and policies in the Tribe's Alcohol Beverage Control Act, which notice shall include a copy of such changes and shall be sent on or before the effective date of the change. Nothing in this Section shall create for Patrons, or any other person, a cause of action or claim against the State, the Tribe or the Commission or any other person, entity, or agency for failing to fulfill the requirements of this Section.

H. No person under twenty-one (21) years of age shall be allowed to play Covered Games.

I. The Tribe may establish and operate Facilities that operate Covered Games only on the reservations as defined by the Indian Gaming Regulatory Act and as specified in Part IV. of this Compact.

J. The Commission shall keep a record of, and shall report at least quarterly to the SCA, the number of Covered Games in each Facility, by the name or type of each and its identifying number.

K. The Tribe presently conducts and shall continue to conduct poker in each of its Facilities in compliance with provisions of Florida law, including provisions that limit wagers and pot sizes. However, the Tribe may hold up to two (2) celebrity/charity poker tournaments per year in each of its Facilities that are not subject to the limitations and restrictions imposed by Florida law, provided that a minimum of one hundred percent (100 percent) of the Net Poker Income from each poker tournament is donated to a charitable organization organized pursuant to Section 501(c)(3) of the Internal Revenue Code. The maximum number of days a celebrity/charity tournament will be played is eight (8) calendar days during the month a tournament is hosted. Any payments made to charitable organizations pursuant to this Part shall not be calculated as Net Win for purpose of payments to the State under Part XI.

L. The Tribe and the Commission shall make available a copy of the following documents to any member of the public upon request: the minimum internal control standards of the National Indian Gaming Commission; the Seminole Tribal Gaming Code; this Compact; the rules of each Covered Game operated by the Tribe; and the administrative procedures for addressing Patron tort claims under Part VI.

M. Cessation of Banking or Banked Card Games. The Tribe shall stop all banked card games within ninety (90) days after the effective date of this Compact.

PART VI.

PATRON DISPUTES; WORKERS COMPENSATION: TORT CLAIMS; PRIZE CLAIMS; LIMITED CONSENT TO SUIT.—

A. All patron disputes involving gaming will be resolved in accordance with the procedures established in Article XI of the Seminole Tribal Gaming Code.

B. Tort claims by employees of the Tribe's Facilities will be handled pursuant to the provisions of the Tribe's Workers' Compensation Ordinance, which shall provide workers the same or better protections as set forth in Florida's workers compensation laws.

C. Disputes by employees of the Tribe's Facilities will be handled pursuant to the provisions of the Tribe's policy for gaming employees, the Employee Fair Treatment and Dispute Resolution Policy.

D.1. A Patron who claims to have been injured in a Facility where Covered Games are played is required to provide written notice to the Tribe's Risk Management Department or the Facility, in a reasonable and timely manner.

2. The Tribe shall have ten (10) days to respond to a claim made by a Patron. When the Tribe responds to an incident alleged to have caused a Patron's injury or illness, the Tribe shall provide a claim form to the Patron. It is the Patron's responsibility to complete the form and forward the form to the Tribe's Risk Management Department within a reasonable period of time, and in a reasonable and timely manner.

3. Upon receiving written notification of the claim, the Tribe's Risk Management Department shall forward the notification to the Tribe's insurance carrier. The Tribe will use its best efforts to assure that the insurance carrier contacts the Patron within a reasonable period of time following receipt of the claim.

4. The insurance carrier will handle the claim to conclusion. If the Patron and the insurance carrier are not able to resolve the claim, the Patron may bring a tort claim against the Tribe in any court of competent jurisdiction in the County in which the incident occurred, subject to a four (4) year statute of limitations, which shall begin to run from the date of the incident of the alleged claimed injury. Nothing in this Part shall preclude a patron asserting a tort claim against the Tribe from immediately filing suit in any court of competent jurisdiction without resorting to or exhausting tribal remedies

5. In no event shall the Tribe be deemed to have waived its tribal immunity from suit beyond $500,000 for an individual tort claim and $1,000,000 for the tort claims of all persons or entities claiming injury in tort arising out of a single event or occurrence. These limitations are intended to include liability for compensatory damages as well as any costs, pre-judgment interest and attorneys fees arising out of any claim brought or asserted against the Tribe, its subordinate governmental and economic units as well as any Tribal officials, employees, servants or agents in their official capacities.

6. The Tribe shall obtain and maintain a commercial general liability policy which provides coverage of no less than $1,000,000 per occurrence and $10,000,000 in the aggregate for bodily injury, personal injury, and property damage arising out of, connected with, or relating to the operation of Facilities where Covered Games are offered.

7. Notices explaining the procedures and time limitations with respect to making a tort claim shall be prominently displayed in the Facilities, posted on the Tribe's website, and provided to any Patron for whom the Tribe has notice of the injury or property damage giving rise to the tort claim. Such notices shall explain the method and places for making a tort claim.

PART VII.

ENFORCEMENT OF COMPACT PROVISIONS.—

A. The Tribe and the Commission shall be responsible for regulating activities pursuant to this Compact. As part of its responsibilities, the Tribe has adopted or issued standards designed to ensure that the Facilities are constructed, operated and maintained in a manner that adequately protects the environment and public health and safety. Additionally, the Tribe shall ensure that:

1. Operation of the conduct of Covered Games is in strict compliance with (i) the Seminole Tribal Gaming Code, (ii) all rules, regulations, procedures, specifications, and standards lawfully adopted by the National Indian Gaming Commission and the Commission, and (iii) the provisions of this Compact, including, but not limited to, the standards and the Tribe's rules and regulations set forth in the Appendices;

2. Reasonable measures are taken to:

(a) Assure the physical safety of Facility Patrons, employees, and any other person while in the Facility;

(b) Prevent illegal activity at the Facilities or with regard to the operation of Covered Games, including, but not limited to, the maintenance of employee procedures and a surveillance system;

(c) Ensure prompt notification is given to appropriate law enforcement authorities of persons who may be involved in illegal acts in accordance with applicable law;

(d) Ensure that the construction and maintenance of the Facilities comply with the standards of the Florida Building Code, the provisions of which the Tribe has adopted as the Seminole Tribal Building Code; and

(e) Ensure adequate emergency access plans have been prepared to ensure the health and safety of all Covered Game Patrons.

B. All licenses for members and employees of the Commission shall be issued according to the same standards and terms applicable to Facility employees. The Commission's compliance officers shall be independent of the Tribal gaming operations, and shall be supervised by and accountable only to the Commission. A Commission compliance officer shall be available to the Facility during all hours of operation upon reasonable notice, and shall have immediate access to any and all areas of the Facility for the purpose of ensuring compliance with the provisions of this Compact. The Commission shall investigate any such suspected or reported violation of this Part and shall officially enter into its files timely written reports of investigations and any action taken thereon, and shall forward copies of such investigative reports to the SCA within thirty (30) calendar days of such filing. The scope of such reporting shall be determined by a Memorandum of Understanding between the Commission and the SCA as soon as practicable after the Effective Date of this Compact. Any such violations shall be reported immediately to the Commission, and the Commission shall immediately forward the same to the SCA. In addition, the Commission shall promptly report to the SCA any such violations which it independently discovers.

C. In order to develop and foster a positive and effective relationship in the enforcement of the provisions of this Compact, representatives of the Commission and the SCA shall meet, not less than on an annual basis, to review past practices and examine methods to improve the regulatory scheme created by this Compact. The meetings shall take place at a location mutually agreed to by the Commission and the SCA. The SCA, prior to or during such meetings, shall disclose to the Commission any concerns, suspected activities, or pending matters reasonably believed to possibly constitute violations of this Compact by any person, organization or entity, if such disclosure will not compromise the interest sought to be protected.

PART VIII.

STATE MONITORING OF COMPACT.—

A. The State may secure an annual independent financial audit of the conduct of Covered Games subject to this Compact. The audit shall examine revenues in connection with the conduct of Covered Games and shall include only those matters necessary to verify the determination of Net Win and the basis and amount of, and the right to, and the amount of the Payments the Tribe is obligated to make to the State pursuant to Part XI. of this Compact and as defined by this Compact. A copy of the audit report for the conduct of Covered Games shall be submitted to the Commission within thirty (30) calendar days of completion. Representatives of the SCA may, upon request, meet with the Tribe and its auditors to discuss the audit or any matters in connection therewith; provided, such discussions are limited to Covered Games information. The annual independent financial audit shall be performed by an independent accounting firm, with experience in auditing casino operations, selected by the State, subject to the consent of the Tribe, which shall not be unreasonably withheld. The Tribe shall pay the accounting firm for the costs of the annual independent financial audit.

B. The SCA may, pursuant to the provisions of this Compact, monitor the conduct of Covered Games to ensure that the Covered Games are conducted in compliance with the provisions of this Compact. In order to properly monitor the conduct of Covered Games, agents of the SCA without prior notice shall have reasonable access to all public areas of the Facilities related to the conduct of Covered Games as provided herein.

1. While the Commission will act as the regulator of the Facilities, the SCA may take reasonable steps to assure that operations at the Facilities comply with the terms of this Compact and may advise on such issues as it deems appropriate.

2. In order to fulfill its oversight responsibilities, the State has identified specific oversight testing procedures, set forth below in subsection 3., paragraphs (a), (b), and (c), which the SCA may perform on a routine basis.

3.(a) The SCA may inspect any Covered Games in operation at the Facilities on a random basis to confirm that the Covered Games operate and play properly pursuant to the manufacturer's technical standards and are conducted in compliance with the rules, regulations and standards established by the Commission and this Compact. Such random inspections shall occur during normal operating hours. No advance notice is required when the SCA inspection is limited to public areas of the Facility; however, representatives of the SCA shall provide notice to the Commission of their presence for such inspections. The SCA shall provide at least 1 hour notice to the Commission of such inspection at or prior to the commencement of the random inspections when such inspection will include non-public areas, and a Commission agent may accompany the inspection.

(b) For each Facility, the SCA may perform one annual review of the slot machine compliance audit.

(c) At least on an annual basis, the SCA may meet with the Tribe's Internal Audit Department for Gaming to review internal controls and violations of same by the Facilities.

4. The SCA will seek to work with and obtain the assistance of the Commission in the resolution of any conflicts with the management of the Facilities, and the State and the Tribe shall make their best efforts to resolve disputes through negotiation whenever possible. Therefore, in order to foster a spirit of cooperation and efficiency, the parties hereby agree that when disputes arise between the SCA staff and Commission regulators from the day-to-day regulation of the Facilities, they should generally be resolved first through meeting and conferring in good faith. This voluntary process does not proscribe the right of either party to seek other relief that may be available when circumstances require such relief. In the event of a dispute or disagreement between Tribal and SCA regulators, the dispute or disagreement shall be resolved in accordance with the dispute resolution provisions of Part XIII. of this Compact;

5. Access to each Facility by the SCA shall be during the Facility's operating hours only, provided that to the extent such inspections are limited to areas of the Facility where the public is normally permitted, the SCA agents may inspect the Facility without giving prior notice to the Tribe or the Commission;

6. Any suspected or claimed violations of this Compact or law shall be directed in writing to the Commission; the SCA agents, in conducting the functions assigned them under this Compact, shall not unreasonably interfere with the functioning of any Facility; and

7. Before the SCA agents enter any nonpublic area of a Facility, they shall provide proper prior notice and photographic identification to the

Commission. The SCA agents shall be accompanied in nonpublic areas of the Facility by a Commission officer. Notice of at least one (1) hour by the SCA to the Commission is required to assure that a Commission officer is available to accompany the SCA agents at all times.

C. Subject to the provisions herein, agents of the SCA shall have the right to review and request copies of documents of the Facility related to its conduct of Covered Games. The review and copying of such documents shall be during normal business hours unless otherwise allowed by the Tribe at the Tribe's discretion. The Tribe cannot refuse said inspection and copying of such documents, provided that the inspectors cannot require copies of documents in such volume that it unreasonably interferes with the normal functioning of the Facilities or Covered Games. To the extent that the Tribe provides the State with information which the Tribe claims to be confidential and proprietary, or a trade secret, the Tribe shall clearly mark such information with the following designation: "Trade Secret, Confidential and Proprietary." If the State receives a request under Chapter 119, Florida Statutes that would include such designated information, the State shall promptly notify the Tribe of such a request and the Tribe shall promptly notify the State about its intent to seek judicial protection from disclosure. Upon such notice from the Tribe, the State shall not release the requested information until a judicial determination is made. This designation and notification procedure does not excuse the State from complying with the requirements of the State's public records law, but is intended to provide the Tribe the opportunity to seek whatever judicial remedy it deems appropriate. Notwithstanding the foregoing procedure, the SCA may provide copies of tribal documents to federal law enforcement and other State agencies or State consultants that the State deems reasonably necessary in order to conduct or complete any investigation of suspected criminal activity in connection with the Tribe's Covered Games or the operation of the Facilities or in order to assure the Tribe's compliance with this Compact.

D. At the completion of any SCA inspection or investigation, the SCA may forward a written report thereof to the Commission, containing all pertinent, nonconfidential, nonproprietary information regarding any violation of applicable laws or this Compact which was discovered during the inspection or investigation unless disclosure thereof would adversely impact an investigation of suspected criminal activity. Nothing herein prevents the SCA from contacting tribal or federal law enforcement authorities for suspected criminal wrongdoing involving the Commission.

E. Except as expressly provided in this Compact, nothing in this Compact shall be deemed to authorize the State to regulate the Tribe's government, including the Commission, or to interfere in any way with the Tribe's selection of its governmental officers, including members of the Commission.

PART IX.

JURISDICTION.—The obligations and rights of the State and the Tribe under this Compact are contractual in nature, and are to be construed and enforced in accordance with the laws of the State of Florida. This Compact shall not alter tribal, federal or state civil adjudicatory or criminal jurisdiction in any way.

PART X.

LICENSING.—The Tribe and the Commission shall comply with the licensing and hearing requirements set forth in 25 C.F.R. Parts 556 and 558, as well as the applicable licensing and hearing requirements set forth in Articles IV-VI of the Seminole Tribal Gaming Code. The Commission shall notify the SCA of any disciplinary hearings or revocation or suspension of licenses.

PART XI.

PAYMENTS TO THE STATE OF FLORIDA.—

A. The parties acknowledge and recognize that this Compact provides the Tribe with partial but substantial exclusivity and other valuable consideration consistent with the goals of the Indian Gaming Regulatory Act, including special opportunities for tribal economic development through gaming within the external boundaries of Florida with respect to the play of Covered Games. In consideration thereof, the Tribe covenants and agrees, subject to the conditions agreed upon in Part XII. of this Compact, to make Payments to the State derived from Net Win as set forth in Section B. The Tribe further agrees to convert all of its Class II video bingo terminals (or their equivalents) to Class III slot machines within twenty-four (24) months after the Effective Date of this Compact, or the Payment to the State shall be calculated as if the conversion has been completed, whether or not the Tribe has fully executed its conversion. The Tribe further agrees that it will not purchase or lease any new Class II video bingo terminals (or their equivalents) after the Effective Date of this Compact.

B. Payment schedule.—Subject to the provisions in Part XI. of the Compact, and subject to the limitations agreed upon in Part XII. of the Compact, the amounts paid by the Tribe to the State shall be calculated as follows:

1. For each Revenue Sharing Cycle, the Tribe agrees to pay not less than a Guaranteed Minimum Payment of One Hundred Million Dollars ($100,000,000) if the Revenue Share calculated for that Revenue Sharing Cycle under subsection 3., below, is less than the Guaranteed Minimum Payment.

2. All Guaranteed Minimum Payments shall be deducted from and credited toward the Revenue Share in each Revenue Sharing Cycle set forth below in subsection 3.

3. For each Revenue Sharing Cycles, to the extent that the Revenue Share exceeds the Guaranteed Minimum Payment for each Revenue Sharing Cycle, the Tribe agrees, as further provided in subsection 4., to pay a Revenue Share for that Revenue Sharing Cycle equal to eighteen percent (18 percent) of the Net Win received by the Tribe from the operation and play of Covered Games from each Revenue Sharing Cycle.

4.(a) On or before the fifteenth day of the month following the first month of the Revenue Sharing Cycle, the Tribe will remit to the State the greater amount of eight and one-third percent (8.3 percent) of the estimated annual Revenue Share or eight and one-third percent (8.3 percent) of the Guaranteed Minimum Payment ("the monthly payment").

(b) The Tribe will make available to the State at the time of the monthly payment the basis for the calculation of the Payment.

(c) Each month the Tribe will internally "true up" the calculation of the estimated Revenue Share based on the Tribe's un-audited financial statements related to Covered Games.

5.(a) On or before the forty-fifth day after the third month, sixth month, ninth month, and twelfth month of Revenue Sharing Cycles three through twenty-five (provided that the twelve (12) month period does not coincide with the Tribe's fiscal year end date as indicated in paragraph (c), the Tribe will provide the State with an audit report by its independent auditors as to the accuracy of the annual Revenue Share calculation.

(b) For each quarter of these Revenue Sharing Cycles the Tribe agrees to engage its independent auditors to conduct a review of the un-audited net revenue from Covered Games. On or before the one hundred and twentieth day after the end of the Tribe's fiscal year, the Tribe agrees to require its independent auditors to provide an audit report to verify Net Win for Covered Games and the related Payment of the annual Revenue Share to the SCA for State review.

(c) If the twelfth month of the Revenue Sharing Cycle does not coincide with the Tribe's fiscal year, the Tribe agrees to require its independent auditors to deduct Net Win from Covered Games for any of the months that are outside of the Revenue Sharing Cycle and to include Net Win from Covered Games for those months which fall outside of the Tribe's audit period but fall within the Revenue Sharing Cycle, prior to issuing the audit report.

(d) No later than thirty (30) calendar days after the day the audit report is issued, the Tribe will remit to the State any underpayment of the annual Revenue Share, and the State will either reimburse to the Tribe any overpayment of the annual Revenue Share or authorize the overpayment to be deducted from the next monthly payment.

C. Payments pursuant to Sections A. and B. above shall be made to the State via electronic funds transfer in a manner directed by the SCA. Payments will be due in accordance with the Payment Schedule set forth in Section B. The appropriation of any Payments received by the State pursuant to this Compact lies within the exclusive prerogative of the Legislature.

D. The Annual Oversight Assessment to reimburse the State for the actual costs of the operation of the SCA to perform its monitoring functions as defined in this Compact shall be determined and paid in quarterly installments within thirty (30) calendar days of receipt by the Tribe of an invoice from the SCA. The Tribe reserves the right to audit the invoices on an annual basis, a copy of which will be provided to the SCA, and any discrepancies found therein shall be reconciled within forty-five (45) calendar days of receipt of the audit by the SCA. Out-of-pocket expenses to be incurred by the Governor or his designee performing functions of the SCA unless and until the SCA is designated by the Legislature shall be advanced by the Tribe upon submission of properly documented requests.

E. As provided for 25 U.S.C. s. 2710(b)(2)(B)(v), the Tribe agrees to pay to the State an additional amount equal to 5 percent of the annual amount set forth in Section B. of this Part, which funds shall be used for the purposes of offsetting the impacts of the Tribe's facilities on the operations of local governments.

F. With respect to all payments made by the Tribe to the State that were in any way related to benefits of exclusivity in gaming, which payments were remitted before the effective date of this Compact, such moneys shall be deemed forfeited by the Tribe and released to the State without further obligation or encumbrance. Acceptance and appropriation of such funds does not legitimize, validate, or otherwise ratify any previously proposed compact or the operation of class III games by the Tribe for any period prior to the effective date of this Compact.

G. Except as expressly provided in this Part and in Part XIV., nothing in this Compact shall be deemed to require the Tribe to make payments of any kind to the State or any of its agencies.

PART XII.

REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY OR OTHER CHANGES IN FLORIDA LAW.—The intent of this Part is to provide the Tribe with the right to operate Covered Games on an exclusive basis throughout the State, subject to the exceptions and provisions set forth below.

A. If Class III gaming as defined in this Compact, or other casino-style gambling where the results of such games are determined through the use of a random number generator, that is not presently authorized by or under Florida law is authorized for any location within the State of Florida that is under the jurisdiction of the State, including but not limited to (1) electronically-assisted bingo or pull-tab games or (2) video lottery terminals (VLTs) or any similar games that allow direct operation of the games by customers of the Florida Lottery, any successor entity or any licensee of the Florida Lottery or any successor entity, and such gambling begins to be offered for public or private use, the Payments due the State pursuant to Part XI., Sections A. and B. of this Compact shall cease until such gambling is no longer operated, in which event the Payments due the State pursuant to Part XI., Sections A. and B. of this Compact shall resume.

B. The following are exceptions to the exclusivity provisions of Section A. above.

1. Any Class III gaming authorized by a compact between the State and any other federally recognized tribe pursuant to the Indian Gaming Regulatory Act will not be a breach or other violation of the exclusivity provisions set forth in Section A. above.

2. If a citizen's initiative amending the state constitution is passed by the voters of Florida authorizing, subject to approval by local referendum and implementation by the Legislature, the operation of slot machines or other Class III games in a jurisdiction not then authorized for such games under Florida law, and after which any entity begins to offer slot machine play or operates or conducts other Class III games authorized pursuant to the constitutional amendment, such activity will not be a breach or violation of the exclusivity provisions set forth in Section A., so long as the Tribe's total annual Net Win from Covered Games and revenues from its remaining Class II video bingo terminals (or their equivalent) exceeds $1.37 billion. In the event revenue sharing payments are discontinued pursuant to this subsection, the abatement of the revenue sharing payments shall only extend until the Tribe's total annual Net Win from Covered Games and revenues from Class II video bingo terminals (or their equivalent) again exceeds $1.37 billion.

3. The conduct of illegal or otherwise unauthorized Class III gaming within the State shall not be considered a breach or other violation of the exclusivity provisions set forth in Section A. above.

C. To the extent that the exclusivity provisions of this Part are discontinued and the Tribe's ongoing Payment obligations to the State pursuant to Part XI., Sections A. and B. of this Compact cease, any outstanding Payments that would have been due the State from the Tribe's Facilities prior to the breach/violation shall be made within thirty (30) business days after cessation.

D. The discontinuation of this Part's exclusivity provisions and the cessation of Payments pursuant to Part XI., Sections A. and B. of this Compact shall not excuse the Tribe from continuing to comply with all other provisions of this Compact, including continuing to pay the State the Annual Oversight Assessment as set forth in Part XI., Section C. of this Compact. Furthermore, the State shall continue to have the right to monitor the Tribe's compliance with the Compact.

E. In the event that revenue sharing payments to the State made pursuant to Part XI., Sections A. and B. are discontinued under this Part, the annual amount payable to the State for the impacts to local governments under Part XI., Section E. shall be calculated as the amount paid for the last full revenue sharing year. Such payments shall continue to be calculated in such manner until the revenue sharing payments under Part XI., Sections A. and B. are restored.

F. Nothing in this Compact is intended to affect the ability of the State Legislature to enact laws either further restricting or expanding gambling on non-tribal lands.

PART XIII.

DISPUTE RESOLUTION.—In the event that either party to this Compact believes that the other party has failed to comply with any requirements of this Compact, or in the event of any dispute hereunder, including, but not limited to, a dispute over the proper interpretation of the terms and conditions of this Compact, the goal of the Parties is to resolve all disputes amicably and voluntarily whenever possible. In pursuit of this goal, the following procedures may be invoked:

A. A party asserting noncompliance or seeking an interpretation of this Compact first shall serve written notice on the other party. The notice shall identify the specific Compact provision alleged to have been violated or in dispute and shall specify in detail the asserting party's contention and any factual basis for the claim. Representatives of the Tribe and State shall meet within thirty (30) calendar days of receipt of notice in an effort to resolve the dispute, unless they mutually agree to extend this period.

B. A party asserting noncompliance or seeking an interpretation of this Compact under this Part shall be deemed to have certified that to the best of the party's knowledge, information, and belief formed after reasonable inquiry, the claim of noncompliance or the request for interpretation of this Compact is warranted and made in good faith and not for any improper purpose, such as to harass or to cause unnecessary delay or the needless incurring of the cost of resolving the dispute.

C. If the parties are unable to resolve a dispute through the process specified in Sections A. and B. of this Part, either party can call for mediation under the Commercial Mediation Procedures of the American Arbitration Association (AAA), or any such successor procedures, provided that such mediation does not last more than sixty (60) calendar days, unless an extension to this time limit is mutually agreed to by the parties. The disputes available for resolution through mediation are limited to matters arising under the terms of this Compact.

D. If the parties are unable to resolve a dispute through the process specified in Sections A., B., and C. of this Part, notwithstanding any other provision of law, the State may bring an action against the Tribe in any court of competent jurisdiction regarding any dispute arising under this Compact. The State is entitled to all remedies available under law or in equity.

E. For purposes of actions based on disputes between the State and the Tribe that arise under this Compact and the enforcement of any judgment resulting therefrom, the Tribe expressly waives its right to assert sovereign immunity from suit and from enforcement of any ensuing judgment, and further consents to be sued in federal or state court, in-

cluding the rights of appeal specified above, as the case may be, provided that (i) the dispute is limited solely to issues arising under this Compact, (ii) there is no claim for monetary damages (except that payment of any money required by the terms of this Compact, as well as injunctive relief or specific performance enforcing a provision of this Compact requiring the payment of money to the State may be sought), and (iii) nothing herein shall be construed to constitute a waiver of the sovereign immunity of the Tribe with respect to any third party that is made a party or intervenes as a party to the action.

F. The State may not be precluded from pursuing any mediation or judicial remedy against the Tribe on the grounds that the State has failed to exhaust its Tribal administrative remedies.

G. Notwithstanding anything to the contrary in this Part, any failure of the Tribe to remit the Payments pursuant to the terms of Part XI. will entitle the State to seek mandatory injunctive relief in federal or state court, at the State's election, to compel the Payments after exhausting the dispute resolution process in Sections A. and B. of this Part.

H. The State shall be entitled to seek immediate injunctive relief in the event the Tribe offers or continues to offer Class III games not authorized under this Compact.

I. If the parties are unable to resolve a dispute involving a claim by the Tribe against the State through the process specified in Sections A., B., and C. of this Part, notwithstanding any other provision of law, the Tribe may invoke non-binding arbitration of the dispute under the Commercial Arbitration Rules of the American Arbitration Association. The arbitrators' decision may not be enforced in any court. If the arbitrators find that the State is not in compliance with the Compact, the State shall have the opportunity to challenge the decision of the arbitrators by bringing an independent action against the Tribe in federal district court ("federal court") regarding the dispute underlying the arbitration in a district in which the federal court has venue. If the federal court declines to exercise jurisdiction, or federal precedent exists that rules that the federal court would not have jurisdiction over such a dispute, the State may bring the action in the Courts of the Seventeenth Judicial Circuit in and for Broward County, Florida. The State is entitled to all rights of appeal permitted by law in the court system in which the action is brought. The State shall be entitled to de novo review of the arbitrators' decision under this Section. For the purpose of this Section, the Tribe agrees to waive its immunity as provided in Section E. of this Part.

J. If the arbitrators find that the State is not in compliance with the Compact and the State fails to file suit as provided above within sixty (60) calendar days of the arbitrators' decision or fails to maintain the suit through final judgment, including appeals, without the agreement of the Tribe, the Tribe may suspend Payment under Part XI. until the State comes into compliance with the arbitrators' decision.

K. If the State files suit as provided above and a final judgment is rendered by the court, the failure of the State to comply with the judgment shall constitute grounds for the Tribe to suspend Payment under Part XI. until the State comes into compliance with the court's judgment.

PART XIV.

Collection of Sales Tax on Sales to Non-Tribal Members.—

A. In addition to the Tribe's payments to the State set forth in Part XI., the Tribe shall collect and remit to the Florida Department of Revenue the taxes imposed by Chapter 212, Florida Statutes, on all sales to non-tribal members, except those non-tribal members who hold valid exemption certificates issued by the Florida Department of Revenue, exempting the sales from taxes imposed by Chapter 212, Florida Statutes.

B. The Tribe shall register with the Department of Revenue and shall remit to the Department of Revenue the taxes collected pursuant to Section A. of this Part.

C. The Tribe shall retain for at least a period of five (5) years records of all sales to non-tribal members which are subject to taxation under Chapter 212, Florida Statutes. The Department of Revenue may conduct an audit not more often than annually in order to verify such collections. The Tribe shall provide reasonable access during normal operating hours to records of transactions subject to the taxes collected pursuant to Section A. of this Part.

D. Any disputes about the amounts collected pursuant to Section A. of this Part shall be resolved as provided for in Part XIII. of this Compact. For purposes of this Section, the Tribe agrees to waive its immunity as provided for in Part XIII., Section E. of this compact, except that the state may seek monetary damages limited to the amount of taxes owed.

PART XV.

CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

A. If any provision of this Compact is held by a court of competent jurisdiction to be invalid, this Compact will become null and void. If any provision, part, section, or subsection of this Compact is determined by a federal district court in Florida or other court of competent jurisdiction to impose a mandatory duty on the State of Florida that requires authorization by the Florida Legislature, the duty conferred by that particular provision, part, section or subsection shall no longer be mandatory but will be deemed to be a matter within the discretion of the Governor or other State officers, subject to such legislative approval as may be required by Florida law.

B. It is understood that Part XII. of this Compact, which provides for a cessation of the Payments to the State under Part XI., does not create any duty on the State of Florida but only a remedy for the Tribe if Class III gambling under state jurisdiction is expanded by an act of the Legislature.

C. This Compact is intended to meet the requirements of the Indian Gaming Regulatory Act as it reads on the Effective Date of this Compact, and where reference is made to the Indian Gaming Regulatory Act, or to an implementing regulation thereof, the reference is deemed to have been incorporated into this document as if set in full. Subsequent changes to the Indian Gaming Regulatory Act that diminish the rights of the State or Tribe may not be applied retroactively to alter the terms of this Compact, except to the extent that federal law validly mandates that retroactive application without the respective consent of the State or Tribe.

D. Neither the presence in another tribal-state compact of language that is not included in this Compact, nor the absence in this Compact of language that is present in another tribal-state compact shall be a factor in construing the terms of this Compact.

E. The parties shall cooperate in seeking approval of this Compact from the Secretary of the Interior and the parties further agree that, upon execution, the Tribe shall submit the Compact to the Secretary forthwith.

PART XVI.

NOTICES.—All notices required under this Compact shall be given by (i) certified mail, return receipt requested, (ii) commercial overnight courier service, or (iii) personal delivery, to the following persons:

A. The Governor.

B. The General Counsel to the Governor.

C. The Chair of the Seminole Tribe of Florida.

D. The General Counsel to the Seminole Tribe of Florida.

PART XVII.

EFFECTIVE DATE & TERM.—

A. This Compact shall become effective upon its approval by the Secretary of the Interior as a tribal-state compact within the meaning of the Indian Gaming Regulatory Act either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C).

B. This Compact shall have a term of ten (10) years, beginning on the first day of the month following the month in which the Compact becomes effective under Section A. of this Part. This Compact shall remain in full force and effect until the sooner of expiration of its terms or until terminated by mutual agreement of the parties.

PART XVIII.

AMENDMENT OF COMPACT AND REFERENCES.—Amendment of this Compact may only be made by written agreement of the parties, subject to approval by the Secretary either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C). Changes in the provisions of tribal ordinances, regulations, and procedures referenced in this Compact may be made by the Tribe with thirty (30) calendar days advance notice to the State. If the State has an objection to any change to the tribal ordinance, regulation or procedure which is the subject of the notice on the ground that its adoption would be a violation of the Tribe's obligations under this Compact, the State may invoke the dispute resolution provisions provided in Part XIII. of this Compact.

PART XIX.

MISCELLANEOUS.—

A. Except to the extent expressly provided in this Compact, this Compact is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.

B. If, after the Effective Date of this Compact, the State enters into a Compact with any other Tribe that contains more favorable terms with respect to any of the provisions of this Compact and the U.S. Secretary of the Interior approves such compact, either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C), upon tribal notice to the State and the Secretary, this Compact shall be deemed amended to contain the more favorable terms, unless the State objects to the change and can demonstrate, in a proceeding commenced under Part XIII., that the terms in question are not more favorable.

C. Upon the occurrence of certain events beyond the Tribe's control, including acts of God, war, terrorism, fires, floods, or accidents causing damage to or destruction of one or more of its Facilities or property necessary to operate the Facility(ies), (i) the Tribe's obligation to pay the Guaranteed Minimum Payment described in Part XI. shall be reduced pro rata to reflect the percentage of the total Net Win lost to the Tribe from the impacted Facility(ies) and (ii) the Net Win specified under Part XII., Section B., for purposes of determining whether the Tribe's Payments described in Part XI. shall cease, shall be reduced pro rata to reflect the percentage of the total Net Win lost to the Tribe from the impacted Facility(ies), with the proviso that if Payments to the State have already stopped under the provisions of Part XII., Section B., the provisions of this Section shall not trigger a resumption of payments under that Part. The foregoing shall not excuse any obligations of the Tribe to make Payments to the State as and when required hereunder or in any related document or agreement.

D. The Tribe and the State recognize that opportunities to engage in gaming in smoke-free or reduced-smoke environments provides both health and other benefits to Patrons, and the Tribe has already instituted a non-smoking section at its Seminole Hard Rock Hotel & Casino – Hollywood Facility. As part of its continuing commitment to this issue, the Tribe will:

1. Install and utilize a ventilation system at all new construction at its Facilities, which system exhausts tobacco smoke to the extent reasonably feasible under existing state-of-the-art technology; and

2. Designate a smoke-free area for slot machines at all new construction at its Facilities.

3. Install non-smoking, vented tables for table games in its Facilities sufficient to respond to demand for such tables.

E. The annual average minimum pay-out of all slot machines in each Facility shall not be less than eighty-five percent (85 percent).

F. Nothing in this Compact shall alter any of the existing memoranda of understanding, contracts, or other agreements entered into between the Tribe and any other federal, state, or local governmental entity.

G. The Tribe currently has as set forth in its Employee Fair Treatment and Dispute Resolution Policy, and agrees to maintain, standards that are comparable to the standards provided in federal laws and State laws forbidding employers from discrimination in connection with the employment of persons working at the Facilities on the basis of race, color, religion, national origin, gender, age, disability/handicap, or marital status. Nothing herein shall preclude the Tribe from giving preference in employment, promotion, seniority, lay-offs or retention to members of the Tribe and other federally recognized tribes. The Tribe will comply with all federal and state labor laws, where applicable.

Section 2. This act shall take effect on the same date that House Bill 7145, or similar legislation, takes effect if such legislation is adopted during the same legislative session or an extension thereof and becomes law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to gaming on Indian lands; creating s. 285.711, F.S.; authorizing and directing the Governor to negotiate and execute a gaming compact between the state and the Seminole Indian Tribe of Florida; providing a title; providing recitals stating rights, powers, and purpose of the parties to the compact; providing definitions; authorizing the operation of certain games in specified locations on Indian lands; authorizing expansion or replacement of gaming facilities; prohibiting additional gaming facilities; providing for rules and regulations; providing minimum requirements for operations; requiring certain procedures and signs relating to compulsive gambling; providing a limitation of liability for failing to identify a compulsive gambler; requiring certain procedures to prevent certain activities; providing for staff training, screening, and certification, patron education, and security measures; prohibiting a person under a certain age from playing the games; requiring certain recordkeeping by the tribe and the Seminole Tribal Gaming Commission; requiring the tribe to stop certain card games; providing for patron disputes and claims; providing for employee tort claims; providing limitations on claims; providing for limited liability and liability coverage of the tribe; providing for enforcement of compact provisions; providing responsibilities of the tribe and the commission; providing that the tribe and the commission shall be responsible for regulating activities; providing requirements for construction, operation, and maintenance of facilities and the conduct of games; providing for members and employees of the commission; providing requirements for licensing members and employees; providing for commission compliance officers; requiring representatives of the commission and the State Compliance Agency to meet to review practices and examine methods to improve the regulatory scheme; providing for state monitoring of the compact; authorizing the state to secure an annual independent financial audit of the conduct of the games; providing requirements and limitations for such audit; authorizing the State Compliance Agency to monitor the conduct of the games, inspect any games in operation, and perform one annual review of the slot machine compliance audit for certain purposes; authorizing that agency to meet with the tribe's Internal Audit Department for Gaming to review internal controls and violations; providing procedures inspections and for suspected or claimed violations; providing for construction and application of the compact; providing licensing and hearing requirements; providing for payment of consideration to the state; providing a payment schedule, payment amounts, and procedures for such payments; providing procedures for auditing certain revenue and review of unaudited revenue; providing that certain prior payments shall be deemed forfeited and released to the state; providing that acceptance and appropriation of such funds does not legitimize, validate, or otherwise ratify any previously proposed compact or the operation of class III games by the tribe prior to the effective date of this compact; providing the tribe with the right to operate such games on an exclusive basis; providing for reduction of tribal payments because of loss of exclusivity or other changes in state law; providing for exceptions to the exclusivity; providing procedures for resolution of disputes among the parties and for interpretation of the compact; requiring notice of a claim of noncompliance; authorizing nonbinding arbitration and providing procedures therefor; providing that for certain purposes the tribe waives rights to immunity from suit and enforcement of judgment; providing for collection of sales tax on sales to non-tribal members; providing for construction, application, and severability; providing for federal approval; providing notice requirements; providing an effective date and term of the compact; providing for amendment of compact and references; providing for application to third parties; providing for application to any compact with any other tribe;

providing for events beyond the tribe's control; providing for smoke-free or reduced-smoke environments; providing for minimum pay-out; providing for effect of compact on agreements entered into between the tribe and any other federal, state, or local governmental entity; providing for employment practices; providing a contingent effective date.

On motion by Senator Jones, the Senate refused to concur in the House amendment to **CS for CS for SB 788** and the House was requested to recede. The action of the Senate was certified to the House.

MOTION

On motion by Senator Jones, the Senate requested that the House agree to appoint conferees and add **CS for CS for SB 788** to the Appropriations Conference Committee on Gaming.

ADOPTION OF RESOLUTIONS

At the request of Senator Ring—

By Senator Ring—

SR 2720—A resolution recognizing May 2009 as "Amyotrophic Lateral Sclerosis Awareness Month" in the State of Florida.

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), better known as Lou Gehrig's Disease, is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord, and

WHEREAS, the early symptoms of ALS include weakness of the skeletal muscles, especially involving the arms and legs, and difficulty in swallowing, talking, and breathing, and

WHEREAS, ALS eventually causes muscles to atrophy, eventually leading to functional quadriplegia, and

WHEREAS, ALS does not affect an individual's mental capacity, which means that a person with ALS remains alert and aware of his or her loss of motor functions and the inevitability of continued deterioration and death, and

WHEREAS, on average, a patient diagnosed as having ALS survives only 2 to 5 years after the initial diagnosis, and

WHEREAS, research indicates that military veterans are at least 50 percent more likely to develop ALS than those who have not served in the military, and

WHEREAS, ALS has no known cause, means of prevention, or cure, and

WHEREAS, the recognition of "Amyotrophic Lateral Sclerosis Awareness Month" will increase awareness regarding the circumstances of ALS patients and the terrible impact of this disease not only on the person who has ALS, but on his or her family and the larger community, and will lend support to the goals of biomedical research on ALS, which are to find the cause or causes of ALS, understand the mechanisms involved in the progression of the disease, and to develop effective treatment, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That May 2009 is recognized as "Amyotrophic Lateral Sclerosis Awareness Month" in the State of Florida.

—**SR 2720** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2806—A resolution addressed to the Congress of the United States, urging the Congress to enact legislation to authorize states that have complied with the Streamlined Sales and Use Tax Agreement to require out-of-state sellers to collect each such state's sales and use tax.

WHEREAS, the opinions of the United States Supreme Court in the 1967 National Bellas Hess decision and the 1992 Quill decision denied the several states the present authority to require the collection of sales and use tax on the sale of goods by out-of-state sellers that have no physical presence in the taxing state, and

WHEREAS, those opinions of the United States Supreme Court do acknowledge that Congress may confer upon the several states the authority to require out-of-state sellers to collect sales and use tax on these remote sales, and

WHEREAS, the present lack of state authority threatens the continued ability of states that are dependent on such revenue to rely on sales and use taxes as a stable revenue source for state and local governments, and

WHEREAS, estimated state revenues lost as a result of the lack of such authority may have been as much as $16.1 billion in 2003 and such losses are expected to continue to climb, and

WHEREAS, this estimated revenue loss may have cost Florida hundreds of millions of dollars a year in lost tax revenue, and

WHEREAS, local Florida retailers who make sales at their Florida stores experience a tax inequity under the de facto sales tax exemption for Internet and mail order sales because these traditional "bricks and mortar" businesses must apply and collect sales tax while out-of-state sellers having no physical presence in this state need not, and

WHEREAS, there exists an unfair "digital divide" under which higher-income households, which are much more likely to have the resources to own a computer, have Internet access and a credit card to make de facto exempt, remote purchases, while low-income consumers without the resources to shop online or by mail, and who are consigned to shopping in local stores, bear more than their fair share of state sales tax, and

WHEREAS, since 1999, state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked to develop a Streamlined Sales and Use Tax Collection System for the 21st Century, and

WHEREAS, between 2001 and 2002, 35 states, including Florida, enacted legislation expressing the intent of the state to simplify the states' sales and use tax collection systems and to participate in multistate discussions to finalize and ratify an interstate agreement to streamline the collection of state sales and use taxes, and

WHEREAS, on November 12, 2002, these states unanimously ratified the Streamlined Sales and Use Tax Agreement, which substantially simplifies state and local sales tax systems, removes the burdens to interstate commerce that were of concern to the Supreme Court, and protects state sovereignty, and

WHEREAS, the Streamlined Sales and Use Tax Agreement provides the states with a blueprint to create a simplified sales and use tax collection system that, when implemented, allows justification for Congress to overturn the Bellas Hess and Quill decisions under its federal Commerce Clause powers, and

WHEREAS, by July 1, 2004, 21 states representing more than 35 percent of the total population of the United States had enacted legislation to bring their states' sales and use tax statutes into compliance with the agreement, and

WHEREAS, Florida is resolved to address the complexities of the current sales and use tax collection system, and

WHEREAS, the Sales Tax Fairness and Simplification Act, S.2152 by Senator Mike Enzi of Wyoming and the Streamlined Sales Tax Simplification Act, S.2153 by Senator Byron Dorgan of North Dakota, were introduced in the last session of Congress to grant those states that comply with the agreement the authority to require all sellers, regardless of whether they have physical presence in the taxing state, to collect those states' sales and use taxes, and

WHEREAS, the House Majority Whip, Congressman Roy Blunt of Missouri, has termed this federal legislation to be "fiscal relief for the states that does not cost the federal government a single cent" and en-

sures the viability of the sales and use tax as a state revenue source, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate urges the United States Congress to enact legislation to give states that have complied with the Streamlined Sales and Use Tax Agreement the authority to require out-of-state sellers to collect their sales and use tax.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Florida congressional delegation.

—**SR 2806** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 148** was deferred.

CS for CS for CS for SB 1004—A bill to be entitled An act relating to coral reefs; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for CS for SB 1004** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Wilson
Deutch	King	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Lawson, Villalobos

Consideration of **SB 2656**, **CS for SB 642** and **CS for CS for SB 1894** was deferred.

On motion by Senator Constantine, by two-thirds vote **CS for CS for HB 1423** was withdrawn from the Committees on Environmental Preservation and Conservation; Criminal Justice; Judiciary; and General Government Appropriations.

On motion by Senator Constantine, by two-thirds vote—

CS for CS for HB 1423—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; transferring authority from the Department of Revenue to the Fish and Wildlife Conservation Commission to allocate funds from the Invasive Plant Control Trust Fund for specified purposes; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain authority relating to aquatic and nonindigenous plants to the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission; amending s. 253.04, F.S.; providing for the preservation and regeneration of seagrasses; providing definitions; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; revising the definition of the term "live-aboard vessel"; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising the age limitation for the operation of specified vessels; revising provisions relating to boating safety identification cards; providing exemptions and penalties; providing a short title; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; amending s. 327.41, F.S., relating to placement of markers by a county, municipality, or other governmental entity; revising terminology; providing for a county, municipality, or other governmental entity that has been granted or has adopted or established a boating-restricted area to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting local regulations relating to vessels operated upon the waters of this state; prohibiting specified county or municipality ordinances or regulations; amending s. 327.65, F.S.; conforming a cross-reference; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for the costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; providing an exemption; amending s. 327.70, F.S.; authorizing municipal police officers and specified law enforcement officers to enforce the provisions of chs. 327 and 328; providing for enforcement of noncriminal violations by citation mailed to the owner of a vessel; specifying responsibility for citations issued to livery vessels; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by

counties and municipalities; providing civil penalties for seagrass scarring; amending s. 327.731, F.S.; conforming a cross-reference; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; amending ss. 369.20, 369.22, and 369.25, F.S.; authorizing the commission to enforce specified provisions relating to aquatic weeds and plants; granting certain activities a mixing zone for turbidity; amending s. 379.304, F.S.; revising cross-references for permitting and violation provisions relating to the exhibition or sale of wildlife; amending s. 379.338, F.S.; providing for confiscation and disposition of illegally taken wildlife, freshwater fish, or saltwater fish; providing for disposition of the proceeds from sales; providing for an agency that assists in the enforcement action to receive a portion or all of any forfeited property; creating s. 379.3381, F.S.; providing for photographs of wildlife, freshwater fish, and saltwater fish to be used as evidence in a prosecution in lieu of the wildlife, freshwater fish, or saltwater fish; amending s. 379.353, F.S.; revising eligibility criteria for exemption from certain recreational license and permit requirements; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; authorizing the commission to use proceeds of specified hunting, fishing, and recreational licenses for certain purposes; increasing the fee amounts for waterfowl, wild turkey, snook, spiny lobster, management area, special use, and recreational user permits; providing for a management area permit and fee for outdoor recreational activities other than hunting and fishing; providing for a deer permit and fee; requiring the commission to prepare an annual report and submit the report to the Governor and the Legislature; providing report requirements; amending s. 379.3671, F.S.; revising provisions for abandonment and reversion of lobster trap certificates under specified conditions; amending s. 379.3751, F.S.; specifying activities relating to the taking and possession of alligators that require a license and payment of the applicable fee; deleting provisions relating to the issuance, form, and content of such licenses; amending s. 379.3761, F.S.; providing penalties for violations relating to the exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising a cross-reference with respect to the penalties imposed for violations relating to the personal possession of wildlife; amending s. 379.401, F.S.; revising applicability of violation provisions relating to alligators and crocodiles; conforming references to wildlife; amending s. 379.4015, F.S.; specifying applicability of captive wildlife penalty provisions relating to the exhibition or sale of wildlife; creating s. 379.501, F.S.; providing penalties for violations relating to aquatic weeds and plants; providing legislative intent for civil penalties and criminal fines imposed by a court; creating s. 379.502, F.S.; providing judicial and administrative procedures and remedies to enforce penalty provisions for violations relating to aquatic weeds and plants; providing for mediation; providing for recovery of costs and attorney's fees; requiring proceeds from related penalties to be credited to the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing civil penalties for violations relating to aquatic weeds and plants; authorizing a court to impose a civil penalty for each offense not to exceed a specified amount; providing for joint and several liability; providing for a methodology for assessing certain damages; amending s. 403.088, F.S.; requiring the commission to approve an aquatic weeds and algae control program; directing the commission, in consultation with the Department of Environmental Protection, to establish a pilot program to explore options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields; providing geographic locations for the pilot program; providing goals and procedures; providing duties of the commission; requiring a report to the Governor and the Legislature; providing for expiration of the pilot program and any ordinance enacted thereunder; providing for construction; providing for a type two transfer of the Bureau of Invasive Plant Management within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; ratifying actions taken pursuant to ch. 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; transferring the Invasive Plant Control Trust Fund within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing a continuing appropriation to the commission for the costs associated with the shoreline fishing license exemption; reenacting s. 379.209(2)(a), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32, F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; reenacting ss. 379.2213, 379.3501, and 379.3712, F.S., relating to management area permit revenues, expiration of licenses and permits, and commercial hunting preserve licenses, respectively, to incorporate the amendment made to s. 379.354, F.S., in references thereto; repealing s. 327.22, F.S., relating to regulation of vessels by municipalities or counties; repealing ss. 379.2211 and 379.2212, F.S., relating to Florida waterfowl permit revenues and Florida wild turkey permit revenues, respectively; repealing s. 379.366(7), F.S., to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2536** as amended April 24 and read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (608962) (with title amendment)—Delete lines 1247-1273.

(Renumber subsequent sections.)

And the title is amended as follows:

Delete lines 130-132 and insert: or saltwater fish; amending s.

Amendment 2 (164482) (with title amendment)—Delete lines 1320-1325.

And the title is amended as follows:

Delete lines 133-134 and insert: 379.354, F.S.; authorizing the commission to use

Amendment 3 (645562) (with title amendment)—Between lines 2278 and 2279 insert:

Section 58. Section 403.9335, Florida Statutes, is created to read:

403.9335 Coral reef protection.—

(1) This section may be cited as the "Florida Coral Reef Protection Act."

(2) This act applies to the sovereign submerged lands that contain coral reefs as defined in this act off the coasts of Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.

(3) As used in this section, the term:

(a) "Aggravating circumstances" means operating, anchoring, or mooring a vessel in a reckless or wanton manner; under the influence of drugs or alcohol; or otherwise with disregard for boating regulations concerning speed, navigation, or safe operation.

(b) "Coral" means species of the phylum Cnidaria found in state waters including:

1. Class Anthozoa, including the subclass Octocorallia, commonly known as gorgonians, soft corals, and telestaceans; and

2. Orders Scleractinia, commonly known as stony corals; Stolonifera, including, among others, the organisms commonly known as organ-pipe corals; Antipatharia, commonly known as black corals; and Hydrozoa, including the family Millaporidae and family Stylasteridae, commonly known as hydrocoral.

(c) "Coral reefs" mean:

1. Limestone structures composed wholly or partially of living corals, their skeletal remains, or both, and hosting other coral, associated benthic invertebrates, and plants; or

2. Hard-bottom communities, also known as live bottom habitat or colonized pavement, characterized by the presence of coral and associated reef organisms or worm reefs created by the Phragmatopoma species.

(d) "Damages" means moneys paid by any person or entity, whether voluntarily or as a result of administrative or judicial action, to the state as compensation, restitution, penalty, civil penalty, or mitigation for causing injury to or destruction of coral reefs.

(e) "Department" means the Department of Environmental Protection.

(f) "Fund" means the Ecosystem Management and Restoration Trust Fund.

(g) "Person" means any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(h) "Responsible party" means the owner, operator, manager, or insurer of any vessel.

(4) The Legislature finds that coral reefs are valuable natural resources that contribute ecologically, aesthetically, and economically to the state. Therefore, the Legislature declares it is in the best interest of the state to clarify the department's powers and authority to protect coral reefs through timely and efficient recovery of monetary damages resulting from vessel groundings and anchoring-related injuries. It is the intent of the Legislature that the department be recognized as the state's lead trustee for coral reef resources located within waters of the state or on sovereignty submerged lands unless preempted by federal law. This section does not divest other state agencies and political subdivisions of the state of their interests in protecting coral reefs.

(5) The responsible party who knows or should know that their vessel has run aground, struck, or otherwise damaged coral reefs must notify the department of such an event within 24 hours after its occurrence. Unless otherwise prohibited or restricted by the United States Coast Guard, the responsible party must remove or cause the removal of the grounded or anchored vessel within 72 hours after the initial grounding or anchoring absent extenuating circumstances such as weather, or marine hazards that would prevent safe removal of the vessel. The responsible party must remove or cause the removal of the vessel or its anchor in a manner that avoids further damage to coral reefs and shall consult with the department in accomplishing this task. The responsible party must cooperate with the department to undertake damage assessment and primary restoration of the coral reef in a timely fashion.

(6) In any action or suit initiated pursuant to chapter 253 on the behalf of the Board of Trustees of the Internal Improvement Trust Fund, or under chapter 373 or this chapter for damage to coral reefs, the department may recover all damages from the responsible party, including, but not limited to:

(a) Compensation for the cost of replacing, restoring, or acquiring the equivalent of the coral reef injured and the value of the lost use and services of the coral reef pending its restoration, replacement, or acquisition of the equivalent coral reef, or the value of the coral reef if the coral reef cannot be restored or replaced or if the equivalent cannot be acquired.

(b) The cost of damage assessments, including staff time.

(c) The cost of activities undertaken by or at the request of the department to minimize or prevent further injury to coral or coral reefs pending restoration, replacement, or acquisition of an equivalent.

(d) The reasonable cost of monitoring the injured, restored, or replaced coral reef for at least 10 years. Such monitoring is not required for a single occurrence of damage to a coral reef damage totaling less than or equal to 1 square meter.

(e) The cost of enforcement actions undertaken in response to the destruction or loss of or injury to a coral reef, including court costs, attorney's fees, and expert witness fees.

(7) The department may use habitat equivalency analysis as the method by which the compensation described in subsection (5) is calculated. The parameters for calculation by this method may be prescribed by rule adopted by the department.

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $150, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional $150; occurring within a state park or aquatic preserve, an additional $150.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $300 per square meter; with aggravating circumstances, an additional $300 per square meter; occurring within a state park or aquatic preserve, an additional $300 per square meter.

(c) For damage exceeding an area of 10 square meters, $1,000 per square meter; with aggravating circumstances, an additional $1,000 per square meter; occurring within a state park or aquatic preserve, an additional $1,000 per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $250,000 per occurrence.

(9) To carry out the intent of this section, the department may enter into delegation agreements with another state agency or any coastal county with coral reefs within its jurisdiction. In deciding to execute such agreements, the department must consider the ability of the potential delegee to adequately and competently perform the duties required to fulfill the intent of this section. When such agreements are executed by the parties and incorporated in department rule, the delegee shall have all rights accorded the department by this section. Nothing herein shall be construed to require the department, another state agency, or a coastal county to enter into such an agreement.

(10) Nothing in this section shall be construed to prevent the department or other state agencies from entering into agreements with federal authorities related to the administration of the Florida Keys National Marine Sanctuary.

(11) All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the Ecosystem Management and Restoration Trust Fund in the department and shall

remain in such account until expended by the department for the purposes of this section. Moneys in the fund received from damages recovered for injury to, or destruction of, coral reefs must be expended only for the following purposes:

(a) To provide funds to the department for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages.

(b) To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c) To pay for alternative projects selected by the department. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(d) All claims for trust fund reimbursements under paragraph (a) must be made within 90 days after payment of damages is made to the state.

(e) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(f) When payments are made to a state agency from the fund for expenses compensable under this subsection, such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any amount as a result of such reimbursement.

(12) The department may adopt rules pursuant to ss. 120.536 and 120.54 to administer this section.

Section 59. Paragraph (b) of subsection (2) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(2) The trust fund shall be used for the deposit of all moneys recovered by the state:

(b) For injury to or destruction of coral reefs, which moneys would otherwise be deposited into the General Revenue Fund or the Internal Improvement Trust Fund. *The department may enter into settlement agreements that require responsible parties to pay a third party to fund projects related to the restoration of a coral reef, to accomplish mitigation for injury to a coral reef, or to support the activities of law enforcement agencies related to coral reef injury response, investigation and assessment. Participation of a law enforcement agency in the receipt of funds through this mechanism shall be at the law enforcement agency's discretion.*

Section 60. *Subsection (3) of section 253.04, Florida Statutes, is repealed.*

Section 61. *Section 380.0558, Florida Statutes, is repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

Delete line 213 and insert: references thereto; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; repealing s. 327.22, F.S.; relating to

On motion by Senator Constantine, by two-thirds vote **CS for CS for HB 1423** as amended was read the third time by title. On motion by Senator Constantine, further consideration of **CS for CS for HB 1423** as amended was deferred.

CS for CS for SB 148—A bill to be entitled An act relating to mangrove protection; amending s. 403.121, F.S.; expanding the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9325, F.S.; revising the definition of "riparian mangrove fringe"; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited natural islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for CS for SB 148** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Villalobos

SB 2058—A bill to be entitled An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; renaming the surtax; expanding the eligibility to levy the surtax to all charter counties; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **SB 2058** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Villalobos

Consideration of **CS for CS for SB 2614** was deferred.

CS for CS for CS for CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending s. 1002.20, F.S.; conforming cross-references; requiring that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals; requiring that such review be conducted at a district school board meeting held pursuant to state law; requiring that the district school board take public testimony at such meeting; providing for the expiration of a district school board's policy authorizing corporal punishment under certain circumstances; amending s. 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; providing that zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring each district school board to adopt a cooperative agreement with the Department of Juvenile Justice which establishes certain guidelines; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Wise, **CS for CS for CS for CS for SB 1540** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Villalobos

CS for HB 7053—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative recognition and findings; providing a definition; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing amendment requirements; requiring a local government to transmit the application to the state land planning agency for review within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing for rebuttal of the presumption; specifying nonapplication to optional sector plans, rural land stewardship areas, and comprehensive plan amendments that include an inland port terminal or affiliated port development; providing construction; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for HB 7053** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Crist, Villalobos

CS for CS for HB 339—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding specified equipment from the definition of "secondhand goods"; amending s. 538.21, F.S.; preempting certain local government ordinances relating to hold notices for secondary metals recyclers; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for HB 339** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Aronberg	Bullard
Alexander	Baker	Constantine
Altman	Bennett	Crist

Dean	Haridopolos	Rich
Detert	Hill	Richter
Deutch	Jones	Ring
Diaz de la Portilla	Joyner	Siplin
Dockery	Justice	Smith
Fasano	King	Sobel
Gaetz	Lynn	Storms
Garcia	Oelrich	Villalobos
Gardiner	Peaden	Wilson
Gelber	Pruitt	Wise

Nays—None

Vote after roll call:

Yea—Lawson

CS for CS for HB 227—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; requiring the government to prove certain elements of an impact fee by a preponderance of the evidence; prohibiting a court from using a deferential standard in a court action; prohibiting certain local governments from increasing impact fees or imposing new impact fees; providing nonapplication to impact fees pledged to retire debt or certain impact fee increases; providing for future repeal; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for HB 227** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Baker	Gardiner	Pruitt
Bullard	Haridopolos	Rich
Crist	Hill	Richter
Dean	Jones	Storms
Detert	Justice	Wise
Diaz de la Portilla	King	

Nays—11

Aronberg	Gelber	Smith
Constantine	Joyner	Sobel
Deutch	Ring	Wilson
Garcia	Siplin	

Vote after roll call:

Yea—Bennett, Villalobos

Nay—Lawson

Yea to Nay—Bullard, Dockery, Jones, Justice, Rich

CS for CS for SB 712—A bill to be entitled An act relating to special districts; creating s. 189.4221, F.S.; authorizing special districts to purchase commodities and contractual services from purchasing agreements of other special districts, municipalities, or counties; amending s. 189.418, F.S.; providing that the boundaries of a special district are deemed to include an annexed area under certain circumstances; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Pruitt, **CS for CS for SB 712** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Oelrich
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Hill	Sobel
Crist	Joyner	Storms
Dean	Justice	Wilson
Detert	King	Wise
Deutch	Lawson	
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Villalobos

HB 701—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include additional information relating to past and proposed millage rates and ad valorem taxes and assessment reductions and exemptions; defining a term; amending ss. 192.0105 and 200.065, F.S.; conforming cross-references; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Richter, **HB 701** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for HB 333—A bill to be entitled An act relating to off-highway vehicles; amending ss. 261.03, 316.2074, and 317.0003, F.S.; revising the definitions of the terms "ATV," "all-terrain vehicle," and "off-highway vehicle" and defining the term "ROV" for purposes of provisions relating to the sale and use of motorized off-highway vehicles; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for HB 333** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Baker	Crist
Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch

Diaz de la Portilla	Jones	Richter
Dockery	Joyner	Ring
Fasano	King	Siplin
Gaetz	Lawson	Smith
Garcia	Lynn	Sobel
Gardiner	Oelrich	Storms
Gelber	Peaden	Wilson
Haridopolos	Pruitt	Wise
Hill	Rich	

Nays—None

Vote after roll call:

Yea—Justice, Villalobos

CS for SB 210—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.545, F.S.; increasing the maximum weight limits on certain vehicles to compensate for weight increases that result from the installation of idle-reduction technologies; amending s. 316.1895, F.S.; revising the authorized locations for the placement of certain warning signs at school zones; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Baker, **CS for SB 210** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Villalobos

CS for CS for SB 810—A bill to be entitled An act relating to unemployment compensation; amending s. 443.1217, F.S.; raising the amount of an employee's wages subject to an employer's contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer's contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer's contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor's designee to request advances; creating s. 443.1117, F.S.; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment between February 22, 2009, and January 2, 2010; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing for applicability of s. 443.1117, F.S.; providing that the act fulfills an important state interest; providing effective dates.

—as amended April 28 was read the third time by title.

Senator Garcia moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (885000) (with title amendment)—In title, delete line 26 and insert: 443.1117, F.S.; amending s. 443.101, F.S.; providing additional provisions dealing with disqualification for benefits under certain conditions; providing that the act fulfills an

Amendment 2 (483120)—Delete line 459 and insert: *benefits pursuant to s. 443.091(1)(c)1. for failing to be available*

On motion by Senator Garcia, **CS for CS for SB 810** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Deutch, Villalobos

CS for CS for HB 675—A bill to be entitled An act relating to Medicare supplement policies; amending s. 627.671, F.S.; revising a short title; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for CS for HB 675** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson

Nays—None

Vote after roll call:

Yea—Wise

CS for CS for HB 845—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4621, F.S.; requiring an application for workers' compensation coverage issued by a group self-insurance fund to notify applicants that policyholders must make additional contributions to the fund if the fund is unable to pay its obligations; creating s. 624.4626, F.S.; authorizing certain electric cooperatives to operate a self-insurance fund for certain purposes; providing requirements; subjecting such funds to certain assessments; exempting such funds from certain group self-insurance fund requirements under certain circumstances; amending s. 626.89, F.S.; requiring certain administrators to submit fiscal year statements within a specific time; amending s. 631.904, F.S.; revising the definition of "self-insurance fund" under the Florida Workers' Compensation Insurance Guaranty Association Act to exclude certain types of self-insurance funds; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for CS for HB 845** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Smith

HB 379—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; amending s. 738.602, F.S.; providing definitions; providing requirements for the determination of income from certain compensation plans, annuities, and retirement plans or accounts; providing trustee requirements with respect to payment allocations; providing criteria for the payment of certain funds to a spouse; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **HB 379** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Consideration of **CS for CS for SB 2072** was deferred.

CS for HB 7141—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; providing for per diem and travel expenses; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Oversight Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; adding the department to those entities responsible for allocating funds for security projects; deleting provisions relating to the Seaport Security Standards Advisory Council; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 7141** was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dockery	Lynn
Altman	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Ring
Constantine	Haridopolos	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—2

Hill	Storms

Vote after roll call:

Yea—Richter

CS for CS for SB 2226—A bill to be entitled An act relating to mortgage brokering and mortgage lending; amending s. 494.001, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; authorizing the Office of Financial Regulation to participate in the Nationwide Mortgage Licensing System and Registry; creating s. 494.00115, F.S.; providing exemptions from part I, II, and III of ch. 494, F.S., relating to the licensing and regulation of loan originators, mortgage brokers, and mortgage lenders; creating s. 494.00135, F.S.; providing for the issuance of subpoenas; amending s. 494.0014, F.S.; revising provisions relating to the refund of fees; deleting an obsolete provision; amending s. 494.00165, F.S.; prohibiting unfair and deceptive advertising relating to mortgage brokering and lending; repealing s. 494.0017, F.S., relating to claims paid from the Regulatory Trust Fund; creating s. 494.00172, F.S.; providing for a $20 fee to be assessed against loan originators and a $100 fee to be assessed against mortgage brokers and lenders at the time of license application or renewal; providing that such fees shall be deposited into the Mortgage Guaranty Trust Fund and used to pay claims against licensees; providing for a cap on the amount collected and deposited; providing requirements for seeking recovery from the trust fund; providing limitations on the amount paid; providing for the assignment of certain rights to the office; providing that payment for a claim is prima facie grounds for the revocation of a license; amending s. 494.0018, F.S.; conforming cross-references; amending ss. 494.0019 and 494.002, F.S.; conforming terms; amending s. 494.0023, F.S.; deleting the statutory disclosure form and revising the disclosure that must be provided to a borrower in writing; providing that there is a conflicting interest if a licensee or the licensee's relatives have a 1 percent or more interest in the person providing additional products or services; authorizing the commission to adopt rules; amending s. 494.0025, F.S.; prohibiting the alteration, withholding, concealment, or destruction of records relevant to regulated activities; creating s. 494.255, F.S.; providing for license violations and administrative penalties; authorizing a fine of $1,000 for each day of unlicensed activity up to $25,000; amending s. 494.0026, F.S.; conforming cross-references; amending s. 494.0028, F.S.; conforming terms; repealing ss. 494.0029 and 494.00295, F.S., relating to mortgage business schools and continuing education requirements; creating s. 494.00296, F.S.; providing for loan modification services; prohibiting certain related acts by a mortgage broker, mortgage brokerage business, correspondent mortgage lender, or mortgage lender; providing for a loan modification agreement and for the inclusion of a borrower's right of cancellation statement; providing remedies; amending s. 494.00295, F.S.; deleting references to a mortgage brokerage business and a correspondent mortgage lender, and adding reference to a loan originator; providing a directive to the Division of Statutory Revision; repealing s. 494.003, F.S., relating to exemptions from mortgage broker licensing and regulation; repealing s. 494.0031, F.S., relating to licensure as a mortgage brokerage business; creating s. 494.00312, F.S.; providing for the licensure of loan originators; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00313, F.S.; providing for the renewal of a loan originator license; repealing s. 494.0032, F.S., relating to renewal of a mortgage brokerage business license or branch office license; creating s. 494.00321, F.S.; providing for the licensure of mortgage brokers; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed by a certain date; creating s. 494.00322, F.S.; providing for the annual renewal of a mortgage broker license; providing license renewal requirements; repealing s. 494.0033, F.S., relating to a mortgage broker license; amending s. 494.00331, F.S.; requiring a loan originator to be an employee or independent contractor for a mortgage broker or mortgage lender; repealing s. 494.0034, F.S., relating to renewal of mortgage broker license; amending s. 494.0035, F.S.; providing for the management of a mortgage broker by a principal loan originator and a branch office by a loan originator; providing minimum requirements; amending s. 494.0036, F.S.; revising provisions relating to the licensure of a mortgage broker's branch office; amending s. 494.0038, F.S.; revising provisions relating to loan origination and mortgage broker fees; amending s. 494.0039, F.S.; conforming terms; amending s. 494.004, F.S.; revising provisions relating to licensees; providing for registry requirements; deleting obsolete provisions; repealing s. 494.0041, F.S., relating to license violations and administrative penalties; providing additional grounds for assessing fines and penalties; amending s. 494.0042, F.S.; providing for loan origination fees; conforming terms; amending ss. 494.00421 and 494.0043, F.S.; conforming terms; repealing s. 494.006, F.S., relating to mortgage lender licensing and regulation; repealing s. 494.0061, F.S., relating to mortgage lender license requirements; creating s. 494.00611, F.S.; providing for the licensure of mortgage lenders; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00612, F.S.; providing for the renewal of a mortgage lender license; repealing s. 494.0062, F.S., relating to correspondent mortgage lender license requirements; amending s. 494.0063, F.S.; requiring a mortgage lender to obtain an annual financial audit report and submit a copy to the office within certain time periods; repealing s. 494.0064, F.S., relating to renewal of mortgage lender license; repealing s. 494.0065, F.S., relating to certain licenses and registrations that were converted into mortgage lender licenses; amending s. 494.0066, F.S.; revising provisions relating to a mortgage lender branch office license; creating s. 494.00665, F.S.; providing for a principal loan originator and branch manager for a mortgage lender; providing requirements and limitations; amending s. 494.0067, F.S.; revising requirements of mortgage lenders; providing for registry requirements; deleting obsolete provisions; providing for servicing agreements; amending ss. 494.0068, 494.0069, 494.007, and 494.0071, F.S.; conforming terms; repealing s. 494.0072, F.S., relating to license violations and administrative penalties; amending ss. 494.00721, 494.0073, 494.0075, 494.0076, and 494.0077, F.S.; conforming terms and cross-references; amending s. 501.1377, F.S.; revising definitions and conforming terms; exempting certain attorneys from the definition of "foreclosure-rescue consultant"; amending ss. 201.23, 420.507, 520.52, 520.63, 607.0505, and 687.12, F.S.; conforming cross-references; providing for the termination of mortgage business school licenses; providing for the expiration of mortgage brokerage business licenses, mortgage broker licenses, and correspondent mortgage lender licenses; providing requirements for applying for a loan originator, mortgage broker and mortgage lender license by a certain date; providing effective dates.

—as amended April 28 was read the third time by title.

On motion by Senator Richter, **CS for CS for SB 2226** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Bullard

CS for HB 515—A bill to be entitled An act relating to oil and gas production taxes; amending s. 211.02, F.S.; providing a tiered tax rate structure for the oil production tax on tertiary oil; revising definitions; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **CS for HB 515** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—1

Crist

CS for CS for SB 168—A bill to be entitled An act relating to human trafficking; creating within the Department of Children and Family Services the Florida Statewide Task Force on Human Trafficking; prescribing the membership of the task force; providing for members of the task force to serve without compensation or reimbursement for per diem and travel expenses; providing specific responsibilities and duties of the task force and its members; requiring that the task force prepare a final report by a specified date; providing duties of the Florida State University Center for the Advancement of Human Rights; abolishing the task force on a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **CS for CS for SB 168** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for HB 135—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for personal identifying information of certain insured dependents; providing a statement of retroactive application of the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for HB 135** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

CS for HB 1409—A bill to be entitled An act relating to the placement of children; creating s. 409.408, F.S.; authorizing the Governor to execute a new Interstate Compact for the Placement of Children; specifying the provisions of the compact; creating s. 409.409, F.S.; providing for the present compact to remain in effect until the Governor enters into the new compact; creating s. 409.410, F.S.; providing rulemaking authority to the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for HB 1409** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Constantine, Oelrich

HB 7025—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding archival materials; renumbering and amending s. 257.35(1)(b), F.S.; transferring provisions which provide a public record exemption for all public records transferred to the custody of the division and any nonpublic manuscript and or other archival material which is placed in the keeping of the division under special terms and conditions; amending s. 257.38, F.S.; defining "nonpublic manuscript or other archival material"; clarifying the public records exemption for nonpublic manuscripts or other archival materials donated to and held by an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscripts or materials; removing the scheduled repeal of the exemption; making editorial changes; amending s. 257.35, F.S.; reorganizing provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 7025** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Votes Recorded:

May 6, 2009: Yea—Gardiner

CS for SB 1580—A bill to be entitled An act relating to ad valorem taxation; defining the term "partial payment"; authorizing tax collectors to accept partial payment of taxes under certain circumstances; imposing a processing fee on a partial tax payment; requiring a tax collector to mail a notice of the remaining amount due after the payment of a partial payment; providing a deadline for payment of the remaining balance; authorizing a tax collector to treat certain underpayment as full payment; providing for the distribution of partial tax payments; amending s. 197.343, F.S.; revising a tax notice to warn taxpayers that a tax certificate will be sold if their property taxes are not paid in full; providing for a provision exempting property owned by an educational institution from ad valorem taxation to apply retroactively to January 1, 2005; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Ring, **CS for SB 1580** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for HB 57—A bill to be entitled An act relating to law enforcement explorers; amending s. 784.07, F.S.; defining the term "law enforcement explorer"; providing for reclassification of certain offenses against law enforcement explorers; reenacting s. 921.0022(3)(d), (f), and (g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to s. 784.07, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for CS for HB 57** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for SB 440—A bill to be entitled An act relating to public records; creating s. 893.0551, F.S.; providing definitions; exempting from public records requirements information and records reported to the Department of Health under the electronic prescription drug monitoring program for monitoring the prescribing and dispensing of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying, practitioner-identifying, or pharmacist-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 440** as amended was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

HB 7037—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding identification and location information of federal attorneys and judges; amending s. 119.071, F.S.; reorganizing provisions to relocate the public record exemption for identification and location information of current or former United States attorneys and assistant United States attorneys and the spouses and children thereof and current or former judges of United States Courts of Appeal, United States district judges, and United States magistrates and the spouses and children thereof; defining "identification and location information"; providing that the exemption is conditioned

upon submission by the attorney, judge, or magistrate of a written request for the exemption and a written statement that reasonable efforts have been made to protect the information from disclosure through other means; removing the scheduled repeals of the exemptions; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 7037** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for SB 258—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name have fingerprints submitted for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; requiring submission of the results of a criminal history records check to the clerk of the court; providing for use of the results by the clerk of the court; requiring the clerk of the court to instruct the petitioner on the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and conducting criminal history records checks; providing for the scheduling of a hearing on a petition to restore a former name and the scheduling of a hearing on a petition for which a criminal history records check is required; revising the content of a report of the final judgment on a petition for a name change; deleting duplicative provisions regarding payment of costs associated with fingerprinting; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Wise, **CS for SB 258** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

HB 7017—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding building plans and blueprints; amending s. 119.071, F.S., which provides an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by an agency which depict the internal layout or structural elements of certain facilities, complexes, and developments; reorganizing the exemption; making editorial changes; repealing s. 2, ch. 2004-9, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 7017** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

On motion by Senator Smith, by two-thirds vote **CS for CS for CS for HB 569** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Smith, by two-thirds vote—

CS for CS for CS for HB 569—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; amending s. 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; amending s. 532.01, F.S.; including payroll debit cards under requirements applicable to payment instruments; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 732** as amended April 28 and read the second time by title.

On motion by Senator Smith, by two-thirds vote **CS for CS for CS for HB 569** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Baker	Constantine
Altman	Bennett	Crist

Dean	Hill	Richter
Detert	Jones	Ring
Deutch	Joyner	Siplin
Diaz de la Portilla	Justice	Smith
Dockery	King	Sobel
Fasano	Lawson	Storms
Gaetz	Lynn	Villalobos
Garcia	Oelrich	Wilson
Gardiner	Peaden	Wise
Gelber	Pruitt	
Haridopolos	Rich	

Nays—None

HB 7021—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding councils on children's services and juvenile welfare boards; amending s. 125.901, F.S., which provides an exemption from public records requirements for personal identifying information of a child, or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity, or held by a service provider or researcher under contract with such entity; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **HB 7021** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for HB 375—A bill to be entitled An act relating to reimbursement of federal excise taxes on motor fuel; creating s. 686.701, F.S.; providing requirements and limitations on reimbursement provisions of certain fuel supply contracts; providing notice requirements; providing for payment security requirements; providing for electronic transfer of funds; specifying application to contracts; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for HB 375** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Constantine	Fasano
Alexander	Crist	Gaetz
Altman	Dean	Garcia
Aronberg	Detert	Gardiner
Baker	Deutch	Gelber
Bennett	Diaz de la Portilla	Haridopolos
Bullard	Dockery	Hill
Jones	Peaden	Sobel
Joyner	Pruitt	Storms
Justice	Rich	Villalobos
King	Richter	Wilson
Lawson	Ring	Wise
Lynn	Siplin	
Oelrich	Smith	

Nays—None

HB 1003—A bill to be entitled An act relating to sale and delivery of firearms; amending s. 790.065, F.S.; deleting future repeal of provisions governing the sale and delivery of firearms; requiring a review of the provisions relating to the sale and delivery of firearms before the limit on a fee charged by the Department of Law Enforcement for processing a criminal history check on purchasers may be increased; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 1003** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 7019—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding participants in government-sponsored recreation programs; amending s. 119.071, F.S., which provides an exemption from public records requirements for information that would identify or locate a child who participates in a government-sponsored recreation program or a parent or guardian of the child; providing definitions; reorganizing the exemption; making editorial changes; removing superfluous language; repealing s. 2, ch. 2004-32, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for HB 7019** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deutch	Justice
Alexander	Diaz de la Portilla	King
Altman	Dockery	Lawson
Aronberg	Fasano	Lynn
Baker	Gaetz	Oelrich
Bennett	Gardiner	Peaden
Bullard	Gelber	Pruitt
Constantine	Haridopolos	Rich
Crist	Hill	Richter
Dean	Jones	Ring
Detert	Joyner	Siplin

Smith	Storms	Wilson
Sobel	Villalobos	Wise

Nays—None

CS for HB 1517—A bill to be entitled An act relating to corporate annual financial statements; amending s. 607.1620, F.S.; revising a requirement for corporations to provide annual financial statements to shareholders; specifying criteria for satisfaction of such requirement; providing application; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for HB 1517** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for HB 281—A bill to be entitled An act relating to prepaid college programs; amending s. 1009.98, F.S.; providing that a purchaser of an advance payment contract may receive a refund of the unused portion of the contract under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for HB 281** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

HB 707—A bill to be entitled An act relating to the management of wastewater; amending s. 514.023, F.S.; requiring the Department of Health to notify local governments and local offices of the Department of Environmental Protection when certain health advisories are issued; requiring local offices of the Department of Environmental Protection to conduct investigations of certain wastewater treatment facilities and provide the results of such investigations to local governments; amending s. 514.025, F.S.; authorizing the department to assign certain responsibilities and functions relating to public swimming pools and bathing places to multicounty independent special districts under specified conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 707** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

HB 7013—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding business information provided to a governmental condemning authority; amending s. 73.0155, F.S., which provides an exemption from public records requirements for business information provided by the owner of a business to a governmental condemning authority as part of an offer of business damages in presuit negotiations in an eminent domain proceeding; reorganizing the exemption; clarifying provisions; removing superfluous provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 7013** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Justice

HB 7093—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for specified proprietary business information obtained from a telecommunications company or broadband company by the Department of Management

Services; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator King, **HB 7093** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Sobel

Consideration of **CS for CS for SB 2626** and **CS for CS for SB 274** was deferred.

HB 7039—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding insurance claim data exchange information; amending s. 409.25661, F.S., which provides an exemption from public records requirements for certain records obtained by the Department of Revenue under an insurance claim data exchange system; saving the exemption from repeal under the Open Government Sunset Review Act; extending the repeal date; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **HB 7039** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Garcia

HB 509—A bill to be entitled An act relating to veterans; amending s. 295.16, F.S.; revising an exemption from license or permit fees required for improvements to a dwelling owned by a disabled veteran if the improvements are for the purpose of making the dwelling safe; removing a provision limiting the exemption to veterans confined to wheelchairs; amending s. 320.089, F.S.; deleting the monetary limitation on the amount of general revenue deposited into the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs; amending s. 1009.27, F.S.; authorizing an eligible student who receives benefits as a veteran who served on active duty in the Armed Forces after September 11, 2001, to defer college tuition and fees under certain circumstances; providing effective dates.

—was read the third time by title.

On motion by Senator Fasano, **HB 509** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for HB 7027—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding personal information contained in motor vehicle records; amending s. 119.0712, F.S.; removing provisions which are duplicative of the federal prohibition on release and use of personal information contained in state motor vehicle records under the federal Driver's Privacy Protection Act of 1994; referencing federal law as controlling with respect to the confidentiality and release of such records; providing that such information received pursuant to federal law may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers; reorganizing provisions; making editorial and conforming changes; repealing s. 2, ch. 2004-62, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Gardiner, **CS for HB 7027** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Consideration of **SB 1370** was deferred.

CS for CS for SB 918—A bill to be entitled An act relating to the Florida Kidcare program; amending s. 409.810, F.S.; correcting a cross-reference; amending s. 409.811, F.S.; conforming cross-references; amending s. 409.812, F.S.; clarifying the application of the Florida Kidcare program to include all eligible uninsured, low-income children; amending s. 409.813, F.S.; specifying funding sources for health benefits coverage for certain children; specifying program components to be marketed as the Florida Kidcare program; conforming cross-references; amending s. 409.8132, F.S.; revising provisions relating to penalties for nonpayment of premiums and waiting periods for reinstatement of coverage; amending s. 409.8134, F.S.; revising provisions relating to enrollment in the Florida Kidcare program; amending s. 409.814, F.S.; removing a restriction on participation in the Florida Healthy Kids program; authorizing certain enrollees to opt out of the Children's Medical Services network; revising coverage limitations; revising restrictions on enrollment of children whose coverage was voluntarily canceled; providing exceptions; deleting provisions that place a limit on enrollment in Medikids and the Florida Healthy Kids full-pay program; requiring notice to health plans and providers when a child is no longer eligible for certain coverage; requiring electronic verification of applicants' income; providing circumstances under which written documentation is required; revising the timeframe for an enrollee to resolve disputes regarding the withholding of benefits; amending s. 409.815, F.S.; authorizing the Agency for Health Care Administration to increase premium assistance payments for benefits provided through Florida Kidcare Plus instead of the Children's Medical Services; conforming cross-references; amending ss. 409.816 and 409.817, F.S.; conforming cross-references; amending s. 409.8177, F.S.; revising information to be included in the annual program evaluation to the Governor and Legislature; amending s. 409.818, F.S.; clarifying that the Department of Health is the chair of Florida Kidcare coordinating council; conforming cross-references; amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation; revising the date in which the corporation must provide a study to the Legislature and the Governor; correcting a cross-reference; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for CS for SB 918** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

HB 7015—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding campaign finance reports; amending s. 106.0706, F.S., which provides an exemption from public records requirements for user identifications and passwords held by the Department of State, and information entered in the department's electronic filing system, in connection with electronic filing of campaign finance reports; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **HB 7015** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 215** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, by two-thirds vote—

CS for CS for HB 215—A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action subject to review pursuant to state law; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General's written determination to enter into such contract be posted on the department's website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department's website within a specified period after the date on which payment of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; providing an effective date.

—a companion measure, was substituted for **SB 1370** and read the second time by title.

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

Senator Jones moved the following amendment which was adopted:

Amendment 1 (226328) (with title amendment)—Delete line 107 and insert: *private attorneys retained to achieve the recovery. Provided further, the provisions of this subsection do not apply if the Attorney General determines that exigent or unusual circumstances or a need or requirement for specialized legal knowledge or experience justifies an exception to the requirements of this subsection, provides written evidence to support the determination and the determination is approved by majority vote of the Cabinet.*

And the title is amended as follows:

Delete line 29 and insert: contract with the department; providing exceptions; requiring that copies of any

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 215** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 1000—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances; requiring a referendum; providing for distribution of surtax proceeds; authorizing an administrative fee; providing for interlocal agreements; providing agreement requirements; requiring a reduction in the budget for ad valorem tax levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax; requiring any surplus surtax revenues to be used to further reduce ad valorem taxes; prohibiting entities not entering into an interlocal agreement from receiving a portion of surtax proceeds; specifying the distribution of surtax revenues and limiting reimbursements among participating jurisdictions under certain circumstances; prohibiting a county from levying the surtax within certain multicounty independent special districts; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 1000** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Diaz de la Portilla
Alexander	Constantine	Dockery
Altman	Crist	Fasano
Aronberg	Dean	Gaetz
Baker	Detert	Garcia
Bennett	Deutch	Gardiner
Gelber	Lawson	Siplin
Haridopolos	Lynn	Smith
Hill	Oelrich	Sobel
Jones	Peaden	Storms
Joyner	Pruitt	Villalobos
Justice	Rich	Wilson
King	Ring	Wise

Nays—None

Vote after roll call:

Yea—Richter

CS for CS for HB 481—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing an effective date.

—as amended April 28 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Constantine, the Senate reconsidered the votes by which **Amendment 1 (380932)** and **Amendment 2 (585062)** were adopted. **Amendments 1** and **2** were withdrawn.

On motion by Senator Richter, **CS for CS for HB 481** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for SB 398—A bill to be entitled An act relating to district and school advisory councils; amending s. 1001.452, F.S.; requiring that a district school board make a good faith effort to advertise and open the school advisory council to members of the community; providing that a majority of the members of a school advisory council not be employed by the school; providing an effective date.

—was read the third time by title.

On motion by Senator Sobel, **CS for SB 398** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Alexander	Altman

Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Oelrich	
Gaetz	Peaden	

Nays—None

CS for HB 61—A bill to be entitled An act relating to temporary accommodations; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; providing application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term "casualty insurance" to include sellers of timeshare interests; amending s. 721.05, F.S.; revising a definition; amending s. 721.07, F.S.; specifying additional information required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing severability; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for HB 61** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for CS for SB 308—A bill to be entitled An act relating to developmental disabilities; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder or other developmental disability and inform the parent or legal guardian of the right to direct access to that specialist under certain circumstances; defining the term "appropriate specialist"; amending ss. 627.6686 and 641.31098, F.S.; defining the term "developmental disability" to include cerebral palsy and Down syndrome; providing health insurance coverage for individuals with developmental disabilities; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disabilities; defining the term "direct patient access"; requiring the insurer's policy or the health maintenance organization's contract to provide a minimum number of visits per year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disabilities; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Ring, **CS for CS for SB 308** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for SB 264—A bill to be entitled An act relating to voter information cards; amending s. 97.071, F.S.; requiring voter information cards to contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; providing transitional instructions for the supervisors of elections; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **CS for SB 264** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

HB 7041—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Institute for Human and Machine Cognition, Inc.; amending s. 1004.4472, F.S., which provides an exemption from public records requirements for information held by the Florida Institute for Human and Machine Cognition, Inc., or its subsidiary and an exemption from public meeting requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt information is presented or discussed; providing definitions; reorganizing and conforming provisions; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **HB 7041** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

HB 7123—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Florida Council on Military Base and Mission Support; providing for the mission of the council; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for reimbursement of members for expenses; requiring the Office of Tourism, Trade, and Economic Development to provide administrative support; providing for council workgroups and tasks thereof; requiring an annual report to the Legislature and Governor; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **HB 7123** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Fasano

HB 7125—A bill to be entitled An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public records requirements for specified records relating to military bases which are held by the Florida Council on Military Base and Mission Support; creating an exemption from public meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Gaetz, **HB 7125** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

SB 1574—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating the authority of members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring that persons addressing a legislative committee take an oath or affirmation of truthfulness; providing exceptions; requiring that a member of the legislative committee administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of such card; providing for penalties for making a false statement after signing such card; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **SB 1574** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the "Consumer Choice and Protection Act"; providing legislative findings and intent; authorizing the

Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; amending s. 364.013, F.S.; providing for local interconnection rights regardless of technology; amending s. 364.02, F.S.; redefining the terms "basic local telecommunications service," "nonbasic service," and "telecommunications company"; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company's schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; providing that the price for any service that was treated as basic service before a specified date may not be increased by more than the amount allowed for basic service; deleting provisions relating to rate increases for nonbasic services; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; amending s. 364.10, F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; deleting the requirement that each local exchange telecommunications company submit to the Public Service Commission copies of the written notices and information concerning basic service for prior approval; amending s. 364.603, F.S.; providing procedures for resolving complaints regarding preferred carrier freezes on local exchange service; amending ss. 364.059 and 364.105, F.S.; conforming cross-references; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for SB 2626** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Peaden
Altman	Gardiner	Pruitt
Aronberg	Gelber	Rich
Baker	Haridopolos	Richter
Bennett	Hill	Ring
Bullard	Jones	Smith
Constantine	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—3

Crist	Dean	Fasano

Vote after roll call:

Yea—Siplin

Yea to Nay—Justice, Storms

RECESS

The President declared the Senate in recess at 11:35 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:57 p.m. A quorum present—39:

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1978**, **CS for CS for SB 682** and **CS for CS for SB 880** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 2276** and **CS for SB 1318** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for SJR 532** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; **SB 1940** was withdrawn from the Committee on General Government Appropriations; and **CS for SB 906** was withdrawn from Committee on Transportation and Economic Development Appropriations.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Alexander—

CS for CS for SB 2088—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; providing that the Financial Management Information Board is responsible for the system; deleting provisions relating to the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the agency is headed by the Governor and Cabinet acting as the Financial Management Information Board; providing for an executive director; providing the duties of the agency; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to the agency; providing the members of the council; providing council duties; creating s. 215.924, F.S.; providing for

an Enterprise Financial Business Strategic Plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; providing for the contents of the plan; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; adding the Revenue and Tax Collection, Processing, and Distribution Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; revising the duties of the owners; deleting references to the design and coordination staff; providing for the ownership and functions of the Revenue and Tax Collection, Processing, and Distribution Subsystem by the Department of Revenue; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; amending s. 215.95, F.S.; providing additional duties for the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; creating s. 215.961, F.S.; providing state agency requirements relating to the Florida Financial Management Information System and the use of functional information and enterprise agency business subsystems; repealing s. 570.07(41), F.S., relating to the Department of Agriculture and Consumer Services' exemption from using the state online procurement system; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing for funding; providing an effective date.

—was read the second time by title.

SENATOR FASANO PRESIDING

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (399352)—Delete line 988 and insert: *2451, 2452, and 2459 of chapter 2008-152, Laws of Florida, for*

Pursuant to Rule 4.19, **CS for CS for SB 2088** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for CS for HB 439—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

—which was previously considered and amended April 28 with pending **Amendment 1 (611714)** by Senator Altman as amended and **Amendment 1B (338640)** by Senator Altman.

On motion by Senator Villalobos, further consideration of **CS for CS for CS for HB 439** with pending **Amendment 1 (611714)** and **Amendment 1B (338640)** was deferred.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 631** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Aronberg—

CS for HB 631—A bill to be entitled An act relating to public records; amending s. 733.604, F.S.; providing exemptions from public records requirements for certain estate inventories and accountings; requiring custodians to disclose certain inventories or accountings to certain persons or by court order; providing retroactive application; providing for review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1400** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 631** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

SB 2080—A bill to be entitled An act relating to the West-Central Florida Water Restoration Action Plan; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria for the Southwest Florida Water Management District to meet in implementing the West-Central Florida Water Restoration Action Plan; requiring that the district coordinate with regional water supply authorities and governmental entities to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan's purpose; specifying the initiatives that are included in the plan; providing criteria for implementing the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; requiring that the district implement certain initiatives in cooperation with the Peace River-Manasota Regional Water Supply Authority or Polk County; requiring that the Southwest Florida Water Management District prepare a report that meets specified criteria concerning implementation of the plan, regional conditions, and the use of funds; requiring that the district prepare the report in cooperation with coordinating agencies and affected local governments and submit the report and legislative proposals to the Governor and the Legislature by a specified date; amending s. 403.087, F.S.; prohibiting the permitting of landfills under certain conditions; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendments which were adopted:

Amendment 1 (926862) (with title amendment)—Delete lines 119-274 and insert:

(4) The West-Central Florida Water Restoration Action Plan includes:

(a) The Central West Coast Surface Water Enhancement Initiative. The purpose of this initiative is to make additional surface waters available for public supply through restoration of surface waters, natural water flows, and freshwater wetland communities. This initiative is designed to allow limits on groundwater withdrawals in order to slow the rate of saltwater intrusion. The initiative shall be an ongoing program in cooperation with the Peace River-Manasota Regional Water Supply Authority created under s. 373.1962.

(b) The Facilitating Agricultural Resource Management Systems Initiative. The purpose of this initiative is to expedite the implementation of production-scale, best management practices in the agricultural sector, which will result in reductions in groundwater withdrawals and improvements in water quality, water resources, and ecology. The initiative is a cost-share reimbursement program to provide funding incentives to agricultural landowners for the implementation of best management practices. The initiative shall be implemented by the district in cooperation with the Department of Agriculture and Consumer Services. Cooperative funding programs approved by the governing board shall not be subject to the rulemaking requirements of chapter 120. However, any portion of an approved program which affects the substantial interests of a party shall be subject to s. 120.569.

(c) The Ridge Lakes Restoration Initiative. The purpose of this initiative is to protect, restore, and enhance natural systems and flood protection by improving and protecting the water quality of approximately 130 lakes located along the Lake Wales Ridge in Polk and Highlands Counties, which quality is threatened by stormwater runoff, wastewater effluent, fertilizer applications, groundwater pollution, degradation of shoreline habitats, and hydrologic alterations. This initiative shall be accomplished through the construction of systems designed to treat the stormwater runoff that threatens the water quality of such lakes. Such systems include swales, retention basins, and long infiltration basins, if feasible.

(d) The Upper Peace River Watershed Restoration Initiative. The purpose of this initiative is to improve the quality of waters and ecosystems in the watershed of the Upper Peace River by recharging aquifers, restoring the flow of surface waters, and restoring the capacity of natural systems to store surface waters. The Legislature finds that such improvements are necessary because the quantity and quality of the fresh water that flows to the basin of the Peace River and Charlotte Harbor are adversely affected by the significant alteration and degradation of the watershed of the Upper Peace River and because restoration of the watershed of the Upper Peace River is a critical component of the Charlotte Harbor National Estuary Program's Comprehensive Conservation and Management Plan, the Southwest Florida Water Management District's Surface Water Improvement and Management Plan, and the Southern Water Use Caution Area Recovery Strategy. This initiative shall include an Upper Peace River Component. In addition to the initiative's other purposes, this component will provide a critical link to a major greenway that extends from the lower southwest coast of this state through the watershed of the Peace River and the Green Swamp and further north to the Ocala National Forest.

(e) The Central Florida Water Resource Development Initiative. The purpose of this initiative is to create and implement a long-term plan that takes a comprehensive approach to limit ground water withdrawals in the Southern Water Use Caution Area and to identify and develop alternative water supplies for Polk County. The project components developed pursuant to this initiative are eligible for state and regional funding under s. 373.196 as an alternative water supply, as defined in s. 373.019, or as a supplemental water supply under the rules of the Southwest Florida Water Management District or the South Florida Water Management District. The initiative shall be implemented by the district as an ongoing program in cooperation with Polk County and the South Florida Water Management District.

(5) As part of the consolidated annual report required pursuant s. 373.036(7), the district may include:

(a) A summary of the conditions of the Southern Water Use Caution Area, including the status of the components of the West-Central Florida Water Restoration Action Plan.

(b) An annual accounting of the expenditure of funds. The accounting must, at a minimum, provide details of expenditures separately by plan component and any subparts of a plan component, and include specific information about amount and use of funds from federal, state, and local government sources. In detailing the use of these funds, the district shall indicate those funds that are designated to meet requirements for matching funds.

(6) The district shall submit the West-Central Florida Water Restoration Action Plan developed pursuant to subsection (4) to the President of the Senate and the Speaker of the House of Representatives prior to the 2010 regular legislative session for review. If the Legislature takes no action on the plan during the 2010 regular legislative session, the plan shall be deemed approved.

And the title is amended as follows:

Delete lines 21-34 and insert: initiatives; providing for the Southwest Florida Water Management District to include specified criteria concerning implementation of the plan, regional conditions, and the use of funds in specified annual reports; requiring that the Southwest Florida Water Management District develop and submit a plan to the Legislature; providing for approval of the plan; providing an effective date.

Amendment 2 (443318) (with title amendment)—Delete line 275 and insert:

Section 3. *Section 23 of chapter 2008-150, Laws of Florida, is repealed.*

Section 4. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 34 and insert: certain conditions; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; providing an effective date.

Pursuant to Rule 4.19, **SB 2080** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, the Senate resumed consideration of—

CS for CS for CS for SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire state land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.7829, F.S.; conforming a cross-reference; amending s. 253.783, F.S.; revising provisions relating to the disposition of surplus lands; authorizing the Department of Environmental Protection to extend the second right of refusal to the current owner of adjacent lands affected by acquired surplus lands under certain circumstances; authorizing the department to extend the third right of refusal to the original owner or the original owner's heirs of lands acquired by the Canal Authority of the State of Florida or the United States Army Corps of Engineers; authorizing the department to extend the fourth right of refusal to any person having a leasehold interest in the land from the canal authority; conforming cross-references; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring an affirmative vote of six members of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105,

F.S.; requiring that certain proceeds from the Florida Forever Trust Fund be spent on capital projects within a year after acquisition rather than only at the time of acquisition; requiring an affirmative vote of six members of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; requiring the department to recover notification costs from responsible parties; providing an exception; amending s. 403.0876, F.S.; providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; providing an effective date.

—which was previously considered April 28. Pending **Amendment 1 (563234)** by Senator Constantine failed. The vote was:

Yeas—13

Altman	Garcia	King
Aronberg	Haridopolos	Pruitt
Constantine	Jones	Sobel
Detert	Joyner	
Dockery	Justice	

Nays—19

Alexander	Fasano	Oelrich
Baker	Gaetz	Siplin
Bennett	Gardiner	Storms
Bullard	Gelber	Wilson
Dean	Hill	Wise
Deutch	Lawson	
Diaz de la Portilla	Lynn	

Senator Justice moved the following amendment which was adopted:

Amendment 2 (709114)—Delete lines 690-876 and insert:

Section 12. Section 376.30702, Florida Statutes, is amended to read:

376.30702 Contamination notification.—

(1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds and declares that when contamination is discovered by any person as a result of site rehabilitation activities conducted pursuant to the risk-based corrective action provisions found in s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, *or pursuant to an administrative or court order,* it is in the public's best interest that potentially affected persons be notified of the existence of such contamination. Therefore, persons discovering such contamination shall notify the department *and those identified under this section* of *the* ~~such~~ discovery in accordance with the requirements of this section~~, and the department shall be responsible for notifying the affected public~~. The Legislature intends for the provisions of this section to govern the notice requirements for early notification of the discovery of contamination.

(2)*(a)* INITIAL NOTICE OF CONTAMINATION BEYOND PROPERTY BOUNDARIES.—If at any time during site rehabilitation conducted pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701*, or an administrative or court order* the person responsible for site rehabilitation, the person's authorized agent, or another representative of the person discovers from laboratory analytical results that comply with appropriate quality assurance protocols specified in department rules that contamination as defined in applicable department rules exists in any *groundwater, surface water, or soil* ~~medium~~ beyond the boundaries of the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, *or an administrative or court order* the person responsible for site rehabilitation shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the department's Tallahassee office. The actual notice shall be provided on a form adopted by department rule and mailed by certified mail, return receipt requested. The person responsible for site rehabilitation shall simultaneously *provide* ~~mail~~ a copy of *the* ~~such~~ notice to the appropriate department district office~~,~~ *and the appropriate* county health department~~, and all known lessees and tenants of the source property~~.

(b) The notice shall include the following information:

1. ~~(a)~~ The location of the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701*, or an administrative or court order* and contact information for the person responsible for site rehabilitation, the person's authorized agent, or another representative of the person.

2. ~~(b)~~ A listing of all record owners of any real property~~, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701,~~ at which contamination has been discovered; the parcel identification number for any such real property; the owner's address listed in the current county property tax office records; and the owner's telephone number. ~~The re-~~

~~quirements of this paragraph do not apply to the notice to known tenants and lessees of the source property.~~

3. ~~(c)~~ Separate tables *for* ~~by medium, such as~~ groundwater, soil, *and* surface water *which* ~~, or sediment, that~~ list sampling locations *identified on the vicinity map as provided in subparagraph 4.*; sampling dates; names of contaminants detected above cleanup target levels; their corresponding cleanup target levels; the contaminant concentrations; and whether the cleanup target level is based on health, nuisance, organoleptic, or aesthetic concerns.

4. ~~(d)~~ A vicinity map that shows each sampling location with corresponding laboratory analytical results *pursuant to subparagraph 3.* ~~and the date on which the sample was collected~~ and that identifies the property boundaries of the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701*, or an administrative or court order* and *any* ~~the~~ other properties at which contamination has been discovered during such site rehabilitation. *If available, a contaminant plume map signed and sealed by a Florida-licensed professional engineer or geologist may be included with the vicinity map.*

(3) DEPARTMENT'S NOTICE RESPONSIBILITIES.—

(a) After receiving the actual notice required under subsection (2), the department shall notify the following persons of such contamination:

1. The mayor, the chair of the county commission, or the comparable senior elected official representing the affected area.

2. The city manager, the county administrator, or the comparable senior administrative official representing the affected area.

3. The school district superintendent representing the affected area.

4. The state senator, state representative, and United States Representative representing the affected area and both United States Senators.

5.a. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of the property at which site rehabilitation is being conducted, if different from the person responsible for site rehabilitation;

b. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of any properties within a 500-foot radius of each sampling point at which contamination is discovered, if site rehabilitation was initiated pursuant to s. 376.30701 or an administrative or court order; and

c. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of any properties within a 250-foot radius of each sampling point at which contamination is discovered or any properties identified on a contaminant plume map provided pursuant to subparagraph (2)(b)4., if site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81 or at or in connection with a permitted solid waste management facility subject to a ground water monitoring plan.

(b)1. The notice provided to local government officials shall be mailed by certified mail, return receipt requested, and shall advise the local government of its responsibilities under subsection (4).

2. The notice provided to real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record may be delivered by certified mail, return receipt requested, first-class mail, hand delivery, or door-hanger.

(c) Within 30 days after receiving the actual notice required *under* ~~pursuant to~~ subsection (2), ~~or within 30 days of the effective date of this act if the department already possesses information equivalent to that required by the notice,~~ the department shall *verify that the person responsible for site rehabilitation has complied with the notice requirements of this section* ~~send a copy of such notice, or an equivalent notification, to all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, at which contamination has been discovered~~. *If the person responsible for site rehabilitation has not complied with the notice requirements of this section, the department may pursue enforcement as provided under this chapter and chapter 403.*

(d)1. If the property at which contamination has been discovered is the site of a school as defined in s. 1003.01, the department shall *mail* ~~also send~~ a copy of the notice to the *superintendent* ~~chair of the school board~~ of the *school* district in which the property is located and direct *the superintendent* ~~said school board~~ to provide actual notice *annually* to teachers and parents or guardians of students attending the school during the period of site rehabilitation.

2. If the property at which contamination has been discovered is the site of a private K-12 school or a child care facility as defined in s. 402.302, the department shall mail a copy of the notice to the governing board, principal, or owner of the school or child care facility and direct the governing board, principal, or owner to provide actual notice annually to teachers and parents or guardians of students or children attending the school or child care facility during the period of site rehabilitation.

3. After receiving the notice required under subsection (2), if any property within a 500-foot radius of the property at which contamination has been discovered during site rehabilitation pursuant to s. 376.30701 or an administrative or court order is the site of a school as defined in s. 1003.01, the department shall mail a copy of the notice to the superintendent of the school district in which the property is located and direct the superintendent to provide actual notice annually to the principal of the school.

4. After receiving the notice required under subsection (2), if any property within a 250-foot radius of the property at which contamination has been discovered during site rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81 or at or in connection with a permitted solid waste management facility subject to a ground water monitoring plan is the site of a school as defined in s. 1003.01, the department shall mail a copy of the notice to the superintendent of the school district in which the property is located and direct the superintendent to provide actual notice annually to the principal of the school.

(e) Along with the copy of the notice ~~or its equivalent~~, the department shall include a letter identifying sources of additional information about the contamination and a telephone number to which further inquiries should be directed. The department may collaborate with the Department of Health to develop such sources of information and to establish procedures for responding to public inquiries about health risks associated with contaminated sites.

(4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—Within 30 days after receiving the actual notice required under subsection (3), the local government shall mail a copy of the notice to the president or comparable executive officer of each homeowners' association or neighborhood association within the potentially affected area as described in subsection (3).

(5) ~~(4)~~ RULEMAKING AUTHORITY*; RECOVERY OF COSTS OF NOTIFICATION*.—The department shall adopt rules and forms pursuant to ss. 120.536(1) and 120.54 to implement the requirements of this section *and shall recover the costs of postage, materials, and labor associated with notification from the responsible party, except when site rehabilitation is eligible for state-funded cleanup pursuant to the risk-based corrective action provisions found in s. 376.3071(5) or s. 376.3078(4).*

Senator Constantine moved the following amendment:

Amendment 3 (279976) (with title amendment)—Between lines 1374 and 1375 insert:

Section 25. Subsection (14) of section 403.503, Florida Statutes, is amended to read:

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.—As used in this act:

(14) "Electrical power plant" means, for the purpose of certification, any steam*, wind* or solar electrical generating facility using any process or fuel, including nuclear materials, except that this term does not include any steam*, wind* or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to

apply for certification under this act. This term also includes the site; all associated facilities that will be owned by the applicant that are physically connected to the site; all associated facilities that are indirectly connected to the site by other proposed associated facilities that will be owned by the applicant; and associated transmission lines that will be owned by the applicant which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect. At the applicant's option, this term may include any offsite associated facilities that will not be owned by the applicant; offsite associated facilities that are owned by the applicant but that are not directly connected to the site; any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line; or new transmission lines, upgrades, or improvements of an existing transmission line on any portion of the applicant's electrical transmission system necessary to support the generation injected into the system from the proposed electrical power plant.

Section 26. Subsection (1) of section 403.506, Florida Statutes, is amended to read:

403.506 Applicability, thresholds, and certification.—

(1) The provisions of this act shall apply to any electrical power plant as defined herein, except that the provisions of this act shall not apply to any electrical power plant*, including its associated facilities,* of less than 75 megawatts in gross capacity*, or to any electrical power plant of any gross capacity which uses wind or solar energy* ~~including its associated facilities~~, unless the applicant has elected to apply for certification of such electrical power plant under this act. The provisions of this act shall not apply to capacity expansions of 75 megawatts or less, in the aggregate, of an existing exothermic reaction cogeneration electrical generating facility that was exempt from this act when it was originally built; however, this exemption shall not apply if the unit uses oil or natural gas for purposes other than unit startup. No construction of any new electrical power plant or expansion in steam generating capacity as measured by an increase in the maximum electrical generator rating of any existing electrical power plant may be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such electrical power plant which is presently operating or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

Renumber subsequent sections

And the title is amended as follows:

Delete line 126 and insert: certain class I landfills; amending s. 403.503, F.S.; revising definitions; amending s. 403.506, F.S.; revising provisions of power plants using wind or solar energy; providing an effective

Senator Constantine moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (300310)—

Delete line 42 and insert: *any gross capacity which exclusively uses wind or solar energy as its sole fuel source* ~~including its~~

Amendment 3 as amended was adopted.

Senator Bullard moved the following amendment which was adopted:

Amendment 4 (947338) (with title amendment)—Between lines 1374 and 1375 insert:

Section 25. Subsection (7) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

Section 6. Sewage requirements in Monroe County.—

(7) Class V injection wells, as defined by Department of Environmental Protection or Department of Health rule, shall meet the following requirements and shall otherwise comply with Department of Environmental Protection or Department of Health rules, as applicable:

(a) If the design capacity of the facility is less than 1,000,000 gallons per day, the injection well shall be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule.

(b) *Except as provided in paragraph (c) for backup wells,* if the design capacity of the facility is equal to or greater than 1,000,000 gallons per day, the injection well shall be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by Department of Environmental Protection rule.

(c) If the injection well is used as a backup to a primary injection well, the following conditions apply:

1. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;

2. The backup well may not be used for a total of more than 500 hours during any 5-year period, unless specifically authorized in writing by the Department of Environmental Protection;

3. The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by rule of the Department of Environmental Protection; and

4. Fluid injected into the backup well shall meet the requirements of subsections (5) and (6).

And the title is amended as follows:

Between lines 122 and 123 insert: amending s. 6, ch. 99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well;

Senator Constantine moved the following amendment which was adopted:

Amendment 5 (950462) (with title amendment)—Between lines 1374 and 1375 insert:

Section 25. Section 403.9335, Florida Statutes, is created to read:

403.9335 Coral reef protection.—

(1) This section may be cited as the "Florida Coral Reef Protection Act."

(2) This act applies to the sovereign submerged lands that contain coral reefs as defined in this act off the coasts of Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.

(3) As used in this section, the term:

(a) "Aggravating circumstances" means operating, anchoring, or mooring a vessel in a reckless or wanton manner; under the influence of drugs or alcohol; or otherwise with disregard for boating regulations concerning speed, navigation, or safe operation.

(b) "Coral" means species of the phylum Cnidaria found in state waters including:

1. Class Anthozoa, including the subclass Octocorallia, commonly known as gorgonians, soft corals, and telestaceans; and

2. Orders Scleractinia, commonly known as stony corals; Stolonifera, including, among others, the organisms commonly known as organ-pipe corals; Antipatharia, commonly known as black corals; and Hydrozoa, including the family Millaporidae and family Stylasteridae, commonly known as hydrocoral.

(c) "Coral reefs" mean:

1. Limestone structures composed wholly or partially of living corals, their skeletal remains, or both, and hosting other coral, associated benthic invertebrates, and plants; or

2. Hard-bottom communities, also known as live bottom habitat or colonized pavement, characterized by the presence of coral and associated reef organisms or worm reefs created by the Phragmatopoma species.

(d) "Damages" means moneys paid by any person or entity, whether voluntarily or as a result of administrative or judicial action, to the state as compensation, restitution, penalty, civil penalty, or mitigation for causing injury to or destruction of coral reefs.

(e) "Department" means the Department of Environmental Protection.

(f) "Fund" means the Ecosystem Management and Restoration Trust Fund.

(g) "Person" means any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(h) "Responsible party" means the owner, operator, manager, or insurer of any vessel.

(4) The Legislature finds that coral reefs are valuable natural resources that contribute ecologically, aesthetically, and economically to the state. Therefore, the Legislature declares it is in the best interest of the state to clarify the department's powers and authority to protect coral reefs through timely and efficient recovery of monetary damages resulting from vessel groundings and anchoring-related injuries. It is the intent of the Legislature that the department be recognized as the state's lead trustee for coral reef resources located within waters of the state or on sovereignty submerged lands unless preempted by federal law. This section does not divest other state agencies and political subdivisions of the state of their interests in protecting coral reefs.

(5) The responsible party who knows or should know that their vessel has run aground, struck, or otherwise damaged coral reefs must notify the department of such an event within 24 hours after its occurrence. Unless otherwise prohibited or restricted by the United States Coast Guard, the responsible party must remove or cause the removal of the grounded or anchored vessel within 72 hours after the initial grounding or anchoring absent extenuating circumstances such as weather, or marine hazards that would prevent safe removal of the vessel. The responsible party must remove or cause the removal of the vessel or its anchor in a manner that avoids further damage to coral reefs and shall consult with the department in accomplishing this task. The responsible party must cooperate with the department to undertake damage assessment and primary restoration of the coral reef in a timely fashion.

(6) In any action or suit initiated pursuant to chapter 253 on the behalf of the Board of Trustees of the Internal Improvement Trust Fund, or under chapter 373 or this chapter for damage to coral reefs, the department may recover all damages from the responsible party, including, but not limited to:

(a) Compensation for the cost of replacing, restoring, or acquiring the equivalent of the coral reef injured and the value of the lost use and services of the coral reef pending its restoration, replacement, or acquisition of the equivalent coral reef, or the value of the coral reef if the coral reef cannot be restored or replaced or if the equivalent cannot be acquired.

(b) The cost of damage assessments, including staff time.

(c) The cost of activities undertaken by or at the request of the department to minimize or prevent further injury to coral or coral reefs pending restoration, replacement, or acquisition of an equivalent.

(d) The reasonable cost of monitoring the injured, restored, or replaced coral reef for at least 10 years. Such monitoring is not required for a single occurrence of damage to a coral reef damage totaling less than or equal to 1 square meter.

(e) The cost of enforcement actions undertaken in response to the destruction or loss of or injury to a coral reef, including court costs, attorney's fees, and expert witness fees.

(7) The department may use habitat equivalency analysis as the method by which the compensation described in subsection (5) is calculated. The parameters for calculation by this method may be prescribed by rule adopted by the department.

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $150, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional $150; occurring within a state park or aquatic preserve, an additional $150.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $300 per square meter; with aggravating circumstances, an additional $300 per square meter; occurring within a state park or aquatic preserve, an additional $300 per square meter.

(c) For damage exceeding an area of 10 square meters, $1,000 per square meter; with aggravating circumstances, an additional $1,000 per square meter; occurring within a state park or aquatic preserve, an additional $1,000 per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $250,000 per occurrence.

(9) To carry out the intent of this section, the department may enter into delegation agreements with another state agency or any coastal county with coral reefs within its jurisdiction. In deciding to execute such agreements, the department must consider the ability of the potential delegee to adequately and competently perform the duties required to fulfill the intent of this section. When such agreements are executed by the parties and incorporated in department rule, the delegee shall have all rights accorded the department by this section. Nothing herein shall be construed to require the department, another state agency, or a coastal county to enter into such an agreement.

(10) Nothing in this section shall be construed to prevent the department or other state agencies from entering into agreements with federal authorities related to the administration of the Florida Keys National Marine Sanctuary.

(11) All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the Ecosystem Management and Restoration Trust Fund in the department and shall remain in such account until expended by the department for the purposes of this section. Moneys in the fund received from damages recovered for injury to, or destruction of, coral reefs must be expended only for the following purposes:

(a) To provide funds to the department for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages.

(b) To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c) To pay for alternative projects selected by the department. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(d) All claims for trust fund reimbursements under paragraph (a) must be made within 90 days after payment of damages is made to the state.

(e) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(f) When payments are made to a state agency from the fund for expenses compensable under this subsection, such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any amount as a result of such reimbursement.

(12) The department may adopt rules pursuant to ss. 120.536 and 120.54 to administer this section.

Section 26. Paragraph (b) of subsection (2) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(2) The trust fund shall be used for the deposit of all moneys recovered by the state:

(b) For injury to or destruction of coral reefs, which moneys would otherwise be deposited into the General Revenue Fund or the Internal Improvement Trust Fund. *The department may enter into settlement agreements that require responsible parties to pay a third party to fund projects related to the restoration of a coral reef, to accomplish mitigation for injury to a coral reef, or to support the activities of law enforcement agencies related to coral reef injury response, investigation and assessment. Participation of a law enforcement agency in the receipt of funds through this mechanism shall be at the law enforcement agency's discretion.*

Section 27. *Subsection (3) of section 253.04, Florida Statutes, is repealed.*

Section 28. *Section 380.0558, Florida Statutes, is repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

Delete line 126 and insert: certain Class I landfills; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; providing an effective

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment which failed:

Amendment 6 (731466) (with title amendment)—Between lines 689 and 690 insert:

Section 12. Subsection (5) is added to section 373.584, Florida Statutes, to read:

373.584 Revenue bonds.—

(5)(a) The total annual debt service for bonds issued pursuant to this section and s. 373.563 may not exceed 15 percent of the annual ad valorem tax revenues of the water management district, unless approved by the Joint Legislative Budget Commission.

(b) The Joint Legislative Budget Commission is authorized to review the financial soundness of a water management district and determine whether bonds may be issued by a water management district in excess of the limitation of paragraph (a).

(c) A water management district may not take any action regarding the issuance of bonds in excess of the limitation in paragraph (a) without the prior approval of the Joint Legislative Budget Commission pursuant to joint rules of the Senate and the House of Representatives.

(d) Bonds issued and outstanding prior to January 1, 2009, in excess of the limitation in paragraph (a) are not a violation of these provisions and shall not be included in the calculation of the limitation.

(e) Notwithstanding any other provision of law, bonds issued pursuant to this section and s.373.563 may not be used for the acquisition of real property.

(f) Nothing contained in this subsection shall affect the validity or enforceability of outstanding revenue bonds.

And the title is amended as follows:

Delete line 54 and insert: owned submerged lands; amending s. 373.584, F.S.; providing for a cap on revenues pledged for debt service; providing for legislative approval to exceed the cap; prohibiting the use of bonds for the acquisition of real property; exempting certain outstanding revenue bonds; amending s. 376.30702, F.S.;

The vote was:

Yeas—16

Bennett	Jones	Storms
Crist	King	Villalobos
Dean	Lynn	Wilson
Detert	Peaden	Wise
Dockery	Smith	
Garcia	Sobel	

Nays—21

Alexander	Diaz de la Portilla	Joyner
Altman	Fasano	Justice
Aronberg	Gaetz	Lawson
Baker	Gardiner	Oelrich
Bullard	Gelber	Pruitt
Constantine	Haridopolos	Ring
Deutch	Hill	Siplin

Vote after roll call:

Yea to Nay—Crist, Smith, Wilson

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 7 (815600) (with title amendment)—Delete lines 1330-1342 and insert:

Section 21. Subsection (7) of section 403.9325, Florida Statutes, is amended to read:

403.9325 Definitions.—For the purposes of ss. 403.9321-403.9333, the term:

(7) "Riparian mangrove fringe" means mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward mangrove tree. Riparian mangrove fringe does not include mangroves on uninhabited *natural* islands, or public lands that have been set aside for conservation or preservation, or mangroves on lands that have been set aside as mitigation, if the permit, enforcement instrument, or conservation easement establishing the mitigation area did not include provisions for the trimming of mangroves.

Section 22. Subsection (5) of section 403.9329, Florida Statutes, is amended to read:

403.9329 Professional mangrove trimmers.—

(5) A professional mangrove trimmer status granted *under ss. 403.9321-403.9333 or* by the department may be revoked by the department for any person who is responsible for any violations of ss. 403.9321-403.9333 or any adopted mangrove rules.

Section 23. Subsection (3) is added to section 403.9331, Florida Statutes, to read:

403.9331 Applicability; rules and policies.—

(3) Pursuant to s. 403.9323(2), the provisions of ss. 403.9321-403.9333 do not allow the trimming of mangroves on uninhabited natural islands that are publicly owned or on lands that are

And the title is amended as follows:

Delete line 113 and insert: 403.9325, F.S.; revising the definition of "riparian mangrove fringe"; amending s. 403.9329, F.S.; clarifying the department's authority

Pursuant to Rule 4.19, **CS for CS for CS for SB 2104** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 2158—A bill to be entitled An act relating to public records; creating s. 631.582, F.S.; providing an exemption from public-records requirements for specified claims files, medical records that are part of a claims file, information relating to the medical condition or medical status of a claimant, and records pertaining to matters reasonably encompassed in privileged attorney-client communications of the Florida Insurance Guaranty Association; providing for limited duration of the exemption for claims files; providing for release of records under specified conditions; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2158** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 2244—A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; specifying conservation purposes for which land must be used in order to qualify for an ad valorem tax exemption; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; defining terms; providing for the assessment and ad valorem taxation of real property within an area perpetually encumbered by a conservation easement or other instrument and which contains improvements; requiring land that is exempt from ad valorem taxation and used for agricultural purposes be managed pursuant to certain best-management practices; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; providing that land of less than a certain acreage does not qualify for the ad valorem tax exemption; providing exceptions; requiring the Department of Revenue to adopt rules; requiring the Department of Environmental Protection to adopt by rule a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years; requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the value adjustment board to grant late applications for such assessments if extenuating circumstances are shown; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring that a property owner notify the property appraiser when the use of the property no longer complies with the requirements for a conservation easement; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2244** to **HB 7157**.

Pending further consideration of **CS for CS for CS for SB 2244** as amended, on motion by Senator Altman, by two-thirds vote **HB 7157** was withdrawn from the Committees on Community Affairs; Agriculture; Environmental Preservation and Conservation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Altman, the rules were waived and by two-thirds vote—

HB 7157—A bill to be entitled An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full or partial exemption for land dedicated in perpetuity for conservation purposes; exempting certain real property encumbered by a conservation easement purchased by the federal or state government or by a local government; providing circumstances under which land consisting of less than 40 acres qualifies for such exemption; providing for the assessment of buildings and structures on exempted lands; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts; creating the Board of Conservation for certain purposes; providing for appointment of members;

amending s. 193.501, F.S.; revising a cross-reference; amending s. 704.06, F.S.; requiring owners of property encumbered by a conservation easement to comply with marketable record title requirements to preserve the easement in perpetuity; amending s. 195.073, F.S.; specifying an additional real property assessment classification; amending s. 196.011, F.S.; providing requirements and procedures for renewal applications for exemptions for real property dedicated in perpetuity for conservation purposes; requiring owners of such property to notify the property appraiser when use of the property no longer qualifies for the exemption; providing penalties for failure to notify; providing for application of certain lien provisions; amending s. 192.0105, F.S.; conforming a cross-reference; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties with a population not exceeding 25,000; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2244** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment which was adopted:

Amendment 1 (963784) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 196.1962, Florida Statutes, is created to read:

196.1962 Exemption of real property dedicated in perpetuity for conservation purposes.—

(1) As used in this section, the term:

(a) "Allowed commercial uses" means commercial uses that are allowed by the conservation easement or other conservation protection agreement encumbering land that is exempt from taxation under this section.

(b) "Conservation easement" has the same meaning as in s. 704.06.

(c) "Conservation protection agreement" means a deed restriction, land use agreement, or covenant running with the land which dedicates the property for conservation purposes.

(d) "Conservation purposes" means:

1. Serving a conservation purpose, as defined in 26 U.S.C. s. 170(h)(4)(A)(i)-(iii), for land which serves as the basis of a qualified conservation contribution under 26 U.S.C. s. 170(h); or

2.a. Retention of the substantial natural value of land, including woodlands, wetlands, water courses, ponds, streams, and natural open spaces;

b. Retention of such lands as suitable habitat for fish, plants, or wildlife; or

c. Retention of such lands' natural value for water quality enhancement or water recharge.

(2) Pursuant to s. 3(f), Art. VII of the State Constitution, land that is dedicated in perpetuity for the conservation purposes specified in this section is totally or partially exempt from ad valorem taxation.

(a) Land qualifying for the exemption must be perpetually encumbered by a valid and enforceable conservation easement or other conservation protection agreement that:

1. Includes baseline documentation as to the natural values to be protected on the land and may include a management plan that details the management of the land so as to effectuate the conservation of natural resources on the land;

2. Is enforceable by a federal or state agency, county, municipality, water management district, or nonprofit entity that is qualified to enforce the provisions of the easement or other conservation protection agreement;

3. Allows for periodic review by any enforcing entity of the provisions of the easement or conservation protection agreement;

4. Provides for the perpetual enforcement of the provisions of the easement or conservation protection agreement against any present or future owner of the land; and

5. Provides that the conservation easement or other conservation protection agreement is perpetual and nonrevocable.

(b) Land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes is exempt from ad valorem taxation. Such use of the land does not preclude the generation of income, if such income is generated incidental to the implementation of a management plan.

(c) Land that is dedicated in perpetuity for conservation purposes and that is used for allowed commercial uses is exempt from ad valorem taxation to the extent of 50 percent of the assessed value of the land.

(3) Land that comprises less than 40 contiguous acres does not qualify for the exemption provided in this section unless, in addition to meeting the other requirements of this section, the use of the land for conservation purposes is determined by the Acquisition and Restoration Council created in s. 259.035 to fulfill a clearly delineated state conservation policy and yield a public benefit. In making its determination of public benefit, the Acquisition and Restoration Council must give particular consideration to land that:

(a) Contains a natural sinkhole or natural spring that serves a water recharge or production function;

(b) Contains a unique geological feature;

(c) Provides habitat for endangered or threatened species;

(d) Provides nursery habitat for marine and estuarine species;

(e) Provides protection or restoration of vulnerable coastal resources;

(f) Preserves natural shoreline habitat; or

(g) Provides retention of natural open space in otherwise densely built-up areas.

Any land approved by the Acquisition and Restoration Council under this subsection must have a designated manager who will maintain or restore natural water features and courses, remove and prevent reestablishment of nonnative exotic species, remove diseased vegetation, and use prescribed fire if appropriate for the location and type of land.

(4) Land that qualifies for the exemption provided in this section, the allowed commercial uses of which include agriculture, must comply with the most recent best-management practices if adopted by rule of the Department of Agriculture and Consumer Services.

(5) As provided in s. 704.06(8) and (9), water management districts having jurisdiction over lands receiving the exemption provided in this section have a third-party right of enforcement to enforce the terms of the applicable conservation easement or other conservation protection agreement for any easement or agreement that is not enforceable by a federal or state agency, county, or municipality.

(6) Buildings, structures, and other improvements situated on land receiving the exemption provided in this section and the land area immediately surrounding the buildings, structures, and improvements must be assessed separately pursuant to chapter 193.

(7) An owner of land that is exempt from ad valorem taxation pursuant to this section shall abide by the requirements of the Florida

Marketable Record Title Act, chapter 712, or any other similar law or rule to preserve the effect of the qualifying conservation easement or other conservation protection agreement in perpetuity.

(8) The Acquisition and Restoration Council, created in s. 259.035, shall maintain a list of nonprofit entities that are qualified under subparagraph (2)(a)2. to enforce the provisions of an easement or other conservation protection agreement.

Section 2. Section 193.501, Florida Statutes, is amended to read:

193.501 Assessment of lands *used for conservation purposes* ~~subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted~~.—

(1) As used in this section and pursuant to s. 4(b), Art. VII of the State Constitution, the term:

(a) "Lands used for conservation purposes" means:

1. Lands designated as environmentally endangered lands by a formal resolution of the governing body of the local government within whose jurisdictional boundaries the land is located;

2. Lands designated as conservation lands in a local comprehensive plan adopted by the appropriate local governing body pursuant to chapter 163;

3. Lands used for outdoor recreational or park purposes if land development rights have been conveyed;

4. Lands used for the conservation purpose specified in s. 196.1962 when a conservation easement or a conservation protection agreement has been executed pursuant to s. 704.06; or

5. Lands for which a conservation management plan has been filed with the Fish and Wildlife Conservation Commission or a water management district and for which the activities and actions are being carried out according the conservation management plan.

(b) "Board" means the governing board of any municipality county, or other public agency of the state, or the Board of Trustees of the Internal Improvement Trust Fund.

(c) "Conservation easement" has the same meaning as provided in s. 704.06(1).

(d) "Conservation protection agreement" has the same meaning as provided in s. 196.1962.

(e) "Covenant" means a covenant running with the land.

(f) "Deferred tax liability" means an amount equal to the difference between the total amount of taxes that would have been due in March in each of the previous years in which the conveyance or covenant was in effect if the property had been assessed under the provisions of s. 193.011 and the total amount of taxes actually paid in those years if the property was assessed as provided in this section, plus interest on that difference. The interest accrues at the rate of 1 percent per month beginning on the 21st day of the month following the month in which the full amount of tax based on an assessment pursuant to s. 193.011 would have been due.

(g) "Development right" means the right of the owner of the fee interest in the land to change the use of the land.

(h) "Outdoor recreational or park purposes" includes, but is not limited to, boating, golfing, camping, swimming, horseback riding, and archaeological, scenic, or scientific sites. The term applies only to activities on land that is open to the general public.

(i) "Qualified as environmentally endangered" means:

1. Land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation, and open space and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the Local Government Comprehensive Planning and Land Development Regulation Act; or

2. Surface waters and wetlands as determined by the methodology ratified by s. 373.4211.

(j) "Conservation management plan" means a document filed with the Fish and Wildlife Conservation Commission or a water management district which specifies actions and activities to be undertaken on an annual basis for a period of at least 10 years to manage land for the benefit of native wildlife and habitat, native plant and animal communities, and natural water features; precludes development; and limits other nonrecreational uses to those that are essential to the uses of the property for conservation purposes.

(2) ~~(1)~~ The owner or owners in fee of any land *used for conservation* ~~subject to a conservation easement as described in s. 704.06(1); land qualified as environmentally endangered pursuant to paragraph (6)(i) and so designated by formal resolution of the governing board of the municipality or county within which such land is located; land designated as conservation land in a comprehensive plan adopted by the appropriate municipal or county governing body; or any land which is utilized for outdoor recreational or park~~ purposes may, by appropriate instrument, for a term of *at least* ~~not less than~~ 10 years:

(a) Convey the development right of such land to the governing board of any public agency in this state within which the land is located, or to the Board of Trustees of the Internal Improvement Trust Fund, or to a charitable corporation or trust as described in *s. 704.06(4)* ~~s. 704.06(3)~~; or

(b) Covenant with the governing board of any public agency in this state within which the land is located, or with the Board of Trustees of the Internal Improvement Trust Fund, or with a charitable corporation or trust as described in *s. 704.06(4)* ~~s. 704.06(3)~~, that such land be subject to one or more of the *prohibitions or limitations* ~~conservation restrictions~~ provided in s. 704.06(1) or *that* ~~not be used by~~ the owner *may not use the land* for any purpose other than outdoor recreational or park purposes *if development rights are conveyed*. If land is covenanted and used for an outdoor recreational purpose, the normal use and maintenance of the land for that purpose, consistent with the covenant, shall not be restricted.

(3) ~~(2)~~ The governing board of any public agency in this state, or the Board of Trustees of the Internal Improvement Trust Fund, or a charitable corporation or trust as described in *s. 704.06(4)* ~~s. 704.06(3)~~, is authorized and empowered in its discretion to accept any and all instruments *that convey* ~~conveying~~ the development right of any such land or *establish* ~~establishing~~ a covenant *for a term of at least 10 years.* ~~pursuant to subsection (1), and~~ If accepted by the board or charitable corporation or trust, the instrument shall be promptly *recorded in the official public records of the county in which the land is located* ~~filed with the appropriate officer for recording in the same manner as any other instrument affecting the title to real property~~.

(4) ~~(3)~~ When~~, pursuant to subsections (1) and (2),~~ the development right in real property has been conveyed to the governing board of any public agency of this state, to the Board of Trustees of the Internal Improvement Trust Fund, or to a charitable corporation or trust as described in *s. 704.06(3)* ~~s. 704.06(2)~~, or a covenant has been executed and accepted by the board or charitable corporation or trust, the lands which are the subject of such conveyance or covenant shall be thereafter assessed as provided herein:

(a) If the covenant or conveyance extends for a period of *at least* ~~not less than~~ 10 years *following* ~~from~~ January 1 in the year such assessment is made, the property appraiser~~, in valuing such land for tax purposes,~~ shall *assess the land solely on the basis of character or use* ~~consider no factors other than those relative to its value for the present use, as restricted by any conveyance or covenant under this section~~.

(b) If the covenant or conveyance extends for a period less than 10 years, the land shall be assessed under the provisions of s. 193.011, recognizing the nature and length thereof of any restriction placed on the use of the land under the provisions of subsection (1).

(5) If a conservation management plan extends for a period of at least 10 years following January 1 in the year the plan is filed with the appropriate agency, if the plan limits other nonrecreational uses to those essential to uses of the land for conservation purposes, and if the landowner has provided a current copy of the conservation management plan to the property appraiser along with a signed statement of the landowner's good faith intention to use the land only for conservation purposes before March 1 of the same year, the property appraiser shall assess the land solely on the basis of character or use.

(a) Plans required by this subsection must be filed with the Fish and Wildlife Conservation Commission if the primary conservation use is restoration or protection of native wildlife habitat or native plant and animal communities.

(b) Plans required by this subsection must be filed with the water management district within the boundaries of which the land is located if the primary conservation use is restoration or protection of natural water features.

(c) The commission and the Department of Environmental Protection shall produce a guidance document establishing the form and content of a conservation management plan and establishing minimum standards for such plans regarding restoration and protection of wildlife habitats, plant and animal communities, and natural water features; control of exotic species; use of prescribed fire; removal of diseased and damaged vegetation; and other activities as may be necessary to manage conservation land for the benefit of wildlife, plant and animal communities, and water resources.

(d) The property appraiser may require a signed application that includes a statement of the landowner's good faith intention to use the land only for conservation purposes as described in this section, to keep such uses for a period of 10 years after the date of the application, and, upon failure to carry out the conservation management plan, to pay the difference between the total amount of taxes assessed and the total amount that would have been due in March of the current year and each of the previous 10 years if the land had not been assessed solely on the basis of character or use as provided in this section.

(6) A person or organization that, on January 1, has the legal title to land that is entitled by law to assessment under this section must, on or before March 1 of each year, file an application for assessment under this section with the county property appraiser. The application must identify the property for which assessment under this section is claimed. The initial application for assessment for any property must include a copy of the instrument by which the development right is conveyed or which establishes a covenant or the conservation protection agreement or conservation management plan that establishes the conservation purposes for which the land is used. The Department of Revenue shall prescribe the forms upon which the application is made. The failure to file an application on or before March 1 of any year constitutes a waiver of assessment under this section for that year. However, an applicant who is qualified to receive an assessment under this section, but fails to file an application by March 1, may file an application for the assessment and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the assessment be granted. The petition must be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser pursuant to s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the assessment and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the assessment, the property appraiser or the value adjustment board may grant the assessment. The owner of land that was assessed under this section in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for assessment of property within the county. Such waiver may be revoked by a majority vote of the governing body of the county.

(7) ~~(4)~~ After *conveying* ~~making a conveyance of~~ the development right or executing a covenant *or conservation protection agreement* pursuant to this section, or conveying a conservation easement pursuant to this section and s. 704.06, the owner of the land shall not use the land in any manner not consistent with the development right voluntarily conveyed, or with the restrictions voluntarily imposed, or with the terms of the conservation easement or *conservation protection agreement, or* shall not change the use of the land from outdoor recreational or park purposes during the term of such conveyance or covenant without first obtaining a written instrument from the board or charitable corporation or trust, which *must reconvey to the owner* ~~instrument reconveys~~ all or part of the development right ~~to the owner~~ or *which must release* ~~releases~~ the owner from the terms of the covenant*. The written instrument must be recorded in the official records of the county in which the property subject to the reconveyance or release is located* ~~and which instrument must be promptly recorded in the same manner as any other instrument affecting the title to real property~~. Upon obtaining approval for reconveyance or release *from the board or the charitable organization or trust*, the reconveyance or release shall be made to the owner upon payment of the deferred tax liability. Any payment of the deferred tax liability shall be payable to the county tax collector within 90 days *after* ~~of~~ the date of approval *for reconveyance or release* ~~by the board or charitable corporation or trust of the reconveyance or release~~. The collector shall distribute the payment to each governmental unit in the proportion that its millage bears to the total millage levied on the parcel for the years in which such conveyance or covenant was in effect.

(8) ~~(5)~~ The governing board of any public agency *in this state* or the Board of Trustees of the Internal Improvement Trust Fund or a charitable corporation or trust which holds title to a development right pursuant to this section may not convey that development right to anyone other than the governing board of another public agency *in this state* or a charitable corporation or trust, as described in *s. 704.06(4)* ~~s. 704.06(3)~~, or the record owner of the fee interest in the land to which the development right attaches. The conveyance from the governing board of a public agency or the Board of Trustees of the Internal Improvement Trust Fund to the owner of the fee shall be made only after a determination by the board that such conveyance would not adversely affect the interest of the public. Section 125.35 does not apply to such sales, but any public agency accepting any instrument conveying a development right pursuant to this section shall forthwith adopt appropriate regulations and procedures governing the disposition of same. These regulations and procedures must provide in part that the board may not convey a development right to the owner of the fee without first holding a public hearing and unless notice of the proposed conveyance and the time and place at which the public hearing is to be held is published once a week for at least 2 weeks in some newspaper of general circulation in the county *in which the property is located before* ~~involved prior to~~ the hearing.

~~(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:~~

~~(a) "Board" is the governing board of any city, county, or other public agency of the state or the Board of Trustees of the Internal Improvement Trust Fund.~~

~~(b) "Conservation restriction" means a limitation on a right to the use of land for purposes of conserving or preserving land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition. The limitation on rights to the use of land may involve or pertain to any of the activities enumerated in s. 704.06(1).~~

~~(c) "Conservation easement" means that property right described in s. 704.06.~~

~~(d) "Covenant" is a covenant running with the land.~~

~~(e) "Deferred tax liability" means an amount equal to the difference between the total amount of taxes that would have been due in March in each of the previous years in which the conveyance or covenant was in effect if the property had been assessed under the provisions of s. 193.011 and the total amount of taxes actually paid in those years when the property was assessed under the provisions of this section, plus interest on that difference computed as provided in s. 212.12(3).~~

~~(f) "Development right" is the right of the owner of the fee interest in the land to change the use of the land.~~

~~(g) "Outdoor recreational or park purposes" includes, but is not necessarily limited to, boating, golfing, camping, swimming, horseback~~

~~riding, and archaeological, scenic, or scientific sites and applies only to land which is open to the general public.~~

~~(h) "Present use" is the manner in which the land is utilized on January 1 of the year in which the assessment is made.~~

~~(i) "Qualified as environmentally endangered" means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the Local Government Comprehensive Planning and Land Development Regulation Act, or surface waters and wetlands, as determined by the methodology ratified in s. 373.4211.~~

(9) A person or entity that owns land assessed pursuant to this section must notify the property appraiser promptly if the land becomes ineligible for assessment under this section. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the preceding 10 years the land was not eligible for assessment under this section, the owner of the land is subject to taxes avoided as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes avoided. The property appraiser making such determination has a duty to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. The property is subject to a lien in the amount of the unpaid taxes and penalties. The lien when filed shall attach to any property identified in the notice of tax lien which is owned by the person or entity and which was improperly assessed. If such person or entity no longer owns property in that county, but owns property in some other county or counties of this state, the property appraiser has a duty to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity.

(10) ~~(7)~~(a) The property appraiser shall report to the department showing the just value and the classified use value of *lands used for* ~~property that is subject to a~~ conservation *purposes pursuant to this section* ~~easement under s. 704.06, property assessed as environmentally endangered land pursuant to this section, and property assessed as outdoor recreational or park land~~.

(b) The tax collector shall annually report to the department the amount of deferred tax liability collected pursuant to this section.

Section 3. Subsection (1) of section 195.073, Florida Statutes, is amended to read:

195.073 Classification of property.—All items required by law to be on the assessment rolls must receive a classification based upon the use of the property. The department shall promulgate uniform definitions for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.

(1) Real property must be classified according to the assessment basis of the land into the following classes:

(a) Residential, subclassified into categories, one category for homestead property and one for nonhomestead property:

1. Single family.

2. Mobile homes.

3. Multifamily.

4. Condominiums.

5. Cooperatives.

6. Retirement homes.

(b) Commercial and industrial.

(c) Agricultural.

(d) Nonagricultural acreage.

(e) High-water recharge.

(f) Historic property used for commercial or certain nonprofit purposes.

(g) Exempt, wholly or partially.

(h) Centrally assessed.

(i) Leasehold interests.

(j) Time-share property.

(k) Land used for conservation purposes under s. 193.501.

(l) ~~(k)~~ Other.

Section 4. Paragraph (b) of subsection (1) and subsections (6) and (9) of section 196.011, Florida Statutes, are amended to read:

196.011 Annual application required for exemption.—

(1)

(b) The form to apply for an exemption under *s. 196.031, s. 196.081, s. 196.091, s. 196.101, 196.1962, or s. 196.202* ~~s. 196.031, s. 196.081, s. 196.091, s. 196.101, or s. 196.202~~ must include a space for the applicant to list the social security number of the applicant and of the applicant's spouse, if any. If an applicant files a timely and otherwise complete application, and omits the required social security numbers, the application is incomplete. In that event, the property appraiser shall contact the applicant, who may refile a complete application by April 1. Failure to file a complete application by that date constitutes a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

(6)*(a)* Once an original application for tax exemption has been granted, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant, and the property appraiser shall accept from each such applicant a renewal application on a form ~~to be~~ prescribed by the Department of Revenue. Such renewal application shall be accepted as evidence of exemption by the property appraiser unless he or she denies the application. Upon denial, the property appraiser shall serve, on or before July 1 of each year, a notice setting forth the grounds for denial on the applicant by first-class mail. Any applicant objecting to such denial may file a petition as provided for in s. 194.011(3).

(b) Once an original application for the tax exemption has been granted under s. 196.1962, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant on a form prescribed by the Department of Revenue. The applicant must certify on the form that the use of the property complies with the restrictions and requirements of the conservation easement. The form shall include a statement that the exemption granted under s. 196.1962 will not be renewed unless application is returned to the property appraiser.

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refiling of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. ~~It is~~ The ~~duty of the~~ owner of any property granted an exemption who is not required to file an annual

application or statement *has a duty* to notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, the owner of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted. Except for homestead exemptions controlled by s. 196.161, ~~it is the duty of~~ the property appraiser making such determination *has a duty* to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. Should such person no longer own property in that county, but own property in some other county or counties in the state, ~~it shall be the duty of~~ the property appraiser *has a duty* to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

(b) The owner of any land granted an exemption under s. 196.1962 has a duty to notify the property appraiser promptly whenever the use of the land no longer complies with the restrictions and requirements of the conservation easement. If the property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the preceding 10 years the owner was not entitled to receive the exemption, the owner of the land is subject to taxes exempted as a result of the failure plus 18 percent interest per annum and a penalty of 100 percent of the taxes exempted. The provisions for tax liens in paragraph (a) apply to land granted an exemption under s. 196.1962.

(c) ~~(b)~~ A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application be made for the veteran's disability discount granted pursuant to s. 6(g), Art. VII of the State Constitution after an initial application is made and the discount granted. ~~It is the duty of~~ The disabled veteran receiving a discount for which annual application has been waived *has a duty* to notify the property appraiser promptly whenever the use of the property or the percentage of disability to which the veteran is entitled changes. If a disabled veteran fails to notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the veteran was not entitled to receive all or a portion of such discount, the penalties and processes in paragraph (a) relating to the failure to notify the property appraiser of ineligibility for an exemption shall apply.

(d) ~~(c)~~ For any exemption under s. 196.101(2), the statement concerning gross income must be filed with the property appraiser not later than March 1 of every year.

(e) ~~(d)~~ If an exemption for which the annual application is waived pursuant to this subsection will be denied by the property appraiser in the absence of the refiling of the application, notification of an intent to deny the exemption shall be mailed to the owner of the property prior to February 1. If the property appraiser fails to timely mail such notice, the application deadline for such property owner pursuant to subsection (1) shall be extended to 28 days after the date on which the property appraiser mails such notice.

Section 5. Section 218.125, Florida Statutes, is created to read:

218.125 Offset for tax loss associated with certain constitutional amendments affecting fiscally constrained counties.—

(1) Beginning in the 2010-2011 fiscal year, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of revisions of ss. 3(f) and 4(b) of Art. VII of the State Constitution which were approved in the general election held in November 2008. The moneys appropriated for this purpose shall be distributed in January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revisions.

(2) On or before November 15 of each year, beginning in 2010, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue in the form and manner prescribed by the Department of Revenue. The documentation must include an estimate of the reduction in taxable value directly attributable to revisions of Art. VII of the State Constitution for all county taxing jurisdictions within the county and shall be prepared by the property appraiser in each fiscally constrained county. The documentation must also include the county millage rates applicable in all such jurisdictions for the current year and the prior year, roll-back rates determined as provided in s. 200.065 for each county taxing jurisdiction, and maximum millage rates that could have been levied by majority vote pursuant to s. 200.185. For purposes of this section, each fiscally constrained county's reduction in ad valorem tax revenue shall be calculated as 95 percent of the estimated reduction in taxable value times the lesser of the 2009 applicable millage rate or the applicable millage rate for each county taxing jurisdiction in the prior year.

Section 6. Section 704.06, Florida Statutes, is amended to read:

704.06 Conservation easements *and conservation protection agreements*; creation; acquisition; enforcement.—

(1) As used in this section, "conservation easement" means a *transferrable* right or interest in real property which *may be perpetual or limited to a certain term, and which* is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses and which prohibits or limits any or all of the following:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.

(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

(c) Removal or destruction of trees, shrubs, or other vegetation.

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land or water areas.

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

(2) "Conservation protection agreement" has the same meaning as provided in s. 196.1962.

(3) ~~(2)~~ Conservation easements *and conservation protection agreements* are ~~perpetual,~~ undivided interests in property and may be created or stated in the form of *an* ~~a restriction, easement, covenant, or condition in any deed, will, or other~~ instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements *or agreements* may be acquired in the same manner as other interests in property are acquired, except by condemnation or by other exercise of the power of eminent domain, and shall not be unassignable to other governmental bodies or agencies, charitable organizations, or trusts authorized to acquire such easements~~, for lack of benefit to a dominant estate~~.

(4) ~~(3)~~ Conservation easements *and conservation protection agreements* may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its avail-

ability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving sites or properties of historical, architectural, archaeological, or cultural significance.

(5) ~~(4)~~ Conservation easements *and conservation protection agreements* shall run with the land and be binding on all subsequent owners of the servient estate. Notwithstanding the provisions of s. 197.552, all provisions of a conservation easement *or a conservation protection agreement* shall survive and are enforceable after the issuance of a tax deed. No conservation easement shall be unenforceable on account of lack of privity of contract or lack of benefit to particular land or on account of the benefit being assignable. Conservation easements *and conservation protection agreements* may be enforced by injunction or proceeding in equity or at law, and shall entitle the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. A conservation easement *or a conservation protection agreement* may be released by the holder of the easement *or the agreement* to the holder of the fee even though the holder of the fee may not be a governmental body or a charitable corporation or trust.

(6) ~~(5)~~ All conservation easements *and conservation protection agreements* shall be recorded *in the official records of the county in which the property subject to the easement or agreement is located* ~~and indexed in the same manner as any other instrument affecting the title to real property~~.

(7) ~~(6)~~ The provisions of this section shall not be construed to imply that any restriction, easement, *agreement,* covenant, or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable.

(8) ~~(7)~~ Recording of the conservation easement *or conservation protection agreement* shall be notice to the property appraiser and tax collector of the county of the conveyance of the conservation easement *or conservation protection agreement*.

(9) ~~(8)~~ Conservation easements *and conservation protection agreements* may provide for a third-party right of enforcement. As used in this section, third-party right of enforcement means a right provided in a conservation easement *or conservation protection agreement* to enforce any of its terms granted to a governmental body, or charitable corporation or trust as described in subsection *(4)* ~~(3)~~, which although eligible to be a holder, is not a holder.

(10) ~~(9)~~ An action affecting a conservation easement *or a conservation protection agreement* may be brought by:

(a) An owner of an interest in the real property burdened by the easement *or agreement*;

(b) A holder of the easement *or agreement*;

(c) A person having a third-party right of enforcement; or

(d) A person authorized by another law.

(11) ~~(10)~~ The ownership or attempted enforcement of rights held by the holder of an easement *or agreement* does not subject the holder to any liability for any damage or injury that may be suffered by any person on the property or as a result of the condition of the property encumbered by a conservation easement *or a conservation protection agreement*.

(12) ~~(11)~~ ~~Nothing in~~ This section or other provisions of law *do not* ~~shall be construed to~~ prohibit or limit the owner of land, or the owner of a conservation easement *or conservation protection agreement* over land, to voluntarily negotiate the sale or utilization of such lands or easement *or agreement* for the construction and operation of linear facilities, including electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances, nor shall this section prohibit the use of eminent domain for said purposes as established by law. In any legal proceeding to condemn land for the purpose of construction and operation of a linear facility as described above, the court shall consider the public benefit provided by the conservation easement *or the conservation protection agreement* and linear facilities in determining which lands may be taken and the compensation paid.

Section 7. *The Department of Revenue may adopt emergency rules to administer s. 196.1962, Florida Statutes. The emergency rules shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.*

Section 8. This act shall take effect July 1, 2009, and applies to property tax assessments made on or after January 1, 2010.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; defining terms; providing a total or partial ad valorem tax exemption for land used for conservation purposes; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; providing a partial ad valorem tax exemption for conservation land that is used for commercial purposes; permitting land smaller than a certain size to qualify for the exemption upon approval by the Acquisition and Restoration Council; requiring the Acquisition and Restoration Council to consider whether the property will yield a significant public benefit; requiring land that qualifies for the exemption from ad valorem taxation and used for agricultural purposes be managed pursuant to certain best-management practices; providing that water management districts have a third-party right of enforcement to enforce certain conservation easements or conservation protection agreements; providing for the assessment of certain buildings, structures, improvements, and land; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; requiring the Acquisition and Restoration Council to maintain a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years; requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the value adjustment board to grant late applications for such assessments if extenuating circumstances are shown; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring a landowner to notify the property appraiser if the land becomes ineligible for the assessment benefit; imposing penalties for nonpayment of ad valorem taxes after a loss of eligibility for the assessment benefit; directing the property appraiser to record a notice of tax lien; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring that a property owner notify the property appraiser when the use of the property no longer complies with the requirements for a conservation easement; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt

emergency rules; providing for application of the act; providing an effective date.

Pursuant to Rule 4.19, **HB 7157** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 2034—A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending s. 212.097, F.S.; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising a definition; revising criteria for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; amending s. 288.9015, F.S.; specifying that Enterprise Florida, Inc., is responsible for responding to inquiries related to the state's business incentives and opportunities; amending s. 288.9622, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; amending s. 288.9624, F.S.; providing a limitation on how the originally appropriated funds may be invested; allowing the Florida Opportunity Fund to form or create other entities for investment purposes; revising a reporting requirement; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2034** to **CS for CS for HB 7031**.

Pending further consideration of **CS for CS for CS for SB 2034** as amended, on motion by Senator Garcia, by two-thirds vote **CS for CS for HB 7031** was withdrawn from the Committees on Commerce; Governmental Oversight and Accountability; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Garcia, the rules were waived and—

CS for CS for HB 7031—A bill to be entitled An act relating to economic development; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; adding the Office of Tourism, Trade, and Economic Development and certain partners and offices of such office to the list of agencies to be reviewed by July 1, 2010; revising the date by which the office must submit an agency report to the Legislature; amending ss. 166.231 and 220.15, F.S.; revising industry code designations; providing a definition; amending s. 212.05, F.S.; extending the time nonresident purchasers have to remove a boat from the state after purchase; providing for an extension decal to be issued by a dealer; imposing a decal cost; revising industry code designations; amending s. 212.097, F.S.; revising review and certification requirements for Urban High-Crime Area Job Tax Credit Program applications; amending s. 212.098, F.S.; revising the definition of the term "qualified area"; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain cata-

lyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing the Governor to designate a portion of the state as an additional rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising and providing definitions; including targeted industry zones under the tax refund program for qualified target industry businesses; revising industry code designation requirements for the program; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising criteria for businesses eligible for brownfield redevelopment bonus refunds; providing an additional criterion for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending s. 288.1089, F.S.; including alternative and renewable energy projects under the Innovation Incentive Program; revising and providing definitions; revising applicant review and qualification criteria; authorizing reduction or waiver of certain matching requirements in certain areas; revising Enterprise Florida, Inc., proposal evaluation requirements; specifying additional evaluation criteria for alternative and renewable energy proposals; deleting an evaluation and recommendation requirement for the Florida Energy and Climate Commission for certain proposals; revising requirements and criteria for agreements to award and receive incentive funds; providing additional agreement requirements; revising award performance reporting requirements; requiring award recipients to comply with certain business ethics standards; requiring the Office of Tourism, Trade, and Economic Development to submit annual reports to the Governor and Legislature on program grant recipients' activities; requiring the Office of Program Policy Analysis and Government Accountability to submit triennial reports evaluating the program; creating s. 288.10895, F.S.; providing requirements and procedures for and limitations on transfers of economic development incentives; providing definitions; providing for the amount of the incentive that may be transferred; providing conditions for use of transferred incentives; providing a limitation on the number of transfers; providing eligibility of transfers; providing for recovery of transfers under certain circumstances; providing certain agency rulemaking authority; amending s. 288.9622, F.S.; revising legislative intent for the Florida Capital Formation Act; amending s. 288.9624, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; providing a limitation on the funds that may be used in making investments; establishing authority for certain actions to be taken to use public and private funds; revising a report requirement; amending s. 380.06, F.S.; exempting certain nonresidential developments and catalyst sites from development of regional impact requirements under certain circumstances; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2034** as amended and read the second time by title.

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (837800) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (3), paragraph (d) of subsection (4), and subsections (5), (7), (8), (9), and (10) of section 288.1089, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the Office of Tourism, Trade, and Economic Development to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development*,* ~~and~~ innovation business*, and alternative and renewal energy* projects.

(2) As used in this section, the term:

(a) "Alternative and renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: ethanol, cellulosic ethanol, biobutanol, biodiesel, biomass, biogas, hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind, or geothermal.

(b) "Average private sector wage" means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by the Agency for Workforce Innovation.

(c) "Brownfield area" means an area designated as a brownfield area pursuant to s. 376.80.

(d) "Commission" means the Florida Energy and Climate Commission.

(e) ~~(d)~~ "Cumulative investment" means cumulative capital investment and all eligible capital costs, as defined in s. 220.191.

(f) ~~(e)~~ "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(g) ~~(f)~~ "Enterprise zone" means an area designated as an enterprise zone pursuant to s. 290.0065.

(h) ~~(g)~~ "Fiscal year" means the state fiscal year.

(i) "Industry wage" means the average annual wage paid to employees in a particular industry, as designated by the North American Industry Classification System (NAICS), and compiled by the Bureau of Labor Statistics of the United States Department of Labor.

(j) ~~(h)~~ "Innovation business" means a business expanding or locating in this state that is likely to serve as a catalyst for the growth of an existing or emerging technology cluster or will significantly impact the regional economy in which it is to expand or locate.

(k) ~~(i)~~ "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs.

(l) "Naming opportunities" means charitable donations from any person or entity in consideration for the right to have all or a portion of the

facility named for or in the memory of any person, living or dead, or for any entity.

(m) "Net royalty revenues" means all royalty revenues less the cost of obtaining, maintaining, and enforcing related patent and intellectual property rights, both foreign and domestic.

(n) ~~(j)~~ "Match" means funding from local sources, public or private, which will be paid to the applicant and which is equal to 100 percent of an award. Eligible match funding may include any tax abatement granted to the applicant under s. 196.1995 or the appraised market value of land, buildings, infrastructure, or equipment conveyed or provided at a discount to the applicant. Complete documentation of a match payment or other conveyance must be presented to and verified by the office prior to transfer of state funds to an applicant. An applicant may not provide, directly or indirectly, more than 5 percent of match funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(o) ~~(k)~~ "Office" means the Office of Tourism, Trade, and Economic Development.

(p) ~~(l)~~ "Project" means the location to or expansion in this state by an innovation business*, a* ~~or~~ research and development applicant*, or an alternative and renewable energy applicant* approved for an award pursuant to this section.

(q) ~~(m)~~ "Research and development" means basic and applied research in the sciences or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

(r) ~~(n)~~ "Research and development facility" means a facility that is predominately engaged in research and development activities. For purposes of this paragraph, the term "predominantly" means at least 51 percent of the time.

(s) ~~(o)~~ "Rural area" means a rural city, rural community, or rural county as defined in s. 288.106.

(3) To be eligible for consideration for an innovation incentive award, an innovation business*, a* ~~or~~ research and development entity, or *an* alternative and renewable energy *company* ~~project~~ must submit a written application to Enterprise Florida, Inc., before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the office in writing prior to the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant's projected investment in the project.

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the office, the applicant must, at a minimum, establish the following to the satisfaction of Enterprise Florida, Inc., and the office:

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;

2. Provide the state, at a minimum, a break-even return on investment within a 20-year period;

3. Include matching funds provided by the applicant or other available sources. *The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones* ~~This requirement may be waived if the office and the department determine that the merits of the individual project or the specific circumstances warrant such action~~;

4. Be located in this state; *and*

5. Provide *at least 35 direct, new* jobs that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage. ~~The average wage requirement may be waived if the office and the commission determine that the merits of the individual project or the specific circumstances warrant such action; and~~

~~6. Meet one of the following criteria:~~

~~a. Result in the creation of at least 35 direct, new jobs at the business.~~

~~b. Have an activity or product that uses feedstock or other raw materials grown or produced in this state.~~

~~c. Have a cumulative investment of at least $50 million within a 5-year period.~~

~~d. Address the technical feasibility of the technology, and the extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.~~

~~e. Include innovative technology and the degree to which the project or business incorporates an innovative new technology or an innovative application of an existing technology.~~

~~f. Include production potential and the degree to which a project or business generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential. The project must, to the extent possible, quantify annual production potential in megawatts or kilowatts.~~

~~g. Include and address energy efficiency and the degree to which a project demonstrates efficient use of energy, water, and material resources.~~

~~h. Include project management and the ability of management to administer and complete the business project.~~

(5) Enterprise Florida, Inc., shall evaluate proposals for *all three categories of* innovation incentive awards and transmit recommendations for awards to the office. *Before making its recommendations on alternative and renewable energy projects,* Enterprise Florida, Inc., shall solicit comments and recommendations from the Florida Energy and Climate Commission ~~for alternative and renewable energy project proposals~~. *For each project, the* ~~Such~~ evaluation and recommendation *to the office* must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) *Additional evaluative criteria* for a research and development facility project*, including*:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project's impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The commission shall give greater preference to projects that provide such matching funds or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

(7) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., ~~and from the Florida Energy and Climate Commission for alternative and renewable energy project proposals,~~ the director shall recommend to the Governor the approval or disapproval of an award. In recommending approval of an award, the director shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon *review and* approval of an award *by the Legislative Budget Commission,* the Executive Office of the Governor shall release the funds ~~pursuant to the legislative consultation and review requirements set forth in s. 216.177~~.

(8)*(a) After the conditions* ~~Upon approval by the Governor and release of the funds as~~ set forth in subsection (7) *have been met*, the director shall issue a letter certifying the applicant as qualified for an award. The office and the *award recipient* ~~applicant~~ shall enter into an agreement that sets forth the conditions for payment of *the incentive funds* ~~incentives~~. The agreement must include*, at a minimum:*

1. The total amount of funds awarded. ~~;~~

2. The performance conditions that must be met *in order* to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment. ~~;~~

3. Demonstration of a baseline of current service and a measure of enhanced capability. ~~;~~

4. The methodology for validating performance. ~~;~~

5. The schedule of payments. ~~; and~~

6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) Additionally, agreements signed on or after July 1, 2009, must include the following provisions:

1. Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry's annual average wage or at least 130 percent of the average private-sector wage, whichever is greater.

2. A reinvestment requirement. Each recipient of an award shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable discoveries conceived or reduced to practice using its facilities in Florida or its Florida-based employees, in whole or in part, and to which the recipient of the grant becomes entitled during the 20 years following the effective date of its agreement with the office. Each recipient of an award also shall reinvest up to 15 percent of the gross revenues it receives from naming opportunities associated with any facility it builds in this state. Reinvestment payments shall commence no later than 6 months

after the recipient of the grant has received the final disbursement under the contract and shall continue until the maximum reinvestment, as specified in the contract, has been paid. Reinvestment payments shall be remitted to the office for deposit in the Biomedical Research Trust Fund for companies specializing in biomedicine or life sciences, or in the Economic Development Trust Fund for companies specializing in fields other than biomedicine or the life sciences. If these trust funds no longer exist at the time of the reinvestment, the state's share of reinvestment shall be deposited in their successor trust funds as determined by law. Each recipient of an award shall annually submit a schedule of the shares of stock held by it as payment of the royalty required by this paragraph and report on any trades or activity concerning such stock. Each recipient's reinvestment obligations survive the expiration or termination of its agreement with the state.

3. Requirements for the establishment of internship programs or other learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

4. A requirement that the recipient submit quarterly reports and annual reports related to activities and performance to the office, according to standardized reporting periods.

5. A requirement for an annual accounting to the office of the expenditure of funds disbursed under this section.

6. A process for amending the agreement.

(9) Enterprise Florida, Inc., shall assist the office in validating the performance of an innovation business*, a* ~~or~~ research and development facility*, or an alternative and renewable energy business* that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, Enterprise Florida, Inc., shall, within 90 days, *submit a* report ~~the results of the innovation incentive award~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives *detailing whether the recipient of the innovation incentive grant achieved its specified outcomes*.

(10) *Each recipient of an award shall comply with* ~~Enterprise Florida, Inc., shall develop~~ business ethics standards *developed by Enterprise Florida, Inc., which are* based on appropriate best industry practices ~~which shall be applicable to all award recipients~~. The standards shall address ethical duties of business enterprises, fiduciary responsibilities of management, and compliance with the laws of this state. ~~Enterprise Florida, Inc., may collaborate with the State University System in reviewing and evaluating appropriate business ethics standards. Such standards shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2006. An award agreement entered into on or after December 31, 2006, shall require a recipient to comply with the business ethics standards developed pursuant to this section.~~

(11)(a) Beginning January 5, 2010, and every year thereafter, the office shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation by the office of whether the recipients are catalysts for additional direct and indirect economic development in Florida.

(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General's Office, shall release a report evaluating the Innovation Incentive Program's progress toward creating clusters of high-wage, high-skilled, complementary industries that serve as catalysts for economic growth specifically in the regions in which they are located, and generally for the state as a whole. Such report should include critical analyses of quarterly and annual reports, annual audits, and other documents prepared by the Innovation Incentive program awardees; relevant economic development reports prepared by the office, Enterprise Florida, Inc., and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.

(12) The office may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature's Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.

Section 2. Subsection (6) of section 166.231, Florida Statutes, is amended to read:

166.231 Municipalities; public service tax.—

(6) A municipality may exempt from the tax imposed by this section any amount up to, and including, the total amount of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, or manufactured gas either metered or bottled purchased per month, or reduce the rate of taxation on the purchase of such electricity or gas when purchased by an industrial consumer which uses the electricity or gas directly in industrial manufacturing, processing, compounding, or a production process, at a fixed location in the municipality, of items of tangible personal property for sale. The municipality shall establish the requirements for qualification for this exemption in the manner prescribed by ordinance. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the municipality shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption. Any municipality granting an exemption pursuant to this subsection shall grant the exemption to all companies classified in the same *five-digit NAICS* ~~SIC~~ Industry ~~Major Group~~ Number. *As used in this subsection, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.*

Section 3. Paragraphs (a) and (i) of subsection (1) of section 212.05, Florida Statutes, are amended to read:

212.05 Sales, storage, use tax. —It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase *or extension,* or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt.

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. *The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter.* The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued*, except the extension decal shall cost $425*.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within *the maximum 180* ~~90~~ days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. The *maximum 180-day* ~~90-day~~ period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason. Notwithstanding other provisions of this paragraph to the contrary, an aircraft purchased in this state under the provisions of this paragraph may be returned to this state for repairs within 6 months after the date of its departure without being in violation of the law and without incurring liability for the payment of tax or penalty on the purchase price of the aircraft if the aircraft is removed from this state within 20 days after the completion of the repairs and if such removal can be demonstrated by invoices for fuel, tie-down, hangar charges issued by out-of-state vendors or suppliers, or similar documentation.

(i)1. At the rate of 6 percent on charges for all:

a. Detective, burglar protection, and other protection services (*NAICS National* ~~SIC Industry~~ Numbers *561611, 561612, 561613,* ~~7381~~ and *561621* ~~7382~~). Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his or her local law enforcement agency in his or her capacity as a law enforcement officer, and who is subject to the direct and immediate command of his or her law enforcement agency, and in the law enforcement officer's uniform as authorized by his or her law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his or her approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as "extra duty," "off-duty," or "secondary employment," and irrespective of whether the officer is paid directly or through the officer's agency by an outside source. The term "law enforcement officer" includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b. Nonresidential cleaning and nonresidential pest control services (*NAICS National Numbers 561710 and 561720* ~~SIC Industry Group Number 734~~).

2. As used in this paragraph, "*NAICS* ~~SIC~~" means those classifications contained in the *North American Industry* ~~Standard Industrial~~ Classification *System* ~~Manual, 1987~~, as published *in 2007* by the Office of Management and Budget, Executive Office of the President.

3. Charges for detective, burglar protection, and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection, and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this paragraph and the sale or use of a service or any other item not taxable under this chapter, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser's name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption, and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

Section 4. Paragraph (b) of subsection (10) of section 212.097, Florida Statutes, are amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(10)

(b) *Applications shall be reviewed and certified pursuant to s. 288.061.* ~~Within 30 working days after receipt of an application for credit, the Office of Tourism, Trade, and Economic Development shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Office of Tourism, Trade, and Economic Development shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.~~

Section 5. Paragraph (c) of subsection (1) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

(1) As used in this section, the term:

(c) "Qualified area" means any area that is contained within a rural area of critical economic concern designated under s. 288.0656, a county that has a population of fewer than 75,000 persons, *a* ~~or any~~ county that has a population of *125,000* ~~100,000~~ or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Office of Tourism, Trade, and Economic Development shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

Section 6. Subparagraph 3. of paragraph (k) of subsection (8) of section 213.053, Florida Statutes, is created to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(k)1. Payment information relative to chapters 199, 201, 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration of the tax refund program for qualified defense contractors and space flight business contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

3. Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097; 212.098; 220.181; 220.182; 220,183; 220.184; 220.1845; 220.185; 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99; 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352; 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, for use in the administration or evaluation of such programs.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 7. Subsection (5) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(5) *Applications shall be reviewed and certified pursuant to s. 288.061.* The office, upon a recommendation by Enterprise Florida, Inc., shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

Section 8. Section 288.061, Florida Statutes, is created to read:

288.061 Economic development incentive application process.—

(1) Within 10 business days after receiving a submitted economic development incentive application, Enterprise Florida, Inc., shall review the application and inform the applicant business whether or not its application is complete. Within 10 business days after the application is deemed complete, Enterprise Florida, Inc., shall evaluate the application and recommend approval or disapproval of the application to the director of the Office of Tourism, Trade, and Economic Development. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include in its evaluation a recommended grant award amount and a review of the applicant's ability to meet specific program criteria.

(2) Within 10 calendar days after the Office of Tourism, Trade, and Economic Development receives the evaluation and recommendation from Enterprise Florida, Inc., the office shall notify Enterprise Florida, Inc., whether or not the application is reviewable. Within 22 calendar days after the office receives the recommendation from Enterprise Florida, Inc., the director of the office shall review the application and issue a letter of certification to the applicant that approves or disapproves an applicant business and includes a justification of that decision, unless the business requests an extension of that time. The final order shall specify the total amount of the award, the performance conditions that must be met to obtain the award, and the schedule for payment.

Section 9. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be *reviewed and certified in accordance with s. 288.061* ~~specified and identified~~. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 10. Subsection (2) of section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or *fewer* ~~less~~, or *within* any county *with* ~~that has~~ a population of *125,000* ~~100,000~~ or *fewer which* ~~less and~~ is contiguous to a county with a population of 75,000 or *fewer* ~~less~~, *based on* ~~as determined by~~ the most recent official *population* estimate *as determined under* ~~pursuant to~~ s. 186.901, *including those* residing in incorporated *areas* and *those residing in* unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the applicant. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of critical economic concern designated by the Governor, and upon approval by the Office of Tourism, Trade, and Economic Development, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

Section 11. Paragraphs (b) and (e) of subsection (2) and subsection (3) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the office may award grants for up to 30 percent of the total infrastructure project cost. *If an application for funding is for a catalyst site, as defined in s. 288.0656, the office may award grants for up to 40 percent of the total infrastructure project cost.* Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; *broadband facilities;* roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly *or privately* owned self-powered nature-based tourism facilities*, publicly owned telecommunications facilities, and broadband facilities,* and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed $75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. *If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561.* In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The office, in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review *and certify* applications *pursuant to s. 288.061. The review shall include an evaluation of* ~~and evaluate~~ the economic benefit of the projects and their long-term viability. The office shall have final approval for any grant under this section ~~and must make a grant decision within 30 days of receiving a completed application~~.

Section 12. Section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(1)*(a) Recognizing that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases, it is the intent of the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in such rural communities.*

(b) The Rural Economic Development Initiative, known as "REDI," is created within the Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.

(2) As used in this section, the term:

(a) "Catalyst project" means a business locating or expanding in a rural area of critical economic concern to serve as an economic generator of regional significance for the growth of a regional target industry cluster. The project must provide capital investment on a scale significant enough to affect the entire region and result in the development of high-wage and high-skill jobs.

(b) "Catalyst site" means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the Office of Tourism, Trade, and Economic Development for the purposes of locating a catalyst project.

(c) ~~(a)~~ "Economic distress" means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.

(d) "Rural area of critical economic concern" means a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.

(e) ~~(b)~~ "Rural community" means:

1. A county with a population of 75,000 or less.

2. A county with a population of *125,000* ~~100,000~~ or *fewer which* ~~less that~~ is contiguous to a county with a population of 75,000 or *fewer* ~~less~~.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph *(c)* ~~(a)~~ and verified by the Office of Tourism, Trade, and Economic Development.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(3) REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida's economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

(4) REDI shall review and evaluate the impact of statutes and rules on rural communities and shall work to minimize any adverse impact *and undertake outreach and capacity building efforts*.

(5) REDI shall facilitate better access to state resources by promoting direct access and referrals to appropriate state and regional agencies and statewide organizations. REDI may undertake outreach, capacity-building, and other advocacy efforts to improve conditions in rural communities. These activities may include sponsorship of conferences and achievement awards.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a *deputy secretary or higher-level* ~~high level~~ staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Community Affairs.

2. The Department of Transportation.

3. The Department of Environmental Protection.

4. The Department of Agriculture and Consumer Services.

5. The Department of State.

6. The Department of Health.

7. The Department of Children and Family Services.

8. The Department of Corrections.

9. The Agency for Workforce Innovation.

10. The Department of Education.

11. The Department of Juvenile Justice.

12. The Fish and Wildlife Conservation Commission.

13. Each water management district.

14. Enterprise Florida, Inc.

15. Workforce Florida, Inc.

16. The Florida Commission on Tourism or VISIT Florida.

17. The Florida Regional Planning Council Association.

18. The *Agency for Health Care Administration* ~~Florida State Rural Development Council~~.

19. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of the Office of Tourism, Trade, and Economic Development.

(b) Each REDI representative must have comprehensive knowledge of his or her agency's functions, both regulatory and service in nature, and of the state's economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to economically distressed rural communities and with regard to expediting project review, shall ensure a prompt effective response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds and allowances and waiver of program requirements when necessary to encourage and facilitate long-term private capital investment and job creation.

(c) The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.

(d) Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed about the Rural Economic Development Initiative and for providing assistance throughout the agency in the implementation of REDI activities.

(7)*(a)* REDI may recommend to the Governor up to three rural areas of critical economic concern. ~~A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5-year period.~~ The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and confirmed as a catalyst project by the Office of Tourism, Trade, and Economic Development. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

(8) REDI shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before *September* ~~February~~ 1 on all REDI activities *for the prior fiscal year*. This report shall include a status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients. The report shall also include a description of all waivers of program requirements granted. The report shall also include information as to the economic impact of the projects coordinated by REDI*,and recommendations based on the review and evaluation of statutes and rules having an adverse impact on rural communities, and proposals to mitigate such adverse impacts* .

Section 13. Section 288.06561, Florida Statutes, is amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2)~~(b)~~.

(1) Each agency and organization shall develop a proposal to waive or reduce the match requirement for rural areas.

(2) Agencies and organizations shall ensure that all proposals are submitted to the Office of Tourism, Trade, and Economic Development for review by the REDI agencies.

(3) These proposals shall be delivered to the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

(4) Waivers and reductions must be requested by the county or community, and such county or community must have three or more of the factors identified in s. 288.0656(2)*(c)*~~(a)~~.

(5) Any other funds available to the project may be used for financial match of federal programs when there is fiscal hardship, and the match requirements may not be waived or reduced.

(6) When match requirements are not reduced or eliminated, donations of land, though usually not recognized as an in-kind match, may be permitted.

(7) To the fullest extent possible, agencies and organizations shall expedite the rule adoption and amendment process if necessary to incorporate the reduction in match by rural areas in fiscal distress.

(8) REDI shall include in its annual report an evaluation on the status of changes to rules, number of awards made with waivers, and recommendations for future changes.

Section 14. Subsection (1) of section 288.0657, Florida Statutes, is amended to read:

288.0657 Florida rural economic development strategy grants.—

(1) As used in this section, the term "rural community" means:

(a) A county with a population of 75,000 or *fewer* ~~less~~.

(b) A county with a population of *125,000* ~~100,000~~ or *fewer which* ~~less that~~ is contiguous to a county with a population of 75,000 or *fewer* ~~less~~.

(c) A municipality within a county described in paragraph (a) or paragraph (b).

For purposes of this subsection, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

Section 15. Paragraph (c) of subsection (2), paragraphs (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3), and paragraph (c) of subsection (5) of section 288.1045, Florida Statutes, are amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(c) A qualified applicant may not receive more than *$5* ~~$7.5~~ million in tax refunds pursuant to this section in all fiscal years.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the office which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and *(j)* ~~(k)~~. An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, after a proposal has been submitted for a new space flight business contract in this state, after the applicant has made the decision to consolidate an existing space flight business contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(e) To qualify for review by the office, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6., subparagraph (c)6., or subparagraph *(j)* ~~(k)~~6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract or the space flight business contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant's last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant's facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and *(j)* ~~(k)~~ must be submitted to the office for a determination of eligibility. The office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry or space flight business.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) *Applications shall be reviewed and certified pursuant to s. 288.061.* ~~The office shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (k) to the director within 60 calendar days after receipt of a complete application. The office shall notify each applicant when its application is complete, and when the 60 day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The office shall include in its report projections of the tax refunds the applicant would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or subparagraph (k)6. as of December 31 of the preceding state fiscal year.~~

~~(h) Within 30 days after receipt of the office's findings and evaluation, the director shall issue a letter of certification which either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval.~~ If appropriate, the director shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(h) ~~(i)~~ The director may not certify any applicant as a qualified applicant when the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). A letter of certification that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor for each fiscal year and the total amount of tax refunds for all fiscal years.

(i) ~~(j)~~ This section does not create a presumption that an applicant should receive any tax refunds under this section.

(j) ~~(k)~~ Applications for certification based upon a new space flight business contract or the consolidation of a space flight business contract must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the space flight business facility in this state where the project is or will be located.

3. The new space flight business contract number, the space flight business contract numbers of the contract to be consolidated, or the request-for-proposal number of a proposed space flight business contract.

4. The date the contract was executed and the date the contract is due to expire, is expected to expire, or was canceled.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from space flight business contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located which recommends the applicant be approved as a qualified applicant and indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the office.

(5) ANNUAL CLAIM FOR REFUND.—

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund for that refund. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 or the appraised market value of municipal or county land, including any improvements or structures, conveyed or provided at a discount through a sale or lease to that applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement granted or the value of the land granted, including the value of any improvements or structures; and the limitations in subsection (2) ~~and paragraph (3)(h)~~ shall be reduced by the amount of any such tax abatement or the value of the land granted, including any improvements or structures. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the Economic Development Trust Fund.

Section 16. Paragraphs (k) and (t) of subsection (1), subsection (3), paragraph (b) of subsection (4), paragraph (c) of subsection (5), and subsection (8) of section 288.106, Florida Statutes, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(1) DEFINITIONS.—As used in this section:

(k) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a brownfield area or a county with a population of 75,000 or fewer or a county with a population of *125,000* ~~100,000~~ or fewer which is contiguous to a county with a population of 75,000 or fewer. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(t) "Rural community" means:

1. A county with a population of 75,000 or *fewer* ~~less~~.

2. A county with a population of *125,000* ~~100,000~~ or *fewer which* ~~less that~~ is contiguous to a county with a population of 75,000 or *fewer* ~~less~~.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(3) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

2. The permanent location of the applicant's facility in this state at which the project is or is to be located.

3. A description of the type of business activity or product covered by the project, including *a minimum of a five-digit NAICS code* ~~four-digit SIC codes~~ for all activities included in the project. *As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.*

4. The number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

7. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority.

10. Any additional information requested by the office.

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. *In determining the average annual wage, the office shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.* The office may waive *the* ~~this~~ average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a brownfield area designated under s. 376.80 or in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at such project and, if an expansion of an existing business, must result in a net increase in employment of *at least* ~~not less than~~ 10 percent at *the* ~~such~~ business. Notwithstanding the definition of the term "expansion of an existing business" in paragraph (1)(g), at the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may define an "expansion of an existing business" in a rural community or an enterprise zone as the expansion of a business resulting in a net increase in employment of less than 10 percent at such business if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, *the request* ~~it~~ must be transmitted in writing and the specific justification for the request must be explained. If the director elects to grant *the* ~~such~~ request, *the grant* ~~such election~~ must be stated in writing and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for *residents* ~~citizens~~ of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress. The director must approve requests to waive the wage requirement for brownfield areas designated under s. 376.80 unless it is demonstrated that such action is not in the public interest.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the office for determination of eligibility. The office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the long-term effects of the project and of the applicant on the state economy.

2. The economic benefit of the jobs created by the project in this state, taking into account the cost and average wage of each job created.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project.

5. The effect of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The effect of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will be undertaken in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

7. The expected long-term commitment to this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. ~~Nothing in~~ This subparagraph *does not* ~~shall~~ require the disclosure of confidential information.

(d) *Applications shall be reviewed and certified pursuant to s. 288.061.* ~~The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45 day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (e) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b).~~ The office shall include in its *review* ~~report~~ projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year.

~~(e)1. Within 30 days after receipt of the office's findings and evaluation, the director shall issue a letter of certification that either approves or disapproves the application of the target industry business. The decision must be in writing and must provide the justifications for approval or disapproval.~~

~~2.~~ If appropriate, the director shall enter into a written agreement with the qualified target industry business pursuant to subsection (4).

(e) ~~(f)~~ The director may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the director may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (2)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(f) ~~(g)~~ ~~Nothing in~~ This section *does not* ~~shall~~ create a presumption that an applicant *shall* ~~will~~ receive any tax refunds under this section. However, the office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

(4) TAX REFUND AGREEMENT.—

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption.

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry *have occurred in the state or* ~~,~~ the effects of the impact of a named hurricane or tropical storm~~,~~ or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement. *The office shall consider current employment statistics for this state by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an exemption shall be granted.*

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, *2009* ~~2005~~, but before July 1, *2011* ~~2006~~.

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(5) ANNUAL CLAIM FOR REFUND.—

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account for that refund. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection (2) and paragraph (3)*(e)* ~~(f)~~ must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

(8) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2010. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 17. Paragraph (e) of subsection (1), paragraph (b) of subsection (3), and paragraph (f) of subsection (4) of section 288.107, Florida Statutes, are amended, and paragraph (e) is added to subsection (3) of that section, to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) Definitions.— As used in this section:

(e) "Eligible business" means:

1. A qualified target industry business as defined in s. 288.106(1)(o); or

2. A business that can demonstrate a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas*, or at least $500,000 in brownfield areas that do not require site cleanup,* and which provides benefits to its employees.

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(b) The completion of a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, *or at least $500,000 in brownfield areas that do not require site cleanup,* by an eligible business

applying for a refund under paragraph (2)(b) which provides benefits to its employees.

(e) A resolution adopted by the governing board of the county or municipality in which the project will be located that recommends that certain types of businesses be approved.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(f) *Applications shall be reviewed and certified pursuant to s. 288.061.* The office shall review all applications submitted under s. 288.106 or other similar application forms for other eligible businesses as defined in paragraph (1)(e) which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

Section 18. Paragraphs (b), (c), and (d) of subsection (5) and subsections (7) and (8) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(b) *Applications shall be reviewed and certified pursuant to s. 288.061.* ~~Enterprise Florida, Inc., shall review each submitted application and inform the applicant business whether or not its application is complete within 10 working days. Once the application is deemed complete, Enterprise Florida, Inc., has 10 working days within which to evaluate the application and recommend approval or disapproval of the application to the director. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include a recommended grant award amount in its evaluation forwarded to the office.~~

~~(c) Upon receipt of the evaluation and recommendation of Enterprise Florida, Inc., the director has 5 working days to enter a final order that either approves or disapproves an applicant business as a qualified high-impact business facility, unless the business requests an extension of the time. The final order shall specify the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, and the schedule for payment of the performance grant.~~

(c) ~~(d)~~ The director and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

~~(7) REPORTING. The office shall by December 1 of each year issue a complete and detailed report of all designated high impact sectors, all applications received and their disposition, all final orders issued, and all payments made, including analyses of benefits and costs, types of projects supported, and employment and investments created. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

(7) ~~(8)~~ RULEMAKING.—The office may adopt rules necessary to carry out the provisions of this section.

Section 19. Paragraphs (a), (b), and (c) of subsection (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.—

(3)(a) Enterprise Florida, Inc., shall *review applications pursuant to s. 288.061 and* determine eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances *or in rural areas of critical economic concern* if the project would significantly benefit the local or regional economy. Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

(b) *Within 22 calendar days after receiving* ~~Upon receipt of~~ the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend *to the Governor* approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund ~~to the Governor~~. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall provide the evaluation of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and the release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

(c) Upon the approval of the Governor, the director of the Office of Tourism, Trade, and Economic Development and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature and upon sufficient release of appropriated funds by the Legislative Budget Commission.

Section 20. Subsection (2) of section 257.193, Florida Statutes, is amended to read:

257.193 Community Libraries in Caring Program.—

(2) The purpose of the Community Libraries in Caring Program is to assist libraries in rural communities, as defined in s. 288.0656(2)~~(b)~~ and subject to the provisions of s. 288.06561, to strengthen their collections and services, improve literacy in their communities, and improve the economic viability of their communities.

Section 21. Section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.—Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2)~~(b)~~ to resources available throughout the state.

(1) Each REDI agency and organization shall review all evaluation and scoring procedures and develop modifications to those procedures which minimize the impact of a project within a rural area.

(2) Evaluation criteria and scoring procedures must provide for an appropriate ranking based on the proportionate impact that projects have on a rural area when compared with similar project impacts on an urban area.

(3) Evaluation criteria and scoring procedures must recognize the disparity of available fiscal resources for an equal level of financial support from an urban county and a rural county.

(a) The evaluation criteria should weight contribution in proportion to the amount of funding available at the local level.

(b) In-kind match should be allowed and applied as financial match when a county is experiencing financial distress through elevated unemployment at a rate in excess of the state's average by 5 percentage points or because of the loss of its ad valorem base.

(4) For existing programs, the modified evaluation criteria and scoring procedure must be delivered to the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state's resources.

Section 22. Paragraph (d) of subsection (15) of section 627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.—

(15) SMALL EMPLOYERS ACCESS PROGRAM.—

(d) *Eligibility.*—

1. Any small employer that is actively engaged in business, has its principal place of business in this state, employs up to 25 eligible employees on business days during the preceding calendar year, employs at least 2 employees on the first day of the plan year, and has had no prior coverage for the last 6 months may participate.

2. Any municipality, county, school district, or hospital employer located in a rural community as defined in s. 288.0656(2)~~(b)~~ may participate.

3. Nursing home employers may participate.

4. Each dependent of a person eligible for coverage is also eligible to participate.

Any employer participating in the program must do so until the end of the term for which the carrier providing the coverage is obligated to provide such coverage to the program. Coverage for a small employer group that ceases to meet the eligibility requirements of this section may be terminated at the end of the policy period for which the necessary premiums have been paid.

Section 23. Subsection (8) is added to section 288.9015, Florida Statutes, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(8) Enterprise Florida, Inc., shall be responsible for responding to all inquiries related to Florida's business requirements, economic incentives, and business development opportunities.

Section 24. Subsection (2) of section 288.9622, Florida Statutes, is amended to read:

288.9622 Findings and intent.—

(2) It is the intent of the Legislature that ss. 288.9621-288.9625 serve to mobilize private investment in a broad variety of venture capital partnerships in diversified industries and geographies; retain private sector investment criteria focused on rate of return; use the services of highly qualified managers in the venture capital industry regardless of location; facilitate the organization of the Florida Opportunity Fund as *an* ~~a fund of funds~~ investor in seed and early stage *businesses, infrastructure projects,* venture capital *funds,* and angel funds; and precipitate capital investment and extensions of credit to and in the Florida Opportunity Fund.

Section 25. Subsection (4) and paragraph (a) of subsection (5) of section 288.9624, Florida Statutes, are amended to read

288.9624 Florida Opportunity Fund; creation; duties.—

(4) For the purpose of mobilizing investment in a broad variety of Florida-based, new technology companies and generating a return sufficient to continue reinvestment, the fund shall:

(a) Invest ~~directly only~~ in seed and early stage venture capital funds that have experienced managers or management teams with demonstrated experience, expertise, and a successful history in the investment of venture capital funds, focusing on opportunities in this state. The fund *also* may ~~not~~ make direct investments*, including loans,* in individual businesses *and infrastructure projects*. While not precluded from investing in venture capital funds that have investments outside this state, the fund must require a venture capital fund to show a record of successful investment in this state, to be based in this state, or to have an office in this state staffed with a full-time, professional venture investment executive in order to be eligible for investment.

(b) Negotiate for investment capital or loan proceeds from private, institutional, or banking sources.

(c) Negotiate any and all terms and conditions for its investments.

(d) Invest only in funds*, businesses, and infrastructure projects* that have raised capital from other sources so that the amount invested in *such funds, businesses, or infrastructure projects* ~~an entity in this state~~ is at least twice the amount invested by the fund. *Direct* investments must be made in *Florida infrastructure projects or businesses that are* Florida-based *or have significant business activities in Florida and operate in technology sectors that are strategic to Florida* ~~companies~~, including, but not limited to, enterprises in life sciences, information technology, advanced manufacturing processes, aviation and aerospace, and homeland security and defense, as well as other strategic technologies.

(e) Form or operate other entities and accept additional funds from other public and private sources to further its purpose.

The Opportunity Fund may not use its original legislative appropriation of $29.5 million for direct investments, including loans, in businesses or infrastructure projects, or for any purpose not specified in chapter 2007-189, Laws of Florida.

(5) By December 1 of each year, the board shall issue an annual report concerning the activities conducted by the fund to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report, at a minimum, must include:

(a) An accounting of the amount of investments disbursed by the fund and the progress of the fund*, including the progress of business and infrastructure projects that have been provided direct investment by the fund*.

Section 26. Paragraph (a) of subsection (2) of section 443.1715, Florida Statutes, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the Agency for Workforce Innovation or the state agency providing unemployment tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, *the Governor's Office of Tourism, Trade, and Economic Development,* or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The Agency for Workforce Innovation shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, the Agency for Workforce Innovation shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

Section 27. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending s. 166.231, F.S.; revising industry code designations; providing a definition; amending s. 212.05, F.S.; extending the time nonresident purchasers have to remove a boat from the state after purchase; providing for an extension decal to be issued by a dealer; imposing a decal cost; revising industry code designations; amending s. 212.097, F.S.; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 212.098, F.S.; revising the definition for "qualified area"; amending s. 213.053, F.S.; granting the Office of Tourism, Trade, and Economic Development access to certain confidential and exempt records held by the Department of Revenue and related to certain tax incentive and tax refund programs; amending s. 220.15, F.S.; revising industry code designations; providing a definition; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising a definition; revising criteria for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; amending s. 288.9015, F.S.; specifying that Enterprise Florida, Inc., is responsible for responding to inquiries related to the state's business incentives and opportunities; amending s. 288.9622, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; amending s. 288.9624, F.S.; providing a limitation on how the originally appropriated funds may be invested; allowing the Florida Opportunity Fund to form or create other entities for investment purposes; revising a reporting requirement; amending s.

443.1715, F.S.; allowing disclosure of certain confidential unemployment compensation data to the Office of Tourism, Trade, and Economic Development; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 7031** as amended was placed on the calendar of Bills on Third Reading.

SB 2246—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term "transportation facilities"; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees' benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fiscal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2246** to **CS for HB 1213**.

Pending further consideration of **SB 2246** as amended, on motion by Senator King, by two-thirds vote **CS for HB 1213** was withdrawn from the Committees on Transportation; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator King—

CS for HB 1213—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term "transportation facilities"; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees' benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fis-

cal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—a companion measure, was substituted for **SB 2246** as amended and read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (549070) (with title amendment)—Between lines 1006 and 1007 insert:

Section 19. Subsection (1) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than $500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless the project is on the State Highway System;

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the department;

(d) Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and

(e) Would be owned by the department upon completion or termination of the agreement.

The department shall ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. The department shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation. *Because the Legislature recognizes that private entities or consortia thereof would perform a governmental or public purpose or function when they enter into agreements with the department to design, build, operate, own, or finance transportation facilities, the transportation facilities, including leasehold interests thereof, are exempt from ad valorem taxes as provided in chapter 196 to the extent property is owned by the state or other government entity, and from intangible taxes as provided in chapter 199 and special assessments of the state, any city, town, county, special district, political subdivision of the state, or any other governmental entity. The private entities or consortia thereof are exempt from tax imposed by chapter 201 on all documents or obligations to pay money which arise out of the agreements to design, build, operate, own, lease, or finance transportation facilities. Any private entities or consortia thereof must pay any applicable corporate taxes as provided in chapters 220 and 221, and unemployment compensation taxes as provided in chapter 443, and sales and use tax as provided in chapter 212 shall be applicable. The private entities or consortia thereof must also register and collect the tax imposed by chapter 212 on all their direct sales and leases that are subject to tax under chapter 212. The agreement between the private entity or consortia thereof and the department establishing a transportation facility under this chapter constitute documentation sufficient to claim any exemption under this section.*

And the title is amended as follows:

Delete line 104 and insert: the commission; amending s. 334.30, F.S.; exempting certain public-private transportation facilities from certain specified taxes and special assessments; excluding certain taxes from such exemption; providing an effective date.

MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senator King moved the following amendment which was adopted:

Amendment 2 (966632) (with title amendment)—Between lines 1006 and 1007 insert:

Section 19. *The Department of Transportation shall direct a study to be conducted and funded by the authority created in chapter 349, Florida Statutes, for the purpose of recommending to the Legislature the framework for a regional transportation authority for the northeast region of Florida, composed of the following counties and each of the municipalities located therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns. The study shall include, at a minimum, the existing powers and duties of the authority, as well as the additional powers and duties necessary for the agency to plan, design, finance, construct, operate, and maintain transportation facilities providing a safe, adequate, and efficient surface transportation network for the region, consistent with the statewide transportation network. In addition, the study shall address agency revenue sources, governance, coordination of work plans, and coordination with local comprehensive plans for all transportation facilities of the agency. Recommendations shall be delivered to the President of the*

Senate and Speaker of the House of Representatives no later than February 1, 2010.

And the title is amended as follows:

Delete line 104 and insert: the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the Legislature by a specified date; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1213** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by two-thirds vote **CS for HB 7043** was withdrawn from the Committees on Commerce; Governmental Oversight and Accountability; and Rules.

On motion by Senator Garcia—

CS for HB 7043—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding Scripps Florida Funding Corporation; amending s. 288.955, F.S.; clarifying the definition of "grantee"; amending s. 288.9551, F.S.; narrowing the public records exemption for specified information held by the Scripps Florida Funding Corporation and the public meetings exemption for portions of meetings of the board of directors of the corporation at which confidential and exempt information is discussed; removing the Office of Tourism, Trade, and Economic Development from the public records and public meetings exemptions; reorganizing and conforming provisions; making editorial changes; removing superfluous language; providing a penalty; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 2032** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7043** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **CS for CS for HB 821** was withdrawn from the Committees on Community Affairs; and Judiciary.

On motion by Senator Baker—

CS for CS for HB 821—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; defining the term "compact, urban, mixed-use district"; amending s. 190.006, F.S.; providing for application of certain board of supervisors election time periods to compact, urban, mixed-use districts; providing for retroactive application; amending ss. 190.005, 190.011, 190.016, 190.021, and 348.968, F.S.; conforming cross-references; amending s. 190.012, F.S.; revising deed restriction enforcement rulemaking authority of boards of directors of community development districts; authorizing certain property owners to elect a district board advisor; providing advisor responsibilities; providing requirements for district board advisor review and recommendations relating to enforcement of the district rules outside the boundaries of the district; requiring creation of a district board advisor seat after an interlocal agreement is entered into; providing for election of the advisor and the term of office; providing election procedures and requirements; amending s. 190.046, F.S.; revising procedures and requirements to amend the boundaries of a community development district; revising procedures and requirements to merge community development districts; providing limitations; providing for petition filing fees; preserving rights of creditors, liens upon property, and claims and pending actions or proceedings; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1602** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 821** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **CS for HB 7051** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Haridopolos—

CS for HB 7051—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act for social security numbers; amending s. 119.071, F.S.; providing that social security numbers of current and former agency employees held by the employing agency are confidential and exempt from public records requirements; providing for future review and repeal of the exemption; requiring that an agency identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers and ensure compliance therewith; requiring notice as to whether collection of a social security number is authorized or mandatory under federal or state law; clarifying that the public records exemption for social security numbers held by an agency does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemptions for social security numbers; delineating conditions under which social security numbers held by an agency may be disclosed; redefining the term "commercial activity" for purposes of provisions authorizing the disclosure of a social security number under limited circumstances; eliminating agency reports of requests for social security numbers by commercial entities; reenacting ss. 119.0714(1)(i), (2)(e), and (3)(b) and 1007.35(8)(b), F.S., relating to social security numbers contained in records that are made part of a court file, a future requirement of court clerks to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to court clerks with respect to court records, the availability of social security numbers as part of official records, a future requirement of county recorders to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to county recorders with respect to official records, and access to specified information under the Florida Partnership for Minority and Underrepresented Student Achievement, respectively, for the purpose of incorporating the amendment to s. 119.071, F.S., in references thereto,; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1838** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7051** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1372—A bill to be entitled An act relating to insurance; providing a short title; amending s. 624.310, F.S.; expanding the definition of "affiliated party" to include certain third-party marketers; amending s. 626.025, F.S.; including family members of insurance agents in a prohibition related to the transaction of life insurance; amending s. 626.621, F.S.; expanding grounds for discretionary refusal, suspension, or revocation of certain licenses; amending s. 626.641, F.S.; prohibiting the Department of Financial Services from issuing certain licenses in certain circumstances; amending s. 626.798, F.S.; prohibiting a family member of a life insurance agent from being a beneficiary of certain policies; amending s. 626.9521, F.S.; providing that the failure to ascertain a customer's age at the time of an insurance application does not constitute a defense to certain violations of state law; authorizing the use of video depositions in certain circumstances; amending s. 626.99, F.S.; extending the unconditional refund period for fixed annuity contracts and variable or market value annuity contracts for customers 65 years of age or older; requiring that the unconditional refund amount for a variable or market value annuity contract be equal to the cash surrender value provided in the contract, plus any fees or charges deducted from the premiums or imposed under the contract; providing for applicability of certain provisions; requiring that an insurer provide a prospective purchaser of an annuity policy with a buyer's

guide to annuities; requiring that such buyer's guide contain certain information; requiring that an insurer attach a cover page to an annuity policy informing the purchaser of the unconditional refund period; requiring that the cover page provide other specified information; amending s. 627.4554, F.S.; defining the term "accredited investor"; authorizing the Department of Financial Services to order an insurance agent to pay monetary restitution to a senior consumer under certain circumstances; limiting the amount of such restitution; prohibiting an annuity contract issued to a senior consumer from containing a surrender or deferred sales charge for withdrawal of funds from an annuity in excess of a specified maximum amount; providing for the periodic reduction of such charge; creating s. 817.2351, F.S.; providing that it is unlawful for a natural person to perform certain acts in connection with the rendering of any advice or the offer, sale, or purchase of any financial services product to a person who is 65 years of age or older; providing that performance of such a prohibited act constitutes a felony of the third degree; providing for applicability; providing that criminal prosecution for certain offenses is subject to specified time limitations as prescribed by state law; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (529988)—Delete line 325 and insert: *purchased by an accredited investor or to those annuities specified in paragraph (7)(b).*

Amendment 2 (404968)—Delete lines 326-353 and insert:

Section 10. Section 817.2351, Florida Statutes, is created to read:

817.2351 Fraudulent financial services transactions when victim is 65 years of age or older; penalty.—

(1) It is unlawful and a violation of the provisions of this chapter for a natural person, in connection with the rendering of any advice or the offer, sale, or purchase of any annuity product to a person who is 65 years of age or older, including, but not limited to, "twisting" as defined in s. 626.9541(1) or "churning" as defined in s. 626.9541(1)(aa) of insurance products, to directly or indirectly:

(a) Employ any device, scheme, or artifice to defraud a person;

(b) Engage in any transaction, practice, or course of business that operates or would operate as a fraud or deceit upon a person; or

(c) Knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false writing or document while knowing such writing or document to contain any false, fictitious, or fraudulent statement or entry.

(2) Any natural person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section does not apply to transactions governed by chapter 494, chapter 496, chapter 501, chapter 516, chapter 517, chapter 560, or chapters 655-667.

Pursuant to Rule 4.19, **CS for CS for SB 1372** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 836** and **CS for SB 746** was deferred.

On motion by Senator Baker—

CS for SB 538—A bill to be entitled An act relating to publicly funded retirement programs; amending s. 121.4501, F.S.; requiring the Trustees of the State Board of Administration to identify and offer at least one terror-free investment product to the Public Employee Optional Retirement Program by a certain date; amending s. 121.591, F.S.; conforming a cross-reference; amending s. 175.032, F.S.; redefining the terms "credible service" and "firefighter"; amending s. 175.061, F.S.; authorizing the terms of office for the board of trustees of the firefighters' pension trust fund to be revised under certain circumstances; authorizing the firefighters' pension trust fund plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 175.071, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the firefighters' pension trust fund that the board of trustees may invest in foreign securities on a market-value basis; authorizing certain individuals to sign drafts issued providing that investment caps on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the firefighters' pension trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a certain date; amending s. 175.101, F.S.; clarifying boundaries of a special fire control district for purposes of assessment and imposition of the excise tax on property insurance premiums; amending s. 175.171, F.S.; authorizing retired firefighters to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 175.361, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; amending s. 185.02, F.S.; redefining the term "creditable service" for purposes of determining credit for prior service as a police officer; amending s. 185.05, F.S.; revising municipal police officers' retirement trust fund board of trustee selection procedures; authorizing the terms of office for the board of trustees of the municipal police officers' retirement trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 185.06, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the municipal police officers' retirement trust fund that the board of trustees may invest in foreign securities on a market-value basis; providing that the investment cap on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the municipal police officers' retirement trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a date certain; amending s. 185.161, F.S.; authorizing retired police officers to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 185.37, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (313024) (with directory amendment)—Delete line 397 and insert:

(8) Notwithstanding paragraph (1)(b) and as provided in s.

And the directory clause is amended as follows:

Delete line 315 and insert: Statutes, is amended and subsection (8) is added to that

Senator Bennett moved the following amendment which failed:

Amendment 2 (134318) (with title amendment)—Between lines 560 and 561 insert:

Section 8. Subsection (1) of section 175.351, Florida Statutes, is amended to read:

175.351 Municipalities and special fire control districts having their own pension plans for firefighters.—For any municipality, special fire control district, local law municipality, local law special fire control district, or local law plan under this chapter, in order for municipalities and special fire control districts with their own pension plans for firefighters, or for firefighters and police officers, where included, to participate in the distribution of the tax fund established pursuant to s. 175.101, local law plans must meet the minimum benefits and minimum standards set forth in this chapter.

(1) PREMIUM TAX INCOME.—

(a) If a municipality has a pension plan for firefighters, or a pension plan for firefighters and police officers~~,~~ where included, which in the opinion of the division meets the minimum benefits and ~~minimum~~ standards ~~set forth~~ in this chapter, the board of trustees of the pension plan, as approved by a majority of firefighters of the municipality, may:

1. ~~(a)~~ Place the income from the premium tax in s. 175.101 in *the* ~~such~~ pension plan for the sole and exclusive use of its firefighters, or for firefighters and police officers, ~~where included,~~ where it shall become an integral part of that pension plan and ~~shall~~ be used to pay extra benefits to the firefighters included in that pension plan; or

2. ~~(b)~~ Place the income from the premium tax in s. 175.101 *into* ~~in~~ a separate supplemental plan to pay extra benefits to firefighters, or to firefighters and police officers ~~where included~~, participating in *the* ~~such~~ separate supplemental plan.

(b) The premium tax provided by this chapter *must* ~~shall in all cases~~ be used in its entirety to provide extra benefits to firefighters, or to firefighters and police officers~~,~~ where included. ~~However,~~

1. Local law plans in effect on October 1, 1998, *must* ~~shall be required to~~ comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). *If* ~~When~~ a plan is in compliance ~~with such minimum benefit provisions,~~ as subsequent additional premium tax revenues become available, *the revenues* ~~they~~ shall be used to provide extra benefits. *Notwithstanding any other provision of this chapter, effective July 1, 2009, through June 30, 2011, for plans that are not fully funded, premium tax revenues received in excess of the amount needed for compliance with the minimum benefit provisions and for extra benefits implemented before July 1, 2009, must be used to reduce the required contributions of the municipality or special fire control district to the plan.*

2. For the purpose of this chapter, "additional premium tax revenues" means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed *the* ~~that~~ amount received for calendar year 1997, and the term "extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for firefighters on March 12, 1999. Local law plans created by special act before May 23, 1939, *are* ~~shall be~~ deemed to comply with this chapter.

And the title is amended as follows:

Delete line 42 and insert: joint annuitant or beneficiary; amending s. 175.351, F.S.; requiring excess premium taxes to be used to reduce the contributions of a municipality or special district to pension plans that are not fully funded; amending s. 175.361,

Pursuant to Rule 4.19, **CS for SB 538** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 836—A bill to be entitled An act relating to gaming; providing legislative findings and intent; authorizing electronic gaming machines in certain pari-mutuel facilities; defining terms; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation and the Department of Law Enforcement; authorizing the Division of Pari-mutuel Wagering to adopt rules regulating electronic gaming activities; authorizing the Division of Pari-mutuel Wagering and the Department of Law Enforcement to conduct investigations relating to electronic gaming; authorizing the Division of Pari-mutuel Wagering to issue licenses for electronic gaming; specifying qualifications of licensees; requiring licensees to provide advance notice of certain ownership changes to the Division of Pari-mutuel Wagering; specifying requirements for a licensee's facilities-based computer system; requiring electronic gaming machines to maintain a payout percentage of at least 85 percent; requiring licensees to maintain records; requiring licensees to make and file certain reports with the Division of Pari-mutuel Wagering; requiring an applicant for an electronic gaming license to have certain agreements for live races or games; providing for arbitration of such agreements; authorizing the Division of Pari-mutuel Wagering to issue temporary occupational licenses; providing for the renewal of electronic gaming machine licenses; specifying a nonrefundable licensing fee for electronic gaming licenses; specifying the rate of tax on electronic gaming machine revenues; providing for penalties for failure to pay the taxes; requiring electronic gaming machine licensees and certain persons having access to gaming areas to submit fingerprints in connection with certain occupational licenses; specifying grounds for the Division of Pari-mutuel Wagering to take action against applicants for and licensees having certain occupational licenses; authorizing the Division of Pari-mutuel Wagering to impose fines for violations of laws relating to electronic gaming; prohibiting regulators, certain businesses, licensees, and employees from having certain relationships with each other; subjecting a person who makes certain false statements to fines; subjecting a person to fines for possessing electronic games without a license; imposing criminal penalties for attempting to manipulate electronic gaming machines or theft relating to electronic gaming; authorizing warrantless arrests by law enforcement officers under certain circumstances; providing immunity to law enforcement officers who make such arrests; imposing criminal penalties for resisting arrest or detention; prohibiting electronic gaming machines from entering this state; authorizing the Division of Pari-mutuel Wagering to exclude certain individuals from the facility of an electronic gaming machine licensee; prohibiting persons who are younger than 18 years of age from playing an electronic gaming machine; specifying a limit on the number of electronic gaming machines in a facility; requiring an electronic gaming machine licensee to provide office space to the Division of Pari-mutuel Wagering and to the Department of Law Enforcement free of charge; limiting the hours that an electronic gaming machine facility may operate; authorizing the Division of Pari-mutuel Wagering to revoke or suspend licenses or impose fines for willful violations of laws or rules regulating electronic gaming; requiring electronic gaming machine licensees to train employees about gambling addictions; imposing a regulatory fee for a gambling addiction program; entitling electronic gaming machine licensees to a caterer's license; restricting the provision of alcoholic beverages, automated teller machines, and check cashing activities in gaming machine areas; authorizing the Division of Pari-mutuel Wagering to adopt rules; preempting to the state the authority to regulate electronic gaming facilities; excepting bingo games operated by charitable or nonprofit organizations from the provisions of the act; amending s. 215.22, F.S.; exempting taxes imposed on electronic gaming and electronic gaming machine revenue from specified service charges; authorizing the Division of Pari-mutuel Wagering to spend certain trust funds; requiring repayment of such funds; amending s. 550.002, F.S.; revising a definitions; amending s. 550.01215, F.S.; deleting an exception relating to licensing of thoroughbred racing; amending s. 550.0951, F.S.; specifying the tax on historical racing, the take-out of a pari-mutuel pool, an a payment to a purse account; providing for payments to certain horse racing associations; specifying the fee for a permitholder to conduct historical racing; revising the date on which tax payments are due; amending s. 550.09511, F.S.; revising the schedule for the payment of jai alai taxes; amending s. 550.09514, F.S.; revising the schedule for the payment of greyhound dog racing taxes; amending s. 550.105, F.S.; providing for a 3-year occupational license for certain pari-mutuel employees; specifying maximum license fees; providing for the additional tax that a municipality may assess for live racing to apply to additional specified games; providing procedures for criminal history record checks; amending s. 550.135, F.S.; providing for the reservation of electronic gaming machine fees in a trust fund; amending s. 550.2415, F.S.; providing that cruelty to any animal is a violation of ch. 550, F.S.; authorizing the Division of Pari-mutuel Wagering to inspect areas are located; amending s. 550.26165, F.S.; providing legislative intent to attract

thoroughbred training and breeding to this state; authorizing the Florida Thoroughbred Breeders' Association to pay certain awards as part of its pay plan; amending s. 550.2625, F.S.; limiting the application of requirements for minimum purses and awards to this state; amending s. 550.334, F.S.; deleting a provision for issuing a permit to conduct quarter horse race meetings; deleting a provision for issuing a license to conduct quarter horse racing; deleting provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; revising the authority of a quarter horse racing permitholder to substitute horse breeds; deleting a requirement for a quarter horse permitholder to have the consent of certain other permitholders within a certain distance to engage in intertrack wagering; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to the use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; deleting provisions relating to racing days and dates for thoroughbred permitholders that conducted races between certain dates; revising provisions relating to thoroughbred racing dates and minimum number of races; creating s. 550.810, F.S.; specifying requirements for historical racing systems; limiting the number of historical terminals in certain pari-mutuel facilities; authorizing the Division of Pari-mutuel wagering to adopt rules regulating historical racing; providing for the disposition of pari-mutuel tickets that are not redeemed within a certain period of time; amending s. 551.102, F.S.; clarifying the definition of the term "progressive system"; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine facility must be at least 85 percent; specifying the licensing fee for slot machine gaming; specifying the rate of tax on slot machine revenues; revising the due date for slot machine taxes; amending s. 551.113, F.S.; prohibiting a person who is younger than 18 years of age from playing a slot machine; amending s. 551.121, F.S.; authorizing a progressive system to be used in conjunction with slot machines between licensed facilities; amending s. 772.102, F.S.; revising the definition of "criminal activity"; conforming cross-references; amending s. 849.161, F.S.; providing that ch. 849, F.S., does not apply to certain mechanical historical racing systems; amending s. 849.086, F.S.; requiring an applicant for a cardroom licensed to have run a full schedule of live races; specifying maximum license fees for occupational licenses for cardroom employees and cardroom businesses; limiting the hours of cardroom operations; revising the maximum bet and entry fee for tournaments; expanding the authorization for cardroom activities contingent upon a compact with the Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing the possession of certain gambling devices; amending s. 895.02, F.S.; revising the definitions of "racketeering activity" and "unlawful debt"; conforming cross-references; providing an appropriation and the creation of full-time equivalent positions; providing contingent effective dates.

—was read the second time by title.

An amendment was considered and failed to conform **CS for CS for SB 836** to **HB 7145**.

Pending further consideration of **CS for CS for SB 836**, on motion by Senator Jones, by two-thirds vote **HB 7145** was withdrawn from the Committee on Regulated Industries; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Jones, the rules were waived and by two-thirds vote—

HB 7145—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of the term "full schedule of live racing or games" in reference to quarter horse permitholders; amending s. 550.334, F.S.; revising provisions for permits to conduct quarter horse race meetings; removing provisions for application to the Division of Pari-mutuel Wagering for a permit to conduct quarter horse race meetings; removing provisions for granting a license to conduct quarter horse racing; revising a provision for governance and control of quarter horse racing; revising authorization to substitute races of other breeds of horses; providing for an exception to a prohibition against the transfer or conversion of a quarter horse permit; providing requirements for a quarter horse racing permitholder to be eligible to conduct intertrack wagering; providing requirements for a quarter horse racing permitholder to be eligible to operate a cardroom; removing certain provisions restricting intertrack wagering; creating s. 550.3345, F.S.; providing for the transfer of a quarter horse racing permit to a not-for-profit corporation; providing for membership and purpose of such corporation; providing for conversion of such permit to a limited thoroughbred permit; requiring net revenues derived by the not-for-profit corporation to be used for certain purposes relating to the thoroughbred horse racing industry; prohibiting live racing in certain locations during certain times; providing licensure requirements; providing for a change in location of the permit; prohibiting transfer of the converted permit; providing for application of state law to the permit and the corporation; providing an exception to certain provisions for failure to pay tax on handle; amending s. 551.106, F.S.; revising the license fee and tax rate for slot machine licensees; providing for minimum tax revenue from operation of slot machines; amending s. 849.086, F.S.; revising requirements for initial issuance of a cardroom license; requiring the permitholder to be licensed to conduct a full schedule of live racing or games during the state fiscal year in which the initial cardroom license is issued; permitting cardroom operators to operate 24 hours per day; increasing certain wager and buy-in limits; permitting charity tournaments under certain conditions; providing effective dates, including a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 836** and by two-thirds vote read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (328550) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Legislature finds that the pari-mutuel industry has played an important part in the development of this state and that it is a vital part of the state's economy. The Legislature also recognizes that many individuals and small businesses provide services to the pari-mutuel industry and rely upon the continued vigor of the industry to survive. The pari-mutuel industry and these individuals and small business employ many Floridians, pay a variety of taxes to support state and local governmental activities, and contribute to the economy of this state. Given the important role played by the industry, and the individuals and small businesses associated with it, as well as the current state of the economy in the United States in general and in Florida in particular, the Legislature finds that in order to preserve the industry, to ensure continued employment for many Floridians, and to preserve and improve the state's revenues, measures must be taken to eliminate unnecessary regulations, encourage business and regulatory efficiency, reduce unnecessary tax burdens, and increase revenues to the state.*

Section 2. *Electronic gaming machines authorized.—An electronic gaming machine licensee may possess electronic gaming machines and operate electronic gaming machines at an eligible facility, as defined by section 3. of this act, where the licensee is authorized to conduct pari-mutuel wagering activities under to chapter 550, Florida Statutes. Notwithstanding any other provision of law, it is not a crime for a person to participate in electronic gaming at a facility licensed to possess electronic gaming machines or to operate electronic gaming machines.*

Section 3. *As used in this act, the term:*

(1) "Bingo" or "game of bingo" means the game of chance commonly known as "bingo," which may include the use of electronic, computer, or other technological aids. Such aids may include entertainment displays, including spinning reels, video displays, associated bonus displays, and video poker. The game of bingo requires at least two live players competing for a common prize. The prizes result from a random draw or electronic determination and release or announcement of numbers or other designations necessary to form the predesignated game-winning pattern on an electronic bingo card. A game of bingo ends when a player receives a predesignated game-winning pattern and consolation prizes, if any, are awarded. The game of bingo does not include house-banked games or electronic or electromechanical facsimiles of any other game of chance or slot machine of any kind.

(2) "Bonus prize" means a prize awarded in a bingo game in addition to the game-winning prize. The term includes prizes based on predesignated and preannounced patterns that differ from the game-winning

pattern, a winning pattern in a specified quantity of numbers or designations drawn or electronically determined and released, or any combination of these patterns. The term includes a prize awarded as an interim prize while players are competing for the game-winning prize or as a consolation prize after a player has won the game-winning prize.

(3) "Designated electronic gaming machine area" means any area of a facility of an electronic gaming machine licensee in which electronic gaming may be conducted.

(4) "Distributor" means any person who sells, leases, offers, or otherwise provides, distributes, or services any electronic gaming machine or associated equipment, software, or other functions required for use or play of electronic gaming machines in this state. The term may include a manufacturer.

(5) "Division" means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

(6) "Electronic game" means an electronically simulated bingo game that:

(a) Is played on an electronic gaming machine that, upon insertion of a ticket, or an electronic or account-based card, is available to play or simulate a game of bingo played on a network of electronic gaming machines;

(b) Is not house-banked;

(c) May award bonus prizes and progressive prizes; and

(d) May make provide payoffs to players in the form of tickets or electronic or account-based credits that may be exchanged for cash, merchandise, or other items of value.

(7) "Electronic gaming machine" means a player station, machine, or device, including associated equipment that is required to operate the player station, machine, or device, upon which an electronic game is played or operated. An electronic gaming machine:

(a) May include spinning reels, video displays, video poker, or other similar technologies to convey outcomes to a player of simulated bingo as approved by the division.

(b) Must display one or more bingo cards used in the game before numbers or other designations for the game are randomly drawn.

(c) Must display any card in use by a player during game play.

(d) Must be directly linked to a central computer for purposes of security, monitoring, and auditing. The central computer may not limit a facility's ability to deploy its electronic player tracking or electronic gaming accounting system. However, such systems must use a widely accepted open communications protocol to ensure interoperability among all manufacturers and to provide a player with the ability to seamlessly alternate play between the electronic gaming machines and electronic gaming machines of different licensed manufacturers.

(e) Is not a coin-operated amusement machine as defined in s. 212.02, Florida Statutes, or an amusement game or machine as described in s. 849.161, Florida Statutes. Electronic gaming machines are not subject to the tax imposed by s. 212.05(1)(h), Florida Statutes.

(8) "Electronic gaming machine facility" means an eligible facility at which electronic gaming machines are lawfully offered for play.

(9) "Electronic gaming machine license" means a license issued by the division authorizing a licensee under chapter 550, Florida Statutes, to place and operate electronic gaming machines in an eligible facility.

(10) "Electronic gaming machine revenues" means all cash and property, except nonredeemable credits, received by the electronic gaming machine licensee from the operation of electronic gaming machines, less the amount of cash, cash equivalents, credits, and prizes paid to winners of electronic games.

(11) "Eligible facility" means a facility at which a licensee under chapter 550, Florida Statutes, has run a full schedule of live racing, as defined in s. 550.002(11), Florida Statutes, and is a cardroom license holder, but not a slot machine facility licensed under chapter 551, Florida Statutes.

(12) "Game-winning pattern" means a predetermined pattern on an electronic bingo card. Each game must have one game-winning pattern or arrangement that must be common to all players and may be won by multiple players simultaneously. A game-winning prize must be awarded in every game. The pattern designated as the game-winning pattern need not pay the highest prize available in the game. Other patterns may be designated for the award of bonus prizes in addition to the prize to awarded based on the game-winning pattern.

(13) "Manufacturer" means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or modifies any electronic gaming machine or associated equipment for use or play in this state for gaming purposes.

(14) "Nonredeemable credits" means electronic gaming machine operating credits that may not be redeemed for cash or any other thing of value by an electronic gaming machine, kiosk, or the electronic gaming machine licensee and that are provided for free to patrons. The credits become nonredeemable credits when they are metered as credit into an electronic gaming machine and recorded in the facility-based monitoring system.

(15) "Progressive prize" means an established prize for a bingo game that is:

(a) Funded by a percentage of each player's purchase or wager within one or more licensed facilities for a specific progressive bingo game;

(b) Awarded to a player who obtains a specific predesignated and preannounced pattern having a specified quantity of numbers or designations randomly drawn and released or electronically determined or randomly drawn and released or electronically determined in a specified sequence; and

(c) Rolled over to each subsequent specific progressive bingo game until it is won.

Section 4. *Powers and duties of the Division of Pari-Mutuel Wagering and the Department of Law Enforcement.—*

(1) The division shall adopt rules necessary to implement, administer, and regulate the operation of electronic gaming machines in this state. The rules shall include:

(a) Procedures for applying for and renewing electronic gaming machine licenses.

(b) Technical requirements and qualifications to receive an electronic gaming machine license or electronic gaming machine occupational license.

(c) Procedures to ensure that an electronic game or electronic gaming machine does not enter the state or is not offered for play until it has been tested and certified by a licensed testing laboratory for play in the state.

(d) Procedures to test, certify, control, and approve electronic games and electronic gaming machines. The procedures shall address measures to scientifically test and technically evaluate electronic gaming machines for compliance with the applicable laws and rules. The division may contract with an independent testing laboratory to conduct any necessary testing. The independent testing laboratory must have a national reputation indicating that it is demonstrably competent and qualified to scientifically test and evaluate electronic games and electronic gaming machines and to perform the functions required by this act. An independent testing laboratory may not be owned or controlled by a licensee. The selection of an independent testing laboratory for any purpose related to the conduct of electronic gaming machines by a licensee shall be made from a list of laboratories approved by the division.

(e) Procedures relating to electronic gaming machine revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees.

(f)1. Procedures to regulate, manage, and audit the operation, financial data, and program information relating to electronic gaming machines which enable the division and the Department of Law En-

forcement to audit the operation, financial data, and program information of an electronic gaming machine licensee required by the division or the Department of Law Enforcement.

2. Procedures to allow the division and the Department of Law Enforcement to:

a. Monitor, at any time on a real-time basis, wagering patterns, payouts, tax collection, and compliance with division rules;

b. Suspend play immediately on particular electronic gaming machines if the facilities-based computer system indicates possible tampering with or manipulation of the electronic gaming machines; and

c. Immediately suspend play of the entire operation if the facilities-based computer system may have been tampered with or manipulated. The division shall notify the Department of Law Enforcement or the Department of Law Enforcement shall notify the division, as appropriate, when there is a suspension of play under this subparagraph. The division and the Department of Law Enforcement shall exchange information that is necessary for and cooperate in the investigation of the circumstances resulting in suspension of play.

(g) Procedures to require each licensee operating electronic gaming machines, at the licensee's expense, to supply the division with a bond having the penal sum of $2 million payable to the Chief Financial Officer. Any bond shall be issued by a surety approved by the division and the Chief Financial Officer, conditioned to pay the Chief Financial Officer as treasurer of the division. The licensee must keep its books and records and make reports as provided in this act and conduct electronic gaming machine operations in conformity with this act and other provisions of law. Such bond shall be separate from the bond required in s. 550.125, Florida Statutes.

(h) Procedures to require licensees to maintain specified records and submit any data, information, records, or reports, including financial and income records, required by this act or rules of the division.

(i) A requirement that the payout percentage of an electronic gaming machine facility be at least 85 percent. The theoretical payout percentage shall be determined using standard methods of probability theory.

(j) Minimum standards of security for the facilities, including floor plans, security cameras, and other security equipment.

(k) Procedures to require electronic gaming machine licensees to implement and establish drug-testing programs for all electronic gaming machine occupational licensees.

(2) The division shall conduct investigations necessary to fulfill its responsibilities to regulate electronic gaming machine facilities.

(3) The Department of Law Enforcement and local law enforcement agencies have concurrent jurisdiction to investigate criminal violations of laws regulating electronic gaming facilities and may investigate any other criminal violation of law occurring at a facility. Such investigations may be conducted in conjunction with the appropriate state attorney.

(4)(a) The division, the Department of Law Enforcement, and local law enforcement agencies have unrestricted access to an electronic gaming machine licensee's facility at all times and shall require each electronic gaming machine licensee to strictly comply with the laws of this state relating to the transaction of such business. The division, the Department of Law Enforcement, and local law enforcement agencies may:

1. Inspect and examine premises where electronic gaming machines are offered for play.

2. Inspect electronic gaming machines and related equipment and supplies.

(b) In addition, the division may:

1. Collect taxes, assessments, fees, and penalties.

2. Deny, revoke, suspend, or place conditions on the license of a person who violates this act or rules adopted pursuant thereto.

(5) The division shall revoke or suspend the license of any person who is no longer qualified or who is found to have been unqualified at the time of application for the license.

(6) This section does not:

(a) Prohibit the Department of Law Enforcement or any law enforcement authority whose jurisdiction includes a licensed facility from conducting investigations of criminal activities occurring at the facility;

(b) Restrict access to an electronic gaming machine licensee's facility by the Department of Law Enforcement or any local law enforcement authority whose jurisdiction includes the electronic gaming machine licensee's facility; or

(c) Restrict access by the Department of Law Enforcement or local law enforcement authorities to information and records necessary to the investigation of criminal activity which are contained within the electronic gaming machine licensee's facility.

Section 5. *License to conduct electronic gaming.—*

(1) Upon application and a finding by the division after investigation that the application is complete and the applicant is qualified and payment of the initial license fee, the division may issue a license to conduct electronic gaming in any designated electronic gaming machine area of an eligible facility.

(2) An electronic gaming machine license may be issued only to a person or entity licensed to conduct pari-mutuel wagering under chapter 550, Florida Statutes, and electronic gaming may be operated only at the eligible facility at which the licensee is authorized to conduct pari-mutuel wagering activities.

(3) As a condition of licensure and to maintain continued authority to conduct electronic gaming, an electronic gaming machine licensee shall:

(a) Comply with this act.

(b) Comply with chapter 550, Florida Statutes, and maintain the pari-mutuel permit and license in good standing pursuant to chapter 550, Florida Statutes. Notwithstanding any contrary provision of law, a pari-mutuel permitholder may, within 60 days after the effective date of this act, amend its pari-mutuel wagering operating license. The division shall issue a new license to the permitholder to effectuate any approved change.

(c) Conduct at least a full schedule of live racing or games as defined in s. 550.002(11), Florida Statutes, including races or games under s. 550.475, Florida Statutes, or be authorized to conduct limited intertrack wagering under s. 550.6308, Florida Statutes, at the eligible facility. A licensee's responsibility to conduct such number of live races or games shall be reduced by the number of races or games that could not be conducted due to the direct result of fire, war, hurricane, or other disaster or event beyond the control of the licensee.

(d) Provide appropriate current and accurate documentation, on a timely basis, to the division relating to changes in ownership or interest in an electronic gaming machine license. Changes in ownership or interest in an electronic gaming machine license of 5 percent or more of the stock or other evidence of ownership or equity in the electronic gaming machine license or of any parent corporation or other business entity that owns or controls the electronic gaming machine license must be approved by the division prior to such change, unless the owner is an existing holder of the license who was previously approved by the division. Any changes in ownership or interest in an electronic gaming machine license of less than 5 percent, unless such change results in a cumulative total of 5 percent or more, shall be reported to the division within 20 days after the change. The division may conduct an investigation to ensure that the license is properly updated to show the change in ownership or interest. Reporting is not required if the person is holding 5 percent or less equity or securities of a corporate owner of the electronic gaming machine licensee that has its securities registered pursuant to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity files with the United States Securities and Exchange Commission the reports required by s. 13 of that act, or if the securities of the corporation or entity are regularly traded on an established securities market in the United States. A change in ownership or interest of less than 5 percent which results in a cumulative ownership or interest of 5 percent or more must be

approved by the division prior to such change unless the owner is an existing holder of the license who was previously approved by the division.

(e) Provide the division and the Department of Law Enforcement unrestricted access to inspect the facilities of an electronic gaming machine licensee in which any activity relative to the operation of electronic gaming machines is conducted.

(f) Ensure that the facilities-based computer system or operational and accounting functions of the electronic gaming machine facility is specifically structured to facilitate regulatory oversight. The facilities-based computer system shall give the division and the Department of Law Enforcement the ability to monitor, at any time on a real-time basis, the wagering patterns, payouts, tax collection, and such other operations as are necessary to determine whether the facility is in compliance with statutory provisions and rules adopted by the division for the regulation and control of electronic gaming machines. The division and the Department of Law Enforcement shall have continuous access to this system. The division and the department shall have the ability to suspend play immediately on particular electronic gaming machines if the system indicates possible tampering with or manipulation of those electronic gaming machines or the ability to immediately suspend play of the entire operation if the system indicates that the system has been tampered with or manipulated. The computer system shall be reviewed and approved by the division to ensure necessary access, security, and functionality. The division may adopt rules to provide for the approval process.

(g) Ensure that each electronic gaming machine and electronic game is protected from manipulation or tampering affecting the random probabilities of winning plays. The division or the Department of Law Enforcement may suspend play upon reasonable suspicion of any manipulation or tampering. If play has been suspended on any electronic gaming machine, the division or the Department of Law Enforcement may examine the machine to determine whether the machine has been tampered with or manipulated and whether the machine should be returned to operation.

(h) Submit a security plan, including the facilities' floor plans, the locations of security cameras, and a listing of all security equipment that is capable of observing and electronically recording activities being conducted in the facilities of the electronic gaming machine licensee. The security plan must meet the minimum security requirements as determined by the division by rule, and be implemented before operation of electronic gaming machine games. The electronic gaming machine licensee's facilities must adhere to the security plan at all times. Any changes to the security plan must be submitted by the licensee to the division before they are implemented. The division shall furnish copies of the security plan and changes in the plan to the Department of Law Enforcement.

(i) Create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.

2. Creating opportunities for employment of residents of this state, including minority residents.

3. Ensuring opportunities for construction services from minority contractors.

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Providing training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in this act.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the electronic gaming machine facility is a drug-free workplace.

The electronic gaming machine licensee shall use the Internet-based job-listing system of the Agency for Workforce Innovation in advertising employment opportunities. Beginning in June 2010, each electronic gaming machine licensee shall submit an annual report to the division containing information indicating compliance with this paragraph in regard to minority persons.

(j) Maintain a payout percentage of at least 85 percent per electronic gaming machine facility. The theoretical payout percentage shall be determined using standard methods of probability theory.

(4) An electronic gaming machine license is not transferable.

(5) An electronic gaming machine licensee shall keep and maintain daily records of its electronic gaming machine operations and shall maintain such records for at least 5 years. These records must include all financial transactions and contain sufficient detail to determine compliance with laws and rules regulating electronic gaming. All records shall be available for audit and inspection by the division, the Department of Law Enforcement, or other law enforcement agencies during the licensee's regular business hours.

(6) An electronic gaming machine licensee shall file with the division a monthly report containing the required records of such electronic gaming machine operations. The required reports shall be submitted on forms prescribed by the division and shall be due at the same time as the monthly pari-mutuel reports are due. Such reports are public records once filed.

(7) An electronic gaming machine licensee shall file with the division an audit of the receipt and distribution of all electronic gaming machine revenues. The audit must be performed by an independent certified public accountant who shall verify whether the licensee has complied with the financial and auditing laws and rules applicable to the licensee. The audit must include verification of compliance with all statutes and rules regarding all required records of electronic gaming machine operations. Such audit shall be filed within 120 days after completion of the permitholder's fiscal year.

(8) The division may share any information with the Department of Law Enforcement, any other law enforcement agency having jurisdiction over electronic gaming machines or pari-mutuel activities, or any other state or federal law enforcement agency or division that the Department of Law Enforcement deems appropriate. Any law enforcement agency having jurisdiction over electronic gaming machines or pari-mutuel activities may share with the division information obtained or developed by it.

(9)(a) An electronic gaming machine license or renewal may not be issued to an applicant licensed under chapter 550, Florida Statutes, to conduct live pari-mutuel wagering races or games unless the applicant has on file with the division the following binding written agreements governing the payment of awards and purses on live races or games conducted at the licensee's pari-mutuel facility:

1. For a thoroughbred licensee, an agreement governing the payment of purses between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., or the association representing a majority of the thoroughbred owners and trainers at the applicant's eligible facility located as described in s. 550.615(9), Florida Statutes, and an agreement governing the payment of awards between the applicant and the Florida Thoroughbred Breeders' Association;

2. For a harness licensee, an agreement governing the payment of purses and awards between the applicant and the Florida Standardbred Breeders and Owners Association;

3. For a greyhound licensee, an agreement governing the payment of purses between the applicant and the Florida Greyhound Association, Inc.;

4. For a quarter horse licensee, an agreement governing the payment of purses between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicants eligible facility, and an agreement governing the payment of awards between the applicant and the Florida Quarter Horse Breeders and Owners Association; or

5. For a jai alai licensee, an agreement governing the payment of player awards between the applicant and the International Jai Alai Players Association or a binding written agreement approved by a majority of the jai alai players at the applicant's eligible facility at which the applicant has a permit issued after January 1, 2000, to conduct jai alai.

(b) The agreements may direct the payment of purses and awards from revenues generated by any wagering or games that the applicant is authorized to conduct under state law. All purses and awards are subject

to the terms of chapter 550, Florida Statutes. All sums for breeders', stallion, and special racing awards shall be remitted monthly to the respective breeders association for the payment of awards, subject to the administrative fees authorized under chapter 550, Florida Statutes.

(c) An electronic gaming machine license or renewal thereof may not be issued to an applicant licensed to conduct intertrack wagering under s. 550.6308, Florida Statutes, unless the applicant has on file with the division a binding written agreement between the applicant and the Florida Thoroughbred Breeders' Association, Inc., dedicating to the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted in this state at least the same percentage of electronic gaming machine revenues as the highest percentage of electronic gaming machine revenues dedicated to purses and awards in a current agreement under this subsection by an applicant licensed under chapter 550, Florida Statutes, to conduct live thoroughbred races. At least half of such funds must be distributed as special racing awards.

(d) The division shall suspend an electronic gaming machine license if any agreement required under paragraph (a) is terminated or otherwise ceases to operate or if the division determines that the licensee is materially failing to comply with the terms of such agreement. Any suspension shall take place in accordance with chapter 120, Florida Statutes.

(e)1. If an agreement required under paragraph (a) cannot be reached prior to the initial issuance of the electronic gaming machine license, either party may request arbitration. In the case of a renewal, if an agreement is not in place 120 days before the scheduled expiration date of the electronic gaming machine license, the applicant shall immediately ask the American Arbitration Association to furnish a list of 11 arbitrators, each of whom shall have at least 5 years of commercial arbitration experience and no financial interest in or prior relationship with any party or with an affiliated or related entity or principal. Each required party to the agreement shall select a single arbitrator from the list within 10 days after receipt, and the persons selected shall choose one additional arbitrator from the list within 10 days.

2. If an agreement required under paragraph (a) is not in place 60 days after the request under subparagraph 1., in the case of an initial electronic gaming machine license or, in the case of a renewal, 60 days prior to the scheduled expiration date of the license, the matter shall be immediately submitted to mandatory binding arbitration. The three arbitrators selected pursuant to subparagraph 1. shall conduct the arbitration pursuant to the American Arbitration Association Commercial Arbitration Rules and chapter 682, Florida Statutes.

3. At the conclusion of the proceedings, which may be no later than 90 days after the request under subparagraph 1. in the case of an initial electronic gaming machine license or, in the case of a renewal, 30 days prior to the scheduled expiration date of the electronic gaming machine license, the arbitration panel shall present to the parties a proposed agreement that the majority of the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. The parties shall immediately enter into such agreement, which shall satisfy the requirements of paragraph (a) and permit issuance of the pending annual electronic gaming machine license or renewal. The agreement shall be effective until the last day of the license or renewal period or until the parties enter into a different agreement. Each party shall pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree. If the agreement remains in place 120 days prior to the scheduled issuance of the next annual license renewal, the arbitration process established in this paragraph shall begin again.

4. If neither agreement required under paragraph (a) is in place by the deadlines established in this paragraph, arbitration regarding each agreement shall proceed independently, with separate lists of arbitrators, arbitration panels, arbitration proceedings, and resulting agreements.

5. With respect to the agreement required under paragraph (a) governing the payment of purses, the arbitration and resulting agreement is limited to the payment of purses from electronic gaming machine revenues only.

(f) If any provision of this subsection or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection or act which can be given effect without the invalid provision or application, and to this end the provisions of this subsection are severable.

Section 6. *Temporary licenses.—*

(1) Notwithstanding any provision of s. 120.60, Florida Statutes, to the contrary, the division may issue a temporary occupational license upon receipt of a complete application and a determination that the applicant has not been convicted of or had adjudication withheld on any disqualifying criminal offense. The temporary occupational license remains valid until the division grants an occupational license or notifies the applicant of its intended decision to deny the license pursuant to the provisions of s. 120.60, Florida Statutes. The division shall adopt rules to administer this section. However, not more than one temporary license may be issued for any person in any year.

(2) A temporary license issued under this section is not transferable.

Section 7. *Electronic gaming machine license renewal.—*

(1) An electronic gaming machine license is effective for 1 year after issuance and may be renewed annually. The application for renewal must contain all revisions to the information submitted in the prior year's application which are necessary to maintain such information as accurate and current.

(2) The applicant for renewal must attest that any information changes do not affect such applicant's qualifications for license renewal.

(3) Upon determination by the division that the application for renewal is complete and qualifications have been met, including payment of the renewal fee, the license shall be renewed.

Section 8. *License fee; tax rate; penalties.—*

(1) LICENSE FEE.—

(a) Upon submission of the initial application for an electronic gaming machine license or upon submission of an application to renew a license, the licensee must pay to the division a nonrefundable license fee of $1 million for the succeeding 12 months of licensure. The fee shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of electronic gaming, and enforcement of electronic gaming provisions. These payments shall be accounted for separately from taxes or fees paid pursuant to the provisions of chapter 550 or chapter 551, Florida Statutes.

(b) The division shall evaluate the license fee and submit recommendations in its legislative budget request identifying the optimum level of electronic gaming machine license fees required to adequately support the electronic gaming machine regulatory program.

(c) Notwithstanding s. 550.135(2), Florida Statutes, all fees and fines collected pursuant to this chapter shall remain in the Pari-Mutuel Wagering Trust Fund for use by the division for regulation of electronic gaming machines and electronic games.

(2) TAX ON ELECTRONIC GAMING MACHINE REVENUES.—

(a) The tax rate on electronic gaming machine revenues at each facility shall be 35 percent.

(b) The electronic gaming machine revenue tax imposed by this section shall be paid to the division for deposit into the Pari-mutuel Wagering Trust Fund for immediate transfer by the Chief Financial Officer for deposit into the Educational Enhancement Trust Fund of the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

(c)1. Funds transferred to the Educational Enhancement Trust Fund shall be used to supplement public education funding statewide.

2. If necessary to comply with any covenant established pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3), Florida Statutes, funds transferred to the Educational Enhancement Trust Fund shall first be available to pay debt service on lottery bonds issued to fund school construction in the event lottery revenues are insufficient for such purpose or to satisfy debt service reserve requirements established in connection with

lottery bonds. Moneys available pursuant to this subparagraph are subject to annual appropriation by the Legislature.

(3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax on electronic gaming machine revenues imposed by this section shall be paid to the division. The division shall deposit such funds with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund. The electronic gaming machine licensee shall remit to the division payment for the tax on electronic gaming machine revenues by 3 p.m. on the 5th calendar day of each month for taxes imposed and collected for the preceding calendar month. The electronic gaming machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all electronic gaming machine activities for the preceding calendar month and such other information as may be prescribed by the division.

(4) FAILURE TO PAY TAX; PENALTIES.—An electronic gaming machine licensee who does not make tax payments required under this section is subject to an administrative penalty of up to $10,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation. If an electronic gaming machine licensee does not pay penalties imposed by the division, the division may suspend, revoke, or refuse to renew the license of the electronic gaming machine licensee.

(5) SUBMISSION OF FUNDS.—The division may require electronic gaming machine licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

Section 9. *Electronic gaming machine occupational license; findings; application; fee.—*

(1) The Legislature finds that licensees and persons associated with licensees require heightened state scrutiny. As such licensees and persons associated with licensees shall submit fingerprints for a criminal history records check.

(2)(a) The following electronic gaming machine occupational licenses are required for persons who, by virtue of the positions they hold, potentially may have access to electronic gaming machine areas or to any other person or entity in one of the following categories:

1. General occupational licenses for general employees, including food service, maintenance, and other similar service and support employees having access to an electronic gaming machine area.

2. Professional occupational licenses for any person, proprietorship, partnership, corporation, or other entity that is authorized by an electronic gaming machine licensee to manage, oversee, or otherwise control daily operations as an electronic gaming machine manager, floor supervisor, security personnel, or other similar position of oversight of gaming operations, or any person who is not an employee of the electronic gaming machine licensee and who provides maintenance, repair, or upgrades or otherwise services an electronic gaming machine or other electronic gaming machine equipment.

3. Business occupational licenses for any electronic gaming machine management company or company associated with electronic gaming, any person who manufactures, distributes, or sells electronic gaming machines, electronic gaming machine paraphernalia, or other associated equipment to electronic gaming machine licensees, or any company that sells or provides goods or services associated with electronic gaming to electronic gaming machine licensees.

(b) The division may issue one license in order to combine licenses under this section with pari-mutuel occupational licenses and cardroom licenses pursuant to s. 550.105(2)(b), Florida Statutes. The division shall adopt rules pertaining to occupational licenses under this subsection. Such rules may specify requirements and restrictions for licensed occupations and categories, procedures to apply for a license or combination of licenses, disqualifying criminal offenses for a licensed occupation or categories of occupations, and which types of occupational licenses may be combined into a single license. The fingerprinting requirements of subsection (10) apply to any combination license that includes electronic gaming machine license privileges. The division may not adopt a rule allowing the issuance of an occupational license to any person who does not meet the minimum background qualifications of this section.

(c) Electronic gaming machine occupational licenses are not transferable.

(3) An electronic gaming machine licensee may not employ or otherwise allow a person to work at a licensed facility unless such person holds the appropriate valid occupational license. An electronic gaming machine licensee may not contract or otherwise conduct business with a business that is required to hold an electronic gaming machine occupational license unless the business holds such a license. An electronic gaming machine licensee may not employ or otherwise allow a person to work in a supervisory or management professional level at a licensed facility unless such person holds a valid electronic gaming machine occupational license. All electronic gaming machine occupational licensees, while present in electronic gaming machine areas, shall display on their persons their occupational license identification cards.

(4)(a) A person seeking an electronic gaming machine occupational license or renewal thereof shall apply on forms prescribed by the division and include payment of the appropriate application fee. Initial and renewal applications for electronic gaming machine occupational licenses must contain all information that the division, by rule, requires.

(b) An electronic gaming machine license or combination license is valid for the same term as a pari-mutuel occupational license issued pursuant to s. 550.105(1), Florida Statutes.

(c) Pursuant to rules adopted by the division, any person may apply for and, if qualified, be issued an electronic gaming machine occupational license. The license shall be valid for a period of 3 years upon payment of the full occupational license fee for each of the 3 years for which the license is issued. The electronic gaming machine occupational license is valid during its specified term at any licensed facility where electronic gaming machine gaming is authorized.

(d) The electronic gaming machine occupational license fee for initial application and annual renewal shall be determined by rule of the division, but may not exceed $50 for a general or professional occupational license for an employee of the electronic gaming machine licensee or $1,000 for a business occupational license for nonemployees of the licensee who provide goods or services to the electronic gaming machine licensee. License fees for general occupational licenses shall be paid by the electronic gaming machine licensee. Failure to pay the required fee constitutes grounds for disciplinary action by the division against the electronic gaming machine licensee, but it is not a violation of this act or rules of the division by the general occupational licensee and does not prohibit the initial issuance or the renewal of the general occupational license.

(5) The division may:

(a) Deny an application for, or revoke, suspend, or place conditions or restrictions on, a license of an applicant or licensee that has been refused a license by another state gaming commission, governmental department, agency, or other authority exercising regulatory jurisdiction over the gaming of another state or jurisdiction; or

(b) Deny an application for, or suspend, or place conditions on a license of any applicant or licensee that is under suspension or has unpaid fines in another state or jurisdiction.

(6)(a) The division may deny, suspend, revoke, or refuse to renew any electronic gaming machine occupational license if the applicant or licensee has violated this act or the rules governing the conduct of persons connected with electronic games or electronic gaming. In addition, the division may deny, suspend, revoke, or refuse to renew any electronic gaming machine occupational license if the applicant or licensee has been convicted under the laws of this state or of another state, or under the laws of the United States, of a capital felony, a felony, or an offense in another state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; racketeering; or a crime showing a lack of good moral character, or has had a gaming license revoked by this state or another jurisdiction for any gaming-related offense.

(b) The division may deny, revoke, or refuse to renew any electronic gaming machine occupational license if the applicant or licensee has been convicted of a felony or misdemeanor in this state, in another state, or under the laws of the United States if such felony or misdemeanor is related to gambling or bookmaking as described in s. 849.25, Florida Statutes.

(c) As used in this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(7) The division may deny, revoke, or suspend any occupational license if the applicant or licensee accumulates unpaid obligations, defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause.

(8) The division may fine or suspend, revoke, or place conditions upon the license of any licensee who provides false information under oath regarding an application for a license or an investigation by the division.

(9) The division may impose a civil fine of up to $5,000 for each violation of this act or the rules of the division in addition to or in lieu of any other penalty. The division may adopt a penalty schedule for violations for which it would impose a fine in lieu of a suspension and adopt rules allowing for the issuance of citations, including procedures to address such citations, to persons who violate such rules. In addition to any other penalty provided by law, the division may exclude from all licensed electronic gaming machine facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been refused or who has been declared ineligible to hold an occupational license or whose occupational license has been suspended or revoked by the division.

(10) Fingerprints for electronic gaming machine occupational license applications shall be taken in a manner approved by the division and shall be submitted electronically to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for national processing for a criminal history record check. All persons as specified in s. 550.1815(1)(a), Florida Statutes, who are employed by or working within licensed premises shall submit fingerprints for a criminal history records check and may not have been convicted of any disqualifying criminal offenses specified in subsection (6). Division employees and law enforcement officers assigned to work within such premises as part of their official duties are excluded from the criminal history record check requirements. As used in this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(a) Fingerprints shall be taken in a manner approved by the division upon initial application, or as required thereafter by rule of the division, and shall be submitted electronically to the Department of Law Enforcement for state processing. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The results of the criminal history record check shall be returned to the division for screening. Licensees shall provide necessary equipment, approved by the Department of Law Enforcement, to facilitate such electronic submission. The division requirements shall be instituted in consultation with the Department of Law Enforcement.

(b) The cost of processing fingerprints and conducting a criminal history records check for a general occupational license shall be paid by the electronic gaming machine licensee. The cost of processing fingerprints and conducting a criminal history record check for a business or professional occupational license shall be paid by the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month.

(c) All fingerprints submitted to the Department of Law Enforcement shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system as authorized by s. 943.05(2)(b), Florida Statutes, and shall be available for all purposes and uses authorized for arrest fingerprint cards in the statewide automated fingerprint identification system pursuant to s. 943.051, Florida Statutes.

(d) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051, Florida Statutes, against the fingerprints retained in the statewide automated fingerprint identification system. Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements shall be reported to the division. Each licensed facility shall pay a fee for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The division shall forward the fee to the Department of Law Enforcement. The amount of the fee to be imposed for such searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained.

(e) The division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check every 3 years following issuance of a license. If the fingerprints of a person who is licensed have not been retained by the Department of Law Enforcement, the person must file a complete set of fingerprints as provided in paragraph (a). The division shall collect the fees for the cost of the national criminal history record check and shall forward the payment to the Department of Law Enforcement. The cost of processing fingerprints and conducting a criminal history record check for a general occupational license shall be paid by the electronic gaming machine licensee. The cost of processing fingerprints and conducting a criminal history record check for a business or professional occupational license shall be paid by the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month. Under penalty of perjury, each person who is licensed or fingerprinted must agree to inform the division within 48 hours if he or she is convicted of or enters a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.

(11) All moneys collected pursuant to this section shall be deposited into the Pari-mutuel Wagering Trust Fund.

Section 10. *Prohibited relationships.—*

(1) A person employed by or performing any function on behalf of the division may not:

(a) Be an officer, director, owner, or employee of any person or entity licensed by the division.

(b) Have or hold any interest, direct or indirect, in or engage in any commerce or business relationship with any person licensed by the division.

(2) A manufacturer or distributor of electronic gaming machines may not enter into any contract with an electronic gaming machine licensee which provides for any revenue sharing that is directly or indirectly calculated on the basis of a percentage of electronic gaming machine revenues. Any agreement in violation of this subsection is void.

(3) A manufacturer or distributor of electronic gaming machines or equipment necessary for the operation of electronic gaming machines or an officer, director, or employee of any such manufacturer or distributor may not have any ownership or financial interest in an electronic gaming machine license or any business owned by an electronic gaming machine licensee.

(4) An employee of the division or relative living in the same household as the employee may not wager on an electronic gaming machine located at a facility licensed by the division.

(5) An occupational licensee or relative living in the same household as the licensee may not wager on an electronic gaming machine located at a facility operated by such licensee.

Section 11. *Prohibited acts; penalties.—*

(1) Except as otherwise provided by law and in addition to any other penalty, a person who knowingly makes or causes to be made, or aids, assists, or procures another to make, a false statement in any report, disclosure, application, or other document required under any law or rule regulating electronic gaming is subject to an administrative fine or civil penalty of up to $10,000.

(2) Except as otherwise provided by law and in addition to any other penalty, a person who possesses an electronic gaming machine without a license or who possesses an electronic gaming machine at a location other

than at the electronic gaming machine licensee's facility is subject to an administrative fine or civil penalty of up to $10,000 per machine. This prohibition does not apply to:

(a) Electronic gaming machine manufacturers or distributors that are licensed and authorized to maintain an electronic gaming machine storage and maintenance facility in this state. The division may adopt rules regarding security, inspection, and access to the storage facility.

(b) Certified educational facilities that are authorized by the division to maintain electronic gaming machines for the sole purpose of education and licensure of electronic gaming machine technicians, inspectors, or investigators. The division and the Department of Law Enforcement may possess electronic gaming machines for training and testing purposes. The division may adopt rules regarding the regulation of such electronic gaming machines used for the sole purpose of education and licensure of electronic gaming machine technicians, inspectors, or investigators.

(3) A person who knowingly excludes or attempts to exclude, anything of value from the deposit, counting, collection, or computation of revenues from electronic gaming machine activity, or a person who by trick, sleight-of-hand performance, fraud or fraudulent scheme, or device wins or attempts to win, for himself or herself or for another, money or property or a combination thereof, or reduces or attempts to reduce a losing wager in connection with electronic gaming commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(4) Any person who manipulates or attempts to manipulate the outcome, payoff, or operation of an electronic gaming machine by physical tampering or the use of an object, instrument, or device, whether mechanical, electrical, or magnetic, or by other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(5) Theft of electronic gaming machine proceeds or property belonging to an electronic gaming machine operator, licensee, or licensed facility by an employee of the operator or facility or by an officer, partner, owner, or employee of a person contracted to provide services to the operator or facility constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(6)(a) A law enforcement officer or electronic gaming machine operator who has probable cause to believe that a person has committed a violation of subsection (3), subsection (4), or subsection (5) and that officer or operator can recover the lost proceeds from the activity by taking the person into custody may, for the purpose of attempting to effect the recovery of the proceeds, take into custody on the premises and detain the person in a reasonable manner for a reasonable time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The taking into custody and detention by a law enforcement officer or electronic gaming machine operator, if done in compliance with this subsection, does not render such law enforcement officer, or the officer's agency, or the electronic gaming machine operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(b) A law enforcement officer may arrest, on or off the premises and without warrant, any person if the officer has probable cause to believe that person has violated subsection (3), subsection (4), or subsection (5).

(c) A person who resists the reasonable effort of a law enforcement officer or electronic gaming machine operator to take into custody a person who is violating subsection (3), subsection (4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, unless the person did not know or have reason to know that the person seeking to take him or her into custody was a law enforcement officer or electronic gaming machine operator.

(7) The penalties imposed and collected under this section must be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation.

Section 12. *Legal devices.—Notwithstanding any provision of law to the contrary, electronic gaming machines manufactured, sold, distributed, possessed, or operated pursuant to the laws and rules regulating electronic gaming are lawful in this state. An electronic game or electronic gaming machine may not enter the state until it has been tested and certified by a licensed testing laboratory, and certified for play in the state. The division shall adopt rules regarding the testing, certification, control, and approval of electronic games and electronic gaming machines entering, departing, or moving within the state.*

Section 13. *Exclusions of certain persons.—In addition to the power to exclude certain persons, the division may exclude any person from a facility of an electronic gaming machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this act or the rules of the division. The division may exclude a person who has been ejected from a gaming facility or who has been excluded from a gaming facility in another state by the governmental authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of an electronic gaming machine licensee to exclude a patron.*

Section 14. *Persons prohibited from operating electronic gaming machines.—*

(1) A person who has not attained 18 years of age may not operate or play an electronic gaming machine or have access to the designated electronic gaming machine area.

(2) An electronic gaming machine licensee or agent or employee of an electronic gaming machine licensee may not knowingly allow a person who has not attained 18 years of age to:

(a) Play or operate an electronic gaming machine.

(b) Be employed in any position allowing or requiring access to the designated gaming area of a facility of an electronic gaming machine licensee.

(c) Have access to the designated electronic gaming machine area of a facility of an electronic gaming machine licensee.

(3) A licensed facility shall post clear and conspicuous signage within the designated electronic gaming machine areas which states:

THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW (CITE TO FLORIDA STATUTES SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

Section 15. *Electronic gaming machine areas.—*

(1) An electronic gaming machine licensee may make available for play up to 1,000 electronic gaming machines within an eligible facility in a designated electronic gaming machine area. No more than 1,000 electronic gaming machines shall be authorized at a facility regardless of the number of permitholders conducting operations at that facility.

(2) The electronic gaming machine licensee shall display pari-mutuel races or games within the designated electronic gaming machine areas and offer patrons within such areas the opportunity to wager on live, intertrack, and simulcast races.

(3) The division shall require the posting of signs warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

(4) Designated electronic gaming machine areas may be located within a live gaming facility or an existing building that is contiguous and connected to the live gaming facility. If such gaming area is to be located in a building that is not yet constructed, the new building must be contiguous and connected to the live gaming facility.

(5) An electronic gaming machine licensee shall provide adequate office space at no cost to the division and the Department of Law Enforcement for the oversight of electronic gaming machine operations. The division shall adopt rules establishing criteria for adequate space, configuration, and location and needed electronic and technological requirements.

Section 16. *Days and hours of operation.—Electronic gaming machine areas may be open daily throughout the year. They may be open a cumulative total of 18 hours per day on Monday through Friday and 24*

hours per day on Saturday and Sunday and on holidays specified in s. 110.117(1), Florida Statutes.

Section 17. *Penalties.—The division may revoke or suspend an electronic gaming machine license issued under this act upon the willful violation by the licensee of any law or rule regulating electronic gaming. In lieu of suspending or revoking an electronic gaming machine license, the division may impose a civil penalty against the licensee for such violation. Except as otherwise provided in this act, the division may not impose a penalty that exceeds $100,000 for each count or separate offense. All fines collected must be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation.*

Section 18. *Compulsive or addictive gambling prevention program.—*

(1) Each electronic gaming machine licensee shall offer training to employees on responsible gaming and shall work with a compulsive or addictive gambling prevention program to recognize problem gaming situations and implement responsible gaming programs and practices.

(2) The division shall, subject to competitive bidding, contract for services related to the prevention of compulsive and addictive gambling. The contract shall require an advertising program to encourage responsible gaming practices and publicize a gambling telephone help line. Such advertisements must be made both publicly and inside the designated electronic gaming machine areas of the licensee's facilities. The terms of any contract for such services shall include accountability standards for any private provider. The failure of a private provider to meet any material term of the contract, including the accountability standards, constitutes a breach of contract or grounds for nonrenewal.

(3) The compulsive or addictive gambling prevention program shall be funded from an annual nonrefundable regulatory fee of $250,000 paid by each licensee.

Section 19. *Caterer's license.—An electronic gaming machine licensee is entitled to a caterer's license pursuant to s. 565.02, Florida Statutes, on days on which the pari-mutuel facility is open to the public for electronic gaming machine play.*

Section 20. *Prohibited activities and devices; exceptions.*

(1) Complimentary or reduced-cost alcoholic beverages may not be served to persons in the designated electronic gaming machine area. Alcoholic beverages served to persons in the designated electronic gaming machine area shall cost at least the same amount as alcoholic beverages served to the general public at any bar within the facility.

(2) An electronic gaming machine licensee may not make loans, provide credit, or advance cash to enable a person to play an electronic gaming machine. This subsection does not prohibit automated ticket redemption machines that dispense cash from the redemption of tickets from being located in the designated electronic gaming machine area.

(3) An automated teller machine or similar device designed to provide credit or dispense cash may not be located within the designated electronic gaming machine area.

(4)(a) An electronic gaming machine licensee may not accept or cash a check from any person within the designated electronic gaming machine area of a facility.

(b) Except as provided in paragraph (c) for employees of the facility, an electronic gaming machine licensee may not accept or cash for any person within the facility a government-issued check, third-party check, or payroll check made payable to an individual.

(c) Outside the designated electronic gaming machine area, an electronic gaming machine licensee or operator may accept or cash a check for an employee of the facility who is prohibited from wagering on an electronic gaming machine under s. 551.108(5), Florida Statutes, a check made directly payable to a person licensed by the division, or a check made directly payable to the licensee or operator from:

1. A pari-mutuel patron; or

2. A pari-mutuel facility in any state.

(d) Unless accepting or cashing a check is prohibited by this subsection, an electronic gaming machine licensee or operator may accept and deposit in its accounts checks received in the normal course of business.

(5) An electronic gaming machine, or the computer operating system linked to an electronic gaming machine, may be linked to any other electronic gaming machine or computer operating system within this state.

(6) An electronic gaming machine located within a licensed facility may accept tickets or electronic or account-based cards for wagering. Such machines may return or deliver payouts to the players in the form of tickets or electronic or account-based credits that may be exchanged for cash, merchandise, or other items of value. The use of coins, currency, credit or debit cards, tokens, or similar objects is prohibited.

Section 21. *Rulemaking.—The division may adopt rules to administer this act.*

Section 22. *Preemption.—The Legislature finds and declares that it has exclusive authority over the conduct of all wagering occurring at electronic gaming machine facilities in this state. Only the Division of Pari-mutuel Wagering and other authorized state agencies may administer this act and regulate the electronic gaming machine industry, including operation of electronic gaming machine facilities, games, electronic gaming machines, and facilities-based computer systems authorized in this act and the rules adopted by the division.*

Section 23. *Application to bingo games operated by charitable or nonprofit organizations.—Sections 1 through 22 of this act do not apply to the use of player-operated bingo aides used in bingo games conducted by charitable, nonprofit, or veterans' organizations authorized to conduct bingo under s. 849.0931, Florida Statutes. Sections 1 through 22 of this act do not apply to game promotions or operators regulated under s. 849.094, Florida Statutes.*

Section 24. Paragraph (x) is added to subsection (1) of section 215.22, Florida Statutes, to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the appropriation required by s. 215.20(1):

(x) Taxes imposed on electronic gaming and electronic gaming machines at eligible pari-mutuel facilities.

Section 25. *The Department of Business and Professional Regulation may expend the unreserved cash balance in the Pari-mutuel Wagering Trust Fund received from other revenue sources to implement electronic gaming regulation and investigations during the 2009-2010 fiscal year. Before the use of such other revenues, the department shall submit a repayment plan for approval by the Executive Office of the Governor in consultation with the chair and vice chair of the Legislative Budget Commission. The department shall repay such funds using electronic gaming machine license revenue sources by April 1, 2010. The repaid funds are subject to the requirements of s. 550.135(2), Florida Statutes.*

Section 26. Present subsections (11), (32), and (38) of section 550.002, Florida Statutes, are amended, a new subsection (15) is added to that section, and present subsections (15) through (39) of that section are renumbered as subsections (16) through (40), respectively, to read:

550.002 Definitions.—As used in this chapter, the term:

(11) "Full schedule of live racing or games" means, for a greyhound or jai alai permitholder, the conduct of a combination of at least 100 live evening or matinee performances during the preceding year; for a permitholder who has a converted permit or filed an application on or before June 1, 1990, for a converted permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a jai alai permitholder who does not operate slot machines*, electronic gaming machines, or historical racing systems* in its pari-mutuel facility, who has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than $4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year;

for a jai alai permitholder who operates slot machines *electronic gaming machines, or historical racing systems* in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse permitholder, *at its facility unless an alternative schedule of at least 20 live regular wagering performances is agreed upon by the permitholder and the horsemen's association representing the majority of the quarter horse owners and trainers at the facility and filed with the division along with its annual date application, in the 2010-2011 fiscal year, the conduct of at least 20 regular wagering performances, in the 2011-2012 and 2012-2013 fiscal years, the conduct of at least 30 live regular wagering performances, and for every fiscal year after the 2012-2013 fiscal year,* the conduct of at least 40 live regular wagering performances ~~during the preceding year~~; *for a quarter horse permitholder leasing another licensed racetrack, the conduct of 160 events at the leased facility;* and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year. For a permitholder which is restricted by statute to certain operating periods within the year when other members of its same class of permit are authorized to operate throughout the year, the specified number of live performances which constitute a full schedule of live racing or games shall be adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year and the resulting specified number of live performances shall constitute the full schedule of live games for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder. A live performance must consist of no fewer than eight races or games conducted live for each of a minimum of three performances each week at the permitholder's licensed facility under a single admission charge.

(15) "Historical racing system" means a form of pari-mutuel wagering based on audio or video signals of in-state or out-of-state races which are sent from an in-state server and operated by a licensed totalisator company and which are displayed at individual wagering terminals at a licensed pari-mutuel facility.

(33) ~~(32)~~ "Simulcasting" means broadcasting events occurring live at an in-state location to an out-of-state location, or receiving at an in-state location events occurring live at an out-of-state location, by the transmittal, retransmittal, reception, and rebroadcast of television or radio signals by wire, cable, satellite, microwave, or other electrical or electronic means for receiving or rebroadcasting the events.

(39) ~~(38)~~ "Year," for purposes of determining a full schedule of live racing, means *the state fiscal* ~~calendar~~ year.

Section 27. Subsection (3) of section 550.01215, Florida Statutes, is amended to read:

550.01215 License application; periods of operation; bond, conversion of permit.—

(3) ~~Except as provided in s. 550.5251 for thoroughbred racing,~~ The division shall issue each license no later than March 15. Each permitholder shall operate all performances at the date and time specified on its license. The division shall have the authority to approve minor changes in racing dates after a license has been issued. The division may approve changes in racing dates after a license has been issued when there is no objection from any operating permitholder located within 50 miles of the permitholder requesting the changes in operating dates. In the event of an objection, the division shall approve or disapprove the change in operating dates based upon the impact on operating permitholders located within 50 miles of the permitholder requesting the change in operating dates. In making the determination to change racing dates, the division shall take into consideration the impact of such changes on state revenues.

Section 28. Paragraph (b) of subsection (1) and subsections (5) and (6) of section 550.0951, Florida Statutes, are amended to read:

550.0951 Payment of daily license fee and taxes; penalties.—

(1)

(b) Each permitholder that cannot utilize the full amount of the exemption of $360,000 or $500,000 provided in s. 550.09514(1) or the daily license fee credit provided in this section may, after notifying the division in writing, elect once per state fiscal year on a form provided by the division to transfer such exemption or credit or any portion thereof to any greyhound permitholder which acts as a host track to such permitholder for the purpose of intertrack wagering. Once an election to transfer such exemption or credit is filed with the division, it shall not be rescinded. The division shall disapprove the transfer when the amount of the exemption or credit or portion thereof is unavailable to the transferring permitholder or when the permitholder who is entitled to transfer the exemption or credit or who is entitled to receive the exemption or credit owes taxes to the state pursuant to a deficiency letter or administrative complaint issued by the division. Upon approval of the transfer by the division, the transferred tax exemption or credit shall be effective for the first performance of the next *payment* ~~biweekly pay~~ period as specified in subsection (5). The exemption or credit transferred to such host track may be applied by such host track against any taxes imposed by this chapter or daily license fees imposed by this chapter. The greyhound permitholder host track to which such exemption or credit is transferred shall reimburse such permitholder the exact monetary value of such transferred exemption or credit as actually applied against the taxes and daily license fees of the host track. The division shall ensure that all transfers of exemption or credit are made in accordance with this subsection and shall have the authority to adopt rules to ensure the implementation of this section.

(5)(a) Each permitholder conducting historical racing pursuant to 550.810 shall pay a tax equal to 4 percent of the handle from the historical racing system.

(b) The permitholder, upon authorization to conduct historical racing pursuant to 550.810 and annually thereafter, on the anniversary date of the authorization, shall pay a fee to the division of $1 million. The fee shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of historic racing, and enforcement of historic racing provisions.

(6) ~~(5)~~ PAYMENT AND DISPOSITION OF FEES AND TAXES.— *Payments* ~~Payment for the admission tax, tax on handle, and the breaks tax~~ imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund, hereby established. The permitholder shall remit to the division payment for the daily license fee, the admission tax, the tax on handle, and the breaks tax. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. *Beginning on July 1, 2012, such payments shall be remitted by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend.* Permitholders shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the division.

(7) ~~(6)~~ PENALTIES.—

(a) The failure of any permitholder to make payments as prescribed in subsection *(6)* ~~(5)~~ is a violation of this section, and the permitholder may be subjected by the division to a civil penalty of up to $1,000 for each day the tax payment is not remitted. All penalties imposed and collected shall be deposited in the General Revenue Fund. If a permitholder fails to pay penalties imposed by order of the division under this subsection, the division may suspend or revoke the license of the permitholder, cancel the permit of the permitholder, or deny issuance of any further license or permit to the permitholder.

(b) In addition to the civil penalty prescribed in paragraph (a), any willful or wanton failure by any permitholder to make payments of the daily license fee, admission tax, tax on handle, or breaks tax constitutes sufficient grounds for the division to suspend or revoke the license of the permitholder, to cancel the permit of the permitholder, or to deny issuance of any further license or permit to the permitholder.

Section 29. Paragraph (e) of subsection (2) and paragraph (b) of subsection (3) of section 550.09511, Florida Statutes, are amended to read:

550.09511 Jai alai taxes; abandoned interest in a permit for nonpayment of taxes.—

(2) Notwithstanding the provisions of s. 550.0951(3)(b), wagering on live jai alai performances shall be subject to the following taxes:

(e) The payment of taxes pursuant to paragraphs (b), (c), and (d) shall be calculated and commence beginning the day ~~after the biweekly period~~ in which the permitholder is first entitled to the reduced rate specified in this section and the report of taxes required by s. 550.0951(5) is submitted to the division.

(3)

(b) The payment of taxes pursuant to paragraph (a) shall be calculated and commence beginning the day ~~after the biweekly period~~ in which the permitholder is first entitled to the reduced rate specified in this subsection.

Section 30. Subsection (1) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(1) Wagering on greyhound racing is subject to a tax on handle for live greyhound racing as specified in s. 550.0951(3). However, each permitholder shall pay no tax on handle until such time as this subsection has resulted in a tax savings per state fiscal year of $360,000. Thereafter, each permitholder shall pay the tax as specified in s. 550.0951(3) on all handle for the remainder of the permitholder's current race meet~~, and the tax must be calculated and commence beginning the day after the biweekly period in which the permitholder reaches the maximum tax savings per state fiscal year provided in this section~~. For the three permitholders that conducted a full schedule of live racing in 1995, and are closest to another state that authorizes greyhound pari-mutuel wagering, the maximum tax savings per state fiscal year shall be $500,000. The provisions of this subsection relating to tax exemptions shall not apply to any charity or scholarship performances conducted pursuant to s. 550.0351.

Section 31. Subsections (1), (2), (5), (6), (9), and (10) of section 550.105, Florida Statutes, are amended to read:

550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(1) Each person connected with a racetrack or jai alai fronton, as specified in paragraph (2)(a), shall purchase from the division an ~~annual~~ occupational license~~, which license is valid from May 1 until June 30 of the following year~~. All moneys collected pursuant to this section each fiscal year shall be deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person may, at her or his option and~~ Pursuant to the rules adopted by the division, ~~purchase~~ an occupational license *may be* valid for a period of *up to* 3 years *for a fee that does not exceed* ~~if the purchaser of the license pays~~ the full occupational license fee for each of the years for which the license is purchased ~~at the time the 3-year license is requested~~. The occupational license shall be valid during its specified term at any pari-mutuel facility.

(2)(a) The following licenses shall be issued to persons or entities with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room, or to persons who, by virtue of the position they hold, might be granted access to these areas or to any other person or entity in one of the following categories and with ~~scheduled annual~~ fees *not to exceed the following amounts* ~~as follows~~:

1. Business licenses: any business such as a vendor, contractual concessionaire, contract kennel, business owning racing animals, trust or estate, totalisator company, stable name, or other fictitious name: $50.

2. Professional occupational licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional-level person who might have access to the jockeys' room, the drivers' room, the backside, racing animals, kennel compound, or managers or supervisors requiring access to mutuels machines, the money room, or totalisator equipment: $40.

3. General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals, the backside, or the kennel compound, or who would provide the security or maintenance of these areas, or mutuel employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas: $10.

The individuals and entities that are licensed under this paragraph require heightened state scrutiny, including the submission by the individual licensees or persons associated with the entities described in this chapter of fingerprints for a Federal Bureau of Investigation criminal records check.

(b) The division shall adopt rules pertaining to pari-mutuel occupational licenses*, licensing periods, and renewal cycles*.

(5)(a) The division may:

1. Deny a license to or revoke, suspend, or place conditions upon or restrictions on a license of any person who has been refused a license by any other state racing commission or racing authority;

2. Deny, suspend, or place conditions on a license of any person who is under suspension or has unpaid fines in another jurisdiction;

if the state racing commission or racing authority of such other state or jurisdiction extends to the division reciprocal courtesy to maintain the disciplinary control.

(b) The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

(c) The division may deny, declare ineligible, or revoke any occupational license if the applicant for such license has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking, as contemplated in s. 849.25, or involves cruelty to animals. If the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the division.

(d) For purposes of this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere. However, the term "conviction" does not apply to a crime committed prior to the effective date of this subsection in a manner that would invalidate any occupational license issued prior to the effective date of this subsection or subsequent renewal for any person holding such a license.

(e) ~~(d)~~ If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The division may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the

division may declare such person ineligible to hold a license for a period of time. The division may impose a civil fine of up to $1,000 for each violation of the rules of the division in addition to or in lieu of any other penalty provided for in this section. In addition to any other penalty provided by law, the division may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been denied by the division, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the division.

(f) ~~(e)~~ The division may cancel any occupational license that has been voluntarily relinquished by the licensee.

(6) In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the division may issue a temporary occupational license. The division shall adopt rules to implement this subsection. However, no temporary occupational license shall be valid for more than 30 days, and no more than one temporary license may be issued for any person in any year.

(9) The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or games within its corporate limits, which tax may not exceed $150 per day for horseracing*,* ~~or $50 per day for~~ dogracing*,* ~~or~~ jai alai*, simulcasts, intertrack wagering, cardrooms, slot machines, or electronic gaming machines*. Except as provided in this chapter, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.

(10)*(a)* Upon application for an occupational license, the division may require the applicant's full legal name; any nickname, alias, or maiden name for the applicant; name of the applicant's spouse; the applicant's date of birth, residence address, mailing address, residence address and business phone number, and social security number; disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals; disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and any information the division determines is necessary to establish the identity of the applicant or to establish that the applicant is of good moral character. Fingerprints shall be taken in a manner approved by the division and then shall be submitted to the Federal Bureau of Investigation, or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988. The cost of processing fingerprints shall be borne by the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to which the processing fees are deposited. ~~The division shall require each applicant for an occupational license to have the applicant's signature witnessed and notarized or signed in the presence of a division official.~~ The division, by rule, may require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.

(b) All fingerprints required by this section which are submitted to the Department of Law Enforcement shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system as authorized by s. 943.05(2)(b) and shall be available for all purposes and uses authorized for arrest fingerprint cards entered into the statewide automated fingerprint identification system pursuant to s. 943.051.

(c) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (b). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the division. Each licensee shall pay a fee to the division for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The division shall forward the payment to the Department of Law Enforcement. The amount of the fee to be imposed for performing these searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under paragraph (b).

(d) The division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check at least once every 5 years following issuance of a license. If the fingerprints of a person who is licensed have not been retained by the Department of Law Enforcement, the person must file a complete set of fingerprints as provided in paragraph (a). The division shall collect the fees for the cost of the national criminal history record check under this paragraph and forward the payment to the Department of Law Enforcement. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a general occupational license shall be borne by the applicant. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a business or professional occupational license shall be borne by the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month. Under penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the division within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.

Section 32. Section 550.135, Florida Statutes, is amended to read:

550.135 Division of moneys derived under this law.—All moneys that are deposited with the Chief Financial Officer to the credit of the Pari-mutuel Wagering Trust Fund shall be distributed as follows:

(1) The daily license fee revenues collected pursuant to s. 550.0951(1) shall be used to fund the operating cost of the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; however, other collections in the Pari-mutuel Wagering Trust Fund may also be used to fund the operation of the division in accordance with authorized appropriations.

(2) All unappropriated funds in excess of $1.5 million in the Pari-mutuel Wagering Trust Fund, collected pursuant to this chapter, shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(3) The slot machine license fee, the slot machine occupational license fee, and the compulsive or addictive gambling prevention program fee collected pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the direct and indirect operating expenses of the division's slot machine regulation operations and to provide funding for relevant enforcement activities in accordance with authorized appropriations. Funds deposited into the Pari-mutuel Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118 shall be reserved in the trust fund for slot machine regulation operations. On June 30, any unappropriated funds in excess of those necessary for incurred obligations and subsequent year cash flow for slot machine regulation operations shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(4) The electronic gaming machine license fee, the electronic gaming machine occupational license fee, and the compulsive or addictive gambling prevention program fee collected pursuant to subsection (1) of section 7 of this act and subsection (3) of section 17 of this act shall be used to fund the direct and indirect operating expenses of the division's electronic gaming machine regulation operations and to provide funding for relevant enforcement activities in accordance with authorized appropriations. Funds deposited into the Pari-mutuel Wagering Trust Fund pursuant to subsection (1) of section 7 of this act and subsection (3) of section 17 of this act shall be reserved in the trust fund for electronic gaming machine regulation and enforcement operations. On June 30, any unappropriated funds in excess of those necessary for incurred obligations and subsequent year cash flow for electronic gaming machine regulation and enforcement operations shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

Section 33. Subsection (6) of section 550.2415, Florida Statutes, is amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The division shall, by rule, establish the procedures for euthanizing greyhounds. However, a greyhound may not be put to death by any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being destroyed.

(c) It is a violation of this chapter for an occupational licensee to train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of being trained through the use of live or dead animals.

(d) *Any act committed by any licensee which would constitute* ~~A conviction of~~ cruelty to animals *as defined in* ~~pursuant to~~ s. 828.12 involving *any* ~~a racing~~ animal constitutes a violation of this chapter. *Imposition of any penalty by the division for a violation of this chapter or any rule adopted by the division pursuant to this chapter does not prohibit a criminal prosecution for cruelty to animals.*

(e) The division may inspect any area at a pari-mutuel facility where racing animals are raced, trained, housed, or maintained, including any areas where food, medications, or other supplies are kept, to ensure the humane treatment of racing animals and compliance with this chapter and the rules of the division.

Section 34. Subsection (5) is added to section 550.26165, Florida Statutes, is amended to read:

550.26165 Breeders' awards.—

(5)(a) The awards programs in this chapter, which are intended to encourage thoroughbred breeding and training operations to locate in this state, must be responsive to rapidly changing incentive programs in other states. To attract such operations, it is appropriate to provide greater flexibility to thoroughbred industry participants in this state so that they may design competitive awards programs.

(b) Notwithstanding any other provision of law to the contrary, the Florida Thoroughbred Breeders' Association, as part of its annual plan, may:

1. Pay breeders' awards on horses finishing in first, second, or third place in thoroughbred horse races; pay breeders' awards that are greater than 20 percent and less than 15 percent of the announced gross purse; and vary the rates for breeders' awards, based upon the place of finish, class of race, state or country in which the race took place, and the state in which the stallion siring the horse was standing when the horse was conceived;

2. Pay stallion awards on horses finishing in first, second, or third place in thoroughbred horse races; pay stallion awards that are greater than 20 percent and less than 15 percent of the announced gross purse; reduce or eliminate stallion awards to enhance breeders' awards or awards under subparagragh 3.; and vary the rates for stallion awards, based upon the place of finish, class of race, and state or country in which the race took place; and

3. Pay awards from the funds dedicated for breeders' awards and stallion awards to owners of registered Florida-bred horses finishing in first, second, or third place in thoroughbred horse races in this state, without regard to any awards paid pursuant to s. 550.2625(6).

(c) Breeders' awards or stallion awards under this chapter may not be paid on thoroughbred horse races taking place in other states or countries unless agreed to in writing by all thoroughbred permitholders in this state, the Florida Thoroughbred Breeders' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc.

Section 35. Paragraph (e) is added to subsection (6) of section 550.2625, Florida Statutes, to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(6)

(e) This subsection governs owners' awards paid on thoroughbred races only in this state, unless a written agreement is filed with the division establishing the rate, procedures, and eligibility requirements for owners' awards, including place of finish, class of race, maximum purse, and maximum award, and the agreement is entered into by the permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the racehorse owners and trainers at the permitholder's location.

Section 36. Section 550.334, Florida Statutes, is amended to read:

550.334 Quarter horse racing; substitutions.—

~~(1) Subject to all the applicable provisions of this chapter, any person who possesses the qualifications prescribed in this chapter may apply to the division for a permit to conduct quarter horse race meetings and racing under this chapter. The applicant must demonstrate that the location or locations where the permit will be used are available for such use and that she or he has the financial ability to satisfy the reasonably anticipated operational expenses of the first racing year following final issuance of the permit. If the racing facility is already built, the application must contain a statement, with reasonable supporting evidence, that the permit will be used for quarter horse racing within 1 year after the date on which it is granted; if the facility is not already built, the application must contain a statement, with reasonable supporting evidence, that substantial construction will be started within 1 year after the issuance of the permit. After receipt of an application, the division shall convene to consider and act upon permits applied for. The division shall disapprove an application if it fails to meet the requirements of this chapter. Upon each application filed and approved, a permit shall be issued setting forth the name of the applicant and a statement showing qualifications of the applicant to conduct racing under this chapter. If a favorable referendum on a pari mutuel facility has not been held previously within the county, then, before a quarter horse permit may be issued by the division, a referendum ratified by a majority of the electors in the county is required on the question of allowing quarter horse races within that county.~~

~~(2) After a quarter horse racing permit has been granted by the division, the department shall grant to the lawful holder of such permit, subject to the conditions of this section, a license to conduct quarter horse racing under this chapter; and the division shall fix annually the time when, place where, and number of days upon which racing may be conducted by such quarter horse racing permitholder. After the first license has been issued to the holder of a permit for quarter horse racing, all subsequent annual applications for a license by a permitholder must be accompanied by proof, in such form as the division requires, that the permitholder still possesses all the qualifications prescribed by this chapter. The division may revoke any permit or license issued under this section upon the willful violation by the licensee of any provision of this chapter or any rule adopted by the division under this chapter. The division shall revoke any quarter horse permit under which no live racing has ever been conducted before July 7, 1990, for failure to conduct a horse meet pursuant to the license issued where a full schedule of horseracing has not been conducted for a period of 18 months commencing on October 1, 1990, unless the permitholder has commenced construction on a facility at which a full schedule of live racing could be conducted as approved by the division. "Commenced construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a horseracing facility, including procurement of a building permit applying the use of approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing. The 18-month period shall be extended by the division, to the extent that the applicant demonstrates to the satisfaction of the division that good faith commencement of the construction of the facility is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the construction of the facility.~~

(1) ~~(3)~~ The operator of any licensed racetrack is authorized to lease such track to any quarter horse racing permitholder for the conduct of quarter horse racing under this chapter.

~~(4) Section 550.054 is inapplicable to quarter horse racing as permitted under this section. All other provisions of this chapter apply to, govern, and control such racing, and the same must be conducted in compliance therewith.~~

(2) ~~(5)~~ Quarter horses participating in such races must be duly registered by the American Quarter Horse Association, and before each race such horses must be examined and declared in fit condition by a qualified person designated by the division.

(3) ~~(6)~~ Any quarter horse racing days permitted under this chapter are in addition to any other racing permitted under the license issued the track where such quarter horse racing is conducted.

(4) ~~(7)(a)~~ Any quarter horse racing permitholder operating under a valid permit issued by the division is authorized to substitute races of other breeds of horses~~, except thoroughbreds,~~ which are, respectively, registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, Palomino Horse Breeders of America, ~~or~~ United States Trotting Association, *Florida Cracker Horse Association, or* ~~for no more than 50 percent of the quarter horse races daily, and may substitute races of thoroughbreds registered with~~ the Jockey Club for no more than 50 percent of the quarter horse races *conducted by the permitholder during the year* ~~daily with the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse racing permitholder's pari-mutuel facility~~.

~~(b) Any permittee operating within an area of 50 air miles of a licensed thoroughbred track may not substitute thoroughbred races under this section while a thoroughbred horse race meet is in progress within that 50 miles. Any permittee operating within an area of 125 air miles of a licensed thoroughbred track may not substitute live thoroughbred races under this section while a thoroughbred permittee who pays taxes under s. 550.09515(2)(a) is conducting a thoroughbred meet within that 125 miles. These mileage restrictions do not apply to any permittee that holds a nonwagering permit issued pursuant to s. 550.505.~~

(5) ~~(8)~~ A quarter horse permit issued pursuant to this section is not eligible for transfer or conversion to another type of pari-mutuel operation.

(6) ~~(9)~~ Any nonprofit corporation, including, but not limited to, an agricultural cooperative marketing association, organized and incorporated under the laws of this state may apply for a quarter horse racing permit and operate racing meets under such permit, provided all pari-mutuel taxes and fees applicable to such racing are paid by the corporation. However, insofar as its pari-mutuel operations are concerned, the corporation shall be considered to be a corporation for profit and is subject to taxation on all property used and profits earned in connection with its pari-mutuel operations.

~~(10) Intertrack wagering shall not be authorized for any quarter horse permitholder without the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse permitholder's pari-mutuel facility.~~

Section 37. Section 550.3355, Florida Statutes, is amended to read:

550.3355 Harness track licenses for summer quarter horse racing.—Any harness track licensed to operate under the provisions of s. 550.375 may make application for, and shall be issued by the division, a license to operate not more than 50 quarter horse racing days during the summer season, which shall extend from *July 1* ~~June 1~~ until *October 1* ~~September 1~~ of each year. However, this license to operate quarter horse racing for 50 days is in addition to the racing days and dates provided in s. 550.375 for harness racing during the winter seasons; and, it does not affect the right of such licensee to operate harness racing at the track as provided in s. 550.375 during the winter season. All provisions of this chapter governing quarter horse racing not in conflict herewith apply to the operation of quarter horse meetings authorized hereunder, except that all quarter horse racing permitted hereunder shall be conducted at night.

Section 38. *Section 550.3605, Florida Statutes, is repealed.*

Section 39. Section 550.5251, Florida Statutes, is amended to read:

550.5251 Florida thoroughbred racing; certain permits; operating days.—

~~(1) Each thoroughbred permitholder under whose permit thoroughbred racing was conducted in this state at any time between January 1, 1987, and January 1, 1988, shall annually be entitled to apply for and annually receive thoroughbred racing days and dates as set forth in this section. As regards such permitholders, the annual thoroughbred racing season shall be from June 1 of any year through May 31 of the following year and shall be known as the "Florida Thoroughbred Racing Season."~~

(1) ~~(2)~~ Each *thoroughbred* permitholder ~~referred to in subsection (1)~~ shall annually, during the period commencing December 15 of each year and ending January 4 of the following year, file in writing with the division its application to conduct one or more thoroughbred racing meetings during the thoroughbred racing season commencing on the following *July* ~~June~~ 1. Each application shall specify the number and dates of all performances that the permitholder intends to conduct during that thoroughbred racing season. On or before February 15 of each year, the division shall issue a license authorizing each permitholder to conduct performances on the dates specified in its application. *By February 28* ~~Up to March 31~~ of each year, each permitholder may request and shall be granted changes in its authorized performances; but thereafter, as a condition precedent to the validity of its license and its right to retain its permit, each permitholder must operate the full number of days authorized on each of the dates set forth in its license.

~~(3) Each thoroughbred permit referred to in subsection (1), including, but not limited to, any permit originally issued as a summer thoroughbred horse racing permit, is hereby validated and shall continue in full force and effect.~~

(2) ~~(4)~~ A thoroughbred racing permitholder may not begin any race later than 7 p.m. Any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may operate a cardroom and, when conducting live races during its current race meet, may receive and rebroadcast out-of-state races after the hour of 7 p.m. on any day during which the permitholder conducts live races.

(3) ~~(5)~~(a) Each licensed thoroughbred permitholder in this state must run an average of one race per racing day in which horses bred in this state and duly registered with the Florida Thoroughbred Breeders' Association have preference as entries over non-Florida-bred horses*, unless otherwise agreed to in writing by the permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location*. All licensed thoroughbred racetracks shall write the conditions for such races in which Florida-bred horses are preferred so as to assure that all Florida-bred horses available for racing at such tracks are given full opportunity to run in the class of races for which they are qualified. The opportunity of running must be afforded to each class of horses in the proportion that the number of horses in this class bears to the total number of Florida-bred horses available. A track is not required to write conditions for a race to accommodate a class of horses for which a race would otherwise not be run at the track during its *meet* ~~meeting~~.

(b) Each licensed thoroughbred permitholder in this state may run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America. Any licensed thoroughbred permitholder that elects to run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America is not required to provide stables for the Arabian horses racing under this paragraph.

(c) Each licensed thoroughbred permitholder in this state may run up to three additional races per racing day composed exclusively of quarter horses registered with the American Quarter Horse Association.

~~(6) Notwithstanding the provisions of subsection (2), a thoroughbred permitholder who fails to operate all performances on its 2001-2002 license does not lose its right to retain its permit. Such thoroughbred~~

~~permitholder is eligible for issuance of an annual license pursuant to s. 550.0115 for subsequent thoroughbred racing seasons. The division shall take no disciplinary action against such thoroughbred permitholder for failure to operate all licensed performances for the 2001-2002 license pursuant to this section or s. 550.01215. This section may not be interpreted to prohibit the division from taking disciplinary action against a thoroughbred permitholder for failure to pay taxes on performances operated pursuant to its 2001-2002 license. This subsection expires July 1, 2003.~~

~~(7) A thoroughbred permitholder shall file an amendment with the division no later than July 1, 2002, that indicates that it will not be able to operate the performances scheduled on its 2002-2003 license without imposition of any penalty for failure to operate all licensed performances provided in this chapter. This subsection expires July 1, 2003.~~

Section 40. Section 550.810, Florida Statutes, is created to read:

550.810 Historical racing.—

(1) Subject to the requirements of this section and compliance with the rules adopted by the division, a licensed pari-mutuel facility may operate a historical racing system if:

(a) No identifying information about any race or the competing horses or dogs in that race is revealed to a patron until after the patron's wagers is irrevocably placed;

(b) The results of a patron's wager are shown to the patron using video or mechanical displays, or both, and the patron has the opportunity to view all or any portion of the race;

(c) The historical racing takes place under a licensed pari-mutuel permit and the pari-mutuel permitholder also holds a cardroom license; and

(d) The licensed pari-mutuel permit holder has paid the fee in s. 550.0951(5)(d).

(2)(a) Historic racing may not be authorized to a permitholder licensed under chapter 550, Florida Statutes, to conduct live pari-mutuel wagering races or games unless the permitholder has on file with the division the following binding written agreements governing the payment of awards and purses on the handle generated from historic racing conducted at the licensee's pari-mutuel facility:

1. For a thoroughbred permitholder, an agreement governing the payment of purses between the permitholder and the Florida Horsemen's Benevolent and Protective Association, Inc., or the association representing a majority of the thoroughbred owners and trainers at the permitholder's eligible facility located as described in s. 550.615(9), Florida Statutes, and an agreement governing the payment of awards between the permitholder and the Florida Thoroughbred Breeders' Association;

2. For a harness permitholder, an agreement governing the payment of purses and awards between the permitholder and the Florida Standardbred Breeders and Owners Association;

3. For a greyhound permitholder, an agreement governing the payment of purses between the permitholder and the Florida Greyhound Association, Inc.;

4. For a quarter horse permitholder, an agreement governing the payment of purses between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicants eligible facility, and an agreement governing the payment of awards between the permitholder and the Florida Quarter Horse Breeders and Owners Association; or

5. For a jai alai permitholder, an agreement governing the payment of player awards between the permitholder and the International Jai Alai Players Association or a binding written agreement approved by a majority of the jai alai players at the permitholder's eligible facility at which the applicant has a permit issued after January 1, 2000, to conduct jai alai.

(b) The agreements may direct the payment of purses and awards from revenues generated by any wagering or games the applicant is authorized to conduct under state law. All purses and awards are subject to the terms of chapter 550, Florida Statutes. All sums for breeders', stallion, and special racing awards shall be remitted monthly to the respective breeders association for the payment of awards, subject to the administrative fees authorized under chapter 550, Florida Statutes.

(3) The amount of historical racing wagering terminals may be:

(a) A licensed greyhound facility may have 500 historical racing terminals.

(b) A licensed thoroughbred facility may have 500 historical racing terminals.

(c) A licensed harness track facility may have 500 historical racing terminals.

(d) A licensed quarter horse facility may have 500 historical racing terminals.

(e) A licensed jai alai facility may have 500 historical racing terminals.

(4) The moneys wagered on races via the historical racing system shall be separated from the moneys wagered on live races conducted at, and on other races simulcast to, the licensee's facility.

(5) The division shall adopt rules necessary to implement, administer, and regulate the operation of historical racing systems in this state. The rules must include:

(a) Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to historical racing systems that enable the division to audit the operation, financial data, and program information of pari-mutuel facility authorized to operate a historical racing system.

(b) Technical requirements to operate a historical racing system.

(c) Procedures to require licensees to maintain specified records and submit any data, information, record, or report, including financial and income records, required by this act or rules of the division.

(d) Procedures relating to historical racing system revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees.

(e) Minimum standards for security of the facilities, including floor plans, security cameras, and other security equipment.

(f) Procedures to ensure that a historical racing machine does not enter the state and be offered for play until it has been tested and certified by a licensed testing laboratory for play in the state. The procedures shall address measures to scientifically test and technically evaluate electronic gaming machines for compliance with laws and rules regulating historical racing machines. The division may contract with an independent testing laboratory to conduct any necessary testing. The independent testing laboratory must have a national reputation indicating that it is demonstrably competent and qualified to scientifically test and evaluate that the historical racing systems perform the functions required by laws and rules regulating historical racing machines. An independent testing laboratory may not be owned or controlled by a licensee. The selection of an independent laboratory for any purpose related to the conduct of historical racing systems by a licensee shall be made from a list of laboratories approved by the division. The division shall adopt rules regarding the testing, certification, control, and approval of historical racing systems.

(6) Notwithstanding any other provision of the law, the proceeds of pari-mutuel tickets purchased for historical racing that are not redeemed within 1 year after purchase shall be divided as follows:

(a) Fifty percent shall be retained by the permitholder; and

(b) Fifty percent shall be paid into the permitholder's purse account.

Section 41. Subsection (7) of section 551.102, Florida Statutes, is amended to read:

551.102 Definitions.—As used in this chapter, the term:

(7) "Progressive system" means a computerized system linking slot machines in one or more licensed facilities within this state *or other jurisdictions* and offering one or more common progressive payouts based on the amounts wagered.

Section 42. Paragraph (j) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(j) Ensure that the payout percentage of a slot machine *gaming facility* is *at least* ~~no less than~~ 85 percent.

Section 43. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 551.106, Florida Statutes, are amended to read:

551.106 License fee; tax rate; penalties.—

(1) LICENSE FEE.—

(a) Upon submission of the initial application for a slot machine license and annually thereafter, on the anniversary date of the issuance of the initial license, the licensee must pay to the division a nonrefundable license fee of $3 million for the succeeding 12 months of licensure. *In the 2010-2011 fiscal year, the licensee must pay the division a nonrefundable license fee of $2.5 million for the succeeding 12 months of licensure. In the 2011-2012 fiscal year and for every fiscal year thereafter, the licensee must pay the division a nonrefundable license fee of $2 million for the succeeding 12 months of licensure.* The license fee shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of slot machine gaming, and enforcement of slot machine gaming provisions under this chapter. These payments shall be accounted for separately from taxes or fees paid pursuant to the provisions of chapter 550.

(2) TAX ON SLOT MACHINE REVENUES.—

(a) The tax rate on slot machine revenues at each facility shall be 50 percent. *In the 2010-2011 fiscal year, the tax rate on slot machine revenues at each facility shall be 42 percent. In the 2011-2012 fiscal year and every year thereafter, the tax rate on slot machine revenue at each facility shall be 35 percent.*

(3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax on slot machine revenues imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund. The slot machine licensee shall remit to the division payment for the tax on slot machine revenues. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. *Beginning on July 1, 2012, the slot machine licensee shall remit to the division payment for the tax on slot machine revenues by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend.* The slot machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all slot machine gaming activities for the preceding calendar month and such other information as may be prescribed by the division.

Section 44. Subsection (1) of section 551.113, Florida Statutes, is amended to read:

551.113 Persons prohibited from playing slot machines.—

(1) A person who has not attained *18* ~~21~~ years of age may not play or operate a slot machine or have access to the designated slot machine gaming area of a facility of a slot machine licensee.

Section 45. Subsection (5) of section 551.121, Florida Statutes, is amended to read:

551.121 Prohibited activities and devices; exceptions.—

(5) A slot machine, or the computer operating system linking the slot machine, may be linked by any means to any other slot machine or computer operating system within the facility of a slot machine licensee. A progressive system may ~~not~~ be used in conjunction with slot machines between licensed facilities *in Florida or in other jurisdictions*.

Section 46. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 *or* ~~,~~ s. 550.3551~~, or s. 550.3605~~, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 *or* ~~,~~ s. 550.3551~~, or s. 550.3605,~~ relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury, loan sharking, and shylocking.

4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

Section 47. Paragraphs (a) and (b) of subsection (5), subsections (6) and (7), paragraphs (b) and (c) of subsection (8), and paragraphs (a) and (b) of subsection (12) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. *An initial cardroom license only shall be issued to a pari-mutuel permitholder that has run a full schedule of live races as defined in s. 550.002(11) for the previous 2 fiscal years prior to application for a license and only if the permitholder is licensed to conduct a full schedule of live races or games during the state fiscal year in which the initial cardroom license is issued.*

(b) After the initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant's annual application for its pari-mutuel license. If a permitholder has operated a cardroom during any of the 3 previous fiscal years and fails to include a renewal request for the operation of the cardroom in its annual application for license renewal, the permitholder may amend its annual application to include operation of the cardroom. In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto. If the application is for a harness permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the state fiscal year immediately prior thereto. If more than one permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

(b) Any cardroom management company or cardroom distributor associated with cardroom operations must hold a valid cardroom business occupational license issued by the division.

(c) No licensed cardroom operator may employ or allow to work in a cardroom any person unless such person holds a valid occupational license. No licensed cardroom operator may contract, or otherwise do business with, a business required to hold a valid cardroom business occupational license, unless the business holds such a valid license.

(d) The division shall establish, by rule, a schedule for the ~~annual~~ renewal of cardroom occupational licenses. Cardroom occupational licenses are not transferable.

(e) Persons seeking cardroom occupational licenses, or renewal thereof, shall make application on forms prescribed by the division. Applications for cardroom occupational licenses shall contain all of the information the division, by rule, may determine is required to ensure eligibility.

(f) The division shall promulgate rules regarding cardroom occupational licenses. The provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.

(g) The division may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency, racing or gaming commission or authority.

(h) Fingerprints for all cardroom occupational license applications shall be taken in a manner approved by the division and then shall be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial application and every 5 years thereafter. The division may by rule require an annual record check of all renewal applications for a cardroom occupational license. The cost of processing fingerprints and conducting a record check shall be borne by the applicant.

(i) The cardroom employee occupational license fee shall *not exceed* ~~be~~ $50 *for any 12-month period*. The cardroom business occupational license fee shall *not exceed* ~~be~~ $250 *for any 12-month period*.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may be operated only at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit or as otherwise authorized by law. *Cardroom operations may not be allowed beyond the hours provided in paragraph (b) regardless of the number of cardroom licenses issued for permitholders operating at the pari-mutuel facility.*

(b) Any *cardroom operator* ~~horserace, greyhound race, or jai alai permitholder licensed under this section~~ may operate a cardroom at the pari-mutuel facility *daily throughout the year,* ~~on any day for a cumulative amount of 12 hours~~ if the permitholder meets the requirements under paragraph (5)(b). *The cardroom may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on the holidays specified in s. 110.117(1).*

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally use a dealer are conducted at the cardroom. Such dealers

may not have a participatory interest in any game other than the dealing of cards and may not have an interest in the outcome of the game. The providing of such dealers by a licensee does not constitute the conducting of a banking game by the cardroom operator.

(d) A cardroom operator may award giveaways, jackpots, and prizes to a player who holds certain combinations of cards specified by the cardroom operator.

(e) Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice which contains a copy of the cardroom license; a list of authorized games offered by the cardroom; the wagering limits imposed by the house, if any; any additional house rules regarding operation of the cardroom or the playing of any game; and all costs to players to participate, including any rake by the house. In addition, each cardroom operator shall post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.

(f) The cardroom facility is subject to inspection by the division or any law enforcement agency during the licensee's regular business hours. The inspection must specifically include the permitholder internal control procedures approved by the division.

(g) A cardroom operator may refuse entry to or refuse to allow any person who is objectionable, undesirable, or disruptive to play, but such refusal may not be on the basis of race, creed, color, religion, gender, national origin, marital status, physical handicap, or age, except as provided in this section.

(8) METHOD OF WAGERS; LIMITATION.—

(b) The cardroom operator may limit the amount wagered in any game or series of games~~, but the maximum bet may not exceed $5 in value~~. There may not be more than three raises in any round of betting. The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the bet amount provided in this paragraph. ~~However,~~ A cardroom operator may conduct games of Texas Hold-em without a betting limit ~~if the required player buy-in is no more than $100~~.

(c) A tournament shall consist of a series of games. The entry fee for a tournament *may be set by the cardroom operator* ~~, including any re-buys, may not exceed the maximum amount that could be wagered by a participant in 10 like-kind, nontournament games under paragraph (b)~~. Tournaments may be played only with tournament chips that are provided to all participants in exchange for an entry fee and any subsequent re-buys. All players must receive an equal number of tournament chips for their entry fee. Tournament chips have no cash value and represent tournament points only. There is no limitation on the number of tournament chips that may be used for a bet except as otherwise determined by the cardroom operator. Tournament chips may never be redeemed for cash or for any other thing of value. The distribution of prizes and cash awards must be determined by the cardroom operator before entry fees are accepted. For purposes of tournament play only, the term "gross receipts" means the total amount received by the cardroom operator for all entry fees, player re-buys, and fees for participating in the tournament less the total amount paid to the winners or others as prizes.

(12) PROHIBITED ACTIVITIES.—

(a)*1. A* ~~No~~ person licensed to operate a cardroom may *not* conduct any banking game or any game not specifically authorized by this section *except as provided in subparagraph (b)2*.

(b) *A* ~~No~~ person under 18 years of age may *not* be permitted to hold a cardroom or employee license, or engage in any game conducted therein.

2. Cardroom licensees located in Miami-Dade County and Broward County who are slot machine licensees pursuant to chapter 551 and have conducted a full schedule of live racing pursuant to s. 550.002(11) for the prior 2 fiscal years may conduct the game of blackjack if the Governor and the Seminole Tribe of Florida enter into a signed compact that permits the Seminole Tribe of Florida the ability to play roulette or roulette-style games or craps or craps-style games, and only if the compact is approved or deemed approved by the Department of the Interior and properly noticed in the Federal Register. Cardroom licensees who are authorized to conduct the game of blackjack shall pay a tax to the state of 10 percent of the cardroom operation's monthly gross receipts, which shall include blackjack revenue.

Section 48. Subsection (2) of section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of coin-operated devices prohibited.—

(2) Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 *or electronic gaming or historical racing is authorized at eligible pari-mutuel facilities* is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines*, electronic gaming machines, and historical racing systems*, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 *or electronic gaming or historical racing is authorized at eligible pari-mutuel facilities* and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in *s. 551.109(2), a certified educational facility, or the facility of an electronic gaming machine or hitorical racing system manufacturer or electronic gaming machine or historical racing system distributor authorized to possess electronic gaming machines as provided in the act authorizing electronic gaming machines or historical racing systems at eligible pari-mutuel facilities* ~~s. 551.109(2)(a)~~.

Section 49. Subsection (3) is added to section 849.161, Florida Statutes, to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(3) This chapter does not apply to licensed cardroom operators having historical racing systems pursuant to chapter 550 which operate by means of the insertion of coin, currency, or voucher and which by application of an element of skill may entitle the person playing or operating the game or machine to receive payouts from one or more pari-mutuel pools.

Section 50. Subsections (1) and (2) of section 895.02, Florida Statutes, are amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Section 403.727(3)(b), relating to environmental control.

4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit unemployment compensation fraud.

8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 550.235 *or* ~~,~~ s. 550.3551~~, or s. 550.3605~~, relating to dogracing and horseracing.

13. Chapter 550, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Chapter 831, relating to forgery and counterfeiting.

38. Chapter 832, relating to issuance of worthless checks and drafts.

39. Section 836.05, relating to extortion.

40. Chapter 837, relating to perjury.

41. Chapter 838, relating to bribery and misuse of public office.

42. Chapter 843, relating to obstruction of justice.

43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

45. Chapter 874, relating to criminal gangs.

46. Chapter 893, relating to drug abuse prevention and control.

47. Chapter 896, relating to offenses related to financial transactions.

48. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

49. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

50. Provisions of law relating to electronic gaming and electronic gaming machines or historical racing systems at eligible pari-mutuel facilities.

(b) Any conduct defined as "racketeering activity" under 18 U.S.C. s. 1961(1).

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 *or* ~~,~~ s. 550.3551~~, or s. 550.3605~~, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

6. Provisions of law relating to electronic gaming and electronic gaming machines or historical racing systems at eligible pari-mutuel facilities.

(b) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

Section 51. *(1)(a) For the 2009-2010 fiscal year, 51 full-time equivalent positions and 2,150,146 in associated salary rate are authorized, and the sums of $2,269,319 in recurring funds and $893,689 in nonrecurring funds are appropriated from the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation for the purpose of carrying out all regulatory activities provided in this act. The Executive Office of the Governor shall place these positions, associated rate, and funds in reserve until the Executive Office of the Governor has approved an expenditure plan and a budget amendment submitted by the Department of Business and Professional Regulation recommending the transfer of such funds to traditional appropriation*

categories. Any action proposed pursuant to this paragraph is subject to the procedures set forth in s. 216.177, Florida Statutes.

(b) For the 2009-2010 fiscal year, the sum of $2,777,606 in recurring funds is appropriated from the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation for transfer to the Operating Trust Fund of the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, and any other responsibilities as provided in this act.

(2) For the 2009-2010 fiscal year, 39 full-time equivalent positions and 1,700,939 in associated salary rate are authorized, and the sum of $2,777,606 in recurring funds is appropriated from the Operating Trust Fund of the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, and any other responsibilities as provided by this act. The Executive Office of the Governor shall place these positions, associated rate, and funds in reserve until the Executive Office of the Governor has approved an expenditure plan and a budget amendment submitted by the Department of Law Enforcement recommending the transfer of such funds to traditional appropriation categories. Any action proposed pursuant to this subsection is subject to the procedures set forth in s. 216.177, Florida Statutes.

(3) For the 2009-2010 fiscal year, the sum of $1 million in recurring funds is appropriated from the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation from revenues received pursuant to s. 551.118, Florida Statutes, for contract services related to the prevention of compulsive and addictive gambling.

Section 52. Sections 1 and 52 of this act shall take effect upon becoming a law if SB 788 or substantially similar legislation is adopted during the 2009 legislative session, or an extension thereof, and becomes law; except that, sections 2 through 51 of this act shall take effect only if the Governor and an authorized representative of the Seminole Tribe of Florida execute an Indian gaming compact pursuant to the Indian Gaming Regulatory Act of 1988 and the requirements of SB 788, or similar legislation, and only if such compact is approved or deemed approved by the United States Department of the Interior, and such sections shall take effect on the date that the approved compact is published in the Federal Register.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to gaming; providing legislative findings and intent; authorizing electronic gaming machines in certain pari-mutuel facilities; defining terms; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation and the Department of Law Enforcement; authorizing the Division of Pari-mutuel Wagering to adopt rules regulating electronic gaming activities; authorizing the Division of Pari-mutuel Wagering and the Department of Law Enforcement to conduct investigations relating to electronic gaming; authorizing the Division of Pari-mutuel Wagering to issue licenses for electronic gaming; specifying qualifications of licensees; requiring licensees to provide advance notice of certain ownership changes to the Division of Pari-mutuel Wagering; specifying requirements for a licensee's facilities-based computer system; requiring electronic gaming machines to maintain a payout percentage of at least 85 percent; requiring licensees to maintain records; requiring licensees to make and file certain reports with the Division of Pari-mutuel Wagering; requiring an applicant for an electronic gaming license to have certain agreements for live races or games; providing for arbitration of such agreements; authorizing the Division of Pari-mutuel Wagering to issue temporary occupational licenses; providing for the renewal of electronic gaming machine licenses; specifying a nonrefundable licensing fee for electronic gaming licenses; specifying the rate of tax on electronic gaming machine revenues; providing for penalties for failure to pay the taxes; requiring electronic gaming machine licensees and certain persons having access to gaming areas to submit fingerprints in connection with certain occupational licenses; specifying grounds for the Division of Pari-mutuel Wagering to take action against applicants for and licensees having certain occupational licenses; authorizing the Division of Pari-mutuel Wagering to impose fines for violations of laws relating to electronic gaming; prohibiting regulators, certain businesses, licensees, and employees from having certain relationships with each other; subjecting a person who makes certain false statements to fines; subjecting a person to fines for possessing electronic games without a license; imposing criminal penalties for attempting to manipulate electronic gaming machines or theft relating to electronic gaming; authorizing warrantless arrests by law enforcement officers under certain circumstances; providing immunity to law enforcement officers who make such arrests; imposing criminal penalties for resisting arrest or detention; prohibiting electronic gaming machines from entering this state; authorizing the Division of Pari-mutuel Wagering to exclude certain individuals from the facility of an electronic gaming machine licensee; prohibiting persons who are younger than 18 years of age from playing an electronic gaming machine; specifying a limit on the number of electronic gaming machines in a facility; requiring an electronic gaming machine licensee to provide office space to the Division of Pari-mutuel Wagering and to the Department of Law Enforcement free of charge; limiting the hours that an electronic gaming machine facility may operate; authorizing the Division of Pari-mutuel Wagering to revoke or suspend licenses or impose fines for willful violations of laws or rules regulating electronic gaming; requiring electronic gaming machine licensees to train employees about gambling addictions; imposing a regulatory fee for a gambling addiction program; entitling electronic gaming machine licensees to a caterer's license; restricting the provision of alcoholic beverages, automated teller machines, and check cashing activities in gaming machine areas; authorizing the Division of Pari-mutuel Wagering to adopt rules; preempting to the state the authority to regulate electronic gaming facilities; excepting bingo games operated by charitable or nonprofit organizations from the provisions of the act; amending s. 215.22, F.S.; exempting taxes imposed on electronic gaming and electronic gaming machine revenue from specified service charges; authorizing the Division of Pari-mutuel Wagering to spend certain trust funds; requiring repayment of such funds; amending s. 550.002, F.S.; revising a definitions; amending s. 550.01215, F.S.; deleting an exception relating to licensing of thoroughbred racing; amending s. 550.0951, F.S.; specifying the tax on historical racing, the take-out of a pari-mutuel pool, an a payment to a purse account; providing for payments to certain horse racing associations; specifying the fee for a permitholder to conduct historical racing; revising the date on which tax payments are due; amending s. 550.09511, F.S.; revising the schedule for the payment of jai alai taxes; amending s. 550.09514, F.S.; revising the schedule for the payment of greyhound dog racing taxes; amending s. 550.105, F.S.; providing for a 3-year occupational license for certain pari-mutuel employees; specifying maximum license fees; providing for the additional tax that a municipality may assess for live racing to apply to additional specified games; providing procedures for criminal history record checks; amending s. 550.135, F.S.; providing for the reservation of electronic gaming machine fees in a trust fund; amending s. 550.2415, F.S.; providing that cruelty to any animal is a violation of ch. 550, F.S.; authorizing the Division of Pari-mutuel Wagering to inspect areas are located; amending s. 550.26165, F.S.; providing legislative intent to attract thoroughbred training and breeding to this state; authorizing the Florida Thoroughbred Breeders' Association to pay certain awards as part of its pay plan; amending s. 550.2625, F.S.; limiting the application of requirements for minimum purses and awards to this state; amending s. 550.334, F.S.; deleting a provision for issuing a permit to conduct quarter horse race meetings; deleting a provision for issuing a license to conduct quarter horse racing; deleting provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; revising the authority of a quarter horse racing permitholder to substitute horse breeds; deleting a requirement for a quarter horse permitholder to have the consent of certain other permitholders within a certain distance to engage in intertrack wagering; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to the use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; deleting provisions relating to racing days and dates for thoroughbred permitholders that conducted races between certain dates; revising provisions relating to thoroughbred racing dates and minimum number of races; creating s. 550.810, F.S.; specifying requirements for historical racing systems; limiting the number of historical terminals in certain pari-mutuel facilities; authorizing the Division of Pari-mutuel wagering to adopt rules regulating historical racing; providing for the disposition of pari-mutuel tickets that are not redeemed within a certain period of time; amending s. 551.102, F.S.; clarifying the definition of the term

"progressive system"; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine facility must be at least 85 percent; specifying the licensing fee for slot machine gaming; specifying the rate of tax on slot machine revenues; revising the due date for slot machine taxes; amending s. 551.113, F.S.; prohibiting a person who is younger than 18 years of age from playing a slot machine; amending s. 551.121, F.S.; authorizing a progressive system to be used in conjunction with slot machines between licensed facilities; amending s. 772.102, F.S.; revising the definition of "criminal activity"; conforming cross-references; amending s. 849.161, F.S.; providing that ch. 849, F.S., does not apply to certain mechanical historical racing systems; amending s. 849.086, F.S.; requiring an applicant for a cardroom licensed to have run a full schedule of live races; specifying maximum license fees for occupational licenses for cardroom employees and cardroom businesses; limiting the hours of cardroom operations; revising the maximum bet and entry fee for tournaments; expanding the authorization for cardroom activities contingent upon a compact with the Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing the possession of certain gambling devices; amending s. 895.02, F.S.; revising the definitions of "racketeering activity" and "unlawful debt"; conforming cross-references; providing an appropriation and the creation of full-time equivalent positions; providing contingent effective dates.

On motion by Senator Jones, by two-thirds vote **HB 7145** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Alexander	Fasano	Oelrich
Altman	Garcia	Pruitt
Aronberg	Haridopolos	Rich
Bennett	Hill	Richter
Bullard	Jones	Ring
Dean	Joyner	Siplin
Detert	Justice	Smith
Deutch	King	Sobel
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	

Nays—8

Baker	Gardiner	Storms
Crist	Gelber	Wise
Gaetz	Peaden	

Vote after roll call:

Nay—Constantine

MOTION

On motion by Senator Jones, the House was requested to pass **HB 7145** as amended, and in the event the House refuses to concur, requests that a conference committee be appointed.

On motion by Senator King—

CS for CS for CS for SB 1154—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to reduce greenhouse gas emissions through the direct end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 403.503, F.S.; revising the definition of "electrical power plant"; amending s. 525.09, F.S.; imposing a fee on alternative fuel containing alcohol; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment:

Amendment 1 (873994)—Delete lines 66-82 and insert:

(c) "Class III clean energy source" means clean energy derived from nuclear energy or integrated gasification combined cycle for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection or from use of pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction.

(d) "Clean energy" means electrical energy produced from a method that uses one or more of the following fuels or energy sources: nuclear energy placed in commercial service after July 1, 2009, integrated gasification combined cycle for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection, hydrogen produced from sources other than fossil fuels, biomass, solar photovoltaic, geothermal energy, wind energy, ocean energy, or hydroelectric power. The term includes waste heat from sulfuric acid manufacturing operations; waste heat thermal energy which is produced by a combined heat and power system placed in service in this state after July 1, 2009, and which is used to produce biofuel and any associated coproducts; and energy produced using pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction.

Senator King moved the following substitute amendment which was adopted:

Amendment 2 (495702)—Delete lines 66-82 and insert:

(c) "Class III clean energy source" means clean energy derived from nuclear energy or any fossil fuel generation for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection or from use of pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction.

(d) "Clean energy" means electrical energy produced from a method that uses one or more of the following fuels or energy sources: nuclear energy placed in commercial service after July 1, 2009; any fossil fuel generation for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection; hydrogen produced from sources other than fossil fuels, biomass, solar photovoltaic, geothermal energy, wind energy, ocean energy, or hydroelectric power. The term includes waste heat from sulfuric acid manufacturing operations; waste heat thermal energy which is produced by a combined heat and power system placed in service in this state after July 1, 2009, and which is used to produce biofuel and any associated coproducts; energy produced using pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction; and energy produced using biodiesel.

Senator King moved the following amendments which were adopted:

Amendment 3 (396986)—Delete lines 105-109 and insert: by *a public utility* ~~a provider~~ to consumers in Florida *which is* ~~that shall be~~ supplied by *clean* ~~renewable~~ energy *or through the purchase of clean energy credits from clean energy* produced in Florida.

(3)(a) Each public utility must meet or exceed the

Amendment 4 (415164)—Delete lines 186-188 and insert:

(d) Establishing the method for the recovery of costs or expenses prudently incurred to meet the clean portfolio standard as those costs are defined in paragraph (3)(d). The commission may allow cost recovery through a separate cost recovery clause or a limited scope proceeding. The costs of compliance with the clean portfolio standard must appear as a separate line item on each customer's bill.

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following amendment which was adopted:

Amendment 5 (422350) (with title amendment)—Between lines 539 and 540 insert:

Section 8. *The term of any person sitting as a member of the Florida Energy and Climate Commission on March 3, 2009, whose appointment is not confirmed by the Senate during the 2009 Regular Session or the 2010 Regular Session, shall be extended until completion of the 2010 Regular Session, except for any member who, during that time, the Senate expressly refuses to confirm.*

Section 9. *The Florida Energy and Climate Commission must obtain the approval of the joint Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package.*

And the title is amended as follows:

Delete line 43 and insert: begin and end on specified dates; providing that if a specified commissioner of the Florida Energy and Climate Commission is not confirmed during the 2009 Regular Session or the 2010 Regular Session, the commissioner's appointment shall be extended until May 1, 2010, except for any member who, during that time, the Senate expressly refuses to confirm; requiring the Florida Energy and Climate Commission to obtain the approval of the joint Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package; amending s. 403.503,

Senator Gaetz moved the following amendment which was adopted:

Amendment 6 (219984) (with title amendment)—Between lines 468 and 469 insert:

Section 5. Section 377.705, Florida Statutes, is amended to read:

377.705 Solar Energy Center; development of solar energy standards.—

(1) SHORT TITLE.—This *section* ~~act shall be known and~~ may be cited as the "Solar Energy Standards Act" ~~of 1976~~.

(2) LEGISLATIVE FINDINGS AND INTENT.—

(a) Because of increases in the cost of conventional fuel, certain applications of solar energy are becoming competitive, particularly when life-cycle costs are considered. It is the intent of the Legislature in formulating a sound and balanced energy policy for the state to encourage the development of an alternative energy capability in the form of incident solar energy.

(b) Toward this purpose, the Legislature intends to provide incentives for the production and sale of, and to set standards for, solar energy systems. Such standards *must* ~~shall~~ ensure that solar energy systems manufactured or sold within the state are effective and represent a high level of quality of materials, workmanship, and design.

(3) DEFINITIONS.—*As used in this section, the term:*

(a) "Center" *means* ~~is defined as~~ the Florida Solar Energy Center of the Board of Governors.

(b) "Solar energy systems" *means* ~~is defined as~~ equipment *that* ~~which~~ provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications *that* ~~which~~ normally require ~~or would require~~ a conventional source of energy such as petroleum products, natural gas, or electricity, and *that* ~~which~~ performs primarily with solar energy. In ~~such other~~ systems in which solar energy is used in a supplemental way, only those components *that* ~~which~~ collect and transfer solar energy *are* ~~shall be~~ included in this definition.

(4) ~~FLORIDA SOLAR ENERGY CENTER TO SET~~ STANDARDS~~, REQUIRE DISCLOSURE, SET TESTING FEES~~.—

~~(a) The center shall develop and promulgate standards for solar energy systems manufactured or sold in this state based on the best currently available information and shall consult with scientists, engineers, or persons in research centers who are engaged in the construction of, experimentation with, and research of solar energy systems to properly identify the most reliable designs and types of solar energy systems.~~

~~(b)~~ The center shall *select nationally-recognized standards for solar energy systems and* establish criteria for testing *the* performance of solar energy systems and shall maintain the necessary capability for testing or evaluating *the* performance of solar energy systems. ~~The center may accept results of tests on solar energy systems made by other organizations, companies, or persons when such tests are conducted according to the criteria established by the center and when the testing entity has no vested interest in the manufacture, distribution or sale of solar energy systems.~~

(5) ~~(c)~~ *FEES.*-The center shall *charge* ~~be entitled to receive~~ a testing fee sufficient to cover the costs of such testing. All testing fees shall be transmitted by the center to the Chief Financial Officer to be deposited in the Solar Energy Center Testing Trust Fund, which is ~~hereby~~ created in the State Treasury, and disbursed for the payment of expenses incurred in testing solar energy systems.

(6) ~~(d)~~ All solar energy systems manufactured or sold in the state must meet the *nationally-recognized* standards *selected* ~~established~~ by the center and shall display accepted results of approved performance tests in a manner prescribed by the center.

Section 6. *The Florida Building Commission is directed to make all changes to the building and energy codes necessary to conform those rules to this bill.*

And the title is amended as follows:

Delete line 33 and insert: begin and end on specified dates; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; directing the Florida Building Commission to make all changes to the building and energy codes necessary to conform to this act; amending s. 403.503,

Pursuant to Rule 4.19, **CS for CS for CS for SB 1154** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 746—A bill to be entitled An act relating to direct-support organizations; creating s. 430.82, F.S.; authorizing the Department of Elderly Affairs to create a direct-support organization; providing definitions; providing for appointment of members to the board of directors; providing requirements for membership to the board of directors; requiring the direct-support organization to operate under a contract; providing contract requirements; authorizing the department to use its property, facilities, and personal services for the direct-support organization; requiring the Secretary of Elderly Affairs to approve of any

transaction or agreement between the department's direct-support organization and any other direct-support organization; requiring the direct-support organization to submit certain forms from the Internal Revenue Service to the department; requiring the direct-support organization to provide an annual financial audit; amending s. 272.135, F.S.; providing that the Capitol Curator may assist in raising funds and making expenditures for the Historic Capitol; creating s. 272.136, F.S.; authorizing the Legislative Research Center and Museum and the Capitol Curator to establish a direct-support organization; providing for the appointment of members of a board of directors; providing for board use of capitol property; requiring the organization to be not for profit; authorizing the center and curator to prescribe all conditions for the organization; providing for the reversion of the organization's funds; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (852722)—Delete line 183 and insert: *and approved by the Department of*

Pursuant to Rule 4.19, **CS for SB 746** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 616—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amounts for projects required to be competitively awarded; including specified items within the scope of the term "cost"; specifying additional circumstances under which a contractor may be considered ineligible to bid; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms "repair" and "maintenance"; requiring that a local government publish a notice containing certain information for certain repair or maintenance projects and make certain information available for public inspection for a specified period after publication of the notice; requiring that a local government consider certain information when considering whether it is in the public's best interest for the local government to perform a project using its own services, employees, and equipment; authorizing such a local government to consider certain additional information; providing for applicability of certain exceptions to the requirement that certain public projects be competitively awarded; requiring that a local government use certain persons to supervise certain projects; exempting certain government entities from certain requirements of state law when performing repairs or maintenance on certain facilities; authorizing the adjustment of threshold amounts for projects required to be competitively awarded according to a specified standard; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 616** to **CS for CS for HB 611**.

Pending further consideration of **CS for SB 616** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 611** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

On motion by Senator Haridopolos—

CS for CS for HB 611—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amount for which certain public projects must be competitively awarded; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms "repair" and "maintenance"; requiring local governments to provide notice for certain public projects; providing notice requirements; extending the notice period for specified public meetings; requiring a local government to support a decision to perform a project with its own employees and to make a factual finding that the project cost will be the same or less than the lowest bid; providing additional exceptions for projects related to public-use airports, certain ports, and certain public transit or transportation systems; authorizing governmental entities to consider certain contractors ineligible to bid; revising the index and year on which the required adjustment of the threshold amounts is based; revising provisions for certain contractors and vendors to challenge a local government's actions; providing an effective date.

—a companion measure, was substituted for **CS for SB 616** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 611** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 424** was deferred.

On motion by Senator Detert, by two-thirds vote **HB 7119** was withdrawn from the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

On motion by Senator Detert—

HB 7119—A bill to be entitled An act relating to public records; creating s. 1002.221, F.S.; providing an exemption from public records requirements for K-12 education records held by an agency, public school, center, institution, or other entity that is part of the state's education system; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 1006.52, F.S.; expanding the exemption from public records requirements for records of students in public postsecondary educational institutions to include education records and applicant records; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2374** and read the second time by title.

Pursuant to Rule 4.19, **HB 7119** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2262—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; author-

izing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026 F.S.; increasing statutory maximums on cosmetology licensing fees; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing statutory maximums on construction renewal fees; establishing a fee for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending ss. 489.127, 489.128, 489.129, and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain designated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2262** to **CS for CS for CS for CS for HB 425**.

SENATOR FASANO PRESIDING

Pending further consideration of **CS for CS for SB 2262** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for CS for CS for CS for HB 425** was withdrawn from the Committees on Regulated Industries; Community Affairs; and General Government Appropriations.

On motion by Senator Gaetz, the rules were waived and—

CS for CS for CS for CS for HB 425—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for

the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026, F.S.; increasing maximum fees for cosmetology licenses; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 481.229, F.S.; exempting certain persons or entities engaged in the manufacture, sale, or installation of commercial food service equipment from provisions regulating architecture and interior design under certain circumstances; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing maximum fees for construction contractor certifications; establishing fees for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending s. 489.127, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.128, F.S.; revising the circumstances under which a person is considered an unlicensed contractor; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending ss. 489.129 and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain designated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 509.302, F.S.; defining the term "hospitality industry"; revising the purpose of the program to focus on certain training and transition programs; requiring a statewide non-

profit organization that receives the program's grant funding to represent a hospitality industry in the state; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to use a portion of certain annual licenses fees for programs directed to careers in the restaurant industry and a portion of the fees for programs directed to careers in the lodging industry; authorizing the division to use a portion of the fees for administration of the program; deleting provisions related to the allocation of the funds to various programs; revising the criteria for the award of grants to conform to changes made by the act; removing an expired provision that authorized administrative fines to be used for the program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; amending s. 471.003, F.S.; revises the types of construction projects for which certain contractors are exempt from licensure as an engineer; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing for retroactive application; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2262** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for CS for HB 425** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **CS for HB 1139** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Rich—

CS for HB 1139—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Board of Nursing to provide certain information to nurses before they are given the opportunity to contribute to funding the center at licensure renewal; providing an effective date.

—a companion measure, was substituted for **CS for SB 2030** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1139** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **CS for CS for HB 483** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; Governmental Oversight and Accountability; and Judiciary; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Richter—

CS for CS for HB 483—A bill to be entitled An act relating to investor protection; amending s. 16.56, F.S.; expanding jurisdiction of the Office of Statewide Prosecution to investigate and prosecute certain additional offenses; amending s. 517.021, F.S.; revising definitions; amending s. 517.072, F.S.; exempting certain transactions in viatical settlement investments from certain registration requirements; specifying application of certain provisions; amending s. 517.12, F.S.; revising requirements for registration of dealers, associated persons, investment advisers, and branch offices; amending s. 517.121, F.S.; authorizing the Office of Financial Regulation to suspend registration for registrant failure to provide certain records; providing for rescinding suspensions; amending ss. 517.1215 and 517.1217, F.S.; changing an agency reference; amending s. 517.141, F.S.; excluding postjudgment interest from payments from the fund; amending s. 517.161, F.S.; expanding the class of persons related to or associated with an applicant or registrant for which certain violations may result in adverse actions taken against registrations; authorizing the office to suspend a registration under certain circumstances; creating s. 517.1611, F.S.; requiring the Financial Services Commission to adopt rules providing certain disciplinary guidelines; specifying criteria for such guidelines; requiring the commission to adopt rules for disqualifying registrants for certain periods of time for certain criminal actions; providing rules criteria; amending s. 517.191, F.S.; authorizing the office to apply to the court for orders directing restitution; authorizing the office to apply to the court to impose civil penalties for certain violations; specifying limitations; requiring deposit of civil penalties into the Anti-Fraud Trust Fund; authorizing the Attorney General to act as an enforcing authority for certain provisions of law; authorizing the Attorney General, with approval of the office, to investigate and enforce certain provisions; authorizing the Attorney General to bring certain actions for injunctive relief; authorizing the Attorney General to recover certain investigation and enforcement costs and attorney fees; providing for deposit of certain recovered moneys into the Legal Affairs Revolving Trust Fund; authorizing the Legal Affairs Revolving Trust Fund to be used for investigation and enforcement purposes; preserving the authority of the office to bring certain administrative actions; prohibiting subjecting persons to a civil penalty and an administrative fine under certain circumstances; specifying time limitations on bringing certain enforcement actions; amending s. 517.221, F.S.; increasing the amount of certain administrative fines; authorizing the office to bar certain persons from submitting applications or notifications for a license or registration under certain circumstances; amending s. 517.275, F.S.; revising criteria for prohibited practices relating to commodities; creating s. 896.108, F.S.; authorizing the Department of Law Enforcement to enter into agreements to pay rewards for information leading to the recovery of certain fines, penalties, or forfeitures; authorizing the executive director of the department to determine the amount of the reward; authorizing the executive director to exceed certain statutory limits of rewards under certain circumstances; providing limitations; providing for deposit of certain funds into certain trust funds; excluding certain persons from eligibility to collect rewards; providing that a payment of an award does not affect the admissibility of testimony in court; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include certain additional offenses; providing an effective date.

—a companion measure, was substituted for **CS for SB 1126** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 483** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1182** was deferred.

CS for CS for SB 942—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer the program; authorizing the commission to adopt rules; providing for the commission to enter into contracts or memoranda of agreement with other state agencies or partnerships; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 942** to **CS for CS for HB 167**.

Pending further consideration of **CS for CS for SB 942** as amended, on motion by Senator Sobel, by two-thirds vote **CS for CS for HB 167** was withdrawn from the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Sobel—

CS for CS for HB 167—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer a consumer rebate program for specified energy-efficient appliances; authorizing the commission to adopt rules; authorizing the commission to enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, and other arrangements for specified purposes; providing an appropriation; providing requirements for the release of the appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 942** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 167** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by two-thirds vote **HB 7089** was withdrawn from the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

On motion by Senator Detert—

HB 7089—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "controlled substance" and "weapon"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 2038** and read the second time by title.

Pursuant to Rule 4.19, **HB 7089** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by two-thirds vote **CS for HB 895** was withdrawn from the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

On motion by Senator Detert—

CS for HB 895—A bill to be entitled An act relating to public records; amending s. 1008.24, F.S.; providing an exemption from public records requirements for personally identifiable information or allegations of misconduct obtained or reported in connection with an investigation of a testing impropriety conducted by the Department of Education; providing that the exemption applies until the investigation is concluded or becomes inactive; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1912** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 895** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1066** and **SB 442** was deferred.

On motion by Senator Joyner—

SB 1862—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds; providing an effective date.

—was read the second time by title.

Senator Joyner moved the following amendment which was adopted:

Amendment 1 (728722) (with title amendment)—Delete lines 15-31 and insert:

(4) PURPOSES OF COMMUNITY CORRECTIONS FUNDS.—

(b) Programs, services, and facilities that may be funded under this section include, but are not limited to:

1. Programs providing pretrial services.

2. Specialized divisions within the circuit or county court established for the purpose of hearing specific types of cases, such as drug cases or domestic violence cases.

3. Work camps.

4. Programs providing intensive probation supervision.

~~5. Military-style boot camps.~~

5. ~~6.~~ Work-release facilities.

6. ~~7.~~ Centers to which offenders report during the day.

7. ~~8.~~ Restitution centers.

8. ~~9.~~ Inpatient or outpatient programs for substance abuse treatment and counseling.

9. ~~10.~~ Vocational and educational programs.

10. Rehabilitative community reentry programs.

And the title is amended as follows:

Delete line 6 and insert: may be funded using community corrections funds; deleting military-style boot camps from such list;

Pursuant to Rule 4.19, **SB 1862** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 340** was deferred.

CS for SB 1122—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception;

providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing an effective date.

—was read the second time by title.

Senators Gaetz and Aronberg offered the following amendment which was moved by Senator Gaetz:

Amendment 1 (946048) (with title amendment)—Between lines 36 and 37 insert:

Section 2. *The amendments made by this act to s. 627.638(2), Florida Statutes, are repealed on July 1, 2012, if the Office of Program Policy Analysis and Government Accountability finds, in a study to be presented to the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, that the amendments made by this act have caused the third-party administrator of the state group health plan to suffer a net loss of physicians from its preferred provider plan network and, as a direct result, caused an increase in costs to the state group health plan. If such a finding is made, the text of s. 627.638(2), Florida Statutes, shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which are repealed pursuant to this section.*

And the title is amended as follows:

Delete line 14 and insert: payment; providing for the repeal of the amendments made by the act if the Office of Program Policy Analysis and Government Accountability finds that such amendments have caused the third-party administrator of the state group health plan to suffer a net loss of physicians and an increase in costs to the plan; providing an effective date.

Senator Lawson moved the following substitute amendment which failed:

Amendment 2 (615826) (with directory and title amendments)—Between lines 36 and 37 insert:

(4) Except for a hospital licensed under chapter 395 or a provider providing services pursuant to s. 395.1041 or part III of chapter 401, a provider who accepts an assignment pursuant to this section shall accept the direct payment from the insurer as payment in full for the services provided and may not bill or attempt to collect any balance of charges from the insured.

And the directory clause is amended as follows:

Delete line 19 and insert: Statutes, is amended, and subsection (4) is added to that section, to read:

And the title is amended as follows:

Delete line 14 and insert: payment; requiring that certain providers accept the direct payment from an insurer as payment in full; prohibiting attempts to collect any balance of charges from the insured; providing an effective date. The vote was:

Yeas—15

Alexander	Joyner	Rich
Bullard	Justice	Ring
Dockery	King	Siplin
Hill	Lawson	Smith
Jones	Lynn	Wilson

Nays—19

Altman	Detert	Garcia
Baker	Deutch	Gardiner
Bennett	Diaz de la Portilla	Gelber
Constantine	Fasano	Haridopolos
Dean	Gaetz	Oelrich
Pruitt	Storms	
Sobel	Villalobos	

The question recurred on **Amendment 1** which was adopted.

On motion by Senator Gaetz, further consideration of **CS for SB 1122** as amended was deferred.

On motion by Senator Dean—

CS for CS for SB 1468—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; creating s. 193.7041, F.S.; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; creating s. 193.7042, F.S.; requiring that property appraisers notify property owners of the denial of an application to classify property as working waterfront property; providing for the appeal of such denial to the value adjustment board; requiring a filing fee of a certain amount; providing for the appeal of a denial of a petition to the value adjustment board to the circuit court; requiring that property appraisers notify property owners whose property was classified as working waterfront property by a value adjustment board or court to recertify that the use and ownership of the property have not changed; authorizing the waiver of certain notice and certification requirements; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 259.105, F.S.; renaming the "Stan Mayfield Working Waterfronts Program" within the Florida Communities Trust as the "Stan Mayfield Commercial Waterfronts Restoration and Preservation Program"; amending s. 380.502, F.S.; conforming provisions to changes made by the act; amending s. 380.503, F.S.; deleting a definition for the term "working waterfronts" for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; providing a cross-reference; clarifying provisions relating to the authority of the Florida Communities Trust to provide grants or loans for certain projects; clarifying the trust's rulemaking authority; deleting obsolete provisions; amending s. 380.508, F.S.; deleting provisions relating to the purpose of working waterfront projects; amending s. 380.5105, F.S.; conforming provisions to changes made by the act; providing a definition for the term "commercial waterfront"; providing that certain property does not qualify as commercial waterfront property; providing for water-dependent commercial activities; limiting participation in the program to counties and municipalities effective on a specified date; limiting the uses of acquired property in perpetuity; requiring that the Florida Communities Trust adopt rules establishing procedures and an application process; providing an effective date.

—was read the second time by title.

Senators Dean and Bennett offered the following amendment which was moved by Senator Dean and adopted:

Amendment 1 (603816) (with title amendment)—Delete lines 73-275 and insert:

Section 1. Section 193.704, Florida Statutes, is created to read:

193.704 Working waterfront property; definitions; classification and assessment; denial of classification and appeal.—

(1) DEFINITIONS.—For purposes of granting a working waterfront property classification under this section for January 1, 2010, and thereafter, the term:

(a) "Accessible to the public" means routinely available to the public from sunrise to sunset, with or without charge, with appropriate accommodations, including, but not limited to, public parking or public boat ramps that are available for use by the general public.

(b) "Commercial fishing operation" has the same meaning as that provided in s. 379.2351.

(c) "Commercial fishing facility" means docks, piers, processing houses, or other facilities which support a commercial fishing operation as defined in paragraph (b), or an aquaculture operation licensed under chapter 253.

(d) "Drystack" means a vessel storage facility or building in which storage spaces for vessels are available for use by the public on a first-come, first-served basis with no automatic renewal rights or conditions. The term excludes storage that is purchased, received, or rented as a result of homeownership or tenancy.

(e) "Land used predominantly for commercial fishing purposes" means land used in good faith in a venture for-profit commercial fishing operation for the taking or harvesting of freshwater fish or saltwater products, as defined in s. 379.101, for which a commercial license to take, harvest, or sell such fish or products is required under chapter 379, or land used in an aquaculture operation authorized under ss. 253.67-253.75.

(f) "Marina" means a licensed commercial facility that provides secured public moorings or drystacks for vessels on a first-come, first-served basis and with no automatic renewal rights or conditions. The term excludes mooring or storage that is purchased, received, or rented as a result of homeownership or tenancy.

(g) "Marine manufacturing facility" means a facility that manufactures vessels for use in waters that are navigable.

(h) "Marine vessel construction and repair facility" means a facility that constructs and repairs vessels that travel over waters that are navigable, including, but not limited to, shipyards and boatyards. As used in this section, the term "repair" includes retrofitting and maintenance of vessels.

(i) "Open to the public" means for hire to the general public and accessible during normal operating hours.

(j) "Support facility" means a facility that typically is colocated with marine vessel construction and repair facilities, including, but not limited to, shops, equipment, and salvage facilities.

(k) "Water-dependent" means that the operations of a facility require direct access to water.

(l) "Waterfront" means property that is on, over, or abutting waters that are navigable.

(m) "Waters that are navigable" means any body of water that is subject to the ebb and flow of the tide, connects with continuous interstate waterway, has navigable capacity, and is actually navigable.

(2) CLASSIFICATION AND ASSESSMENT; LOSS; PENALTY.—

(a) The following waterfront properties are eligible for classification as working waterfront property:

1. Land used predominantly for commercial fishing purposes.

2. Land that is accessible to the public and used for vessel launches into waters that are navigable.

3. Marinas and drystacks that are open to the public.

4. Water-dependent marine manufacturing facilities.

5. Water-dependent commercial fishing facilities.

6. Water-dependent marine vessel construction and repair facilities and their support facilities.

(b) Property classified as working waterfront property under this section shall be assessed on the basis of current use. The assessed value shall be calculated using the income approach to value, and using a capitalization rate based upon the debt coverage ratio formula. The capitalization rate shall be calculated and updated annually. The capitalization rate shall be based on data that is county specific unless insufficient data is available, in which case the property appraisers shall use data from counties with similar conditions and characteristics, or data provided by the department. The condition and size of the property shall also be taken into account when assessing the property.

(c)1. Property may not be classified as working waterfront property unless an application for such classification is filed with the property appraiser on or before March 1 of each year in the county in which the property is located. Before approving such classification, the property appraiser may require the applicant to establish that the property is actually used as required under this section. The property appraiser may require the applicant to furnish the property appraiser such information as may reasonably be required to establish that such property was actually used for working waterfront purposes, and to establish the classified use value of the property, including income and expense data. The owner or lessee of property classified as working waterfront property in the prior year may reapply on a short form provided by the Department of Revenue. The lessee of property may make original application or reapply on a short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the working waterfront classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. An applicant may withdraw an application on or before the 25th day following the mailing of the notice of proposed property taxes pursuant to s. 200.069 in the year the application was filed.

2. Failure by a property owner or lessee to apply for a classification as working waterfront property by March 1 shall constitute a waiver for 1 year of the privilege granted in this section. However, a person who is qualified to receive a working waterfront classification but who fails to timely apply for classification may file an application for classification with the property appraiser. Upon review of the application, if the applicant is qualified to receive the classification and demonstrates particular extenuating circumstances that warrant the classification, the property appraiser may grant the classification.

3. A county, at the request of the property appraiser and by a majority vote of its governing body, may waive the requirement that an annual application or short form be filed with the property appraiser for renewal of the classification of property within the county as working waterfront property. Such waiver may be revoked by a majority of the county governing body.

4. Notwithstanding subparagraph 2., a new application for classification as working waterfront property must be filed with the property appraiser whenever any property granted the classification as working waterfront property is sold or otherwise disposed of, whenever ownership or the lessee changes in any manner, whenever the owner or the lessee ceases to use the property as working waterfront property, or whenever the status of the owner or the lessee changes so as to change the classified status of the property.

5. The property appraiser shall remove from the classification as working waterfront property any property for which the classified use has been abandoned or discontinued, or the property has been diverted to an unclassified use. Such removed property shall be assessed at just value as provided in s. 193.011.

6.a. The owner of any property classified as working waterfront property who is not required to file an annual application under this section, and the lessee if the application was made by the lessee, shall notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes, so as to change the classified status of the property. If any such property owner or lessee fails to notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such classification, the owner of the property is subject to taxes otherwise due and owing as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the additional taxes owed. However, the penalty may be waived if the owner or lessee can demon-

strate that they took reasonable care to notify the property appraiser of the change in use, status, or condition of the property.

b. The property appraiser making such determination shall record in the public records of the county in which the working waterfront property is located a notice of tax lien against any property owned by the working waterfront property owner, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the person or entity that illegally or improperly received the classification. If such person or entity no longer owns property in that county but owns property in another county or counties in the state, the property appraiser shall record in such other county or counties a notice of tax lien identifying the property owned by the working waterfront property owner in such county or counties which shall become a lien against the identified property.

7. When a parcel receiving a working waterfront classification contains facilities or vacant land not eligible to be classified as a working waterfront property under this subsection, the facilities and their curtilage, as well as the vacant land, must be assessed separately as provided in s. 193.011.

8. The property appraiser shall have available at his or her office a list by ownership of all applications for classification as working waterfront property received, showing the acreage, the full valuation under s. 193.011, the value of the land under the provisions of this subsection, and whether or not the classification was granted.

(3) DENIAL OF CLASSIFICATION; APPEAL.—

(a) The property appraiser shall notify an applicant for a working waterfront classification in writing of a denial of an application for such classification on or before July 1 of the year for which the application was filed. The notification shall advise the applicant of his or her right to appeal to the value adjustment board and of the appeal filing deadline.

(b) Any applicant whose application for classification as working waterfront property is denied by the property appraiser may appeal to the value adjustment board by filing a petition requesting that the classification be granted. The petition may be filed on or before the 25th day following the mailing of the assessment notice by the property appraiser as required under s. 194.011(1). Notwithstanding the provisions of s. 194.013, the petitioner shall pay a nonrefundable fee of $15 upon filing the petition. Upon the value adjustment board's review of the petition, if the petitioner is qualified to receive the classification and demonstrates particular extenuating circumstances which warrant granting the classification, the value adjustment board may grant the petition and classification.

(c) A denial of a petition for classification by the value adjustment board may be appealed to a court of competent jurisdiction.

(d)1. Property that has received a working waterfront classification from the value adjustment board or a court of competent jurisdiction under this subsection is entitled to receive such classification in any subsequent year until such use is changed, abandoned or discontinued, or the ownership changes in any manner as provided in subparagraph (2)(c) 4. The property appraiser shall, no later than January 31 of each year, provide notice to the property owner or lessee receiving a classification under this subsection requiring the property owner or a lessee qualified to make application to certify that the ownership and the use of the property has not changed. The department shall prescribe by rule the form of the notice to be used by the property appraiser.

2. If a county has waived the requirement that an annual application or short form be filed for classification of the property under subsection (2), the county may, by majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner or lessee with the same notification as provided to property owners granted a working waterfront classification by the property appraiser. Such waiver may be revoked by a majority vote of the county governing body.

And the title is amended as follows:

Delete lines 4-40 and insert: identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; providing an appeal process for an application that has been denied; amending s. 195.073, F.S.;

Senator Bennett moved the following amendments which were adopted:

Amendment 2 (935270)—Delete lines 479-480 and insert: *commercial activities include, but are not limited to, aquaculturists, docks,*

Amendment 3 (965406) (with title amendment)—Delete lines 489-494 and insert: section.

And the title is amended as follows:

Delete lines 63-65 and insert: for water-dependent commercial activities; limiting

Pursuant to Rule 4.19, **CS for CS for SB 1468** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by unanimous consent—

CS for SB 2282—A bill to be entitled An act relating to first-responder services; creating ss. 125.01045 and 166.0446, F.S.; prohibiting counties and municipalities from imposing a fee or seeking reimbursement for costs relating to certain first-responder services; providing an exception; defining the term "first responder"; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Community Affairs recommended the following amendments which were moved by Senator Bennett and adopted:

Amendment 1 (127064) (with title amendment)—Delete line 20 and insert: *a motor vehicle accident, except for costs of materials to contain or clean up hazardous waste in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and costs for transportation and*

And the title is amended as follows:

Delete line 6 and insert: responder services; providing exceptions; defining

Amendment 2 (411400)—Between lines 39 and 40 insert: *costs of materials to contain or clean up hazardous waste in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and costs for*

Senator Gelber moved the following amendment which was adopted:

Amendment 3 (518322)—Delete lines 21-41 and insert: *treatment provided by ambulance services licensed pursuant to ss. 401.23(4) and 401.23(5).*

(2) As used in this section, the term "first responder" means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.30, or an emergency medical technician or paramedic as defined in s.

401.23 who is employed by the state or a local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Section 2. Section 166.0446, Florida Statutes, is created to read:

166.0446 Prohibition of fees for first-responder services.—

(1) A municipality may not impose a fee or seek reimbursement for any costs or expenses that may be incurred for services provided by a first responder, including costs or expenses related to personnel, supplies, motor vehicles, or equipment in response to a motor vehicle accident, except for transportation and treatment provided by ambulance services licensed pursuant to ss. 401.23(4) and 401.23(5).

Pursuant to Rule 4.19, **CS for SB 2282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ring, by two-thirds vote **CS for HB 115** was withdrawn from the Committees on Criminal Justice; and Judiciary; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Ring—

CS for HB 115—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; amending ss. 847.0135 and 847.0138, F.S.; removing residency requirements in statutes relating to computer pornography involving minor children and the transmission of material harmful to a minor by electronic device or equipment, respectively; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 340** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 115** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 7035** was withdrawn from the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and Rules.

On motion by Senator Constantine—

HB 7035—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding written valuations of state-owned surplus lands; amending s. 253.034, F.S., which provides an exemption from public records requirements for a written valuation of state-owned lands determined to be surplus and related documents used to form the valuation or which pertain to the valuation; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1268** and read the second time by title.

Pursuant to Rule 4.19, **HB 7035** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 949** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Aronberg—

HB 949—A bill to be entitled An act relating to grounds for nonrecognition of foreign defamation judgments; amending s. 55.605, F.S.; providing that an out-of-country foreign judgment need not be recognized if the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press as would be provided in this state; creating s. 55.6055, F.S.; providing that the courts of this state have personal jurisdiction over a person who obtains a judgment in a defamation proceeding outside the United States against a person residing in or having property in this state for the purpose of determining whether the foreign defamation judgment should be deemed nonrecognizable; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **SB 1066** and read the second time by title.

Pursuant to Rule 4.19, **HB 949** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 604** was deferred.

On motion by Senator Gaetz—

SB 2416—A bill to be entitled An act relating to solid waste disposal; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2416** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2334** and **CS for SB 2036** was deferred.

SB 628—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring that the office establish the initial effective date of the enterprise zone; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 628** to **CS for CS for HB 127**.

Pending further consideration of **SB 628** as amended, on motion by Senator Lynn, by two-thirds vote **CS for CS for HB 127** was withdrawn from the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Lynn—

CS for CS for HB 127—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone; providing an effective date.

—a companion measure, was substituted for **SB 628** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 127** was placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner—

CS for SB 2408—A bill to be entitled An act relating to compensation for wrongful incarceration; amending s. 961.02, F.S.; defining the term "actual innocence" for purposes of the Victims of Wrongful Incarceration Compensation Act; redefining the term "wrongfully incarcerated person" in order to conform; amending s. 961.03, F.S.; requiring that a petition for compensation include clear and convincing evidence of actual innocence; requiring the petitioner to submit fingerprints for criminal history records checks; providing that failure to submit fingerprints within the prescribed timeframe does not warrant denial of compensation under the act; providing procedures for taking and submitting fingerprints; requiring that the results of the criminal history records checks be submitted to the clerk of the court; providing for use of the results by the court; specifying who will pay for the criminal history records checks; amending s. 961.05, F.S.; eliminating the requirement that a wrongfully incarcerated person provide certain court records and documentation from the Department of Corrections along with an application for compensation; requiring the Department of Legal Affairs to request certain records from the clerk of the court and the Department of Corrections; amending s. 961.06, F.S.; precluding submission of an application for compensation if the wrongfully incarcerated person has received a prior favorable judgment from a civil action arising out of the wrongful incarceration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2408** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2658** and **CS for SB 2296** was deferred.

On motion by Senator Baker, by two-thirds vote **CS for HB 1065** was withdrawn from the Committees on Transportation; Community Affairs; Judiciary; and General Government Appropriations.

On motion by Senator Baker—

CS for HB 1065—A bill to be entitled An act relating to aircraft safety; providing a short title; creating s. 379.2293, F.S.; providing legislative findings and intent; exempting airport authorities and other entities from penalties, restrictions, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defining the term "authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards"; providing that federal or state authorizations for such actions prevail over certain other regulations, permits, comprehensive plans, and laws; providing immunity from penalties with respect to authorized action for certain individuals; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1864** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1065** was placed on the calendar of Bills on Third Reading.

On motion by Senator Deutch—

CS for CS for CS for SB 904—A bill to be entitled An act relating to parental responsibility and time-sharing; amending s. 61.046, F.S.; redefining the terms "parenting plan," "parenting plan recommendations," and "time-sharing schedule"; creating s. 61.125, F.S.; providing for parenting coordination as an alternative dispute resolution process to resolve parenting plan disputes; providing for court referral; providing for domestic violence situations; providing the qualifications required for a parenting coordinator and for the disqualification of a coordinator; providing for the payment of parenting coordination fees and costs; providing for confidentiality; providing for emergency reporting to the court by the coordinator; providing a limitation on the coordinator's liability; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that shared parental responsibility is detrimental to a child when a parent is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of substantially changed circumstances; requiring a court to make explicit written findings if, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms "other person," "parent," and "relocation"; substituting the term "access to" for "visitation"; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, 61.21, and 61.30, F.S.; conforming provisions to changes made by the act; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

—was read the second time by title.

Senator Deutch moved the following amendment which was adopted:

Amendment 1 (540462) (with title amendment)—Delete lines 928-968.

And the title is amended as follows:

Delete lines 44-45 and insert: changes made by the act; amending ss. 61.183, 61.20,and 61.21, F.S.; conforming provisions to

Pursuant to Rule 4.19, **CS for CS for CS for SB 904** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2326**, **CS for CS for SB 2286** and **CS for SB 1054** was deferred.

CS for CS for SB 564—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing effective dates, one of which is contingent.

—was read the second time by title.

Senator Lawson moved the following amendment:

Amendment 1 (636606) (with title amendment)—Delete lines 16-219 and insert:

Section 1. Subsection (1) of section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day

following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) ~~Except as provided in paragraph (b),~~ Following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

~~(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.~~

(b) ~~(c)~~ Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(c) ~~(d)~~1. When a special election is called to fill a vacancy in office, all political committees and committees of continuous existence making contributions or expenditures to influence the results of such special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

(d) ~~(e)~~ The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

Section 2. Subsection (4) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(4)~~(a) Except as provided in paragraph (b),~~ Any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

(a) ~~1.~~ Return pro rata to each contributor the funds that have not been spent or obligated.

(b) ~~2.~~ Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.

(c) ~~3.~~ Give not more than $10,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member, except that a candidate for the Florida Senate may give not more than $30,000 of such funds to the political party of which the candidate is a member.

(d) ~~4.~~ Give the funds that have not been spent or obligated:

1. ~~a.~~ In the case of a candidate for state office, to the state, to be deposited in ~~either the Election Campaign Financing Trust Fund or~~ the General Revenue Fund~~, as designated by the candidate~~; or

2. ~~b.~~ In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

~~(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.~~

Section 3. Subsection (6) of section 106.22, Florida Statutes, is amended to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(6) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this chapter and with respect to alleged failures to file any report or statement required under the provisions of this chapter. ~~The division shall conduct a postelection audit of the campaign accounts of all candidates receiving contributions from the Election Campaign Financing Trust Fund.~~

Section 4. Subsections (3), (4), and (5) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(3) Any civil penalty collected pursuant to the provisions of this section shall be deposited into the *General Revenue* ~~Election Campaign Financing Trust~~ Fund.

~~(4) Notwithstanding any other provisions of this chapter, any fine assessed pursuant to the provisions of this chapter, which fine is designated to be deposited or which would otherwise be deposited into the General Revenue Fund of the state, shall be deposited into the Election Campaign Financing Trust Fund.~~

(4) ~~(5)~~ In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 5. Subsection (11) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(11) VOLUNTARY CONTRIBUTIONS.—The application form for boat registration shall include a provision to allow each applicant to indicate a desire to pay an additional voluntary contribution to the Save the Manatee Trust Fund to be used for the purposes specified in s. 379.2431(4). This contribution shall be in addition to all other fees and charges. The amount of the request for a voluntary contribution solicited shall be $2 or $5 per registrant. A registrant who provides a voluntary contribution of $5 or more shall be given a sticker or emblem by the tax collector to display, which signifies support for the Save the Manatee Trust Fund. All voluntary contributions shall be deposited in the Save the Manatee Trust Fund and shall be used for the purposes specified in s. 379.2431(4). ~~The form shall also include language permitting a voluntary contribution of $5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included.~~

Section 6. Subsection (1) of section 607.1622, Florida Statutes, is amended to read:

607.1622 Annual report for Department of State.—

(1) Each domestic corporation and each foreign corporation authorized to transact business in this state shall deliver to the Department of

State for filing a sworn annual report on such forms as the Department of State prescribes that sets forth:

(a) The name of the corporation and the state or country under the law of which it is incorporated. ~~;~~

(b) The date of incorporation or, if a foreign corporation, the date on which it was admitted to do business in this state. ~~;~~

(c) The address of its principal office and the mailing address of the corporation. ~~;~~

(d) The corporation's federal employer identification number, if any, or, if none, whether one has been applied for. ~~;~~

(e) The names and business street addresses of its directors and principal officers. ~~;~~

(f) The street address of its registered office and the name of its registered agent at that office in this state. ~~;~~

~~(g) Language permitting a voluntary contribution of $5 per taxpayer, which contribution shall be transferred into the Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included; and~~

(g) ~~(h)~~ Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of this act.

Section 7. Section 106.34, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 106.34, F.S., for present text.)

106.34 Expenditure limits.—

(1) Any candidate for Governor, Lieutenant Governor, or Cabinet officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor or Lieutenant Governor: $7 million.

(b) Cabinet officer: $3 million.

(2) The expenditure limit for any candidate who has primary election opposition only is 60 percent of the limit provided in subsection (1).

(3) The expenditure limit shall be adjusted quadrennially by the Secretary of State to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967=100, or successor reports as reported by the Bureau of Labor Statistics of the United States Department of Labor.

(4) As used in this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

Section 8. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete lines 3-12 and insert: amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing an effective date.

On motion by Senator Haridopolos, further consideration of **CS for CS for SB 564** with pending **Amendment 1 (636606)** was deferred.

SJR 566—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—was read the second time by title.

Senator Lawson moved the following amendment:

Amendment 1 (853424)—Delete line 22 and insert: elective statewide office who agree to campaign spending limits as of the general law in effect after January 1, 1998.

On motion by Senator Haridopolos, further consideration of **SJR 566** with pending **Amendment 1 (853424)** was deferred.

Consideration of **CS for CS for HB 55**, **CS for CS for SB 2482**, **CS for CS for SB 362** and **CS for SB 2198** was deferred.

CS for CS for SB 1502—A bill to be entitled An act relating to Fast Track Economic Stimulus for Small Businesses; establishing the New Markets Development Program; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose information relating to certain tax credits to the Office of Tourism, Trade, and Economic Development; authorizing penalties for unlawful disclosure of the information; amending s. 220.02, F.S.; revising the order in which credits against the corporate income tax or franchise tax must be applied; amending s. 220.013, F.S.; revising the definition of the term "adjusted federal income" to include the amount of certain tax credits; creating s. 288.991, F.S.; providing a short title; creating s. 288.9912, F.S.; encouraging capital investment in certain communities to create and retain jobs through the use of tax credits; creating s. 288.9913, F.S.; providing definitions; creating s. 288.9914, F.S.; requiring the Office of Tourism, Trade, and Economic Development to identify industries in which certain investments may be made; providing for a waiver of the limitation; requiring a qualified community development entity to submit an application for approval of an investment as a qualified investment; requiring the Office of Tourism, Trade, and Economic Development to review and approve or deny the applications; providing for partial approval of applications under certain circumstances; requiring a qualified community development entity to issue a qualified investment within a certain time period; requiring a qualified community development entity to report the issuance of a qualified investment within a certain time period; creating s. 288.9915, F.S.; prohibiting certain interest payments on certain qualified investments for a certain time period; requiring qualified community development entities to maintain certain records; limiting the amount of low-income community investments that may be received by a qualified active low-income community business; creating s. 288.9916, F.S.; creating the new markets tax credit; specifying the amount of the credit; specifying certain tax years in which the tax credit may be used; requiring certain insurance companies to apply the tax credit against certain taxes; limiting transferability of the tax credit; creating s. 288.9917, F.S.; requiring a qualified community development entity to submit certain reports to the Office of Tourism, Trade, and Economic Development after a credit allowance date; requiring the Office of Tourism, Trade, and Economic Development to certify the tax credit amount that may be taken by a taxpayer; creating s. 288.9918, F.S.; requiring a qualified community development entity to submit annual reports to the Office of Tourism, Trade, and Economic Development; creating s. 288.9919, F.S.; subjecting qualified community development entities to audits under the State Single Audit Act; authorizing the Office of Tourism, Trade, and Economic Development to conduct examinations to verify compliance with the New Markets Development Program Act; creating s. 288.9920, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to recapture tax credits under certain circumstances; requiring the Office of Tourism, Trade, and Economic Development to issue a proposed notice of recapture; providing an opportunity to cure a deficiency prior to recapture; authorizing penalties for submitting fraudulent information to the Office of Tourism, Trade, and Economic Development; creating s. 288.9921, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; creating s. 288.9922, F.S.; providing for the expiration of the New Markets Development Program Act on a certain date; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1502** to **CS for CS for HB 485**.

Pending further consideration of **CS for CS for SB 1502** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 485** was withdrawn from the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

CS for CS for HB 485—A bill to be entitled An act relating to fast track economic stimulus for small businesses; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain confidential taxpayer information with the Office of Tourism, Trade, and Economic Development; preserving certain confidentiality of such information; amending s. 220.02, F.S.; revising legislative intent with respect to the order of tax credits to include the New Markets Development Program tax credit; amending s. 220.13, F.S.; revising a definition; creating ss. 288.991-288.9922, F.S.; providing a short title; establishing the New Markets Development Program; providing a purpose; providing definitions; providing for a tax credit for making certain qualified equity investments; specifying a credit amount; providing for uses of the credit; prohibiting sale or transfer of such credits; authorizing allocation of the credit; specifying limitations on such credits; specifying application and certification requirements and procedures for the Office of Tourism, Trade, and Economic Development to qualify certain equity investments as eligible for tax credits; providing for application fees; providing duties and responsibilities of the Department of Revenue; limiting the amount of investments the office may certify; providing requirements and limitations on issuance of certified equity investments; providing for calculation of tax credits; limiting the amount of the tax credit that may be redeemed in a fiscal year; providing for carryover of unredeemed tax credits under certain circumstances; providing for redemption of tax credits; specifying how tax credits may be claimed by insurance companies; requiring the calculations to be certified and accompanied by audited financial statements and notarized affidavits; providing requirements for recapture of tax credits under certain circumstances; requiring notice of proposed recapture; providing requirements for compliance and audits of qualified equity investments; providing annual reporting requirements for certain community development entities; providing annual reporting requirements for the office; authorizing the office to conduct certain examinations; authorizing the office to revoke or modify tax credit authorizations under certain circumstances; providing for taxpayer liability for reimbursement of fraudulently claimed tax credits; providing penalties; authorizing the office and the department to adopt rules; providing for future repeal of the tax credit program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1502** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 485** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 126—A bill to be entitled An act relating to the confidential records of children; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child's records may be obtained after the child leaves the department's custody; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

Amendment 1 (477420)—Between lines 60 and 61 insert:

(d) For the purposes of this subsection, the term "caregiver" is limited to parents, legal custodians, permanent guardians, or foster parents; employees of a residential home, institution, facility, or agency at which the child resides; and other individuals legally responsible for a child's welfare in a residential setting.

Pursuant to Rule 4.19, **CS for CS for SB 126** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, the Senate resumed consideration of—

CS for CS for SB 564—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing effective dates, one of which is contingent.

—which was previously considered this day. Pending **Amendment 1 (636606)** by Senator Lawson was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 564** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SJR 566—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—which was previously considered this day. Pending **Amendment 1 (853424)** by Senator Lawson was withdrawn.

Pending further consideration of **SJR 566**, on motion by Senator Haridopolos, by two-thirds vote **HJR 81** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Haridopolos—

HJR 81—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—a companion measure, was substituted for **SJR 566** and read the second time by title.

Pursuant to Rule 4.19, **HJR 81** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **CS for HB 597** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Storms, the rules were waived and—

CS for HB 597—A bill to be entitled An act relating to homelessness; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuum of care to track, monitor, and report on assisted families for a specified period of time; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; conforming a cross-reference; revising, providing, and

deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; amending s. 420.625, F.S.; deleting a cross-reference to conform; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; requiring the State Office on Homelessness to create specified procedures; providing methodology; providing components of the program; creating s. 420.628, F.S.; providing legislative findings and intent with respect to children and young adults leaving the child welfare system; amending s. 1003.01, F.S.; revising a definition; amending s. 1003.21, F.S.; conforming terminology; providing a school attendance exemption for certain children in foster care; amending s. 1003.22, F.S.; conforming terminology; providing a school certification of a school-entry health examination exemption for certain children in foster care; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; providing an effective date.

—a companion measure, was substituted for **CS for SB 1054** and read the second time by title.

MOTION

On motion by Senator Storms, the rules were waived to allow the following amendment to be considered:

Senator Storms moved the following amendment which was adopted:

Amendment 1 (414608) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (22) of section 420.507, Florida Statutes, is amended to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided ~~for~~ in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost ~~available~~ only to nonprofit organizations and public bodies *that* ~~which~~ are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least 80 percent of their total units for residents qualifying as farmworkers ~~as defined in this part~~, ~~or~~ commercial fishing workers ~~as defined in this part~~, or the homeless as defined in s. *420.621* ~~420.621(4)~~ over the life of the loan.

2. Zero to 3 percent interest based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units in the borrower's project.

3. One to 9 percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, *or* ~~and~~ the homeless.

Section 2. Section 420.621, Florida Statutes, is amended to read:

420.621 Definitions~~; ss. 420.621-420.627~~.—As used in ss. *420.621-420.628* ~~420.621-420.627~~, the *term* ~~following terms shall have the following meanings, unless the context otherwise requires~~:

(1) "Continuum of care" means the community components needed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.

(2) "Council on Homelessness" means the council created in s. 420.622.

~~(1) "AFDC" means Aid to Families with Dependent Children as administered under chapter 409.~~

(3) ~~(2)~~ "Department" means the Department of Children and Family Services.

(4) ~~(3)~~ "District" means a service district of the department ~~of Children and Family Services~~, as set forth in s. 20.19.

(5) ~~(4)~~ *"Homeless," applied to an individual, or "individual experiencing homelessness" means* ~~"Homeless" refers to~~ an individual who lacks a fixed, regular, and adequate nighttime residence *and includes* ~~or~~ an individual who ~~has a primary nighttime residence that is~~:

(a) *Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;*

(b) Is living in a motel, hotel, travel trailer park, or camping ground due to a lack of alternative adequate accommodations;

(c) Is living in an emergency or transitional shelter; ~~A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;~~

~~(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or~~

(d) ~~(c)~~ *Has a primary nighttime residence that is* a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings*;*

(e) Is living in a car, park, public space, abandoned building, bus or train station, or similar setting; or

(f) Is a migratory individual who qualifies as homeless because he or she is living in circumstances described in paragraphs (a)-(e).

The *terms do* ~~term does~~ not refer to *an* ~~any~~ individual imprisoned ~~or otherwise detained~~ pursuant to state or federal law *or to individuals or families who are sharing housing due to cultural preferences, voluntary arrangements, or traditional networks of support. The terms include an individual who has been released from jail, prison, the juvenile justice system, the child welfare system, a mental health and developmental disability facility, a residential addiction treatment program, or a hospital, for whom no subsequent residence has been identified, and who lacks the resources and support network to obtain housing.*

(6) ~~(5)~~ "Local coalition for the homeless" means a coalition established pursuant to s. 420.623.

(7) ~~(6)~~ "New and temporary homeless" means ~~those~~ individuals or families who are homeless due to *societal* ~~external~~ factors~~, such as unemployment or other loss of income, personal or family life crises, or the shortage of low income housing~~.

(8) ~~(7)~~ *"State Office on Homelessness" means the state office created in s. 420.622* ~~"Secretary" means the secretary of the Department of Children and Family Services~~.

Section 3. Subsections (2) and (9) of section 420.622, Florida Statutes, are amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of a *17-member* ~~15-member~~ council of public and private agency representatives who shall develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Family Services, or his or her designee; the Secretary of Community Affairs, or his or her designee*, to advise the council on issues related to rural development*; the State Surgeon General, or his or her designee; the Executive

Director of Veterans' Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; *the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee;* the Director of Workforce Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; *one representative from the Florida League of Cities;* one representative of the Florida ~~Coalition for~~ Supportive Housing *Coalition*; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless; ~~one representative of the Florida State Rural Development Council;~~ and four members appointed by the Governor. The council members shall be volunteer, nonpaid persons and shall be reimbursed for travel expenses only. The appointed members of the council shall *be appointed to* ~~serve~~ staggered 2-year terms, and the council shall meet at least four times per year. The importance of minority, gender, and geographic representation must be considered when appointing members to the council.

(9) The council shall, by *June 30* ~~December 31~~ of each year, *beginning in 2010,* issue to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Children and Family Services an evaluation of the executive director's performance in fulfilling the statutory duties of the office, a report summarizing the council's recommendations to the office and the corresponding actions taken by the office, and any recommendations to the Legislature for proposals to reduce homelessness in this state.

Section 4. Section 420.6275, Florida Statutes, is created to read:

420.6275 Housing First.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that many communities plan to manage homelessness rather than plan to end it.

(b) The Legislature also finds that for most of the past two decades, public and private solutions to homelessness have focused on providing individuals and families who are experiencing homelessness with emergency shelter, transitional housing, or a combination of both. While emergency shelter programs may provide critical access to services for individuals and families in crisis, they often fail to address their long-term needs.

(c) The Legislature further finds that Housing First is an alternative approach to the current system of emergency shelter or transitional housing which tends to reduce the length of time of homelessness and has proven to be cost-effective.

(d) It is therefore the intent of the Legislature to encourage homeless continuums of care to adopt the Housing First approach to ending homelessness for individuals and families.

(2) HOUSING FIRST METHODOLOGY.—

(a) The Housing First approach to homelessness differs from traditional approaches by providing housing assistance, case management, and support services responsive to individual or family needs after housing is obtained. By using this approach when appropriate, communities can significantly reduce the amount of time that individuals and families are homeless and prevent further episodes of homelessness. Housing First emphasizes that social services provided to enhance individual and family well-being can be more effective when people are in their own home, and:

1. The housing is not time-limited.

2. The housing is not contingent on compliance with services. Instead, participants must comply with a standard lease agreement and are provided with the services and support that are necessary to help them do so successfully.

3. A background check and any rehabilitation necessary to combat an addiction related to alcoholism or substance abuse has been completed by the individual for whom assistance or support services are provided.

(b) The Housing First approach addresses the societal causes of homelessness and advocates for the immediate return of individuals and families into housing and communities. Housing First provides a critical link between the emergency and transitional housing system and community-based social service, educational, and health care organizations and consists of four components:

1. Crisis intervention and short-term stabilization.

2. Screening, intake, and needs assessment.

3. Provision of housing resources.

4. Provision of case management.

Section 5. Section 420.628, Florida Statutes, is created to read:

420.628 Young adults leaving foster care; legislative findings.—

(1) The Legislature finds that the transition from childhood to adulthood is filled with opportunity and risk. Most young people who receive adequate support make this transition successfully and become healthy adults who are prepared for work and are able to become responsible, fulfilled members of their families and communities.

(2) The Legislature finds that there are also many young people who enter adulthood without the knowledge, skills, attitudes, habits, and relationships that enable them to be productive members of society. Those young people who, through no fault of their own, live in foster families, group homes, and institutions are among those at greatest risk.

(3) The Legislature finds that these young people face numerous barriers to a successful transition to adulthood. Those barriers include changes in foster care placements and schools, limited opportunities for participation in age-appropriate activities, and the inability to achieve economic stability, make connections with permanent supportive adults or family, and access housing. The main barriers to safe and affordable housing for youth who leave foster care due to age are cost, lack of availability, the unwillingness of many landlords to rent to them, and their own lack of knowledge about how to be good tenants.

(4) The Legislature also finds that young adults who emancipate from the child welfare system are at risk of becoming homeless and those who were formerly in foster care are disproportionately represented in the homeless population. Only about two-fifths of eligible young people receive independent living services and, of those who do, few receive adequate housing assistance. Without the stability of safe housing, other services, training, and opportunities may not be effective.

(5) The Legislature further finds that research on young people who emancipate from foster care suggests a nexus between foster care involvement and later episodes of homelessness and that interventions in the foster care system might help to prevent homelessness. Responding to the needs of young people leaving the foster care system with developmentally appropriate supportive housing models organized in a continuum of decreasing supervision may increase their ability to live independently.

(6) It is therefore the intent of the Legislature to encourage the Department of Children and Family Services, its agents, and community-based care providers operating pursuant to s. 409.1671 to develop and implement procedures designed to reduce the number of young adults who become homeless after leaving the child welfare system.

Section 6. Subsection (12) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(12) *"Children and youths who are experiencing homelessness," for programs authorized under subtitle B, Education for Homeless Children and Youths, of Title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et seq., means children and youths who lack a fixed, regular, and adequate nighttime residence, and includes:*

(a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

(b) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings.

(d) Migratory children who are living in circumstances described in paragraphs (a)-(c). ~~"Homeless child" means:~~

~~(a) One who lacks a fixed, regular nighttime residence;~~

~~(b) One who has a primary nighttime residence that is:~~

~~1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;~~

~~2. An institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or~~

~~(c) One who temporarily resides with an adult other than his or her parent because the parent is suffering financial hardship.~~

~~A child who is imprisoned, detained, or in the custody of the state pursuant to a state or federal law is not a homeless child.~~

Section 7. Paragraph (f) of subsection (1) and paragraph (g) of subsection (4) of section 1003.21, Florida Statutes, are amended to read:

1003.21 School attendance.—

(1)

(f) *Children and youths who are experiencing homelessness* ~~Homeless children, as defined in s. 1003.01,~~ must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist *such* ~~homeless~~ children *in meeting* ~~to meet~~ the requirements of subsection (4) and s. 1003.22, as well as local requirements for documentation.

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if ~~neither of~~ these *are not* ~~is~~ available in the county, by a licensed practicing physician designated by the district school board, which ~~certificate~~ states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. *Children and youths who are experiencing homelessness* ~~A homeless child, as defined in s. 1003.01,~~ shall be given temporary exemption from this section for 30 school days.

Section 8. Subsection (1) and paragraph (e) of subsection (5) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination performed within 1 year *before* ~~prior to~~ enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination. *Children and youths who are experiencing homelessness* ~~A homeless child, as defined in s. 1003.01,~~ shall be given a temporary exemption for 30 school days. Any district school board that establishes such a policy shall include provisions in its local school health services plan to assist students in obtaining the health examinations. However, *a* ~~any~~ child shall be *exempted* ~~exempt~~ from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

(5) The provisions of this section shall not apply if:

(e) An authorized school official issues a temporary exemption, for *up to* ~~a period not to exceed~~ 30 school days, to permit a student who transfers into a new county to attend class until his or her records can be obtained. *Children and youths who are experiencing homelessness* ~~A homeless child, as defined in s. 1003.01,~~ shall be given a temporary exemption for 30 school days. The public school health nurse or authorized private school official is responsible for followup of each such student until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his or her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for followup of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

Section 9. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to homelessness; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; providing methodology; providing components of the program; providing that local continuums of care that adopt the program be given funding priority; creating s. 420.628, F.S.; providing legislative findings and intent relating to young adults leaving foster care; amending s. 1003.01, F.S.; revising a definition; amending ss. 1003.21 and 1003.22, F.S.; conforming terminology; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 597** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 1122—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception; providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing an effective date.

—which was previously considered and amended this day.

POINT OF ORDER

Senator Lawson raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Policy and Steering Committee on Ways and Means.

The President referred the point of order and the amendment to Senator Villalobos, Chair of the Committee on Rules.

On motion by Senator Gaetz, further consideration of **CS for SB 1122** with pending point of order by Senator Lawson was deferred.

On motion by Senator Dean—

CS for SB 2334—A bill to be entitled An act relating to the Water Protection and Sustainability Program Trust Fund; amending s. 373.1961, F.S.; revising requirements for the use of moneys in the trust fund; authorizing the Northwest Florida Water Management District and the Suwannee River Water Management District to use a portion of moneys in the trust fund for specific purposes; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2334** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

CS for CS for SB 604—A bill to be entitled An act relating to confidential informants; creating Rachel's Law; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide a person who is requested to serve as a confidential informant the opportunity to consult with legal counsel; requiring training for persons involved in the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review its practices regarding confidential informants; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for CS for SB 604** to **CS for CS for HB 271**.

Pending further consideration of **CS for CS for SB 604** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for HB 271** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Fasano—

CS for CS for HB 271—A bill to be entitled An act relating to confidential informants; creating "Rachel's Law"; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide an opportunity to consult with legal counsel to a person who is requested to serve as a confidential informant; requiring training for persons involved with the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review confidential informant practices; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing that any failure to abide by the act does not create any additional right enforceable by a defendant in a criminal proceeding; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 604** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 271** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **SB 166**, **CS for SJR 532**, and **SJR 1828** were withdrawn from the Committee on Rules.

On motion by Senator Alexander, by two-thirds vote **CS for SB 784** was withdrawn from the Committee on Finance and Tax; and **CS for SJR 532**, **CS for SB 784**, **CS for SB 1006**, and **SJR 1828** were withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Villalobos, by two-thirds vote **SB 1136**, **CS for SB 910**, **CS for CS for CS for SB 2630**, **CS for SB 254**, **CS for CS for SB 206**, **SB 166**, **CS for SB 1006**, **CS for SJR 532**, **SJR 1828**, **CS for SB 784**, **CS for CS for SJR 1302**, **CS for CS for SB 2276**, and **CS for SB 1380** were added to the Special Order Calendar for Thursday, April 30.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and **CS for CS for HB 55** was retained on the Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 30.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 387, CS for HB 635, CS for HB 775, HB 777, CS for HB 1095, CS for HB 1113, CS for HB 1169, CS for HB 1369, CS for CS for HB 1375; has passed as amended HB 7145, HB 7157; has passed by the required constitutional three-fifths vote of the membership CS for HJR 833, CS for CS for HJR 919 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative(s) Rivera—

HB 387—A bill to be entitled An act relating to medical faculty certificates; amending s. 458.3145, F.S.; increasing the maximum number of medical faculty certificates issued to faculty at certain institutions; providing an effective date.

—was referred to the Committees on Health Regulation; Higher Education; and Higher Education Appropriations.

By Military & Local Affairs Policy Committee and Representative(s) Scionti, Abruzzo, Hukill, Jenne, Proctor, Sachs, Zapata—

CS for HB 635—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; clarifying and updating references with respect to courts-martial; amending s. 250.482, F.S.; revising applicability of provisions with respect to immunity from penalization for National Guard members ordered into state active duty by employers; requiring National Guard members to notify employers of intent to return to work; providing exceptions under which employers are not required to allow such members to return to work; providing for entitlement to seniority and other rights and benefits for National Guard members returning to work following state active duty; providing that such members may not be discharged from employment except for cause; providing rights and requirements with respect to use of vacation and leave by such members; removing a limitation with respect to the right of an employee ordered into state active duty to bring a civil action for a specified violation by an employer; amending s. 250.82, F.S.; clarifying provisions; creating s. 250.905, F.S.; providing for the imposition of a civil penalty for specified noncompliance with specified provisions of ch. 250, F.S., or with other specified provisions of federal law; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Judiciary; Commerce; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Military & Local Affairs Policy Committee and Representative(s) Porth, Clarke-Reed—

CS for HB 775—A bill to be entitled An act relating to the City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for governance of an annexed area; prohibiting land use designation or zoning changes and other annexations prior to subject annexation or defeat of annexation; providing applicability to candidacies for municipal office; providing for preservation of existing contracts; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Porth, Gibbons—

HB 777—A bill to be entitled An act relating to the City of West Park, Broward County; extending and enlarging the corporate limits of the City of West Park to include specified Town of Pembroke Park lands within the corporate limits of the City of West Park; providing an effective date of annexation; providing construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Porth, Rogers—

CS for HB 1095—A bill to be entitled An act relating to the Broward County Tourist Development Council; providing legislative findings; providing for appointment of additional members to the membership of the Broward County Tourist Development Council; specifying requirements for the council members; providing for duties, responsibilities, and procedures of the council; providing for superseding certain provisions of general law; providing construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Kreegel—

CS for HB 1113—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending chapter 2000-423, Laws of Florida, as amended; amending district boundaries; providing for a board of commissioners in lieu of a board of supervisors; revising beginning of terms; revising method for filling vacancies; revising meeting attendance requirements; providing penalties for unexcused absences from meetings; providing for a salary; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) O'Toole—

CS for HB 1169—A bill to be entitled An act relating to the City of Leesburg, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to nonprofit civic organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public rights-of-way and public parks in the downtown area of Leesburg; providing that such events require a special event permit from the city; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Economic Development & Community Affairs Policy Council and Representative(s) Patronis, Precourt—

CS for HB 1369—A bill to be entitled An act relating to Gulf County; authorizing the Department of Environmental Protection, notwithstanding s. 161.053, F.S., to issue a permit for a single-family dwelling on a parcel if the parcel is located in Gulf County and the applicant demonstrates the parcel for which the single-family dwelling is proposed was platted or subdivided by metes and bounds prior to January 1, 2009, the owner of the parcel for which the single-family dwelling is proposed does not own another parcel immediately adjacent to and landward of the parcel for which the dwelling is proposed, the proposed single-family dwelling is located landward of the frontal dune structure, and the proposed single-family dwelling will be as far landward on its parcel as is practicable without being located seaward of or on the frontal dune; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Finance & Tax Council, Military & Local Affairs Policy Committee and Representative(s) Frishe—

CS for CS for HB 1375—A bill to be entitled An act relating to the Tierra Verde Community, Pinellas County; providing requirements for the municipal annexation of the community; requiring a referendum of the electors within the community prior to such annexation; describing the community boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Select Committee on Seminole Indian Compact Review and Representative(s) Galvano—

HB 7145—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of the term "full schedule of live racing or games" in reference to quarter horse permitholders; amending s. 550.334, F.S.; revising provisions for permits to conduct quarter horse race meetings; removing provisions for application to the Division of Pari-mutuel Wagering for a permit to conduct quarter horse race meetings; removing provisions for granting a license to conduct quarter horse racing; revising a provision for governance and control of quarter horse racing; revising authorization to substitute races of other breeds of horses; providing for an exception to a prohibition against the transfer or conversion of a quarter horse permit; providing requirements for a quarter horse racing permitholder to be eligible to conduct intertrack wagering; providing requirements for a quarter horse racing permitholder to be eligible to operate a cardroom; removing certain provisions restricting intertrack wagering; creating s. 550.3345, F.S.; providing for the transfer of a quarter horse racing permit to a not-for-profit corporation; providing for membership and purpose of such corporation; providing for conversion of such permit to a limited thoroughbred permit; requiring net revenues derived by the not-for-profit corporation to be used for certain purposes relating to the thoroughbred horse racing industry; prohibiting live racing in certain locations during certain times; providing licensure requirements; providing for a change in location of the permit; prohibiting transfer of the converted permit; providing for application of state law to the permit and the corporation; providing an exception to certain provisions for failure to pay tax on handle; amending s. 551.106, F.S.; revising the license fee and tax rate for slot machine licensees; providing for minimum tax revenue from operation of slot machines; amending s. 849.086, F.S.; revising requirements for initial issuance of a cardroom license; requiring the permitholder to be licensed to conduct a full schedule of live racing or games during the state fiscal year in which the initial cardroom license is issued; permitting cardroom operators to operate 24 hours per day; increasing certain wager and buy-in limits; permitting charity tournaments under certain conditions; providing effective dates, including a contingent effective date.

—was referred to the Committee on Regulated Industries; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council and Representative(s) Bogdanoff—

HB 7157—A bill to be entitled An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full or partial exemption for land dedicated in perpetuity for conservation purposes; exempting certain real property encumbered by a conservation easement purchased by the federal or state government or by a local government; providing circumstances under which land consisting of less than 40 acres qualifies for such exemption; providing for the assessment of buildings and structures on exempted lands; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts; creating the Board of Conservation for certain purposes; providing for appointment of members; amending s. 193.501, F.S.; revising a cross-reference; amending s. 704.06, F.S.; requiring owners of property encumbered by a conservation easement to comply with marketable record title requirements to preserve the easement in perpetuity; amending s. 195.073, F.S.; specifying an additional real property assessment classification; amending s. 196.011, F.S.; providing requirements and procedures for renewal applications for exemptions for real property dedicated in perpetuity for conservation purposes; requiring owners of such property to notify the property appraiser when use of the property no longer qualifies for the exemption; providing penalties for failure to notify; providing for application of certain lien provisions; amending s. 192.0105, F.S.; conforming a cross-reference; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties with a population not exceeding 25,000; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

—was referred to the Committees on Community Affairs; Agriculture; Environmental Preservation and Conservation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council and Representative(s) Horner, Abruzzo, Burgin, Bush, Crisafulli, Holder, Precourt, Proctor, Sachs, Scionti, Zapata—

CS for HJR 833—House Joint Resolution A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 31 of Article XII of the State Constitution to provide an additional homestead property tax exemption for members of the military who receive a homestead exemption and were deployed on active duty outside the United States during the preceding year and provide an effective date.

—was referred to the Committees on Community Affairs; Military Affairs and Domestic Security; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Rules & Calendar Council, PreK-12 Policy Committee and Representative(s) Weatherford, Adkins, Coley, Hooper, Mayfield, Murzin, Nelson, Plakon, Precourt—

CS for CS for HJR 919—House Joint Resolution A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution to revise class size requirements for public schools and to provide an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

RETURNING MESSAGES ON HOUSE BILLS

CONFEREES APPOINTED

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 7157 and agree to conference.

The Speaker has appointed the following Representatives as conferees on the part of the House: Rep. Galvano, Chair; and At Large: Reps. Abruzzo, Adams, Gibbons and Hays.

Robert L. "Bob" Ward, Clerk

RETURNING MESSAGES ON SENATE BILLS

CONFEREES APPOINTED

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendment 1 to CS for CS for SB 788 and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker has appointed the following Representatives as conferees on the part of the House: Rep. Galvano, Chair; and At Large: Reps. Abruzzo, Adams, Gibbons and Hays.

Robert L. "Bob" Ward, Clerk

CONFEREES APPOINTED

The President appointed the following members to the Appropriations Conference Committee on Gaming for **CS for CS for SB 788** and **HB 7145**: Senator Jones, Chair; Senators Haridopolos, Altman and Lawson, At-Large; and Senators Deutch, Diaz de la Portilla and Pruitt.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1796, CS for SB 1804, CS for SB 2574 and CS for CS for SB 2694 as amended and that the Senate be asked to concur with the bills as passed by the House or failing such concurrence the House agrees to conference.

Robert L. "Bob" Ward, Clerk

CONFEREES APPOINTED

The President appointed the following conferees on **CS for CS for SB 1796**, **CS for SB 1804**, **CS for SB 2574** and **CS for CS for SB 2694**: Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Haridopolos and Lawson, Members at Large; Appropriations Conference Committee on Criminal and Civil Justice: Senator Crist, Chair; Senators Jones, Joyner, Villalobos and Wilson; Appropriations Conference Committee on Education Pre-K - 12: Senator Wise, Chair; Senators Bullard, Detert, Garcia, Richter and Siplin; Appropriations Conference Committee on Finance and Tax: Senator Altman, Chair; Senators Bennett, Justice, Pruitt and Ring; Appropriations Conference Committee on General Government: Senator Baker, Chair; Senators Aronberg, Dean, Lawson and Oelrich; Appropriations Conference Committee on Health and Human Services: Senator Peaden, Senators Gaetz, Haridopolos, Rich and Sobel; Appropriations Conference Committee on Higher Education: Senator Lynn, Chair; Senators Constantine, Deutch, Gelber and King; and Appropriations Conference Committee on Transportation and Economic Development: Senator Fasano, Chair; Senators Diaz de la Portilla, Dockery, Gardiner, Hill, Smith and Storms.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 30, CS for SB 46, CS for SB 58, CS for CS for SB 162, CS for SB 198, SB 234, SB 252, CS for CS for SB 278, SB 316, CS for SB 344, CS for SB 408, CS for SB 412, CS for CS for SB 456, CS for SB 522, SB 524, CS for CS for SB 526, CS for SB 554, CS for CS for SB 606, CS for SB 620, CS for SB 624, CS for CS for SB 714, CS for SB 718, CS for SB 720, CS for SB 742, CS for CS for SB 762, CS for CS for SB 766, CS for CS for SB 810, CS for SB 858, SB 872, CS for SB 948, CS for SB 1018, SB 1030, CS for CS for SB 1062, CS for CS for SB 1100, CS for CS for CS for SB 1128, CS for CS for SB 1144, CS for SB 1534, CS for CS for SB 1616, CS for CS for SB 1640, CS for CS for SB 1868, CS for CS for CS for SB 1986, SB 2064, CS for CS for SB 2150, CS for SB 2188, CS for CS for SB 2252, CS for SB 2504, CS for CS for SB 2538, CS for CS for SB 2612, CS for SB 2666, CS for CS for SB 2682 and CS for CS for SB 2700; adopted CS for SM 152 and SM 1330.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-INTRODUCERS

Senators Haridopolos—CS for CS for CS for SB 2244; Justice—CS for CS for SB 2322

RECESS

On motion by Senator Villalobos, the Senate recessed at 5:55 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 30 or upon call of the President.

Journal of the Senate

Number 17—Regular Session **Thursday, April 30, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 10:00 a.m. A quorum present—40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

PRAYER

The following prayer was offered by Rev. Lupton P. Abshire, Rector, St. John's Episcopal Church, Tallahassee:

O Eternal Lord God, from whom alone comes true wisdom and understanding; mutual consideration and compassion; strength and quiet confidence. We beseech you to direct aright the minds, hearts, and wills of these Senators and fellow Floridians gathered here today who are about to take counsel together on matters pertaining to the common life of our great State of Florida; that in all their deliberations and decisions they may faithfully discharge the duties of their office, and ever promote the health, the safety, and the well-being of all those whom they seek to serve.

Keep them ever mindful of the aged and infirmed, the widowed and orphans, the sick and suffering; the poor and oppressed, the unemployed and the destitute, prisoners and captives, and all those who remember and care for them; and all this, we pray, for your love's sake. Amen.

PLEDGE

Senate Pages Artaveya Ingram of Tallahassee; Nick Powell and Rose Laure Jean-Joseph of Miami; and Victoria S. Webster, daughter of former Senator Daniel Webster, of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dennis F. Saver of Vero Beach, sponsored by Senator Haridopolos, as doctor of the day. Dr. Saver specializes in Family Medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Hill—

By Senator Hill—

SR 972—A resolution urging support of the American Stroke Association's "Power to End Stroke" campaign and recognizing May 2009 as "Power to End Stroke Month" in Florida.

WHEREAS, stroke is the third leading cause of death in the United States, striking about 700,000 Americans each year and killing 150,000, and

WHEREAS, stroke is also a leading cause of serious long-term disability in the United States, with more than 1.1 million adults experiencing functional limitations or difficulty with activities of daily living resulting from stroke, and

WHEREAS, on the average, a stroke occurs every 45 seconds in the United States and takes a life every 3 minutes, and

WHEREAS, the estimated direct and indirect costs of stroke in the United States this year will be more than $62 billion, and

WHEREAS, the majority of Americans are unaware of their risk factors for a stroke and are unaware of the signs and symptoms of an impending stroke, and

WHEREAS, statistics show that African Americans have almost twice the risk of a first stroke compared to Caucasians, primarily because of their increased risk of hypertension, high cholesterol, and diabetes, and

WHEREAS, the American Stroke Association in 2008 launched the "Power to End Stroke" campaign, the goal of which is to educate and empower African Americans, as well as those of other ethnic groups, to fight stroke in their communities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes May 2009 as "Power to End Stroke Month" in Florida and urges all residents of this state to recognize that stroke must be taken seriously in order to reduce its risks.

BE IT FURTHER RESOLVED that the Senate urges all Floridians to support the American Stroke Association's "Power to End Stroke" campaign by becoming familiar with the warning signs, symptoms, and risk factors associated with stroke and living stronger, healthier lives.

—**SR 972** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2808—A resolution recognizing August 8, 2009, as "'Bullet' Bob Hayes Day" in Florida.

WHEREAS, Robert Lee Hayes was born on December 20, 1942, in Jacksonville and attended Jacksonville's Matthew Gilbert High School, where he was a standout on the football and track and field teams, and

WHEREAS, "Bullet" Bob Hayes attended Florida Agricultural and Mechanical University, where he remained a two-sport stand-out in both track and football and was the Amateur Athletic Union 100-yard dash champion from 1962–1964 and the National Collegiate Athletic Association 200-meter dash champion in 1964, and

WHEREAS, at the 1964 Summer Olympics in Tokyo, Japan, "Bullet" Bob Hayes won the 100-meter gold medal, tying the then-world record of 10.05 seconds, and anchored the United States 400-meter relay team to a gold medal victory in a world record 39.06 seconds, where his relay split of 8.6 seconds earned him the title "World's Fastest Human," and

WHEREAS, in 1964, the National Football League's Dallas Cowboys drafted "Bullet" Bob Hayes in the seventh round, taking a chance on a sprinter with blazing speed, and

WHEREAS, in addition to playing wide receiver, "Bullet" Bob Hayes returned punts for the Cowboys and was the NFL's leading punt returner in 1968 with a 20.8 yards-per-return average and two touchdowns, including a 90-yard touchdown against the Pittsburgh Steelers, and

WHEREAS, playing with speed that forced opposing teams' defenses to change to the zone style of defense, "Bullet" Bob Hayes was named to the NFL Pro Bowl three times and the NFL All Pro Team four times, and

WHEREAS, "Bullet" Bob Hayes helped Dallas win five Eastern Conference titles and two National Football Conference titles, played in two Super Bowls, and was instrumental in Dallas' first-ever Super Bowl victory in 1972, making Hayes the only person to win both an Olympic gold medal and a Super Bowl ring, and

WHEREAS, for his many outstanding contributions to the Dallas Cowboys' football organization, "Bullet" Bob Hayes was enshrined in the Dallas Cowboys' Ring of Honor in 2001, and

WHEREAS, after battling with prostate cancer and liver ailments, "Bullet" Bob Hayes died of kidney failure in his hometown of Jacksonville on September 18, 2002, and

WHEREAS, "Bullet" Bob Hayes was selected as a member of the Pro Football Hall of Fame's Class of 2009 and will be enshrined on August 8, 2009, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That in recognition of the tremendous talents and achievements of Robert Lee Hayes, August 8, 2009, is recognized as "'Bullet' Bob Hayes Day" in Florida.

—**SR 2808** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2810—A resolution recognizing May 12, 2009, as "Fibromyalgia Awareness Day" in Florida.

WHEREAS, an estimated 10 million people in the United States and millions of people worldwide have been diagnosed with fibromyalgia, a disease for which there is no known cause or cure, and

WHEREAS, it often takes an average of 5 years to receive a diagnosis of fibromyalgia, and medical professionals frequently are inadequately educated on the diagnosis and treatment of fibromyalgia, and

WHEREAS, fibromyalgia is a chronic pain disorder that is becoming an increasingly common diagnosis and taking a toll emotionally, financially, and socially on patients, their family, friends, coworkers, and communities, and

WHEREAS, fibromyalgia is life-altering, preventing patients from contributing to society at the level they once did because of myriad symptoms that can come and go unpredictably and vary in severity, and

WHEREAS, the chronically ill place a larger burden on the health care and insurance systems and employers due to the costs associated with treatment, medications, and sometimes hospitalizations associated with the disorder, and

WHEREAS, society as a whole is also affected when patients are physically unable to work and must depend on government assistance to survive, and

WHEREAS, increased awareness and expanded knowledge of the realities of life with fibromyalgia will allow the community at large to better support patients and their families, friends, coworkers, and employers who struggle with the challenges of this chronic-pain disorder, and

WHEREAS, the National Fibromyalgia Association is a nonprofit charitable organization and the publisher of Fibromyalgia AWARE, the first and only consumer magazine on fibromyalgia, and

WHEREAS, the National Fibromyalgia Association and Fibro Chronic Babes of Jacksonville and other groups around the country have joined together to promote fibromyalgia awareness and support, including improved education, diagnosis, research, and treatment, and

WHEREAS, the National Fibromyalgia Association is urging fibromyalgia patients and their supporters, health care providers, and the public to join its efforts on or around May 12, 2009, to walk for a solution in their community or participate in an effort to bring awareness to the far-reaching effects of fibromyalgia, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That May 12, 2009 is recognized as "Fibromyalgia Awareness Day" in Florida, and the Senate urges all Floridians to support the search for a cure and assist individuals and families in dealing with this disorder.

—**SR 2810** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 2108 with an amendment and that the Senate be asked to concur with the bill as amended by the House or agree to conference.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 2108—A bill to be entitled An act relating to the clerks of court; amending s. 25.381, F.S.; requiring the Supreme Court and Attorney General to jointly enter into a contract with a vendor to publish copies of Florida cases; amending s. 28.241, F.S.; redirecting a portion of certain civil filing fees to the Clerks of the Court Trust Fund within the Justice Administrative Commission; eliminating a requirement that a portion of such fees be deposited into the Department of Financial Services' Administrative Trust Fund; amending s. 28.246, F.S.; requiring the clerk to refer certain unpaid accounts to a private attorney or a collection agent; amending s. 28.35, F.S.; providing for the Florida Clerks of Court Operations Corporation to be administratively housed within the Justice Administrative Commission; requiring the Chief Justice of the Supreme Court to designate a member of the corporation's executive council to represent the state courts system; deleting provisions exempting the corporation from ch. 287, F.S., relating to

procurement, and from ch. 120, F.S., relating to administrative procedures; revising the duties of the corporation; requiring that the Florida Clerks of Court Operations Corporation develop measures and standards for reviewing the performance of clerks of court and notify the Legislature and the Supreme Court of any clerk not meeting the standards; conforming cross-references; deleting provisions relating to the certification of the amount of the proposed budget for each clerk; providing for the clerks of court to be funded pursuant to state appropriations rather than from filing fees, service charges, court costs, and fines; providing for the Florida Clerks of Court Operations Corporation to be funded pursuant to the General Appropriations Act rather than a contract with the Chief Financial Officer; revising requirements for the audits of clerks of court; amending s. 28.36, F.S.; providing a procedure for the clerks of court to prepare budget requests for submission to the Florida Clerks of Court Operations Corporation, with a copy to the Supreme Court; providing requirements for the budget requests; requiring the corporation to determine whether projected court-related revenues are less than the proposed budget for a clerk; requiring that a clerk increase fees and service charges to resolve a deficit; requiring the corporation to compare a clerk's expenditures and costs with the clerk's peer group and for the clerk to submit documentation justifying higher expenditures; requiring that the corporation and the Chief Financial Officer review the clerks' budget requests and make recommendations to the Legislature; authorizing the Chief Financial Officer to conduct, and the Chief Justice of the Supreme Court to request, an audit of the corporation or a clerk of court; providing for the Legislature to make appropriations for the budgets of the clerks; requiring that the corporation release appropriations each quarter; deleting provisions authorizing the Legislative Budget Commission to approve budgets; amending s. 28.37, F.S.; clarifying the requirement for all court-related fines, fees, service charges, and costs to be deposited into the Clerks of the Court Trust Fund; deleting obsolete provisions relating to the funding of the clerks of court; requiring that a specified percentage of all court-related fines collected by the clerk be deposited into the clerk's Public Records Modernization Trust Fund and used exclusively for additional court-related operational needs and programs; amending s. 34.041, F.S., relating to filing fees; conforming provisions to changes made by the act; amending s. 43.16, F.S., relating to the duties of the Justice Administrative Commission; conforming provisions to the transfer of the Florida Clerks of Court Operations Corporation to the commission; amending s. 43.27, F.S.; requiring that the clerk of court obtain the consent of the chief judge of the circuit concerning the clerk's office hours; amending s. 45.035, F.S.; revising the service charge for certain sales conducted by electronic means; requiring the service charge to be paid by the winning bidder; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; amending s. 197.542, F.S.; adding the costs to conduct an electronic tax deed sale to certain other costs which must be paid by the certificate holder; amending s. 318.18, F.S.; authorizing certain local governments to impose a surcharge on certain infractions or violations to repay bonds relating to court facilities; requiring a clerk of court to report the amount of surcharge collections; requiring that the clerks of court submit financial data to the Executive Office of the Governor; transferring the Clerks of the Court Trust Fund from the Department of Revenue to the Justice Administrative Commission; providing a finding that the act fulfills an important state interest; providing an effective date.

House Amendment 1 (153253) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 28.241, Florida Statutes, are amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1)(a) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to $295 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $85 in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, *$3.50* ~~and $5~~ must be remitted to the Department of Revenue for deposit into the *Clerks of the Court Trust Fund within the Justice Administrative Commission and used* ~~Department of Financial Services' Administrative Trust Fund~~ to fund ~~the contract with~~ the Florida Clerks of Court Operations Corporation created in s. 28.35*, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services*. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund. One-third of any filing fees collected by the clerk of the circuit court in excess of $100 shall be remitted to the Department of Revenue for deposit into the ~~Department of Revenue~~ Clerks of the Court Trust Fund *within the Justice Administrative Commission*. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the *Clerks of the Court* ~~Department of Financial Services Administrative~~ Trust Fund *within the Justice Administrative Commission* to fund clerk education. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized herein or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed $50. For purposes of this section, a case is reopened when a case previously reported as disposed of is resubmitted to a court and includes petitions for modification of a final judgment of dissolution. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;

2. A writ of replevin;

3. A distress writ;

4. A writ of attachment;

5. A motion for rehearing filed within 10 days;

6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;

7. A motion for dismissal filed after a mediation agreement has been filed;

8. A disposition of personal property without administration;

9. Any probate case prior to the discharge of a personal representative;

10. Any guardianship pleading prior to discharge;

11. Any mental health pleading;

12. Motions to withdraw by attorneys;

13. Motions exclusively for the enforcement of child support orders;

14. A petition for credit of child support;

15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;

16. Stipulations;

17. Responsive pleadings; or

18. Cases in which there is no initial filing fee.

(c) Any party other than a party described in paragraph (a) who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, or third-party complaint shall pay the clerk of court a fee of $295. The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.

(d) The clerk of court shall collect a service charge of $10 for issuing a summons. The clerk shall assess the fee against the party seeking to have the summons issued.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed $280 for filing a notice of appeal from the county court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, $100 for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee. The clerk shall remit the first $80 to the Department of Revenue for deposit into the General Revenue Fund. ~~One third of the fee collected by the clerk in excess of $80 also shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.~~

Section 2. Paragraph (b) of subsection (5) and subsection (6) of section 28.246, Florida Statutes, are amended to read:

28.246 Payment of court-related fees, charges, and costs; partial payments; distribution of funds.—

(5) When receiving partial payment of fees, service charges, court costs, and fines, clerks shall distribute funds according to the following order of priority:

(b) That portion of fees, service charges, court costs, and fines which are required to be retained by the clerk of the court or deposited into the Clerks of the Court Trust Fund *within the Justice Administrative Commission*.

To offset processing costs, clerks may impose either a per-month service charge pursuant to s. 28.24(26)(b) or a one-time administrative processing service charge at the inception of the payment plan pursuant to s. 28.24(26)(c).

(6) A clerk of court *shall* ~~may~~ pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney's fees and costs pursuant to s. 938.29 which remain unpaid *after* ~~for~~ 90 days *by referring* ~~or more, or refer~~ the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find this to be cost-effective and follow any applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

Section 3. Section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(1)(a) The Florida Clerks of Court Operations Corporation is ~~hereby~~ created as a public corporation organized to perform the functions specified in this section *and s. 28.36 and shall be administratively housed within the Justice Administrative Commission. The corporation shall be a budget entity within the Justice Administrative Commission, and its employees shall be considered state employees. The corporation is not subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the corporation shall be governed by the classification plan and salary and benefits plan of the Justice Administrative Commission. The classification plan must have a separate chapter for the corporation.* All clerks of the circuit court shall be members of the corporation and hold their position and authority in an ex officio capacity. The functions assigned to the corporation shall be performed by an executive council pursuant to the plan of operation approved by the members.

(b) The executive council shall be composed of eight clerks of the court elected by the clerks of the courts for a term of 2 years, with two clerks from counties with a population of fewer than 100,000, two clerks from counties with a population of at least 100,000 but fewer than 500,000, two clerks from counties with a population of at least 500,000 but fewer than 1 million, and two clerks from counties with a population of more than 1 million. *The executive council shall also include, as ex officio members, a designee of the President of the Senate and a designee of the Speaker of the House of Representatives. The Chief Justice of the Supreme Court shall designate one additional member to represent the state courts system.*

(c) The corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. ~~The corporation is not subject to the procurement provisions of chapter 287 and policies and decisions of the corporation relating to incurring debt, levying assessments, and the sale, issuance, continuation, terms, and claims under corporation policies, and all services relating thereto, are not subject to the provisions of chapter 120.~~

(d) The functions assigned to the corporation under this section and ss. 28.36 and 28.37 are considered to be for a valid public purpose.

(2) The duties of the corporation shall include the following:

(a) Adopting a plan of operation.

(b) Conducting the election of directors as required in paragraph (1)(a).

(c) Recommending to the Legislature changes in the various court-related fines, fees, service charges, and court costs established by law ~~to ensure reasonable and adequate funding of the clerks of the court in the performance of their court related functions~~.

~~(d) Pursuant to contract with the Chief Financial Officer, establishing a process for the review and certification of proposed court-related budgets submitted by clerks of the court for completeness and compliance with this section and ss. 28.36 and 28.37. This process shall be designed and be of sufficient detail to permit independent verification and validation of the budget certification. The contract shall specify the process to be used in determining compliance by the corporation with this section and ss. 28.36 and 28.37.~~

(d) ~~(e)~~ Developing and certifying a uniform system of performance measures and applicable performance standards for the functions specified in *paragraph (3)(a) and the service unit costs required in s. 28.36* ~~paragraph (4)(a)~~ and *measures for* clerk performance in meeting the performance standards. These measures and standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. *The corporation shall develop the performance measures and performance standards in consultation with the Legislature and the Supreme Court. The Legislature may modify the clerk performance measures and performance standards in legislation implementing the General Appropriations Act or other law.* When the corporation finds a clerk has not met the performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. *The corporation shall notify the Legislature and the Supreme Court of any clerk not meeting performance standards and provide a copy of any corrective action plans.*

(e) ~~(f)~~ Reviewing ~~and certifying~~ proposed budgets submitted by clerks of the court *pursuant to s. 28.36* ~~utilizing the process approved by the Chief Financial Officer pursuant to paragraph (d) for the purpose of making the certification in paragraph (3)(a). As part of this process, the corporation shall:~~

~~1. Calculate the maximum authorized annual budget pursuant to the requirements of s. 28.36.~~

~~2. Identify those proposed budgets exceeding the maximum annual budget pursuant to s. 28.36(5) for the standard list of court-related functions specified in paragraph (4)(a).~~

~~3. Identify those proposed budgets containing funding for items not included on the standard list of court-related functions specified in paragraph (4)(a).~~

~~4. Identify those clerks projected to have court-related revenues insufficient to fund their anticipated court-related expenditures.~~

(f) ~~(g)~~ Developing and conducting clerk education programs.

(g) ~~(h)~~ Publishing a uniform schedule of actual fees, service charges, and costs charged by a clerk of the court ~~for court-related functions~~ pursuant to general law.

~~(3)(a) The Clerks of Court Operations Corporation shall certify to the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Department of Revenue by October 15 of each year, the amount of the proposed budget certified for each clerk; the revenue projection supporting each clerk's budget; each clerk eligible to retain some or all of the state's share of fines, fees, service charges, and costs; the amount to be paid to each clerk from the Clerks of the Court Trust Fund within the Department of Revenue; the performance measures and standards approved by the corporation for each clerk; and the performance of each clerk in meeting the performance standards.~~

~~(b) Prior to December 1 of each year, the Chief Financial Officer shall review the certifications made by the corporation for the purpose of determining compliance with the approved process and report its findings to the President of the Senate, the Speaker of the House of Representatives and to the Department of Revenue. To determine compliance with this process, the Chief Financial Officer may examine the budgets submitted to the corporation by the clerks.~~

(3) ~~(4)~~(a) The ~~list of~~ court-related functions *that* clerks may *perform are* ~~fund from filing fees, service charges, court costs, and fines shall be~~ limited to those functions expressly authorized by law or court rule. Those functions ~~must~~ include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses; payment of expenses for meals or lodging provided to jurors; data collection and reporting; processing of jurors; determinations of indigent status; and reasonable administrative support ~~costs~~ to enable the clerk of the court to carry out these court-related functions.

(b) The ~~list of~~ functions *that* clerks may not fund from *state appropriations* ~~filing fees, service charges, court costs, and fines shall~~ include:

1. Those functions not specified within paragraph (a).

2. Functions assigned by administrative orders which are not required for the clerk to perform the functions in paragraph (a).

3. Enhanced levels of service which are not required for the clerk to perform the functions in paragraph (a).

4. Functions identified as local requirements in law or local optional programs.

(4) ~~(5)~~ The corporation shall *prepare a legislative budget request for the resources necessary to perform its duties, submit the request pursuant to chapter 216, and* be funded *as a budget entity in the General Appropriations Act* ~~pursuant to contract with the Chief Financial Officer. Funds shall be provided to the Chief Financial Officer for this purpose as appropriated by general law. These funds shall be available to the corporation for the performance of the duties and responsibilities as set forth in this section.~~ The corporation may hire staff and pay other expenses from *state appropriations* ~~these funds~~ as necessary to perform the official duties and responsibilities of the corporation as described *by law* ~~in this section~~.

(5) ~~(6)~~(a) The corporation shall submit an annual audited financial statement to the Auditor General in a form and manner prescribed by the Auditor General. The Auditor General shall conduct an annual audit of the operations of the corporation, including the use of funds and compliance with the provisions of this section and ss. 28.36 and 28.37.

(b) Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether or not the clerks of the courts have complied with the *requirements of this section and s. 28.36. In addition, each clerk of court shall forward a copy of the portion of the financial audit relating to the court-related duties of the clerk of court to the Supreme Court* ~~budgets certified by the Florida Clerk of Courts Operations Corporation pursuant to the budget review process pursuant to contract with the Chief Financial Officer and with the performance standards developed and certified pursuant to this section.~~ The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable performance standards certified by the corporation.

Section 4. Section 28.36, Florida Statutes, is amended to read:

28.36 Budget procedure.—There is ~~hereby~~ established a budget procedure for the *preparing budget requests for funding for the* court-related functions of the clerks of the court.

(1) Each clerk of court shall prepare a budget request for the last quarter of the county fiscal year and the first three quarters of the next county fiscal year. The proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Florida Clerks of Court Operations Corporation in the manner and form prescribed by the corporation to meet the requirements of law. Each clerk shall forward a copy of his or her budget request to the Supreme Court. The budget requests must be provided to the corporation by October 1 of each year.

~~(1) Only those functions on the standard list developed pursuant to s. 28.35(4)(a) may be funded from fees, service charges, court costs, and fines retained by the clerks of the court. No clerk may use fees, service charges, court costs, and fines in excess of the maximum budget amounts as established in subsection (5).~~

~~(2) For the period July 1, 2004, through September 30, 2004, and for each county fiscal year ending September 30 thereafter, each clerk of the court shall prepare a budget relating solely to the performance of the standard list of court related functions pursuant to s. 28.35(4)(a).~~

~~(3) Each proposed budget shall further conform to the following requirements:~~

~~(a) On or before August 15 for each fiscal year thereafter, the proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Clerks of Court Operations Corporation in the manner and form prescribed by the corporation. The proposed budget must provide detailed information on the anticipated revenues available and expenditures necessary for the performance of the standard list of court-related functions of the clerk's office developed pursuant to s. 28.35(4)(a) for the county fiscal year beginning the following October 1.~~

~~(b) The proposed budget must be balanced, such that the total of the estimated revenues available must equal or exceed the total of the anticipated expenditures. These revenues include the following: cash balances brought forward from the prior fiscal period; revenue projected to be received from fees, service charges, court costs, and fines for court-related functions during the fiscal period covered by the budget; and supplemental revenue that may be requested pursuant to subsection (4). The anticipated expenditures must be itemized as required by the corporation, pursuant to contract with the Chief Financial Officer.~~

~~(c) The proposed budget may include a contingency reserve not to exceed 10 percent of the total budget, provided that, overall, the proposed budget does not exceed the limits prescribed in subsection (5).~~

~~(4) If a clerk of the court estimates that available funds plus projected revenues from fines, fees, service charges, and costs for court-related services are insufficient to meet the anticipated expenditures for the standard list of court related functions in s. 28.35(4)(a) performed by his or her office, the clerk must report the revenue deficit to the Clerks of Court Operations Corporation in the manner and form prescribed by the corporation pursuant to contract with the Chief Financial Officer. The corporation shall verify that the proposed budget is limited to the standard list of court related functions in s. 28.35(4)(a).~~

(2) ~~(a)~~ *Each clerk shall include in his or her budget request a projection of the amount of court-related fees, service charges, and any other court-related clerk fees which will be collected during the proposed budget period.* If the corporation *determines* ~~verifies~~ that the proposed budget is limited to the standard list of court-related functions in *s. 28.35(3)(a)* ~~s. 28.35(4)(a)~~ and *the projected court-related revenues are less than the proposed budget, the* ~~a revenue deficit is projected, a~~ clerk ~~seeking to retain revenues pursuant to this subsection~~ shall increase all fees, ser-

vice charges, and any other court-related clerk fees and charges to the maximum amounts specified by law or the amount necessary to resolve the deficit, whichever is less.

(3) Each clerk shall include in his or her budget request the number of personnel and the proposed budget for each of the following core services:

(a) Case processing.

(b) Financial processing.

(c) Jury management.

(d) Information and reporting.

Central administrative costs shall be allocated among the core-services categories.

(4) The budget request must identify the service units to be provided within each core service. The service units shall be developed by the corporation, in consultation with the Supreme Court, the Chief Financial Officer, and the appropriation committees of the Senate and the House of Representatives.

(5) The budget request must propose a unit cost for each service unit. The corporation shall provide a copy of each clerk's budget request to the Supreme Court.

(6) The corporation shall review each individual clerk's prior-year expenditures, projected revenue, proposed unit costs, and the proposed budget for each of the core-services categories. The corporation shall compare each clerk's prior-year expenditures and unit costs for core services with a peer group of clerks' offices having a population of a similar size and a similar number of case filings. If the corporation finds that the expenditures, unit costs, or proposed budget of a clerk are significantly higher than those of clerks in that clerk's peer group, the corporation shall require the clerk to submit documentation justifying the difference in each core-services category. Justification for higher expenditures may include, but are not limited to, collective bargaining agreements, county civil service agreements, and the number and distribution of courthouses served by the clerk. If the expenditures and unit costs are not justified, the corporation shall recommend a reduction in the funding for that core-services category in the budget request to an amount similar to the peer group of clerks or to an amount that the corporation determines is justified.

(7) The corporation shall complete its review and adjustments to the clerks' budget requests and make its recommendations to the Legislature and the Supreme Court by December 1 each year.

(8) The Chief Financial Officer shall review the proposed unit costs associated with each clerk of court's budget request and make recommendations to the Legislature. The Chief Financial Officer may conduct any audit of the corporation or a clerk of court as authorized by law. The Chief Justice of the Supreme Court may request an audit of the corporation or any clerk of court by the Chief Financial Officer.

(9) The Legislature shall appropriate the total amount for the budgets of the clerks in the General Appropriations Act. The Legislature may reject or modify any or all of the unit costs recommended by the corporation. If the Legislature does not specify the unit costs in the General Appropriations Act or other law, the unit costs recommended by the corporation shall be the official unit costs for that budget period.

(10) For the 2009-2010 fiscal year, the corporation shall release appropriations in an amount equal to one-twelfth of each clerk's approved budget each month. The statewide total appropriation for the 2009-2010 fiscal year shall be set in the General Appropriations Act. The corporation shall determine the amount of each clerk of court budget, but the statewide total of such amounts may not exceed the amount listed in the General Appropriations Act. Beginning in the 2010-2011 fiscal year, the corporation shall release appropriations to each clerk quarterly. The amount of the release shall be based on the prior quarter's performance of service units identified in the four core services and the established unit costs for each clerk. ~~If, after increasing fees, service charges, and any other court-related clerk fees and charges to the maximum amounts specified by law, a revenue deficit is still projected, the corporation shall, pursuant to the terms of the contract with the Chief Financial Officer, certify a revenue deficit and notify the Department of Revenue that the clerk is authorized to retain revenues, in an amount necessary to fully fund the projected revenue deficit, which he or she would otherwise be required to remit to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue deficit is projected for that clerk after retaining all of the projected collections from the court related fines, fees, service charges, and costs, the Department of Revenue shall certify the amount of the revenue deficit amount to the Executive Office of the Governor and request release authority for funds appropriated for this purpose from the Department of Revenue Clerks of the Court Trust Fund. Notwithstanding provisions of s. 216.192 related to the release of funds, the Executive Office of the Governor may approve the release of funds appropriated to resolve projected revenue deficits in accordance with the notice, review, and objection procedures set forth in s. 216.177 and shall provide notice to the Chief Financial Officer. The Department of Revenue is directed to request monthly distributions from the Chief Financial Officer in equal amounts to each clerk certified to have a revenue deficit, in accordance with the releases approved by the Governor.~~

~~(b) If the Chief Financial Officer finds the court related budget proposed by a clerk includes functions not included in the standard list of court related functions in s. 28.35(4)(a), the Chief Financial Officer shall notify the clerk of the amount of the proposed budget not eligible to be funded from fees, service charges, costs, and fines for court related functions and shall identify appropriate corrective measures to ensure budget integrity. The clerk shall then immediately discontinue all ineligible expenditures of court related funds for this purpose and reimburse the Clerks of the Court Trust Fund for any previously ineligible expenditures made for non-court related functions, and shall implement any corrective actions identified by the Chief Financial Officer.~~

~~(5)(a) For the county fiscal year October 1, 2004, through September 30, 2005, the maximum annual budget amount for the standard list of court related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall not exceed:~~

~~1. One hundred and three percent of the clerk's estimated expenditures for the prior county fiscal year; or~~

~~2. One hundred and five percent of the clerk's estimated expenditures for the prior county fiscal year for those clerks in counties that for calendar years 1998-2002 experienced an average annual increase of at least 5 percent in both population and case filings for all case types as reported through the Summary Reporting System used by the state courts system.~~

~~(b) For the county fiscal year 2005-2006, the maximum budget amount for the standard list of court related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall be the approved budget for county fiscal year 2004-2005 adjusted by the projected percentage change in revenue between the county fiscal years 2004-2005 and 2005-2006.~~

~~(c) For the county fiscal years 2006-2007 and thereafter, the maximum budget amount for the standard list of court related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall be established by first rebasing the prior fiscal year budget to reflect the actual percentage change in the prior fiscal year revenue and then adjusting the rebased prior fiscal year budget by the projected percentage change in revenue for the proposed budget year. The rebasing calculations and maximum annual budget calculations shall be as follows:~~

~~1. For county fiscal year 2006-2007, the approved budget for county fiscal year 2004-2005 shall be adjusted for the actual percentage change in revenue between the two 12-month periods ending June 30, 2005, and June 30, 2006. This result is the rebased budget for the county fiscal year 2005-2006. Then the rebased budget for the county fiscal year 2005-2006 shall be adjusted by the projected percentage change in revenue between the county fiscal years 2005-2006 and 2006-2007. This result shall be the maximum annual budget amount for the standard list of court related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court for each clerk for the county fiscal year 2006-2007.~~

~~2. For county fiscal year 2007-2008, the rebased budget for county fiscal year 2005-2006 shall be adjusted for the actual percentage change in revenue between the two 12-month periods ending June 30, 2006, and June 30, 2007. This result is the rebased budget for the county fiscal year 2006-2007. The rebased budget for county fiscal year 2006-2007 shall be adjusted by the projected percentage change in revenue between the county fiscal years 2006-2007 and 2007-2008. This result shall be the maximum annual budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court for county fiscal year 2007-2008.~~

~~3. For county fiscal years 2008-2009 and thereafter, the maximum budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall be calculated as the rebased budget for the prior county fiscal year adjusted by the projected percentage change in revenues between the prior county fiscal year and the county fiscal year for which the maximum budget amount is being authorized. The rebased budget for the prior county fiscal year shall always be calculated by adjusting the rebased budget for the year preceding the prior county fiscal year by the actual percentage change in revenues between the 12-month period ending June 30 of the year preceding the prior county fiscal year and the 12-month period ending June 30 of the prior county fiscal year.~~

~~(6) The Legislative Budget Commission may approve increases to the maximum annual budgets approved for individual clerks of the court pursuant to this section for court-related duties, if either of the following conditions exist:~~

~~(a) The additional funding is necessary to pay the cost of performing new or additional functions required by changes in law or court rule. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues, and evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs.~~

~~(b) The additional funding is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues; evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs; and a proposed staffing model, including the cost and number of staff necessary to support each new judge or magistrate.~~

~~The total amount of increases approved by the Legislative Budget Commission for each county fiscal year shall not exceed an amount equal to 2 percent of the maximum annual budgets approved pursuant to this section for all clerks, in the aggregate, for that same county fiscal year.~~

(11) ~~(7)~~ The corporation may submit proposed legislation to the Governor, the President of the Senate, and the Speaker of the House of Representatives *relating to the preparation of budget requests of the clerks of court* ~~no later than November 1 in any year for approval of clerk budget request amounts exceeding the restrictions in this section for the following October 1. If proposed legislation is recommended, the corporation shall also submit supporting justification with sufficient detail to identify the specific proposed expenditures that would cause the limitations to be exceeded for each affected clerk and the estimated fiscal impact on state revenues.~~

Section 5. Section 28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to the state.—

(1) Pursuant to s. 14(b), Art. V of the State Constitution, selected salaries, costs, and expenses of the state courts system and court-related functions shall be funded from a portion of the revenues derived from statutory fines, fees, service charges, and costs collected by the clerks of the court.

(2) Except as otherwise provided in ss. 28.241 and 34.041, all court-related fines, fees, service charges, and costs are considered state funds and shall be remitted by the clerk to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission. However, 10 percent of all court-related fines collected by the clerk shall be deposited into the clerk's Public Records Modernization Trust Fund to be used exclusively for additional clerk court-related operational needs and program enhancements.

~~(2) Beginning August 1, 2004, except as otherwise provided in ss. 28.241 and 34.041, one third of all fines, fees, service charges, and costs collected by the clerks of the court during the prior month for the performance of court related functions shall be remitted to the Department of Revenue for deposit in the Department of Revenue Clerks of the Court Trust Fund. These collections do not include funding received for the operation of the Title IV-D child support collections and disbursement program. The clerk of the court shall remit the revenues collected during the prior month due to the state on or before the 20th day of each month. The Department of Revenue shall make a monthly transfer of the funds in the Department of Revenue Clerks of the Court Trust Fund that are not needed to resolve clerk of the court revenue deficits, as specified in s. 28.36, to the General Revenue Fund.~~

~~(3) For the period of October 1, 2003, to June 30, 2004, those clerks operating as fee officers for court-related services shall determine the amount of fees collected and expenses generated for court-related services. Any excess fees generated during this period shall be remitted to the county on December 31, 2004. However, any billings for payment of due process services rendered before July 1, 2004, may be paid by the clerk from these funds. Due process services shall include, but not be limited to, court reporter services, court interpreter services, expert witness services, mental health evaluations, and court appointed counsel services. In addition, any deficit experienced by the clerk for court-related services during the period from October 1, 2003, to June 30, 2004, shall be funded by the county.~~

~~(4) Beginning January 1, 2005, for the period July 1, 2004, through September 30, 2004, and each January 1 thereafter for the preceding county fiscal year of October 1 through September 30, the clerk of the court must remit to the Department of Revenue for deposit in the General Revenue Fund the cumulative excess of all fees, service charges, court costs, and fines retained by the clerks of the court, plus any funds received by the clerks of the court from the Department of Revenue Clerk of the Court Trust Fund under s. 28.36(4)(a), over the amount needed to meet the approved budget amounts established under s. 28.36.~~

~~(5) The Department of Revenue shall collect any funds that the corporation determines upon investigation were due on January 1 but not remitted to the department.~~

Section 6. Subsection (1) of section 28.43, Florida Statutes, is amended to read:

28.43 Adoption of rules relating to ss. 28.35, 28.36, and 28.37.—

(1) The Department of Revenue may adopt rules necessary to carry out its responsibilities in ss. 28.35, 28.36, and 28.37. The rules shall include forms and procedures for transferring funds from the clerks of the court to the Clerks of the Court Trust Fund within the *Justice Administrative Commission* ~~Department of Revenue~~.

Section 7. Paragraph (b) of subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Filing fees.—

(1)

(b) The first $80 of the filing fee collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. The next $15 of the filing fee collected under subparagraph (a)4., and the first $15 of each filing fee collected under subparagraph (a)6., shall be deposited in the state courts' Mediation and Arbitration Trust Fund. ~~One third of any filing fees collected by the clerk under this section in excess of the first $95 collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the~~

~~Department of Revenue Clerks of the Court Trust Fund.~~ An additional filing fee of $4 shall be paid to the clerk. The clerk shall transfer $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the *Clerks of the Court* ~~Department of Financial Services' Administrative~~ Trust Fund *within the Justice Administrative Commission* to fund clerk education. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided herein, all filing fees shall be *remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission* ~~retained as fee income of the office of the clerk of circuit court~~. Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

Section 8. Subsection (5) of section 43.16, Florida Statutes, is amended to read

43.16 Justice Administrative Commission; membership, powers and duties.—

(5) The duties of the commission shall include, but not be limited to, the following:

(a) The maintenance of a central state office for administrative services and assistance when possible to and on behalf of the state attorneys and public defenders of Florida, the capital collateral regional counsel of Florida, the criminal conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem Program*, and the Florida Clerks of Court Operations Corporation*.

(b) Each state attorney, public defender, ~~and~~ criminal conflict and civil regional counsel*,* ~~and~~ the Guardian Ad Litem Program*, and the Florida Clerks of Court Operations Corporation* shall continue to prepare necessary budgets, vouchers that represent valid claims for reimbursement by the state for authorized expenses, and other things incidental to the proper administrative operation of the office, such as revenue transmittals to the Chief Financial Officer and automated systems plans, but will forward same to the commission for recording and submission to the proper state officer. However, when requested by a state attorney, a public defender, a criminal conflict and civil regional counsel, or the Guardian Ad Litem Program, the commission will either assist in the preparation of budget requests, voucher schedules, and other forms and reports or accomplish the entire project involved.

Section 9. Section 43.27, Florida Statutes, is amended to read

43.27 Office hours of clerks of court.—*With the advice and consent of the chief judge of the circuit,* the clerks of the courts of the several counties may establish the hours during which the office of clerk may be open to the public. The hours should conform as nearly as possible to the customary weekday hours of business prevailing in the county. The clerk may prescribe that the office be open such additional hours as public needs require. *The clerk of court may not close any office of the clerk of court during customary weekday hours without the consent of the chief judge of the circuit.*

Section 10. Subsection (3) of section 45.035, Florida Statutes, as amended by section 3 of chapter 2009-21, Laws of Florida, is amended to read:

45.035 Clerk's fees.—In addition to other fees or service charges authorized by law, the clerk shall receive service charges related to the judicial sales procedure set forth in ss. 45.031-45.034 and this section:

(3) If the sale is conducted by electronic means, as provided in s. 45.031(10), the clerk shall receive *an additional* ~~a~~ service charge *not to exceed* ~~of~~ $70 ~~as provided in subsection (1)~~ for services in conducting or contracting for the electronic sale, which service charge shall be assessed as costs and *paid by the winning bidder* ~~shall be advanced by the plaintiff before the sale~~. If the clerk requires advance electronic deposits to secure the right to bid, such deposits shall not be subject to the fee under s. 28.24(10). The portion of an advance deposit from a winning bidder required by s. 45.031(3) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

Section 11. Paragraph (y) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(y) All officers and employees of the Justice Administrative Commission, Office of the State Attorney, Office of the Public Defender, regional offices of capital collateral counsel, offices of criminal conflict and civil regional counsel, and Statewide Guardian Ad Litem Office, including the circuit guardian ad litem programs *and the Florida Clerks of Court Operations Corporation*.

Section 12. Section 142.01, Florida Statutes, is amended to read:

142.01 Fine and forfeiture fund; *disposition of revenue;* clerk of the circuit court.—

(1) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

(a) ~~(1)~~ Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

(b) ~~(2)~~ That portion of civil penalties directed to this fund pursuant to s. 318.21.

(c) ~~(3)~~ Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

(d) ~~(4)~~ Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

(e) ~~(5)~~ Fines and forfeitures pursuant to s. 34.191.

(f) ~~(6)~~ All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

(2) All revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs, and service charges are considered state funds and shall be remitted monthly to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

(3) Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section.

Section 13. Subsection (4) of section 197.542, Florida Statutes, is amended to read:

197.542 Sale at public auction.—

(4)(a) A clerk may conduct electronic tax deed sales in lieu of public outcry. The clerk must comply with the procedures provided in this chapter, except that electronic proxy bidding shall be allowed and the clerk may require bidders to advance sufficient funds to pay the deposit required by subsection (2). The clerk shall provide access to the electronic sale by computer terminals open to the public at a designated location. A clerk who conducts such electronic sales may receive electronic deposits and payments related to the sale. The portion of an advance deposit from a winning bidder required by subsection (2) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

(b) Nothing in this subsection shall be construed to restrict or limit the authority of a charter county from conducting electronic tax deed sales. In a charter county where the clerk of the circuit court does not conduct all electronic sales, the charter county shall be permitted to receive electronic deposits and payments related to sales it conducts, as well as to subject the winning bidder to a fee, consistent with the schedule in s. 28.24(10).

(c) The costs of electronic tax deed sales shall be added to the charges for the costs of sale under subsection (1) and paid by the certificateholder when filing an application for a tax deed.

Section 14. Section 213.131, Florida Statutes, is amended to read:

213.131 ~~Department of Revenue~~ Clerks of the Court Trust Fund *within the Justice Administrative Commission*.—The ~~Department of Revenue~~ Clerks of the Court Trust Fund is created within the *Justice Administrative Commission* ~~Department of Revenue. Funds received by the department from the clerks of court shall be credited to the trust fund as provided in ch. 2001-122, Laws of Florida, to be used for the purposes set forth in such legislation~~.

Section 15. Paragraph (qq) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(qq) "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, *the Florida Clerks of Court Operations Corporation,* the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission. Solely for the purposes of implementing s. 19(h), Art. III of the State Constitution, the terms "state agency" or "agency" include the judicial branch.

Section 16. Subsection (13) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(13)*(a)* In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government *that* ~~which~~ is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

1. ~~(a)~~ May impose by ordinance a surcharge of up to *$30* ~~$15~~ for any infraction or violation to fund state court facilities. The court shall not waive this surcharge. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or *any annex to the courthouse* ~~annexes~~.

2. ~~(b)~~ *May, if such board or unit* ~~That~~ imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, ~~may~~ impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded. Notwithstanding any of the foregoing provisions of this *subparagraph* ~~paragraph~~ that limit the use of surcharge revenues, if the revenues generated as a result of the adoption of this ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay down the debt service on the bonds; fund other state-court-facility construction projects as may be certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or support local law libraries in or near the county courthouse or *any annex to the courthouse* ~~annexes~~.

3. May impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The court may not waive this surcharge. The surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds, divided by the number of traffic citations certified as paid by the clerk of the court of the county on August 15 of each year. The quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded if savings are realized on payments of debt service and the refunding bonds are scheduled to mature on or before the maturity date of the bonds being refunded. If the revenues generated as a result of the adoption of the ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay the debt service on the bonds; to fund other state court facility construction projects certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or to support local law libraries in or near the county courthouse or any annex to the courthouse.

(b) A county may not impose ~~both of~~ the surcharges authorized under *subparagraphs (a)1., 2., and 3.* ~~paragraphs (a) and (b)~~ concurrently. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the President of the Senate, ~~and~~ the Speaker of the House of Representatives*, and the board of county commissioners*.

Section 17. *Each clerk of court shall provide financial data concerning his or her expenditures for court-related duties, including expenditures for court-related information technology, to the Executive Office of the Governor for the purposes contained in SB 1796 or similar legislation.*

Section 18. *(1) By January 15, 2010, the Office of Program Policy Analysis and Government Accountability, in consultation with the Chief Financial Officer and the Auditor General, shall provide a report to the President of the Senate and the Speaker of the House of Representatives regarding the operation and functions of the clerks of court and the courts. The Office of Program Policy Analysis and Government Accountability shall examine who is performing each court-related function, how each function is funded, and how efficiently these functions are performed. The clerks of court, the Florida Clerks of Court Operations Corporation, and the state courts system are directed to cooperate fully with the office and, upon request, provide any and all information necessary to the review without cost or delay. The report shall describe in detail the base budget for each of the clerks and for the state courts system and report on the overall efficiency of the current process. Administrative overhead shall be calculated separately, and any apparent means to reduce such overhead shall be explored and included in the report. The study shall list each court-related function, a recommendation on who should perform the function, and a recommendation for how to pay for such function.*

(2) The Technology Review Workgroup shall develop a proposed plan for identifying and recommending options for implementing the integrated computer system established in s. 29.008(1)(f)2., Florida Statutes. The plan shall describe the approaches and processes for evaluating the existing computer systems and data-sharing networks of the state courts system and the clerks of the court; identifying the required business and technical requirements; reliably estimating the cost, work, and change requirements; and examining the use of the funds collected under s. 28.24(12)(e), Florida Statutes. The plan may also address any necessary policy, operational, fiscal, or technical changes, including, but not limited to, potential changes to the distribution and use of funds collected under s. 28.24(12)(e), Florida Statutes, that may be needed in order to manage, implement, and operate an integrated computer system. The plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2010. The clerks of

court, the Florida Clerks of Court Operations Corporation, and the state courts system are directed to cooperate fully with the workgroup and provide any and all information necessary for the completion of the project without cost or delay upon request. The workgroup shall work in conjunction with the Auditor General and consider the results of the plans, studies, and reports of the Office of Program Policy Analysis and Government Accountability under subsection (1). Until July 1, 2011, a clerk may not purchase any new software unless a clerk is already obligated by a contract for new software entered into before May 1, 2009. A clerk may purchase regular and necessary upgrades to existing software if otherwise budgeted. Until July 1, 2011, a clerk may not purchase any computer hardware unless a clerk is already obligated by a contract for new hardware entered into before May 1, 2009. However, a clerk may purchase hardware necessary to replace broken equipment or necessary to equip new staff and only if otherwise budgeted. A clerk may apply to the Florida Clerks of Court Operations Corporation for a limited and specific exception to these purchasing limits. The corporation shall report all such exceptions to the President of the Senate and the Speaker of the House of Representatives.

Section 19. *The Clerks of the Court Trust Fund within the Department of Revenue, FLAIR number 73-2-588, is transferred along with all balances and obligations to the Justice Administrative Commission.*

Section 20. *The Legislature finds and declares that this act fulfills an important state interest.*

Section 21. *Sections 25.311, 25.321, 25.331, 25.361, and 25.381, Florida Statutes, are repealed.*

Section 22. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the clerks of court; amending s. 28.241, F.S.; redirecting a portion of certain civil filing fees to the Clerks of the Court Trust Fund within the Justice Administrative Commission; revising a requirement that a portion of such fees be deposited into the Department of Financial Services Administrative Trust Fund for a specified purpose; eliminating a requirement that a portion of such fees be deposited into the Clerks of the Court Trust Fund; conforming terminology to changes made by the act; amending s. 28.246, F.S.; conforming terminology to changes made by the act; requiring the clerk to refer certain unpaid accounts to a private attorney or a collection agent; amending s. 28.35, F.S.; providing for the Florida Clerks of Court Operations Corporation to be administratively housed within the Justice Administrative Commission; providing that the corporation is not subject to control, supervision, or direction by the commission; requiring employees of the corporation to be governed by the classification, salary, and benefits plan of the commission in a separate chapter; providing for legislative designees to the corporation's executive council; requiring the Chief Justice of the Supreme Court to designate a member of the corporation's executive council to represent the state courts system; deleting provisions exempting the corporation from ch. 287, F.S., relating to procurement, and from ch. 120, F.S., relating to administrative procedures; revising the duties of the corporation; requiring that the corporation develop measures and standards for reviewing the performance of clerks of court and notify the Legislature and the Supreme Court of any clerk not meeting the standards; conforming cross-references; deleting provisions relating to the certification of the amount of the proposed budget for each clerk; providing for the clerks of court to be funded pursuant to state appropriations rather than from filing fees, service charges, court costs, and fines; providing for the corporation to be funded pursuant to the General Appropriations Act rather than a contract with the Chief Financial Officer; requiring the corporation to submit a legislative budget request; revising requirements for the audits of clerks of court; amending s. 28.36, F.S.; providing a procedure for the clerks of court to prepare budget requests for submission to the Florida Clerks of Court Operations Corporation, with a copy to the Supreme Court; providing requirements for the budget requests; requiring the corporation to determine whether projected court-related revenues are less than the proposed budget for a clerk; requiring that a clerk increase fees and service charges to resolve a deficit; requiring the corporation to compare a clerk's expenditures and costs with the clerk's peer group and for the clerk to submit documentation justifying higher expenditures; requiring that the corporation and the Chief Financial Officer review the clerks' budget requests and make recommendations to the Legislature; authorizing the Chief Financial Officer to conduct, and the Chief Justice of the Supreme Court to request, an audit of the corporation or a clerk of court; providing for the Legislature to make appropriations for the budgets of the clerks; requiring that the corporation release appropriations; specifying criteria for such release; deleting obsolete provisions; deleting provisions authorizing the Legislative Budget Commission to approve budgets; amending s. 28.37, F.S.; clarifying the requirement for depositing court-related fines, fees, service charges, and costs into the Clerks of the Court Trust Fund within the Justice Administrative Commission; requiring that a specified percentage of all court-related fines collected by the clerk be deposited into the clerk's Public Records Modernization Trust Fund and used exclusively for additional court-related operational needs and programs; deleting obsolete provisions relating to the funding of the clerks of court; amending s. 28.43, F.S.; conforming terminology to changes made by the act; amending s. 34.041, F.S., relating to filing fees; conforming provisions to changes made by the act; amending s. 43.16, F.S., relating to the duties of the Justice Administrative Commission; conforming provisions to the transfer of the Florida Clerks of Court Operations Corporation to the commission; amending s. 43.27, F.S.; requiring that the clerk of court obtain the consent of the chief judge of the circuit concerning the clerk's office hours; amending s. 45.035, F.S.; revising the service charge for certain sales conducted by electronic means; requiring the service charge to be paid by the winning bidder; amending s. 110.205, F.S.; providing that positions in the Florida Clerks of Court Operations Corporation are excluded from career service exemption; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 197.542, F.S.; adding the costs to conduct an electronic tax deed sale to certain other costs which must be paid by the certificate holder; amending s. 213.131, F.S.; conforming terminology and provisions to changes made by the act; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; amending s. 318.18, F.S.; authorizing certain local governments to impose a surcharge on certain infractions or violations to repay bonds relating to court facilities; requiring a clerk of court to report the amount of surcharge collections; requiring that the clerks of court submit financial data to the Executive Office of the Governor; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Chief Financial Officer and the Auditor General, to provide a report regarding the operation and relationship of the clerks of court and the courts to the Legislature by a specified date; providing report requirements; requiring the Technology Review Workgroup to develop a proposed plan for identifying and recommending options for implementing the integrated computer system and submit the plan to the Legislature by a specified date; providing plan requirements; providing specified restrictions for the purchase of computer software and hardware; providing an exception; transferring the Clerks of the Court Trust Fund from the Department of Revenue to the Justice Administrative Commission; providing a finding that the act fulfills an important state interest; repealing ss. 25.311, 25.321, 25.331, 25.361, and 25.381, F.S., relating to the distribution and resupply of copies of the reports of decisions of the Supreme Court and district court of appeals, the declaration that such reports remain the public property of the state, the authorization of the Supreme Court to obtain state publications for exchange purposes, and the publication, purchase, and distribution of the reports of the opinions of the Supreme Court and the district courts of appeal, respectively; providing an effective date.

On motion by Senator Pruitt, the Senate concurred in the House amendment.

CS for CS for SB 2108 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Garcia
Alexander	Dean	Gardiner
Altman	Detert	Gelber
Aronberg	Deutch	Haridopolos
Baker	Diaz de la Portilla	Hill
Bennett	Dockery	Jones
Bullard	Fasano	Joyner
Constantine	Gaetz	Justice

King	Pruitt	Smith
Lawson	Rich	Sobel
Lynn	Richter	Villalobos
Oelrich	Ring	Wilson
Peaden	Siplin	Wise

Nays—None

Vote after roll call:

Yea—Storms

Yea to Nay—Crist

Votes Recorded:

May 8, 2009: Yea to Nay—Crist

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1978** was deferred.

On motion by Senator Fasano—

CS for CS for SB 682—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; repealing s. 509.233(1) and (7), F.S., relating to a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments; abrogating the repeal of the program; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (740674) (with title amendment)—Between lines 25 and 26 insert:

Section 1. *Effective July 1, 2010, all of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Onsite Sewage Programs in the Department of Health, as authorized and governed by ss. 20.43, 20.435, 153.73, 153.54, 163.3180, 180.03, 381.006, 381.0061, 381.0064-381.0068, and 489.551-558, are transferred by a type II transfer, pursuant to s. 20.06(2), to the Florida Department of Environmental Protection. In addition all existing powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts associated with county health departments' onsite sewage programs are transferred to the Department of Environmental Protection. The Department of Environmental Protection in cooperation with the Department of Health must develop a plan to implement the type II transfer and deliver the proposal to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 15, 2010.*

And the title is amended as follows:

Delete lines 2-3 and insert: An act relating to government reorganization; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 20.165, F.S.;

Senator Justice moved the following amendment which was adopted:

Amendment 2 (254980) (with title amendment)—Between lines 60 and 61 insert:

Section 4. *The pilot rate review board may not meet before July 1, 2010, for the purpose of raising rates.*

And the title is amended as follows:

Delete line 16 and insert: repeal of the program; prohibiting the pilot rate review board from meeting before a specified date for the purpose of raising rates; requiring that the Office of

Senator Aronberg moved the following amendment which was adopted:

Amendment 3 (529060) (with title amendment)—Between lines 67 and 68 insert:

Section 5. Subsection (8) is added to section 509.233, Florida Statutes, to read:

509.233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions; pilot program.—

(8) This section may be cited as the "Dixie Cup Clary Local Control Act."

And the title is amended as follows:

Delete line 22 and insert: amending s. 509.233, F.S.; providing a short title; providing an effective date.

Senator Pruitt moved the following amendment:

Amendment 4 (907778) (with title amendment)—Between lines 67 and 68 insert:

Section 5. *The Division of Alcoholic Beverages and Tobacco may license any winery producing or selling less than 250,000 gallons of wine annually for a $250 annual fee if all taxes are paid, no underage sales or deliveries are made, and such winery is not owned by another winery producing or selling more than 250,000 gallons of wine annually. The winery must hold the license to ship wine and all penalties applicable to the shipping of wine shall apply equally to shipments made from in-state and out-of-state wineries. The division shall adopt rules by January 1, 2010, to implement this section and establish applications for the shipping license.*

And the title is amended as follows:

Delete line 22 and insert: authorizing the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to license certain in-state and out-of-state wineries that meet specified conditions to ship wine; requiring that the division adopt rules; providing an effective date.

POINT OF ORDER

Senator Dockery raised a point of order that pursuant to Rule 7.1 **Amendment 4** contained language of a bill not reported favorably by all Senate committees; and also pursuant to Rule 7.1 **Amendment 4** was not germane to the bill and was therefore out of order.

The President referred the point of order and the amendment to Senator Villalobos, Chair of the Committee on Rules.

Further consideration of **CS for CS for SB 682** with pending **Amendment 4 (907778)** and pending point of order was deferred.

Consideration of **CS for CS for SB 880**, **CS for CS for CS for HB 439** and **CS for CS for SB 424** was deferred.

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 479** was withdrawn from the Committees on Community Affairs; Ethics and Elections; and Governmental Oversight and Accountability.

On motion by Senator Fasano, the rules were waived and—

CS for CS for HB 479—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers' Class; revising the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1182** and read the second time by title.

Senator Lawson moved the following amendment:

Amendment 1 (873430) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (10), (11), (18), (29), (39), (52), and (53) of section 121.021, Florida Statutes, are amended, and subsections (63) and (64) are added to that section, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(10) "Employer" means any agency, branch, department, institution, university, institution of higher education, or board of the state, or any county agency, branch, department, board, district school board, *municipality, metropolitan planning organization,* or special district of the state~~, or any city of the state~~ which participates in the system for the benefit of certain of its employees, or a charter school or charter technical career center that participates as provided in s. 121.051(2)(d). *Employers are not agents of the department, the state board, or the Division of Retirement, and the department, the state board, and the division are not responsible for erroneous information provided by representatives of employers.*

(11) "Officer or employee" means any person receiving salary payments for work performed in a regularly established position and, if employed by a *municipality* ~~city~~, a metropolitan planning organization, or a special district, employed in a covered group. *The term does not apply to state employees covered by a leasing agreement under s. 110.191, other public employees covered by a leasing agreement, or a co-employer relationship.*

(18) "Past service" of any member, as provided in s. 121.081(1), means the number of years and complete months and any fractional part of a month, recognized and credited by an employer and approved by the administrator, during which the member was in the active employ of *a governmental* ~~an~~ employer *and for which the employee is not entitled to a benefit before* ~~prior to~~ his or her date of participation.

(29) "Normal retirement date" means the ~~first day of any month following the~~ date a member attains *normal retirement age and is vested, which is determined as follows* ~~one of the following statuses~~:

(a) If a Regular Class member, *a Senior Management Service Class member, or an Elected Officers' Class* ~~the~~ member:

1. *The first day of the month the member* completes 6 or more years of creditable service and attains age 62; or

2. *The first day of the month following the date the member* completes 30 years of creditable service, regardless of age~~, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system~~.

(b) If a Special Risk Class member~~, the member~~:

1. *The first day of the month the member* completes 6 or more years of creditable service in the Special Risk Class and attains age 55;

2. *The first day of the month following the date the member* completes 25 years of creditable service in the Special Risk Class, regardless of age; or

3. *The first day of the month following the date the member* completes 25 years of creditable service and attains age 52, which service may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

~~(c) If a Senior Management Service Class member, the member:~~

~~1. Completes 6 years of creditable service in the Senior Management Service Class and attains age 62; or~~

~~2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.~~

~~(d) If an Elected Officers' Class member, the member~~:

~~1. Completes 6 years of creditable service in the Elected Officers' Class and attains age 62; or~~

~~2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.~~

"Normal retirement age" is attained on the "normal retirement date."

(39)(a) "Termination" occurs, except as provided in paragraph (b), when a member ceases all employment relationships with *an employer, however:* ~~employers under this system, as defined in subsection (10), but in the event~~

1. For termination dates occurring before July 1, 2010, if a member *is* ~~should be~~ employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence *constitutes* ~~shall constitute~~ a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination ~~for a member,~~ if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or *state* board may require other evidence of termination as it deems necessary.

2. For termination dates occurring on or after July 1, 2010, if a member is employed by any such employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

(b) "Termination" for a member electing to participate *in* ~~under~~ the Deferred Retirement Option Program occurs when the ~~Deferred Retirement Option~~ program participant ceases all employment relationships with *an employer* ~~employers under this system~~ in accordance with s. 121.091(13), *however:* ~~but~~

1. For termination dates occurring before July 1, 2010, if ~~in the event~~ the ~~Deferred Retirement Option Program~~ participant *is* ~~should be~~ employed by any such employer within the next calendar month, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence shall constitute a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if the DROP participant becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

(52) "Regularly established position" *means* ~~is defined as follows~~:

(a) *With respect to* ~~In~~ a state *employer* ~~agency~~, ~~the term means~~ a position *that* ~~which~~ is authorized and established pursuant to law and is compensated from a salaries *and benefits* appropriation pursuant to s. 216.011(1)*(mm)* ~~(dd)~~, or an established position *that* ~~which~~ is authorized pursuant to s. 216.262(1)(a) and (b) and is compensated from a salaries account as provided *in s. 216.011(1)(nn)* ~~by rule~~.

(b) *With respect to* ~~In~~ a local *employer* ~~agency~~ (district school board, county agency, community college, city, metropolitan planning organization, *charter school, charter technical career center,* or special district), ~~the term means~~ a regularly established position *that* ~~which~~ will be in existence for a period beyond 6 consecutive months, except as provided by rule.

(53) "Temporary position" *means* ~~is defined as follows~~:

(a) *With respect to* ~~In~~ a state *employer* ~~agency~~, *a* ~~the term means an employment~~ position *that* ~~which~~ is compensated from an other personal services (OPS) account~~,~~ as provided ~~for~~ in s. 216.011(1)(dd).

(b) *With respect to* ~~In~~ a local *employer* ~~agency~~, *a* ~~the term means an employment~~ position *that* ~~which~~ will exist for less than 6 consecutive months, or other ~~employment~~ position as determined by rule of the division, regardless of whether it will exist for 6 consecutive months or longer.

(63) "State board" means the State Board of Administration.

(64) "Trustees" means the Board of Trustees of the State Board of Administration.

Section 2. Subsection (6) is added to section 121.031, Florida Statutes, to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(6) Unless prior written approval is obtained from the department or state board, any promotional materials or advertisements that, directly or indirectly, refer to the "Florida Retirement System" or the "FRS" must contain a disclaimer that the information is not approved or endorsed by the Florida Retirement System.

Section 3. Paragraph (a) of subsection (1) and paragraphs (c) and (f) of subsection (2) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(a) *Participation in the Florida Retirement System is* ~~The provisions of this law shall be~~ compulsory *for* ~~as to~~ all officers and employees, except elected officers who meet the requirements of s. 121.052(3), who are employed on or after December 1, 1970, *by* ~~of~~ an employer other than those referred to in paragraph (2)(b).~~, and~~ Each officer or employee, as a condition of employment, *becomes* ~~shall become~~ a member of the system *on the* ~~as of his or her~~ date of employment, except that a person who is retired from any state retirement system and is reemployed on or after December 1, 1970, may not renew his or her membership in any state retirement system except as provided in s. 121.091(4)(h) for a person who recovers from disability, ~~and~~ as provided in *s. 121.053* ~~s. 121.091(9)(b)8.~~ for a person who is elected to public office, and, effective July 1, 1991, as provided in s. 121.122 for all other retirees.

1. Officers and employees of the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, employed on and after July 1, 1979, *may* ~~shall~~ not participate in any state-supported retirement system.

2. ~~1.~~ Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan *adopted* ~~provided~~ by rule ~~adopted~~ by the Board of Regents may not participate in the Florida Retirement System. Effective July 1, 2008, any person appointed ~~thereafter~~ to a faculty position, including clinical faculty, in a college at a state university that has a faculty practice plan authorized by the Board of Governors may not participate in the Florida Retirement System. A faculty member so appointed shall participate in the optional retirement program for the State University System notwithstanding ~~the provisions of~~ s. 121.35(2)(a).

~~2.~~ For purposes of this *subparagraph* ~~paragraph~~, the term*:*

a. "Faculty position" *means* ~~is defined as~~ a position assigned the principal responsibility of teaching, research, or public service activities or administrative responsibility directly related to the academic mission of the college. ~~The term~~

b. "Clinical faculty" *means* ~~is defined as~~ a faculty position appointment in conjunction with a professional position in a hospital or other clinical environment at a college. ~~The term~~

c. "Faculty practice plan" includes professional services to patients, institutions, or other parties which are rendered by the clinical faculty employed by a college that has a faculty practice plan at a state university authorized by the Board of Governors.

(2) OPTIONAL PARTICIPATION.—

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, ~~as~~ designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and ~~in~~ s. 1012.875 may ~~elect~~, in lieu of participating in the Florida Retirement System, *elect* to withdraw from the ~~Florida Retirement~~ system altogether and participate in *the State Community College System* ~~an~~ Optional Retirement Program provided by the employing agency under s. 1012.875~~, to be known as the State Community College System Optional Retirement Program~~. ~~Pursuant thereto:~~

1. Through June 30, 2001, the cost to the employer for such annuity *equals* ~~shall equal~~ the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class defined benefit program, plus the portion of the contribution rate required by s. 112.363(8) *which* ~~that~~ would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct an amount ~~to provide~~ for the administration of the ~~optional retirement~~ program. The employer ~~providing the optional program~~ shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in ~~such~~ an optional retirement program *is* ~~shall be~~ irrevocable ~~for~~ as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System *is* ~~shall be~~ retained after the member withdraws from the ~~Florida Retirement~~ system; however, additional service credit in the ~~Florida Retirement~~ system *may* ~~shall~~ not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, ~~to choose~~ to transfer from the optional retirement program to the defined benefit program of the Florida Retirement System or to the Public Employee Optional Retirement Program, subject to the terms of the applicable optional retirement program contracts.

a. If the employee chooses to move to the Public Employee Optional Retirement Program, any contributions, interest, and earnings creditable to the employee under the State Community College System Optional Retirement Program *is* ~~shall be~~ retained by the employee in the State Community College System Optional Retirement Program, and the applicable provisions of s. 121.4501(4) ~~shall~~ govern the election.

b. If the employee chooses to move to the defined benefit program of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the State Community College System Optional Retirement Program.

(I) The cost for such credit *is the* ~~shall be an~~ amount representing the present value of *the* ~~that~~ employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee *becomes* ~~would become~~ eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. The calculation *must* ~~shall~~ include any service already maintained under the defined benefit plan in addition to the years under the State Community College System Optional Retirement Program. The present value of any service already maintained *must* ~~under the defined benefit plan shall~~ be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her State Community College System Optional Retirement Program account and from other employee moneys as necessary, a sum representing the present value of *the* ~~that~~ employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the State Community College System Optional Retirement Program.

4. Participation in the optional retirement program *is* ~~shall be~~ limited to ~~those~~ employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and~~:~~

~~(A)~~ the duties and responsibilities of the position include ~~either~~ the formulation, interpretation, or implementation of policies*,* ~~;~~ or

~~(B) The duties and responsibilities of the position include~~ the performance of functions that are unique or specialized within higher education and that frequently ~~involve the~~ support ~~of~~ the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

5. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. *A participant who receives a program distribution funded by employer contributions shall be deemed to be retired from a state-administered retirement system if the participant is subsequently employed with an employer that participates in the Florida Retirement System.*

6. Eligible community college employees *are* ~~shall be~~ compulsory members of the Florida Retirement System until, pursuant to ~~the procedures set forth in~~ s. 1012.875, a written election to withdraw from the ~~Florida Retirement~~ system and ~~to~~ participate in the State Community College System Optional Retirement Program is filed with the program administrator and received by the division.

a. *A* ~~Any~~ community college employee whose program eligibility results from initial employment *must* ~~shall~~ be enrolled in the State Community College System Optional Retirement Program retroactive to the first day of eligible employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the community college *to* ~~for~~ the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. *A* ~~Any~~ community college employee whose program eligibility *is* ~~results from a change in status~~ due to the subsequent designation of the employee's position as one of those specified in subparagraph 4.*,* or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4.*, must* ~~shall~~ be enrolled in the program *on* ~~upon~~ the first day of the first full calendar month that such change in status becomes effective. The employer retirement contributions paid from the effective date through the month of the employee plan change *must* ~~shall~~ be transferred to the community college *to* ~~for~~ the

employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any participant of the State Community College System Optional Retirement Program who has service credit in the defined benefit plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the defined benefit plan to the optional retirement program and the actual date of transfer may, during ~~his or her~~ employment, ~~elect to~~ transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for *the* ~~such~~ period of service credit. Upon ~~such~~ transfer, all ~~such~~ service credit previously earned under the defined benefit program of the Florida Retirement System during this period *is* ~~shall be~~ nullified for purposes of entitlement to a future benefit under the defined benefit program of the Florida Retirement System.

(f)1. *If* ~~Whenever~~ an employer that participates in the Florida Retirement System undertakes the transfer, merger, or consolidation of governmental services or *assumes the* functions *and activities of an employing governmental entity that was not an employer under the system*, the employer must notify the department at least 60 days *before* ~~prior to~~ such action and ~~shall~~ provide documentation as required by the department. *The transfer, merger, or consolidation of governmental services or assumption of governmental functions and activities must occur between public employers. The current or former employer may pay the employees' past service cost, unless prohibited under this chapter. This subparagraph does not apply to the transfer, merger, or consolidation of governmental services or assumption of functions and activities of a public entity under a leasing agreement having a co-employer relationship. Employers and employees of a public governmental employer whose service is covered by a leasing agreement under s. 110.191, any other leasing agreement, or a co-employer relationship are not eligible to participate in the Florida Retirement System.*

2. *If* ~~When~~ the agency to which a member's employing unit is transferred, merged, or consolidated does not participate in the Florida Retirement System, a member *may* ~~shall~~ elect in writing to remain in the Florida Retirement System or to transfer to the local retirement system operated by *the* ~~such~~ agency. If *the* ~~such~~ agency does not participate in a local retirement system, the member shall continue membership in the Florida Retirement System. In either case, ~~the~~ membership *continues* ~~shall continue~~ for as long as the member is employed by the agency to which his or her unit was transferred, merged, or consolidated.

Section 4. Paragraph (f) of subsection (2) and paragraph (e) of subsection (3) of section 121.052, Florida Statutes, are amended to read:

121.052 Membership class of elected officers.—

(2) MEMBERSHIP.—The following holders of elective office, hereinafter referred to as "elected officers," whether assuming elective office by election, reelection, or appointment, are members of the Elected Officers' Class, except as provided in subsection (3):

(f) Any elected officer of a municipality or special district *assuming office* on ~~or after~~ July 1, 1997, *through June 30, 2009,* as provided in *subsection (3)* ~~paragraph (3)(e)~~. *On or after July 1, 2010, an elected officer shall become a member only if the governing body of the municipality or special district, at the time it joins the Florida Retirement System for its elected officers, elects, by majority vote, to include all its elected positions in the Elected Officers' Class.*

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) ~~Effective July 1, 2001,~~ The governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class.

1. Effective July 1, 1997, such election must be made between July 1, 1997, and December 31, 1997, and is irrevocable. The designation of such positions is effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

2. Effective July 1, 2001, such election *must* ~~shall~~ be made between July 1, 2001, and December 31, 2001, and *is* ~~shall be~~ irrevocable. The designation of such positions *is* ~~shall be~~ effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

3. Effective July 1, 2009, such election must be made between July 1, 2009, and December 31, 2009, and is irrevocable. The designation of such positions is effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

Section 5. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) *A* ~~Any~~ retired member of the Florida Retirement System, or *an* ~~any~~ existing system as defined in s. 121.021(2), who, on or after July 1, 1990, *serves in* ~~is serving in, or is elected or appointed to,~~ an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). ~~Pursuant thereto:~~

1. *The* ~~Any such retired~~ member *may* ~~shall be eligible to~~ continue to receive retirement benefits as well as compensation for the elected officer service *if* ~~for as long as~~ he or she remains in an elective office covered by the Elected Officers' Class.

2. If *the* ~~any such~~ member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she *is* ~~shall be~~ entitled to receive an additional retirement benefit for *the* ~~such~~ elected officer service.

3. *The* ~~Such~~ member *is* ~~shall be~~ entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class *before* ~~prior to~~ July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position *before* ~~prior to~~ July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, *is* ~~shall be~~ the difference between *the* ~~such~~ contribution and the total applicable contribution for the period being claimed, plus interest. The employer ~~of such member~~ may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service. *Any retiree who served in an elective office before July 1, 1990, suspended his or her retirement benefits, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.*

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions *of* ~~in~~ s. 121.122 may be used in conjunction with creditable service earned under this paragraph, *if* ~~provided~~ applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. *A member* ~~An elected officer who is elected or appointed to an elective office and is~~ participating in the Deferred Retirement Option Program *before July 1, 2010,* is not subject to termination as provided in s. 121.021(39)(b), or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the

officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds such an elective office, as follows:

a. At the end of the 60-month DROP period:

(I) The officer's DROP account *may not* ~~shall~~ accrue ~~no~~ additional monthly benefits, but shall continue to earn interest as provided in s. 121.091(13). *However, an officer whose DROP participation begins on or after July 1, 2010, may not continue to earn interest as provided in s. 121.091(13).*

(II) ~~No~~ Retirement contributions *are not* ~~shall be~~ required of the employer of the elected officer and ~~no~~ additional retirement credit *may not* ~~shall~~ be earned under the Florida Retirement System.

b. ~~Nothing herein shall prevent~~ An elected officer *may* ~~from~~ voluntarily *terminate* ~~terminating~~ his or her elective office at any time and ~~electing to~~ receive his or her DROP proceeds. However, until termination ~~requirements are fulfilled~~ as *defined* ~~provided~~ in s. 121.021(39) *occurs*, *an* ~~any~~ elected officer whose termination limitations are extended by this section *is* ~~shall be~~ ineligible for renewed membership in the system and *may not* ~~shall~~ receive ~~no~~ pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.

c. Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which *must* ~~shall~~ be paid on a prospective basis only.

However, an officer electing to participate in the Deferred Retirement Option Program on or before June 30, 2002, *is* ~~shall~~ not ~~be~~ required to terminate and *remains* ~~shall remain~~ subject to the provisions of this subparagraph as adopted in section 1 of chapter 2001-235, Laws of Florida.

Section 6. Paragraph (f) of subsection (1) and paragraph (e) of subsection (6) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(f) Effective July 1, 1997:

1. *An* ~~Any~~ elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. *An* ~~Any~~ elected ~~county~~ officer *of a local agency employer* eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected ~~county~~ officers *of a local agency employer*, elect to *withdraw from the Florida Retirement System* ~~participate in a lifetime monthly annuity program~~, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(6)

(e) *Benefits.*—

1. Benefits shall be payable under the Senior Management Service Optional Annuity Program only to participants in the program, or their beneficiaries as designated by the participant in the contract with a provider company, and such benefits shall be paid by the designated company in accordance with the terms of the annuity contract or contracts applicable to the participant. A participant must be terminated from all employment with all Florida Retirement System employers as provided in s. 121.021(39) to begin receiving the employer-funded benefit. Benefits funded by employer contributions shall be payable *under the terms of the contract* ~~only as a lifetime annuity~~ to the participant, his or her beneficiary, or his or her estate, *in addition to* ~~except for~~:

a. A lump-sum payment to the beneficiary upon the death of the participant;

b. A cash-out of a de minimis account upon the request of a former participant who has been terminated for a minimum of 6 months from the employment that entitled him or her to optional annuity program participation. ~~A de minimis account is an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter.~~ Such cash-out must be a complete liquidation of the account balance with that company and is subject to the provisions of the Internal Revenue Code*;*

c. A mandatory distribution of a de minimis account of a former participant who has been terminated for a minimum of 6 months from the employment that entitled him or her to optional annuity program participation as authorized by the department; or

d. ~~c.~~ A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant.

As used in this subparagraph, a "de minimis account" means an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under this chapter.

2. The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

3. *Except as provided in subparagraph 4.,* a participant who *terminates employment and* receives optional annuity program benefits funded by employer contributions shall be deemed to be retired from a state-administered retirement system in the event of subsequent employment with any employer that participates in the Florida Retirement System.

4. A participant who receives optional annuity program benefits funded by employer contributions as a mandatory distribution of a de minimis account authorized by the department will not be considered a retiree.

Section 7. Paragraph (a) of subsection (6) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(6)(a) Required employee contributions for all service other than current service, including, but not limited to, prior service, past service, military service, leave-of-absence service, out-of-state service, and certain non-Florida Retirement System in-state service, shall be paid by cash, personal check, cashier's check, ~~or~~ money order*, or a direct rollover or transfer from a qualified plan as provided under the Internal Revenue Code. The payment must* ~~only; shall~~ be accompanied by a statement identifying the service for which payment is made~~;~~ and shall be made in a lump sum for the total amount due or in annual payments of not less than $100, except for the final payment if less than $100, unless another method of payment is authorized by law or rule.

Section 8. Paragraphs (a), (b), (e), (f), and (h) of subsection (1) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)(a) Past service, as defined in s. 121.021~~(18)~~, may be claimed as creditable service by officers or employees of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district *who* ~~that~~ become a covered group under this system. The governing body of a covered group in compliance with s. 121.051(2)(b) may elect to provide benefits *for* ~~with respect to~~ past service earned *before* ~~prior to~~ January 1, 1975, in accordance with this

chapter, and the cost for such past service *is* ~~shall be~~ established by applying the following formula: The member contribution for both regular and special risk members *is* ~~shall be~~ 4 percent of the gross annual salary for each year of past service claimed, plus 4-percent employer matching contribution, plus 4-percent interest thereon compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until July 1, 1975, and 6.5-percent interest compounded annually thereafter until date of payment. Once the total cost for a member has been figured to date, then after July 1, 1975, 6.5-percent compounded interest shall be added each June 30 thereafter on any unpaid balance until the cost of such past service liability is paid in full. The following formula shall be used in calculating past service earned *before* ~~prior to~~ January 1, 1975: (Annual gross salary multiplied by 8 percent) multiplied by the 4-percent or 6.5-percent compound interest table factor, as may be applicable. The resulting product equals cost to date for each particular year of past service.

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district *who become* ~~that becomes~~ a covered group under this system. The governing body of a covered group may elect to provide benefits *for* ~~with respect~~ to past service earned after January 1, 1975, in accordance with this chapter, and the cost for such past service *is* ~~shall be~~ established by applying the following formula: The employer shall contribute an amount equal to the contribution rate in effect at the time the service was earned, multiplied by the employee's gross salary for each year of past service claimed, plus 6.5-percent interest thereon, compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until date of payment.

(e) Past service, as defined in s. 121.021~~(18)~~, may be claimed as creditable service by a member of the Florida Retirement System who formerly was an officer or employee of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district, notwithstanding the status or form of the retirement system, if any, of that *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district and irrespective of whether *such* officers or employees ~~of that city, metropolitan planning organization, or special district~~ now or hereafter become a covered group under the Florida Retirement System. Such member may claim creditable service and be entitled to the benefits accruing to the regular class of members as provided for the past service claimed under this paragraph by paying into the retirement trust fund an amount equal to the total actuarial cost of providing the additional benefit resulting from such past-service credit, discounted by the applicable actuarial factors to date of retirement.

(f) *If* ~~When~~ any person~~, either prior to this act or hereafter,~~ becomes entitled to and *participates* ~~does participate~~ in one of the retirement systems *under* ~~consolidated within or created by~~ this chapter through the consolidation or merger of governments or the transfer of functions between units of government, ~~either~~ at the state or local level or between state and local units, or through the assumption of functions or activities by a state or local unit from an employing *governmental* entity *that* ~~which~~ was not an employer under the system, and such person becomes a member of the Florida Retirement System, such person *is* ~~shall be~~ entitled to receive past-service credit ~~as defined in s. 121.021(18)~~ for the time *the* ~~such~~ person performed services for, and was an employee of, such state or local unit or other *governmental* employing entity *before* ~~prior to~~ the transfer, merger, consolidation, or assumption of functions and activities. Past-service credit allowed by this paragraph *is* ~~shall~~ also ~~be~~ available to any person who becomes a member of an existing system *before*~~, as defined in s. 121.021(2), prior to~~ December 1, 1970, through the transfer, merger, consolidation, or assumption of functions and activities set forth in this paragraph and who subsequently becomes a member of the Florida Retirement System. However, credit for the past service may not be granted until contributions are made in the manner provided in this subsection. If a person rejected Florida Retirement System membership at the time of the transfer, merger, ~~or~~ consolidation, *or assumption of governmental functions and activities,* the required contributions shall be at total actuarial cost as specified in paragraph (e). Such contributions or accrued interest may not be paid from any *public* ~~state~~ funds.

(h) The following provisions apply to the purchase of past service:

1. Notwithstanding any of the provisions of this subsection, past-service credit may not be purchased under this chapter for any service that is used to obtain a *pension or* benefit from *a* ~~any~~ local retirement system. *Eligibility to receive or the receipt of contributions to a retirement plan made by the employer on behalf of the employee is considered a benefit.*

2. A member may not receive past service credit under paragraphs (a), (b), (e), or (f) for any leaves of absence without pay, except that credit for active military service leaves of absence may be claimed under paragraphs (a), (b), and (f), in accordance with s. 121.111(1).

3. A member may not receive past service credit for co-employer service. Co-employer service or a co-employer relationship is employment in a single position simultaneously covered and reported by both a public employer and a private employer.

4. ~~3.~~ If a member does not *want* ~~desire~~ to receive credit for all of his or her past service, the period the member claims must be the most recent past service prior to his or her participation in the Florida Retirement System.

5. ~~4.~~ The cost of past service purchased by an employing agency for its employees may be amortized over *the* ~~such~~ period of time ~~as is~~ provided in the agreement, but not to exceed 15 years, calculated in accordance with rule 60S-1.007(5)(f), Florida Administrative Code.

6. ~~5.~~ The retirement account of each member for whom past service is being provided by his or her employer shall be credited with all past service the employer agrees to purchase as soon as the agreement between the employer and the department is executed. ~~Pursuant thereto:~~

a. Each ~~such~~ member's account shall also be posted with the total contribution his or her employer agrees to make *on* ~~in~~ the member's behalf for past service earned *before* ~~prior to~~ October 1, 1975, excluding those contributions representing the employer's matching share and the compound interest calculation on the total contribution. However, a portion of any contributions paid by an employer for past service credit earned on and after October 1, 1975, may not be posted to *the* ~~a~~ member's account.

b. A refund of contributions payable after an employer has made a written agreement to purchase past service for employees of the covered group *includes* ~~shall include~~ contributions for past service which are posted to *the* ~~a~~ member's account. However, contributions for past service earned on and after October 1, 1975, are not refundable.

Section 9. Subsections (9), (13), and (14) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(a) Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that does not participate in a state-administered retirement system and ~~may~~ receive compensation from that employment without limiting or restricting in any way the retirement benefits payable to that person.

(b)~~1.~~ Any person *whose retirement is effective before July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates before July 1, 2010,* ~~who is retired under this chapter~~, except under the disability retirement provisions of subsection (4) *or as provided in s. 121.053*, may be reemployed by *an* ~~any private or public~~ employer *that participates in a state-administered retirement system* ~~after retirement~~ and receive retirement benefits and compensation from *that* ~~his or her~~ employer without any limitations, except that *the* ~~a~~ person may not *be*

reemployed by an employer ~~receive both a salary from reemployment with any agency~~ participating in the Florida Retirement System ~~and retirement benefits under this chapter~~ for ~~a period of~~ 12 *calendar* months immediately subsequent to the date of retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. ~~2.~~ *A retiree* ~~Any person to whom the limitation in subparagraph 1. applies~~ who violates such reemployment limitation ~~and who is reemployed with any agency participating in the Florida Retirement System~~ before completion of the 12-month limitation period *must* ~~shall~~ give timely notice of this fact in writing to the employer and to the Division *of Retirement or the state board* and shall have his or her retirement benefits suspended for the balance of the 12-month limitation period. *A retiree* ~~Any person~~ employed in violation of this paragraph and *an employer who* ~~any employing agency which knowingly~~ employs or appoints such person *are* ~~without notifying the Division of Retirement to suspend retirement benefits shall be~~ jointly and severally liable for reimbursement to the retirement trust fund*, including the Florida Retirement Systme Trust Fund and the Public employee Optional Retirement Program Trust Fund, from which the benefits were paid* ~~of any benefits paid during the reemployment limitation period~~. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. ~~Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and~~ Retirement benefits shall remain suspended until ~~such~~ repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

a. ~~3.~~ A district school board may reemploy a *retiree* ~~retired member~~ as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker on a noncontractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. A district school board may reemploy a *retiree* ~~retired member~~ as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. Any ~~other retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. District school boards reemploying such teachers, education paraprofessionals, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph *2.* ~~7.~~

b. ~~4.~~ A community college board of trustees may reemploy a *retiree* ~~retired member~~ as an adjunct instructor~~, that is, an instructor who is noncontractual and part-time,~~ or as a participant in a phased retirement program within the Florida Community College System, after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. *A* ~~Any retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph *2.* ~~7.~~ A *retiree* ~~retired member~~ may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of retirement. *A retiree* ~~Any retired member~~ reemployed for more than 780 hours during the first 12 months of retirement *must* ~~shall~~ give timely notice in writing to the employer and to the Division *of Retirement or the state board* of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the ~~first~~ 12 months of retirement. Any *retiree* ~~person~~ employed in violation of this *sub-subparagraph* ~~subparagraph~~ and any *employer who* ~~employing agency which knowingly~~ employs or appoints such person without notifying the division ~~of Retirement~~ to suspend retirement benefits *are* ~~shall be~~ jointly and severally liable for ~~reimbursement to the retirement trust fund of~~ any benefits paid during the reemployment limitation period. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by *the retiree* ~~a retired member~~ while reemployed in excess of 780 hours during the first 12 months of retirement *must* ~~shall~~ be repaid to the *Florida* Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the *retiree's* ~~retired member's~~ first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

c. ~~5.~~ The State University System may reemploy a *retiree* ~~retired member~~ as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the *retiree* ~~retired member~~ has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. *A* ~~Any retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph *2.* ~~7.~~, as appropriate. A *retiree* ~~retired member~~ may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his or her retirement. *A retiree* ~~Any retired member~~ reemployed for more than 780 hours during the first 12 months of retirement *must* ~~shall~~ give timely notice in writing to the employer and to the Division *of Retirement or the state board* of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the ~~first~~ 12 months ~~of retirement~~. Any *retiree* ~~person~~ employed in violation of this *sub-subparagraph* ~~subparagraph~~ and any *employer who* ~~employing agency which knowingly~~ employs or appoints such person without notifying the division ~~of Retirement~~ to suspend retirement benefits *are* ~~shall be~~ jointly and severally liable for ~~reimbursement to the retirement trust fund of~~ any benefits paid during the reemployment limitation period. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by *the retiree* ~~a retired member~~ while reemployed in excess of 780 hours during the first 12 months of retirement *must* ~~shall~~ be repaid to the *Florida* Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the *retiree's* ~~retired member's~~ first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

d. ~~6.~~ The Board of Trustees of the Florida School for the Deaf and the Blind may reemploy a *retiree* ~~retired member~~ as a substitute teacher, substitute residential instructor, or substitute nurse on a noncontractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. Any ~~retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The Board of Trustees of the Florida School for the Deaf and the Blind reemploying such teachers, residential instructors, or nurses is subject to the retirement contribution required by subparagraph *2.* ~~7.~~ ~~Reemployment of a retired member as a substitute teacher, substitute residential instructor, or substitute nurse is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.~~

e. A developmental research school may reemploy a retiree as a substitute or hourly teacher or an education paraprofessional as defined in s. 1012.01(2) on a noncontractual basis after he or she has been retired for 1 calendar month. A developmental research school may reemploy a retiree as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids his or her application for retirement benefits. A developmental research school that reemploys retired teachers and education paraprofes-

sionals is subject to the retirement contribution required by subparagraph 2.

f. A charter school may reemploy a retiree as a substitute or hourly teacher on a noncontractual basis after he or she has been retired for 1 calendar month. A charter school may reemploy a retired member as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids his or her application for retirement benefits. A charter school that reemploys such teachers is subject to the retirement contribution required by subparagraph 2.

2. ~~7.~~ The employment ~~by an employer~~ of *a* ~~any~~ retiree or DROP participant of *a* ~~any~~ state-administered retirement system *does not affect* ~~shall have no effect on~~ the average final compensation or years of creditable service of the retiree or DROP participant. *Before* ~~Prior to~~ July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who *is* ~~has been~~ retired under *a* ~~any~~ state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for retirees *who have* ~~with~~ renewed membership or*, as provided in* subsection (13)*, for* ~~with respect to~~ DROP participants.

~~8. Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office eligible for the Elected Officers' Class on or after July 1, 1990, shall be enrolled in the Florida Retirement System as provided in s. 121.053(1)(b) or, if holding an elective public office that does not qualify for the Elected Officers' Class on or after July 1, 1991, shall be enrolled in the Florida Retirement System as provided in s. 121.122, and shall continue to receive retirement benefits as well as compensation for the elected officer's service for as long as he or she remains in elective office. However, any retired member who served in an elective office prior to July 1, 1990, suspended his or her retirement benefit, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.~~

3. ~~9.~~ Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office *if*~~, provided that~~ he or she *terminates* ~~shall be required to terminate~~ his or her nonelected covered employment. *Such* ~~Anyperson who exercises this election~~ shall receive his or her retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection. *A* ~~No~~ person who seeks to exercise the provisions of this subparagraph~~,~~ as *they* ~~the same~~ existed *before* ~~prior to~~ May 3, 1984, *may not be* ~~shall be~~ deemed to be retired under those provisions, unless such person is eligible to retire under ~~the provisions of~~ this subparagraph, as amended by chapter 84-11, Laws of Florida.

~~10. The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.~~

~~11. An employing agency may reemploy a retired member as a firefighter or paramedic after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The employing agency reemploying such firefighter or paramedic is subject to the retired contribution required in subparagraph 8. Reemployment of a retired firefighter or paramedic is limited to no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the Retirement System Trust Fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780 hour reemployment limitation.~~

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, except as provided under the disability retirement provisions of subsection (4) or under s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that his or her employer without limitation, except that the person may not be reemployed by an employer participating in the Florida Retirement System for 6 calendar months immediately subsequent to the date of retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13). A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system.

(d) ~~(c)~~ The provisions of this subsection apply to retirees, as defined in s. 121.4501(2)~~(j)~~, of the Public Employee Optional Retirement Program ~~created in part II~~, subject to the following conditions:

1. *The* ~~Such~~ retirees may not be reemployed with an employer participating in the Florida Retirement System ~~as provided in paragraph (b)~~ until such person has been retired for *6* ~~3~~ calendar months~~, unless the participant has reached the normal retirement requirements of the defined benefit plan as provided in s. 121.021(29)~~.

2. *A* ~~Such~~ retiree employed in violation of this subsection and *an employer* ~~any employing agency~~ that knowingly employs or appoints such person *are* ~~shall be~~ jointly and severally liable for reimbursement of any benefits paid to the retirement trust fund from which the benefits were paid, including the Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. *The employer* ~~To avoid liability, such employing agency~~ must have a written statement from the retiree that he or she is not retired from a state-administered retirement system.

(e) The limitations of this subsection apply to reemployment in any capacity irrespective of the category of funds from which the person is compensated.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to ~~the provisions of~~ this section, the Deferred Retirement Option Program, hereinafter referred to as ~~the~~ DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the *Florida Retirement* System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in ~~the~~ DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(a) *Eligibility of member to participate in* ~~the~~ *DROP.*—All active Florida Retirement System members in a regularly established position, and all active members of ~~either~~ the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122*,* which ~~systems~~

are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in ~~the~~ DROP *if* ~~provided that~~:

1. The member is not a renewed member ~~of the Florida Retirement System~~ under s. 121.122~~,~~ or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. *A member who delays DROP participation during the 12-month period immediately following his or her maximum DROP deferral date, except as provided in subparagraph 6., loses a month of DROP participation for each month delayed.* ~~For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section.~~ A member who fails to make an election within *the* ~~such~~ 12-month limitation period *forfeits* ~~shall forfeit~~ all rights to participate in ~~the~~ DROP. The member shall advise his or her employer and the division in writing of the date ~~on which the~~ DROP *begins* ~~shall begin~~. *The* ~~Such~~ beginning date may be subsequent to the 12-month election period~~,~~ but must be within the *original* 60-month *participation* ~~or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation~~ period ~~as~~ provided in subparagraph (b)1. When establishing eligibility of the member to participate in ~~the~~ DROP ~~for the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month maximum participation period~~, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member *who has* ~~with~~ dual normal retirement dates *is* ~~shall be~~ eligible to elect to participate in DROP ~~within 12 months~~ after attaining normal retirement date in either class.

3. The employer of a member electing to participate in ~~the~~ DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in ~~the~~ DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in ~~the~~ DROP *is* ~~shall be~~ permissible *if* ~~provided~~ such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the *maximum participation* ~~60-month limitation~~ period ~~as~~ provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in ~~the~~ DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division *of the identity of the new employer* on forms required by the division ~~as to the identity of the new employer~~.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the *maximum participation* ~~original 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month~~ period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and *is* ~~shall be~~ subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in ~~the~~ DROP *may* ~~shall~~ be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which *DROP begins* ~~the Deferred Retirement Option Program shall begin~~. When establishing eligibility of the member to participate in ~~the~~ DROP for the 60-month ~~or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month maximum~~ participation period~~, as~~ provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member *who has* ~~with~~ dual normal retirement dates *is* ~~shall be~~ eligible to elect to participate in either class.

(b) *Participation in* ~~the~~ *DROP.*—

1. An eligible member may elect to participate in ~~the~~ DROP for a period not to exceed a maximum of 60 calendar months. *However,* ~~or, with respect to~~ members who are instructional personnel employed by the Florida School for the Deaf and the Blind and *authorized* ~~who have received authorization~~ by the Board of Trustees of the Florida School for the Deaf and the Blind ~~to participate in the DROP beyond 60 months~~, ~~or~~ who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and *authorized* ~~who have received authorization~~ by the district school superintendent ~~to participate in the DROP beyond 60 calendar months~~, *or who are instructional personnel as defined in s. 1012.01(2)(a) employed by a developmental research school and authorized by the school's director, or if the school has no director, by the school's principal, may participate in DROP for up to 36 calendar months beyond the 60-month period.* ~~96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 calendar months, 96 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.~~

2. Upon deciding to participate in ~~the~~ DROP, the member shall submit, on forms required by the division:

a. A written election to participate in ~~the~~ DROP;

b. Selection of ~~the~~ DROP participation and termination dates *that*~~,~~ ~~which~~ satisfy the limitations stated in paragraph (a) and subparagraph

1. *The* ~~Such~~ termination date *must* ~~shall~~ be in a binding letter of resignation *to* ~~with~~ the employer~~,~~ establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of *the* ~~his or her~~ employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant *is* ~~shall be~~ a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. *DROP participation is final and may not be canceled by the participant after the first payment is credited during the DROP participation period.* However, participation in ~~the~~ DROP does not alter the participant's employment status*,* and *the member is* ~~such employee shall~~ not ~~be~~ deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers *are* ~~shall be~~ eligible to participate in ~~the~~ DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate ~~in the DROP~~ until the next succeeding term in that office. *An* ~~Such~~ elected officer who exercises this option may participate in ~~the~~ DROP for up to 60 calendar months or ~~a period of~~ no longer than *the* ~~such~~ succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly*;* ~~, except,~~ however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP *is* ~~shall be~~ null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP *must meet* ~~shall be required to satisfy~~ the definition of termination *in s. 121.021(39)* within the *original* 60-month *period* or *maximum participation* ~~, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation~~ period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer *shall* ~~will~~ be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.122, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of ~~the~~ DROP benefits shall be made as provided in paragraph (c).

(c) *Benefits payable under* ~~*the*~~ *DROP.—*

1. Effective *on* ~~with~~ the date of DROP participation, the member's initial normal monthly benefit, including creditable service, optional form of payment, and average final compensation, and the effective date of retirement *are* ~~shall be~~ fixed. The beneficiary established under the Florida Retirement System *is* ~~shall be~~ the beneficiary eligible to receive any DROP benefits payable if the DROP participant dies *before completing* ~~prior to the completion of~~ the period of DROP participation. *If* ~~In the event~~ a joint annuitant predeceases the member, the member may name a beneficiary to receive accumulated DROP benefits payable. *The* ~~Such~~ retirement benefit, the annual cost of living adjustments provided in s. 121.101, and interest ~~shall~~ accrue monthly in the *Florida Retirement* System Trust Fund. *The* ~~Such~~ interest *accrues* ~~shall accrue~~ at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death*, except as provided in s. 121.053(1)(b)5.*

2. Each employee who elects to participate in ~~the~~ DROP *may* ~~shall be allowed to~~ elect to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in ~~the~~ DROP. *The* ~~Such~~ accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average final compensation. The employee electing *the* ~~such~~ lump-sum payment *is* ~~upon beginning participation in DROP will~~ not ~~be~~ eligible to receive a second lump-sum payment upon termination, except to the extent the employee has earned additional annual leave which*,* combined with the original payment*,* does not exceed the maximum lump-sum payment allowed by the employing agency's policy or rules. *An* ~~Such~~ early lump-sum payment shall be based on the hourly wage of the employee at the time he or she begins participation in ~~the~~ DROP. If the member elects to wait and receive *a* ~~such~~ lump-sum payment upon termination of DROP and termination of employment with the employer, any accumulated leave payment made at that time *may not* ~~cannot~~ be included in the member's retirement benefit, which was determined and fixed by law when the employee elected to participate in ~~the~~ DROP.

3. The effective date of DROP participation and the effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in ~~the~~ DROP, provided such date is properly established, with the written confirmation of the employer, and the approval of the division, on forms required by the division.

4. Normal retirement benefits and *any* interest ~~thereon~~ shall continue to accrue in ~~the~~ DROP until the established termination date of ~~the~~ DROP~~,~~ or until the participant terminates employment or dies prior to such date*, except as provided in s. 121.053(1)(b)5.* Although individual DROP accounts shall not be established, a separate accounting of each participant's accrued benefits under ~~the~~ DROP shall be calculated and provided to participants.

5. At the conclusion of the participant's DROP, the division shall distribute the participant's total accumulated DROP benefits, subject to the following ~~provisions~~:

a. The division shall receive verification by the participant's employer or employers that *the* ~~such~~ participant has terminated *all* employment *relationships* as provided in s. 121.021(39)~~(b)~~.

b. The terminated DROP participant or, if deceased, *the* ~~such~~ participant's named beneficiary, shall elect on forms provided by the division to receive payment of the DROP benefits in accordance with one of the options listed below. *If* ~~For~~ a participant or beneficiary ~~who~~ fails to elect a method of payment within 60 days *after* ~~of~~ termination of ~~the~~ DROP, the division *shall* ~~will~~ pay a lump sum as provided in sub-sub-subparagraph (I).

(I) Lump sum.—All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

(II) Direct rollover.—All accrued DROP benefits, plus interest, shall be paid from ~~the~~ DROP directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code.

(III) Partial lump sum.—A portion of the accrued DROP benefits shall be paid to ~~the~~ DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits *must* ~~shall~~ be transferred directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code. The proportions *must* ~~shall~~ be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary *must comply* ~~complies~~ with the minimum distribution requirements of the Internal Revenue Code.

d. A DROP participant who fails to terminate *all* employment *relationships* as *provided* ~~defined~~ in s. 121.021(39)~~(b)~~ shall be deemed *as*

not ~~to be~~ retired, and the DROP election *is* ~~shall be~~ null and void. Florida Retirement System membership shall be reestablished retroactively to the date of the commencement of ~~the~~ DROP, and each employer with whom the participant continues employment *must* ~~shall be required to~~ pay to the *Florida Retirement* System Trust Fund the difference between the DROP contributions paid in paragraph (i) and the contributions required for the applicable Florida Retirement System class of membership during the period the member participated in ~~the~~ DROP, plus 6.5 percent interest compounded annually.

6. The retirement benefits of any DROP participant who terminates all employment relationships as provided in s. 121.021(39) but is reemployed in violation of the reemployment provisions subsection (9) shall be suspended during those months in which the retiree is in violation. Any retiree in violation of this subparagraph and any employer that employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits are jointly and severally liable for any benefits paid during the reemployment limitation period. To avoid liability, the employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retiree while employed in violation of the reemployment limitations must be repaid to the Florida Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired retiree's first 6 calendar months shall apply toward repayment of benefits received in violation of the reemployment limitation.

7. ~~6.~~ The accrued benefits of any DROP participant, and any contributions accumulated under *the* ~~such~~ program, *are* ~~shall~~ not ~~be~~ subject to assignment, execution, attachment, or ~~to~~ any legal process whatsoever, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

8. ~~7.~~ DROP participants *are* ~~shall~~ not ~~be~~ eligible for disability retirement benefits as provided in subsection (4).

(d) *Death benefits under* ~~*the*~~ *DROP.*—

1. Upon the death of a DROP participant, the named beneficiary *is* ~~shall be~~ entitled to apply for and receive the accrued benefits in ~~the~~ DROP as provided in sub-subparagraph (c)5.b.

2. The normal retirement benefit accrued to ~~the~~ DROP during the month of a participant's death *is* ~~shall be~~ the final monthly benefit credited for such DROP participant.

3. Eligibility to participate in ~~the~~ DROP terminates upon death of the participant. If the participant dies on or after the effective date of enrollment in ~~the~~ DROP, but *before* ~~prior to~~ the first monthly benefit *is* ~~being~~ credited to ~~the~~ DROP, Florida Retirement System benefits *are* ~~shall be~~ paid in accordance with subparagraph (7)(c)1. or subparagraph 2.

4. A DROP *participant's* ~~participants'~~ survivors *are* ~~shall~~ not ~~be~~ eligible to receive Florida Retirement System death benefits as provided in paragraph (7)(d).

(e) *Cost-of-living adjustment.*—On each July 1, the *participant's* ~~participants'~~ normal retirement benefit shall be increased as provided in s. 121.101.

(f) *Retiree health insurance subsidy.*—DROP participants are not eligible to apply for the retiree health insurance subsidy payments as provided in s. 112.363 until such participants have terminated employment and participation in ~~the~~ DROP.

(g) *Renewed membership.*—DROP participants *are* ~~shall~~ not ~~be~~ eligible for renewed membership in the Florida Retirement System under ss. 121.053 and 121.122 until *all employment relationships are terminated* ~~termination of employment is effectuated~~ as provided in s. 121.021(39)~~(b)~~.

(h) *Employment limitation after DROP participation.*— Upon ~~satisfying the definition of~~ termination of *all* employment *relationships* as provided in s. 121.021(39)~~(b)~~, DROP participants *are* ~~shall be~~ subject to *the same* ~~such~~ reemployment limitations as other retirees. Reemployment restrictions applicable to retirees as provided in subsection (9) *do* ~~shall~~ not apply to DROP participants until their employment and participation in ~~the~~ DROP are terminated.

(i) *Contributions.*—

1. All employers paying the salary of a DROP participant filling a regularly established position shall contribute 8.0 percent of such participant's gross compensation for the period of July 1, 2002, through June 30, 2003, and *the percentage* ~~11.56 percent~~ of such compensation *required by s. 121.71* thereafter, which shall constitute the entire employer DROP contribution with respect to such participant. Such contributions, payable to the *Florida Retirement* System Trust Fund in the same manner as required in s. 121.071, *must* ~~shall~~ be made as appropriate for each pay period and are in addition to contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. Such employer, social security, and health insurance subsidy contributions are not included in ~~the~~ DROP.

2. The employer shall, in addition to subparagraph 1., also withhold one-half of the entire social security contribution required for the participant. Contributions for social security by each participant and each employer, in the amount required for social security coverage as ~~now or hereafter~~ provided by the federal Social Security Act, *are* ~~shall be~~ in addition to contributions specified in subparagraph 1.

3. All employers paying the salary of a DROP participant filling a regularly established position shall contribute the percent of such participant's gross compensation required in s. 121.071(4), which ~~shall~~ constitute the employer's health insurance subsidy contribution with respect to such participant. Such contributions *must* ~~shall~~ be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(j) *Forfeiture of retirement benefits.*—~~Nothing in~~ This section *does not* ~~shall be construed to~~ remove DROP participants from the scope of s. 8(d), Art. II of the State Constitution, s. 112.3173, and paragraph (5)(f). DROP participants who commit a specified felony offense while employed *are* ~~will be~~ subject to forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.

(k) *Administration of program.*—The division shall *adopt* ~~make such~~ rules as ~~are~~ necessary for the effective and efficient administration of this subsection. The division *is* ~~shall~~ not ~~be~~ required to advise members of the federal tax consequences of an election related to the DROP but may advise members to seek independent advice.

(14) PAYMENT OF BENEFITS.—This subsection applies to the payment of benefits to a payee (retiree or beneficiary) under the Florida Retirement System:

(a) Federal income tax shall be withheld in accordance with federal law, unless the payee elects otherwise on Form W-4P. The division shall prepare and distribute to each recipient of monthly retirement benefits an appropriate income tax form that reflects the recipient's income and federal income tax withheld for the calendar year just ended.

(b) Subject to approval by the division in accordance with rule 60S-4.015, Florida Administrative Code, a payee receiving retirement benefits under the ~~Florida Retirement~~ system may also have the following payments deducted from his or her monthly benefit:

1. Premiums for life and health-related insurance policies from approved companies.

2. Life insurance premiums for the State Group Life Insurance Plan, if authorized in writing by the payee and by the department ~~of Management Services~~.

3. Repayment of overpayments from the Florida Retirement System Trust Fund, the State Employees' Health Insurance Trust Fund, or the State Employees' Life Insurance Trust Fund, upon notification of the payee.

4. Payments to an alternate payee for alimony *or* ~~,~~ child support *pursuant to an income deduction order under s. 61.1301*, or division of marital assets pursuant to a qualified domestic relations order under s. 222.21 ~~or an income deduction order under s. 61.1301~~.

5. Payments to the Internal Revenue Service for federal income tax levies, upon notification of the division by the Internal Revenue Service.

(c) A payee *must* ~~shall~~ notify the division of any change in his or her address. The division may suspend benefit payments to a payee if correspondence sent to the payee's mailing address is returned due to an incorrect address. Benefit payments shall be resumed upon notification to the division of the payee's new address.

(d) A payee whose retirement benefits are reduced by the application of maximum benefit limits under s. 415(b) of the Internal Revenue Code, as specified in s. 121.30(5), shall have the portion of his or her calculated benefit in the Florida Retirement System defined benefit plan which exceeds such federal limitation paid through the Florida Retirement System Preservation of Benefits Plan, as provided in s. 121.1001.

(e) The Division of Retirement may issue retirement benefits payable for division of marital assets pursuant to a qualified domestic relations order directly to the alternate payee, any court order to the contrary notwithstanding, in order to meet Internal Revenue Code requirements.

(f) ~~(e)~~ *A* ~~No~~ benefit may *not* be reduced for the purpose of preserving the member's eligibility for a federal program.

(g) ~~(f)~~ The division shall adopt rules establishing procedures for determining that ~~the~~ persons to whom benefits are being paid are still living. The division shall suspend the benefits being paid to any payee *if* ~~when~~ it is unable to contact such payee and to confirm that he or she is still living.

Section 10. Section 121.1115, Florida Statutes, is amended to read:

121.1115 Purchase of retirement credit for out-of-state *or* ~~and~~ federal service.—Effective January 1, 1995, a member ~~of the Florida Retirement System~~ may purchase creditable service for periods of public employment in another state and receive creditable service for such periods of employment. Service with the Federal Government, including any *active* military service, may be claimed. Upon completion of each year of service earned under the Florida Retirement System, a member may purchase up to 1 year of retirement credit for his or her out-of-state service, subject to the following provisions:

(1) LIMITATIONS AND CONDITIONS.—To receive credit for the out-of-state service:

(a) The out-of-state service ~~being claimed~~ must have been:

1. Performed in a position of employment with the state or a political subdivision thereof or with the Federal Government;

2. Covered by a retirement or pension plan provided by the state or political subdivision, or by the Federal Government, as appropriate; and

3. Performed prior to a period of membership in the Florida Retirement System.

(b) The member must have completed a minimum of 6 years of creditable service under the Florida Retirement System, excluding out-of-state service and in-state service claimed and purchased under s. 121.1122.

(c) Not more than 5 years of creditable service may be claimed for creditable service aggregated under ~~the provisions of~~ this section and s. 121.1122.

(d) The out-of-state service credit ~~claimed under this section~~ shall be credited only as service in the Regular Class ~~of membership~~, and any benefit or pension based thereon *is* ~~shall be~~ subject to the limitations and restrictions of s. 112.65.

(e) The member is not eligible for and may not receive a pension or benefit from a retirement or pension plan based on or including the out-of-state service. Eligibility for or the receipt of contributions to a retirement plan made by the employer on behalf of the employee is considered a benefit.

(f) ~~(e) A member shall be eligible~~ To receive service credit for out-of-state service performed after leaving the Florida Retirement System*, the member must complete* ~~only upon return to membership and completion of~~ at least 1 year of creditable service in the Florida Retirement System following the out-of-state service.

(2) COST.—For each year claimed, the member must pay into the *Florida Retirement* System Trust Fund an amount equal to 20 percent of the member's annual compensation for the first full work year of creditable service earned under the Florida Retirement System, but not less than $12,000, plus interest at 6.5 percent compounded annually from the date of first annual salary earned until full payment is made. The employer may pay all or a portion of the cost of this service credit.

Section 11. Subsection (2) of section 121.1122, Florida Statutes, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic schools and colleges, including charter schools and charter technical career centers.—Effective January 1, 1998, a member of the Florida Retirement System may purchase creditable service for periods of certain public or nonpublic employment performed in this state, as provided in this section.

(2) LIMITATIONS AND CONDITIONS.—

(a) A member is not eligible to receive credit for in-state service under this section until he or she has completed 6 years of creditable service under the Florida Retirement System, excluding service purchased under this section and out-of-state service claimed and purchased under s. 121.1115.

(b) A member may not purchase and receive credit for more than 5 years of creditable service aggregated under ~~the provisions of~~ this section and s. 121.1115.

(c) Service credit claimed under this section shall be credited only as service in the Regular Class ~~of membership~~ and *is* ~~shall be~~ subject to ~~the provisions of~~ s. 112.65.

(d) Service credit may not be purchased under this section if the member is eligible to receive or is receiving a pension or benefit from a retirement or pension plan based on or including the service. Eligibility for or the receipt of contributions to a retirement plan made by the employer on behalf of the employee is considered a benefit.

(e) ~~(d)~~ A member *is* ~~shall be~~ eligible to receive service credit for in-state service performed after leaving the Florida Retirement System only *after* ~~upon returning to membership and~~ completing at least 1 year of creditable service in the Florida Retirement System following the in-state service.

(f) ~~(e)~~ The service claimed must have been service covered by a retirement or pension plan provided by the employer.

Section 12. Section 121.122, Florida Statutes, is amended to read:

121.122 Renewed membership in system.—

(1) Except as provided in s. 121.053, effective July 1, 1991, any retiree of a state-administered retirement system who is *initially reemployed* ~~employed~~ in a regularly established position with a covered employer shall be enrolled as a compulsory member of the Regular Class of the Florida Retirement System or, effective July 1, 1997, any retiree of a state-administered retirement system who is *initially reemployed* ~~employed~~ in a position included in the Senior Management Service Class shall be enrolled as a compulsory member of the Senior Management Service Class of the Florida Retirement System as provided in s. 121.055, and shall be entitled to receive an additional retirement benefit, subject to the following conditions:

~~(1)~~(a) Such member *must* ~~shall~~ resatisfy the age and service requirements as provided in this chapter for initial membership under the system, unless such member elects to participate in the Senior Management Service Optional Annuity Program in lieu of the Senior Management Service Class, as provided in s. 121.055(6).

(b) Such member *is* ~~shall~~ not ~~be~~ entitled to disability benefits as provided in s. 121.091(4).

(c) Such member must meet the reemployment after retirement limitations as provided in s. 121.091(9), as applicable.

(2) Upon renewed membership *or reemployment of a retiree*, the employer of such member shall pay the applicable employer contributions as required by ss. *121.71, 121.74, 121.76, and 112.363* ~~121.055(3) and 121.071(1)(a) and (4)~~.

(3) Such member *is* ~~shall be~~ entitled to purchase additional retirement credit in the Regular Class or the Senior Management Service Class, as applicable, for any postretirement service performed in a regularly established position as follows:

(a) For regular class service prior to July 1, 1991, by paying the Regular Class applicable employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund; or

(b) For Senior Management Service Class prior to June 1, 1997, as provided in s. 121.055(1)(j).

The contribution for postretirement service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

(4) No creditable service for which credit was received, or which remained unclaimed, at retirement may be claimed or applied toward service credit earned following renewed membership. However, service earned as an elected officer with renewed membership in the Elected Officers' Class may be used in conjunction with creditable service earned under this section, provided the applicable vesting requirements and other existing statutory conditions required by this chapter are met.

(5) Notwithstanding any other limitations provided in this section, a participant of the State University System Optional Retirement Program*, the State Community College Optional Retirement Program,* or the Senior Management Service Optional Annuity Program who terminated employment and commenced receiving *a distribution* ~~an annuity~~ under ~~the provisions of~~ the optional program, who *initially* renews membership ~~in the Regular Class~~ as required by this section upon reemployment after retirement, and who had previously earned creditable Florida Retirement System service that was not included in any retirement benefit may include such previous service toward vesting and service credit in the second career benefit provided under renewed membership.

(6) *A* ~~Any~~ renewed member who is not receiving the maximum health insurance subsidy provided in s. 112.363 *is* ~~shall be~~ entitled to earn additional credit toward the maximum health insurance subsidy. Any additional subsidy due because of such additional credit *may* ~~shall~~ be received only at the time of payment of the second career retirement benefit. ~~In no case shall~~ The total health insurance subsidy received by a retiree receiving benefits from initial and renewed membership *may not* exceed the maximum allowed in s. 112.363.

Section 13. Section 121.136, Florida Statutes, is amended to read:

121.136 Annual benefit statement to members.—*Each year* ~~Beginning January 1, 1993, and each January thereafter,~~ the department shall provide each active member of the Florida Retirement System with 5 or more years of creditable service an annual statement of benefits *that provides* ~~. Such statement should provide~~ the member with basic data about the member's retirement account. *At a minimum* ~~Minimally~~, it *must* ~~shall~~ include the member's retirement plan, *accrued service credit* ~~the amount of funds on deposit in the retirement account~~, and an estimate of retirement benefits.

Section 14. Section 121.1905, Florida Statutes, is amended to read:

121.1905 Division of Retirement; creation.—

~~(1)~~ There is created the Division of Retirement within the Department of Management Services.

~~(2) The mission of the Division of Retirement is to provide quality and cost effective retirement services as measured by member satisfaction and by comparison with administrative costs of comparable retirement systems.~~

Section 15. Paragraph (a) of subsection (2) of section 121.23, Florida Statutes, is amended to read:

121.23 Disability retirement and special risk membership applications; Retirement Commission; powers and duties; judicial review.—The provisions of this section apply to all proceedings in which the administrator has made a written final decision on the merits respecting applications for disability retirement, reexamination of retired members receiving disability benefits, applications for special risk membership, and reexamination of special risk members in the Florida Retirement System. The jurisdiction of the State Retirement Commission under this section shall be limited to written final decisions of the administrator on the merits.

(2) A member shall be entitled to a hearing before the State Retirement Commission pursuant to ss. 120.569 and 120.57(1) on the merits of any written adverse decision of the administrator, if he or she files with the commission a written request for such hearing within 21 days after receipt of such written decision from the administrator. For the purpose of such hearings, the commission shall be an "agency head" as defined by s. 120.52.

(a) The commission *may* ~~shall have the authority to~~ issue orders as a result of *the* ~~a~~ hearing that *are* ~~shall be~~ binding on all parties to the dispute *and* ~~. The commission~~ may order any action that it deems appropriate. Any disability retirement order of the commission *that* ~~issued pursuant to this subsection which~~ sustains the application of the member may include an amount, to be determined by the commission, for reasonable attorney's fees and taxable costs, which shall be calculated in accordance with the statewide uniform guidelines for taxation of costs in civil actions. The amount of the attorney's *fees* ~~fee~~ may not exceed 50 percent of the initial yearly benefit awarded under s. 121.091(4). In cases involving disability retirement, the ~~State Retirement~~ commission shall require the member to present *substantial* competent medical evidence *that meets the requirements of s. 121.091(4)(c)2. and 3.,* and may require vocational evidence*,* before awarding disability retirement benefits.

Section 16. Paragraph (a) of subsection (1) of section 121.24, Florida Statutes, is amended to read:

121.24 Conduct of commission business; legal and other assistance; compensation.—

(1) The commission shall conduct its business within the following guidelines:

(a) For purposes of hearing appeals under s. 121.23, the commission may meet in panels ~~consisting~~ of *no* ~~not~~ fewer than three members. ~~For the purpose of meeting in these panels, a quorum shall be not fewer than two members. For all other purposes,~~ A quorum shall consist of three members. The concurring vote of a majority of the members present *is* ~~shall be~~ required to reach a decision, issue orders, and conduct the business of the commission.

Section 17. Paragraph (h) of subsection (3) and paragraphs (a) and (e) of subsection (5) of section 121.35, Florida Statutes, are amended, and paragraph (g) is added to subsection (5) of that section, to read:

121.35 Optional retirement program for the State University System.—

(3) ELECTION OF OPTIONAL PROGRAM.—

(h) A participant in the optional retirement program may not participate in more than one state-administered retirement system, plan, or class simultaneously. Except as provided in s. 121.052(6)(d), a participant who is or becomes dually employed in two or more positions covered by the Florida Retirement System, one of which is eligible for the optional program and one of which is not, may remain a member of the optional program and contributions shall be paid as required only on the salary earned in the position eligible for the optional program during *the* ~~such~~ period of dual employment; or, within 90 days after becoming dually employed, he or she may elect membership in the Regular Class of the Florida Retirement System in lieu of the optional program and contributions shall be paid as required on the total salary received for all employment. At retirement, the average final compensation used to

calculate any benefits for which the member becomes eligible under the Florida Retirement System *must* ~~shall~~ be based on all salary reported for both positions during such period of dual employment. *If the* ~~When such~~ member ceases to be dually employed, he or she may, within 90 days, elect to remain in the Florida Retirement System class for which he or she is eligible or to again become a participant in the optional retirement program. Failure to elect membership in the optional program within 90 days shall result in compulsory membership in the Florida Retirement System, except that a member filling a faculty position *at* ~~under~~ a *college that has a* faculty practice plan at the University of Florida*, at* ~~or~~ the Medical Center at the University of South Florida*, or other state university* shall again participate in the optional retirement program as required in s. 121.051(1)(a).

(5) BENEFITS.—

(a) Benefits *are* ~~shall be~~ payable under the optional retirement program only to vested participants in the program, or their beneficiaries as designated by the participant in the contract with a provider company, and such benefits shall be paid only by the designated company in accordance with s. 403(b) of the Internal Revenue Code and ~~in accordance with~~ the terms of the annuity contract or contracts applicable to the participant. Benefits ~~shall~~ accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and the earnings thereon. The participant must be terminated from all employment *relationships* with all Florida Retirement System employers, as provided in s. 121.021(39), to begin receiving the employer-funded benefit. Benefits funded by employer contributions *are* ~~shall be~~ payable in accordance with the following terms and conditions:

1. Benefits shall be *paid* ~~payable~~ only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable *department* ~~board~~ rule or policy.

3. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (c). No other death benefits *are* ~~shall be~~ available *to* ~~for~~ survivors of participants under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.

(e) A participant who chooses to receive his or her benefits upon termination *as defined in s. 121.021(39) must* ~~of employment shall have responsibility to~~ notify the provider company of the date ~~on which~~ he or she wishes benefits funded by employer contributions to begin. Benefits may be deferred until ~~such time as~~ the participant chooses to make such application.

(g) For purposes of this section, "retiree" means a former participant of the optional retirement program who has terminated employment and has taken a distribution as provided in this subsection, except for a mandatory distribution of a de minimis account authorized by the department.

Section 18. Paragraphs (a) and (b) of subsection (1) of section 121.591, Florida Statutes, is amended to read:

121.591 Benefits payable under the Public Employee Optional Retirement Program of the Florida Retirement System.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed in the manner prescribed by the state board or the department. The state board or department, as appropriate, may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities as provided herein, the State Board of Administration and the Department of Management Services shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received. The State Board of Administration and the Department of Management Services, as appropriate, are authorized to cash out a de minimis account of a participant who has been terminated from Florida Retirement System covered employment for a minimum of 6 calendar months. A de minimis account is an account containing employer contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter. Such cash-out must either be a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or a lump-sum direct rollover distribution paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code, on behalf of the participant. If any financial instrument issued for the payment of retirement benefits under this section is not presented for payment within 180 days after the last day of the month in which it was originally issued, the third-party administrator or other duly authorized agent of the State Board of Administration shall cancel the instrument and credit the amount of the instrument to the suspense account of the Public Employee Optional Retirement Program Trust Fund authorized under s. 121.4501(6). Any such amounts transferred to the suspense account are payable upon a proper application, not to include earnings thereon, as provided in this section, within 10 years after the last day of the month in which the instrument was originally issued, after which time such amounts and any earnings thereon shall be forfeited. Any such forfeited amounts are assets of the Public Employee Optional Retirement Program Trust Fund and are not subject to the provisions of chapter 717.

(1) NORMAL BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits in the form of vested accumulations as described in s. 121.4501(6) shall be payable under this subsection in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits under this subsection, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

4. Benefit payments may not be made until the participant has been terminated for 3 calendar months, except that the board may authorize by rule for the distribution of up to 10 percent of the participant's account after being terminated for 1 calendar month if a participant has reached the normal retirement requirements of the defined benefit plan, as provided in s. 121.021(29).

5. If a member or former member of the Florida Retirement System receives an invalid distribution from the Public Employee Optional Retirement Program Trust Fund, such person shall repay the full invalid distribution to the trust fund within 90 days after receipt of final notification by the State Board of Administration or the third-party administrator that the distribution was invalid. If such person fails to repay the full invalid distribution within 90 days after receipt of final notification, the person may be deemed retired from the Public Employee Optional Retirement Program by the state board, as provided pursuant to s. 121.4501(2)(j), and shall be subject to the provisions of s. 121.122. If such person is deemed retired by the state board, any joint and several liability set out in *s. 121.091(9)(d)2.* ~~s. 121.091(9)(e)2.~~ becomes null and void, and the state board, the Department of Management Services, or the employing agency is not liable for gains on payroll contributions that have not been deposited to the person's account in the Public Employee Optional Retirement Program, pending resolution of the invalid distribution. The member or former member who has been deemed retired or who has been determined by the board to have taken an invalid distribution may appeal the agency decision through the complaint process as provided under s. 121.4501(9)(f)3. As used in this subparagraph, the term "invalid distribution" means any distribution from an account in the Public Employee Optional Retirement Program which is taken in violation of the provisions of this section, s. 121.091(9), or s. 121.4501.

(b) If a participant elects to receive his or her benefits upon termination of employment *as defined in s. 121.021(39)*, the participant must submit a written application or an equivalent form to the third-party

administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

Section 19. Subsection (1) of section 238.183, Florida Statutes, is amended to read:

238.183 Developmental research school and Florida School for the Deaf and the Blind instructional personnel; reemployment after retirement.—

(1) Notwithstanding any other law, instructional personnel, as defined in s. 1012.01(2), employed by a developmental research school or the Florida School for the Deaf and the Blind are eligible for reemployment after retirement in the same manner as classroom teachers who are employed by the district school boards, as described in ss. 121.091(9)(b)~~3.~~ and 238.181(2)(c).

Section 20. Paragraph (g) of subsection (3) and subsection (8) of section 1012.33, Florida Statutes, are amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(3)

(g) Beginning July 1, 2001, for each employee who enters into a written contract, pursuant to this section, in a school district in which the employee was not employed as of June 30, 2001, or was employed as of June 30, 2001, but has since broken employment with that district for 1 school year or more, for purposes of pay, a district school board must recognize and accept each year of full-time public school teaching service earned in the State of Florida or outside the state and for which the employee received a satisfactory performance evaluation. Instructional personnel employed pursuant to s. 121.091(9)(b)~~3.~~ are exempt from the provisions of this paragraph.

(8) Notwithstanding any other provision of law, *a retired* ~~any~~ member ~~who has retired~~ may interrupt retirement and be reemployed in any public school. *A* ~~Any~~ member ~~so~~ reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1)~~; however, no regular retirement employee shall be eligible to renew membership under a retirement system created by chapter 121 or chapter 238~~.

Section 21. *Sections 121.093, 121.094, and 121.45, Florida Statutes, are repealed.*

Section 22. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, as well as the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner as required by s. 14, Art. X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that the amendment of s. 121.091, Florida Statutes, by this act fulfills an important state interest.*

Section 23. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers' Class; revising the dates when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; providing that a member whose DROP participation begins after a certain date may not continue to earn interest on his or her DROP account after the end of the 60-month DROP period; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising provisions relating to de minimis accounts; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; providing that retirees of a state-administered retirement system who retire after a certain date may not be reemployed by an employer participating in the Florida Retirement System for 6 months; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation may not be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members are not eligible to purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending ss. 121.591 and 238.183, F.S.; providing and conforming cross-references; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

On motion by Senator Fasano, further consideration of **CS for CS for HB 479** with pending **Amendment 1 (873430)** was deferred.

On motion by Senator Fasano—

SB 442—A bill to be entitled An act relating to the Education Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors and the State Board of Education for the Education Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in a private institution; revising the application requirements for the program to include active drilling

members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes to conform to changes made by the act; amending s. 1009.26, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Military Affairs and Domestic Security recommended the following amendments which were moved by Senator Fasano and failed:

Amendment 1 (736754)—Delete lines 78-79 and insert: courses that do not meet degree requirements, ~~or~~ courses that do not meet requirements for completion of career training*, or other courses as determined by program definitions*.

Amendment 2 (862620)—Delete line 179 and insert: member received payments, *regardless of whether the obligation to reimburse the department was incurred before, on, or after July 1, 2009,* unless the Adjutant General finds that

The Committee on Transportation and Economic Development Appropriations recommended the following amendment which was moved by Senator Fasano:

Amendment 3 (280430) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (7), (8), and (9) of section 250.10, Florida Statutes, are amended to read:

250.10 Appointment and duties of the Adjutant General.—

(7) The Adjutant General~~, the Board of Governors of the State University System, and the State Board of Education~~ shall develop *an* education assistance *program* ~~programs~~ for members in good standing of the ~~active~~ Florida National Guard who enroll in *an authorized course of study at* a public *or nonpublic* institution of higher learning in the state *which has been accredited by an accrediting body recognized by the United States Department of Education. This program shall be known as the Educational Dollars for Duty program (EDD).*

(a) The *program* ~~programs~~ shall set forth application requirements, including, but not limited to, requirements that the applicant:

1. Be 17 years of age or older.

2. Be presently domiciled in the state.

3. Be *an active drilling* ~~a~~ member *and* in good standing in the ~~active~~ Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.

4. Maintain continuous satisfactory participation in the ~~active~~ Florida National Guard for any school term for which exemption benefits are received.

5. Upon enrollment in *the* ~~a~~ program ~~specified in subsection (8) or subsection (9)~~, complete a memorandum of agreement to comply with the rules of the program and serve in the ~~active~~ Florida National Guard for *the period specified in the member's enlistment or reenlistment contract* ~~3 years after completion of the studies for which an exemption is granted or tuition and fees are paid~~.

(b) The *program* ~~programs~~ shall define those members of the ~~active~~ Florida National Guard who are ineligible to participate in the program and those courses of study which are not authorized for the program.

1. *Ineligible* ~~Such~~ members include, but are not limited to*,* ~~:~~

~~a.~~ any member, commissioned officer, warrant officer, or enlisted person who has *obtained a master's degree using the program* ~~a baccalaureate degree~~.

~~b. Any member who has 15 years or more of total military service creditable toward retirement.~~

~~c. Any member who has not completed basic military training.~~

2. Courses not authorized include noncredit courses, courses that do not meet degree requirements, ~~or~~ courses that do not meet requirements for completion of career training*, or other courses as determined by program definitions*.

3. College-preparatory courses are authorized for the program.

(c) The Adjutant General~~, together with the Board of Governors of the State University System and the State Board of Education,~~ shall adopt rules for the overall policy, guidance, administration, implementation, and proper *use* ~~utilization~~ of the program. Such rules must include, but not be limited to, guidelines for certification by the Adjutant General of a guard member's eligibility, procedures for notification to an institution of a guard member's termination of eligibility, and procedures for restitution when a guard member fails to comply with the penalties described in this section.

~~(8) The Department of Military Affairs may administer a tuition exemption program, known as the State Tuition Exemption Program (STEP), for members of the Florida National Guard who qualify pursuant to subsection (7).~~

~~(a) Members of the Florida National Guard are exempt from payment of one half of tuition and fees, subject to the following limitations:~~

~~1. A member may not participate in the STEP Program for more than 10 years following the date of enrollment in the tuition assistance program.~~

~~2. Florida National Guard members shall be admitted on a space-available basis.~~

~~(b) Notwithstanding paragraph (a) and subject to appropriations, the Department of Military Affairs may pay one half the cost of tuition and fees for required courses for members of the Florida National Guard if a member is unable to obtain admittance on a space available basis and, at least on one previous occasion, the member was denied admission to the required course.~~

~~(c) Courses not authorized include noncredit courses, courses that do not meet degree requirements, or courses that do not meet requirements for completing career training.~~

~~(d) Penalties for noncompliance with program requirements include, but are not limited to:~~

~~1. If a member of the active Florida National Guard receives an exemption from tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during that academic term, the member forfeits his or her exemption and shall pay the institution granting the exemption all tuition charges and student fees for the academic term for which the exemption was granted.~~

~~2. If a member of the active Florida National Guard leaves the Florida National Guard during the 3 year period the member has agreed to serve after completing the courses for which an exemption was granted, the member shall reimburse the institution granting the exemption for all tuition charges and student fees for which the member received an exemption, unless the Adjutant General finds that there are justifiable extenuating circumstances.~~

~~3. If the service of a member of the active Florida National Guard is terminated or the member is placed on scholastic probation while receiving an exemption, the exemption shall be immediately forfeited and the member shall pay the institution granting the exemption all tuition charges and student fees for the academic term for which the exemption was granted.~~

~~4. If a member defaults on any repayment made under this paragraph, the institution may charge the member the maximum interest rate authorized by law.~~

(8) ~~(9)~~ Subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for *current* members of the Florida National Guard ~~who enlist after June 30, 1997~~. *Members are eligible to use the program upon enlistment in the Florida National Guard.If a member is enrolled in a nonpublic postsecondary education institution or a nonpublic vocational-technical program, the Department of Military Affairs shall pay an amount equal to the amount that would be required to pay for the average tuition and fees at a public postsecondary education institution or public vocational-technical program.* ~~This program shall be known as the Educational Dollars for Duty program (EDD) and is the primary program for these members~~.

(a) *A member may participate in the program if he or she maintains satisfactory participation in, and is an active drilling member of, the Florida National Guard. Inactive members of the Florida National Guard and members of the Individual Ready Reserve (IRR) are not eligible to participate in the program.* ~~A member may not participate in the EDD program for more than 5 years following the date of eligibility for the program.~~

~~(b) Courses not authorized include noncredit courses, courses that do not meet the degree requirements, or courses that do not meet requirements for completing career training.~~

~~(c) College preparatory classes are authorized courses.~~

(b) ~~(d)~~ Penalties for noncompliance with program requirements include, but are not limited to*, the following*:

1. If a member of the ~~active~~ Florida National Guard receives payment of tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during that academic term, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for the academic term for which the member received payment.

2. If a member of the ~~active~~ Florida National Guard leaves the Florida National Guard during the ~~3-year~~ period *specified in the member's enlistment or reenlistment contract* ~~the member has agreed to serve after completing the courses for which payments were made~~, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for which the member received payments, *regardless of whether the obligation to reimburse the department was incurred before, on, or after July 1, 2009,* unless the Adjutant General finds that there are justifiable extenuating circumstances.

3. If the service of a member of the ~~active~~ Florida National Guard is terminated or the member is placed on scholastic probation while receiving payments, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for the academic term for which the member received payment.

4. If a member defaults on any reimbursement made under this paragraph, the department may charge the member the maximum interest rate authorized by law.

Section 2. Paragraph (a) of subsection (10) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active *drilling* members of the Florida National Guard ~~who qualify under s. 250.10(7) and (8) for the tuition assistance program~~.

Section 3. Subsection (8) of section 1009.26, Florida Statutes, is amended, and subsections (9) and (10) of that section are renumbered as subsections (8) and (9), respectively, to read:

1009.26 Fee waivers.—

~~(8) Fees shall be waived for certain members of the active Florida National Guard pursuant to s. 250.10(8).~~

Section 4. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in an authorized course of study at a public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

Senator Fasano moved the following substitute amendment:

Amendment 4 (638720) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (7), (8), and (9) of section 250.10, Florida Statutes, are amended to read:

250.10 Appointment and duties of the Adjutant General.—

(7) The Adjutant General~~, the Board of Governors of the State University System, and the State Board of Education~~ shall develop *an* education assistance *program* ~~programs~~ for members in good standing of the ~~active~~ Florida National Guard who enroll in *an authorized course of study at* a public *or nonpublic* institution of higher learning in the state *which has been accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. This program shall be known as the Educational Dollars for Duty program (EDD).*

(a) The *program* ~~programs~~ shall set forth application requirements, including, but not limited to, requirements that the applicant:

1. Be 17 years of age or older.

2. Be presently domiciled in the state.

3. Be *an active drilling* ~~a~~ member *and* in good standing in the ~~active~~ Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.

4. Maintain continuous satisfactory participation in the ~~active~~ Florida National Guard for any school term for which exemption benefits are received.

5. Upon enrollment in *the* ~~a~~ program ~~specified in subsection (8) or subsection (9)~~, complete a memorandum of agreement to comply with the rules of the program and serve in the ~~active~~ Florida National Guard for *the period specified in the member's enlistment or reenlistment contract* ~~3~~

~~years after completion of the studies for which an exemption is granted or tuition and fees are paid~~.

(b) The *program* ~~programs~~ shall define those members of the ~~active~~ Florida National Guard who are ineligible to participate in the program and those courses of study which are not authorized for the program.

1. *Ineligible* ~~Such~~ members include, but are not limited to*,* ~~:~~

~~a.~~ any member, commissioned officer, warrant officer, or enlisted person who has *obtained a master's degree using the program* ~~a baccalaureate degree~~.

~~b. Any member who has 15 years or more of total military service creditable toward retirement.~~

~~c. Any member who has not completed basic military training.~~

2. Courses not authorized include noncredit courses, courses that do not meet degree requirements, ~~or~~ courses that do not meet requirements for completion of career training*, or other courses as determined by program definitions*.

3. College-preparatory courses are authorized for the program.

(c) The Adjutant General~~, together with the Board of Governors of the State University System and the State Board of Education,~~ shall adopt rules for the overall policy, guidance, administration, implementation, and proper *use* ~~utilization~~ of the program. Such rules must include, but not be limited to, guidelines for certification by the Adjutant General of a guard member's eligibility, procedures for notification to an institution of a guard member's termination of eligibility, and procedures for restitution when a guard member fails to comply with the penalties described in this section.

~~(8) The Department of Military Affairs may administer a tuition exemption program, known as the State Tuition Exemption Program (STEP), for members of the Florida National Guard who qualify pursuant to subsection (7).~~

~~(a) Members of the Florida National Guard are exempt from payment of one half of tuition and fees, subject to the following limitations:~~

~~1. A member may not participate in the STEP Program for more than 10 years following the date of enrollment in the tuition assistance program.~~

~~2. Florida National Guard members shall be admitted on a space-available basis.~~

~~(b) Notwithstanding paragraph (a) and subject to appropriations, the Department of Military Affairs may pay one half the cost of tuition and fees for required courses for members of the Florida National Guard if a member is unable to obtain admittance on a space-available basis and, at least on one previous occasion, the member was denied admission to the required course.~~

~~(c) Courses not authorized include noncredit courses, courses that do not meet degree requirements, or courses that do not meet requirements for completing career training.~~

~~(d) Penalties for noncompliance with program requirements include, but are not limited to:~~

~~1. If a member of the active Florida National Guard receives an exemption from tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during that academic term, the member forfeits his or her exemption and shall pay the institution granting the exemption all tuition charges and student fees for the academic term for which the exemption was granted.~~

~~2. If a member of the active Florida National Guard leaves the Florida National Guard during the 3-year period the member has agreed to serve after completing the courses for which an exemption was granted, the member shall reimburse the institution granting the exemption for all tuition charges and student fees for which the member received an exemption, unless the Adjutant General finds that there are justifiable extenuating circumstances.~~

~~3. If the service of a member of the active Florida National Guard is terminated or the member is placed on scholastic probation while receiving an exemption, the exemption shall be immediately forfeited and the member shall pay the institution granting the exemption all tuition charges and student fees for the academic term for which the exemption was granted.~~

~~4. If a member defaults on any repayment made under this paragraph, the institution may charge the member the maximum interest rate authorized by law.~~

(8) ~~(9)~~ Subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for *current* members of the Florida National Guard ~~who enlist after June 30, 1997~~. *Members are eligible to use the program upon enlistment in the Florida National Guard. If a member is enrolled in a nonpublic postsecondary education institution or a nonpublic vocational-technical program, the Department of Military Affairs shall pay an amount equal to the amount that would be required to pay for the average tuition and fees at a public postsecondary education institution or public vocational-technical program.* ~~This program shall be known as the Educational Dollars for Duty program (EDD) and is the primary program for these members~~.

(a) *A member may participate in the program if he or she maintains satisfactory participation in, and is an active drilling member of, the Florida National Guard. Inactive members of the Florida National Guard and members of the Individual Ready Reserve (IRR) are not eligible to participate in the program.* ~~A member may not participate in the EDD program for more than 5 years following the date of eligibility for the program.~~

~~(b) Courses not authorized include noncredit courses, courses that do not meet the degree requirements, or courses that do not meet requirements for completing career training.~~

~~(c) College preparatory classes are authorized courses.~~

(b) ~~(d)~~ Penalties for noncompliance with program requirements include, but are not limited to*, the following*:

1. If a member of the ~~active~~ Florida National Guard receives payment of tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during that academic term, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for the academic term for which the member received payment.

2. If a member of the ~~active~~ Florida National Guard leaves the Florida National Guard during the ~~3-year~~ period *specified in the member's enlistment or reenlistment contract* ~~the member has agreed to serve after completing the courses for which payments were made~~, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for which the member received payments, *regardless of whether the obligation to reimburse the department was incurred before, on, or after July 1, 2009,* unless the Adjutant General finds that there are justifiable extenuating circumstances.

3. If the service of a member of the ~~active~~ Florida National Guard is terminated or the member is placed on scholastic probation while receiving payments, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for the academic term for which the member received payment.

4. If a member defaults on any reimbursement made under this paragraph, the department may charge the member the maximum interest rate authorized by law.

Section 2. Paragraph (a) of subsection (10) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent chil-

dren, and active *drilling* members of the Florida National Guard ~~who qualify under s. 250.10(7) and (8) for the tuition assistance program~~.

Section 3. Subsection (8) of section 1009.26, Florida Statutes, is amended, and subsections (9) and (10) of that section are renumbered as subsections (8) and (9), respectively, to read:

1009.26 Fee waivers.—

~~(8) Fees shall be waived for certain members of the active Florida National Guard pursuant to s. 250.10(8).~~

Section 4. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in an authorized course of study at a specified public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

Senator Lynn moved the following amendment to **Amendment 4** which failed:

Amendment 4A (218900)—Delete line 115 and insert:

(8) ~~(9)~~ Subject to appropriations *and in accordance with subsection (7)*, the Department of

Senator Lynn moved the following amendment to **Amendment 4**:

Amendment 4B (701532)—Delete line 179 and insert: National Guard who qualify *and are funded* under s. 250.10 (7) and (8), ~~for the~~

POINT OF ORDER

Senator Lynn raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Policy and Steering Committee on Ways and Means.

The President referred the point of order and the amendments to Senator Villalobos, Chair of the Committee on Rules.

Further consideration of **SB 442** with pending **Amendment 3 (280430)**, substitute **Amendment 4 (638720)**, **Amendment 4B (701532)** and pending point of order was deferred.

On motion by Senator King, the Senate resumed consideration of—

CS for CS for SB 682—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; repealing s. 509.233(1) and (7), F.S., relating to a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments; abrogating the repeal of the program; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 4 (907778)** by Senator Pruitt and pending point of order by Senator Dockery.

RECONSIDERATION OF AMENDMENT

On motion by Senator King, the Senate reconsidered the vote by which **Amendment 2 (254980)** by Senator Justice was adopted. **Amendment 2** failed.

On motion by Senator King, further consideration of **CS for CS for SB 682** with pending **Amendment 4 (907778)** and pending point of order was deferred.

On motion by Senator Gaetz, the Senate resumed consideration of—

CS for SB 1122—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception; providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing an effective date.

—which was previously considered and amended April 29 with pending point of order by Senator Lawson.

RULING ON POINT OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, the President ruled the point not well taken.

Pursuant to Rule 4.19, **CS for SB 1122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 442—A bill to be entitled An act relating to the Education Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors and the State Board of Education for the Education Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in a private institution; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents

for tuition purposes to conform to changes made by the act; amending s. 1009.26, F.S.; conforming a cross-reference; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 3 (280430)** by the Committee on Transportation and Economic Development Appropriations, substitute **Amendment 4 (638720)** by Senator Fasano, **Amendment 4B (701532)** by Senator Lynn and pending point of order by Senator Lynn.

RULING ON POINT OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, the President ruled the point not well taken.

Amendment 4B (701532) failed. The question recurred on substitute **Amendment 4 (638720)** which was adopted.

Pending further consideration of **SB 442** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for HB 685** was withdrawn from the Committees on Military Affairs and Domestic Security; Higher Education; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, the rules were waived and—

CS for CS for HB 685—A bill to be entitled An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the

Florida National Guard who enroll in an authorized course of study at a specified public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

—a companion measure, was substituted for **SB 442** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 685** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2036** was deferred.

On motion by Senator Baker—

CS for CS for SB 2658—A bill to be entitled An act relating to the licensure of home health agencies, home medical equipment providers, and health care clinics; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; creating s. 408.8065, F.S.; providing requirements for licensure of home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; requiring demonstration of financial viability; providing limitations on licensing of home health agencies in certain counties; providing an exception for existing applicants accredited or pending accreditation by an organization recognized by the Agency for Health Care Administration; providing penalties; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (599308) (with title amendment)—Delete lines 21-27 and insert:

Section 1. *The Legislature designates Miami-Dade County as a health care fraud crisis area for purposes of implementing increased scrutiny of home health agencies, home medical equipment providers, health care clinics, and other health care providers in Miami-Dade County in order to assist the state's efforts to prevent Medicaid fraud, waste, and abuse in the county and throughout the state.*

And the title is amended as follows:

Delete line 5 and insert: health care fraud area of concern for certain

Senator Baker moved the following amendment:

Amendment 2 (123280) (with title amendment)—Delete line 28 and insert:

Section 2. Subsection (3) of section 68.086, Florida Statutes, is amended to read:

68.086 Expenses; attorney's fees and costs.—

(3) If the department does not proceed with an action under this act and the *person bringing the action conducts the action as provided in s. 68.083(6)(b)* ~~defendant is the prevailing party~~, the court *may* ~~shall~~ award *to* the defendant *his or her* reasonable attorney's fees and *expenses if the defendant prevails in* ~~costs against the person bringing~~ the action *and the court finds that the claim of the person bringing the action is clearly frivolous or vexatious or was brought primarily for purposes of harassment*.

Section 3. *Section 2 of this act shall take effect upon becoming law and shall apply to any pending or future action brought under the Florida False Claims Act or any action pending on appeal on or after July 1, 2009.*

Section 4. Section 408.8065, Florida Statutes, is created

And the title is amended as follows:

Delete lines 2-6 and insert: An act relating to fraud and abuse in state-funded programs; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; amending s. 68.086, F.S.; authorizing rather than requiring a court to award attorney's fees and expenses to a prevailing defendant in an action brought under the Florida False Claims Act under certain circumstances; providing applicability; creating s. 408.8065, F.S.; providing

Senator Baker moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (874038)—Delete lines 12-17 and insert: ~~defendant is the prevailing party~~, the court *may* ~~shall~~ award *to* the defendant *its* reasonable attorney's fees and costs *if the defendant prevails in the action and the court finds that the claim of* ~~against~~ the person bringing the action *was clearly frivolous, clearly vexatious, or brought primarily for*

Amendment 2 as amended was adopted.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment which was adopted:

Amendment 3 (928070) (with title amendment)—Delete lines 30-95 and insert:

408.8065 Additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics.—

(1) An applicant for initial licensure, or initial licensure due to a change of ownership, as a home health agency, home medical equipment provider, or health care clinic shall:

(a) Demonstrate financial ability to operate, as required under s. 408.810(8) and this section. If the applicant's assets, credit, and projected revenues meet or exceed projected liabilities and expenses and the applicant provides independent evidence that the funds necessary for startup costs, working capital, and contingency financing exist and will be available as needed, the applicant has demonstrated the financial ability to operate.

(b) Submit pro forma financial statements, including a balance sheet, income and expense statement, and a statement of cash flows for the first 2 years of operation which provide evidence that the applicant has sufficient assets, credit, and projected revenues to cover liabilities and expenses.

(c) Submit a statement of the applicant's estimated startup costs and sources of funds through the break-even point in operations demonstrating that the applicant has the ability to fund all startup costs, working capital costs, and contingency financing requirements. The statement must show that the applicant has at a minimum 3 months of average projected expenses to cover startup costs, working capital costs, and contingency financing requirements. The minimum amount for contingency funding may not be less than 1 month of average projected expenses.

All documents required under this subsection must be prepared in accordance with generally accepted accounting principles and may be in a compilation form. The financial statements must be signed by a certified public accountant.

(2) For initial, renewal, or change of ownership licenses for a home health agency, a home medical equipment provider, or a health care clinic, applicants and controlling interests who are nonimmigrant aliens, as described in 8 U.S.C. s. 1101, must file a surety bond of at least $500,000, payable to the agency, which guarantees that the home health agency, home medical equipment provider, or health care clinic will act in full conformity with all legal requirements for operation.

(3) In addition to the requirements of s. 408.812, any person who offers services that require licensure under part VII or part X of chapter 400, or who offers skilled services that require licensure under part III of chapter 400, without obtaining a valid license; any person who knowingly files a false or misleading license or license renewal application or who submits false or misleading information related to such application, and any person who violates or conspires to violate this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Subsection (10) is added to section 400.471, Florida Statutes, to read:

400.471 Application for license; fee.—

(10)(a) The agency may not issue an initial license to a home health agency under part II of chapter 408 or this part for the purpose of opening a new home health agency until July 1, 2010, in any county that has at least one actively licensed home health agency and a population of persons 65 years of age or older, as indicated in the most recent population estimates published by the Executive Office of the Governor, of fewer than 1,200 per home health agency. In such counties, for any application received by the agency prior to July 1, 2009, which has been deemed by the agency to be complete except for proof of accreditation, the agency may issue an initial ownership license only if the applicant has applied for accreditation before May 1, 2009, from an accrediting organization that is recognized by the agency.

(b) Effective October 1, 2009, the agency may not issue a change of ownership license to a home health agency under part II of chapter 408 or this part until July 1, 2010, in any county that has at least one actively licensed home health agency and a population of persons 65 years of age or older, as indicated in the most recent population estimates published by the Executive Office of the Governor, of fewer than 1,200 per home health agency. In such counties, for any application received by the agency prior to October 1, 2009, which has been deemed by the agency to be complete except for proof of accreditation, the agency may issue a change of ownership license only if the applicant has applied for accreditation before August 1, 2009, from an accrediting organization that is recognized by the agency.

And the title is amended as follows:

Delete lines 7-17 and insert: additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 400.471, F.S.; providing limitations on the licensure of home health agencies in certain counties; providing an exception; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 2658** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **CS for HB 1405** was withdrawn from the Committees on Health Regulation; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

On motion by Senator Constantine—

CS for HB 1405—A bill to be entitled An act relating to the influenza vaccine; amending ss. 402.305, 402.313, and 402.3131, F.S.; requiring child care facilities, family day care homes, and large family child care homes to provide parents with certain information regarding the causes, symptoms, and transmission of the influenza virus; providing an effective date.

—a companion measure, was substituted for **CS for SB 2296** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1405** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2326**, **CS for CS for SB 2286**, **CS for CS for HB 55**, **CS for CS for SB 2482**, **CS for CS for SB 362** and **CS for SB 2198** was deferred.

On motion by Senator Gelber, by two-thirds vote **HB 387** was withdrawn from the Committees on Health Regulation; Higher Education; and Higher Education Appropriations.

On motion by Senator Gelber—

HB 387—A bill to be entitled An act relating to medical faculty certificates; amending s. 458.3145, F.S.; increasing the maximum number of medical faculty certificates issued to faculty at certain institutions; providing an effective date.

—a companion measure, was substituted for **SB 1136** and read the second time by title.

Pursuant to Rule 4.19, **HB 387** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson—

CS for SB 910—A bill to be entitled An act relating to criminal justice; providing legislative intent; requiring state agencies and regulatory boards to prepare reports that identify and evaluate restrictions on licensing and employment; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based on a person's lack of civil rights; providing an exception; amending s. 768.096, F.S.; requiring an employer to review the results of a criminal background investigation; requiring an employer not to place an employee who has a criminal record in a position where conduct similar to the employee's past criminal conduct would be

facilitated; requiring an employer to determine that the criminal background investigation does not demonstrate that the employee is unsuitable for the particular work to be performed or the context of the employment in general; amending s. 943.0585, F.S.; clarifying under what circumstances a person may legally deny the existence of an expunged criminal history record; authorizing the disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; requiring clerks of the court to post information relating to procedures to seal or expunge criminal history records on the clerk's website; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny the existence of a sealed criminal history record; authorizing a court to seal a criminal history record of a person who had a prior criminal history record sealed or expunged; providing an effective date.

—was read the second time by title.

Senator Wilson moved the following amendment which was adopted:

Amendment 1 (968398) (with title amendment)—Between lines 36 and 37 insert:

Section 1. *This act may be cited as the "Keep Florida Working Act."*

And the title is amended as follows:

Delete line 2 and insert: An act relating to criminal justice; providing a short title; providing

Pursuant to Rule 4.19, **CS for SB 910** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 2630—A bill to be entitled An act relating to motor vehicle dealerships; amending s. 320.64, F.S.; revising provisions prohibiting certain acts by a motor vehicle manufacturer, factory branch, distributor, or importer licensed under specified provisions; revising conditions and procedures for certain audits; making rebuttable a presumption that a dealer had no actual knowledge and should not have known that a customer intended to export or resell a motor vehicle; clarifying a dealer's eligibility requirements for licensee-offered program bonuses, incentives, and other benefits; requiring certain payments if a termination, cancellation, or nonrenewal of a dealer's franchise is the result of cessation of manufacture or distribution of a line-make or a bankruptcy or reorganization; amending s. 320.642, F.S.; revising provisions for establishing an additional motor vehicle dealership in or relocating an existing dealer to a location within a community or territory where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; revising requirements for protests; revising provisions for denial of an application for a motor vehicle dealer license in any community or territory; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles when evaluating the application; revising provisions under which a dealer has standing to protest a proposed additional or relocated motor vehicle dealer; amending s. 320.643, F.S.; revising provisions for a transfer, assignment, or sale of franchise agreements; prohibiting rejection of proposed transfer of interest in a motor vehicle dealer entity to a trust or other entity, or a beneficiary thereof, which is established for estate-planning purposes; prohibiting placing certain conditions on such transfer; revising provisions for a hearing by the department or a court relating to a proposed transfer; amending s. 320.696, F.S.; revising warranty responsibility provisions; providing for severability; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (695278)—Delete line 425 and insert: *plot therein. The previous sentence, however, shall not be applicable in any protest of a proposal to establish an additional, or to relocate an existing, same line-make motor vehicle dealer by a distributor that is not a manufacturer, a division of a manufacturer, an entity that is controlled by a manufacturer, or a common entity of a manufacturer, and that is not owned, in whole or in part, directly or indirectly, by a manufacturer.* The burden of proof in establishing inadequate

Amendment 2 (220510) (with title amendment)—Between lines 648 and 649 insert:

Section 6. Subsection (10) of section 320.771, Florida Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.—

(10) EVIDENCE OF TITLE REQUIRED.—

(a) The licensee shall also have in his or her possession for each new recreational vehicle a manufacturer's invoice or statement of origin~~, and for each used recreational vehicle a properly assigned certificate of title or registration certificate if the used recreational vehicle was previously registered in a nontitle state, from the time the recreational vehicle is delivered to the licensee until it has been disposed of by the licensee~~.

(b) For each used recreational vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession or control a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319,or a registration certificate if the used recreational vehicle was previously registered in a nontitle state, from the time when the vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new vehicle, a manufacturer's certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer ("floor plan"); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

And the title is amended as follows:

Delete line 41 and insert: severability; amending s. 320.771, F.S.; conforming provisions relating to certificate of title requirements for recreational vehicle dealers; providing an effective date.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for CS for SB 2630** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

MOMENT OF SILENCE

The President recognized Senator Lawson who asked the Senate to observe a moment of silence in memory of former House Speaker and Senate President Mallory Horne, who passed away this day.

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:50 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:48 p.m. A quorum present—40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Jeff Atwater April 30, 2009
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Acupuncture		
Appointees:	Gunter, Gregory W.	10/31/2010
	Schwartz, Barbara Brandon	10/31/2010
	Thurman, Barbara	10/31/2011
Jacksonville Aviation Authority		
Appointee:	Pass, Deborah S.	09/30/2011
Board of Athletic Training		
Appointees:	Caldwell, George L., Jr.	10/31/2011
	Sehgal, Angela K.	10/31/2010
	VanOpdorp, Heather L.	10/31/2010
Barbers' Board		
Appointees:	Rivera, Julie	10/31/2012
	Stewart, Edwin A., Jr.	10/31/2009
	Vaughn, Tommy E.	10/31/2010
	White, Herman	10/31/2012
Florida Building Commission		
Appointees:	Boyer, Robert G.	07/26/2011
	Gregory, Kenneth L.	11/05/2012
	Grippa, Anthony "Tony" M.	11/21/2011
	Gross, Jeffery	11/21/2011
	Hamrick, Jonathon D.	11/21/2011
	Mollan, Scott	02/03/2011
	Palacios, Rafael R.	12/08/2009
	Schock, James R.	01/12/2011
	Smith, Drew M.	11/05/2012
	Stone, Jeffrey B.	07/27/2011
	Tolbert, John T.	01/15/2011
	Turner, Mark C.	01/30/2011
	Vann, Randall J.	01/31/2011
Board of Chiropractic Medicine		
Appointees:	Hoffman, Debra L.	10/31/2012
	Mathesie, Michael W.	10/31/2012
	Perman, Eileen Bronstein	10/31/2011
Florida Citrus Commission		
Appointees:	Albritton, Ben W., Jr.	05/31/2011
	Pena, Virginia S.	05/31/2011
	Smith, Steven M.	05/31/2011
	Streetman, George H.	05/31/2011
Board of Clinical Laboratory Personnel		
Appointee:	Madan, Nilia	10/31/2011
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Douglas, Helen	10/31/2010
	Macomber, Mary F.	10/31/2011
	Roberts, Franklin A.	10/31/2010
Florida Commission on Community Service		
Appointees:	Andrew, Michael W., Jr.	09/14/2010
	Carswell, Debora M.	09/14/2009
	Diaz-Vidaillet, Angela	09/14/2009
	Enwright, John "Brody" Broderick	09/14/2010
	Gonzalez, Marcia C.	09/14/2010
	Granger, Theodore G.	09/14/2010
	Hobson, Joyce A.	09/14/2009
	Hougland, Beverly	09/14/2009
	Londono, Yolanda	09/14/2009
	Miller, Patricia Penny	09/14/2010
	Pruitt, Aileen M.	09/14/2009
	Towler, Susan	09/14/2010
	Traviesa, Andreina "Nina"	09/14/2009
Board of Trustees of Brevard Community College		
Appointee:	Charpentier, Stephen G.	05/31/2011
Board of Trustees of St. Petersburg College		
Appointee:	Brett, Terrence E.	05/31/2009
Construction Industry Licensing Board		
Appointees:	Batton, Elbert R.	10/31/2011
	Bonuso, Frank N.	10/31/2010
	Engelmeier, Carl	10/31/2010
	Evetts, James C.	10/31/2011
	Hussey, J. Durward, Jr.	10/31/2011
	Lenois, Roy	10/31/2011
	Moody, Robert W., Jr.	10/31/2011
	Pietanza, Mark	10/31/2011
	Sheehan, William S.	10/31/2010
	Weller, Edward M.	10/31/2010
Education Practices Commission		
Appointees:	Bondurant, Pamela M.	09/30/2012
	Dancy, Linda C.	09/30/2010
	Davies, Joi B.	09/30/2012
	Gilbert, Dane	09/30/2010
	Griffin, Dennis J.	09/30/2009
	Grymes, Cheryl	09/30/2011
	Lee, David C.	08/18/2012
	Presha, Bernard Jerome	08/18/2012
	Simmons, Larry	09/30/2010
	Thompson, David R.	08/18/2012
Florida Elections Commission		
Appointees:	Hollimon, William H.	12/31/2011

Office and Appointment		*For Term Ending*
	Kane, Julie Braman	12/31/2011
	Rodriguez, Jose Luis	12/31/2011
Electrical Contractors' Licensing Board		
Appointee:	Bramlett, Robert M.	10/31/2012
Board of Professional Engineers		
Appointee:	Garcia de Quevedo, Nola A.	10/31/2010
Commission on Ethics		
Appointee:	Forchilli, Cheryl E.	06/30/2010
Florida Housing Finance Corporation		
Appointee:	Maygarden, Jerry L.	11/13/2010
Juvenile Welfare Board of Pinellas County		
Appointees:	Edmonds, Maria N.	08/11/2012
	Milford, John A.	08/07/2012
	Minkoff, Elise B.	07/18/2012
Board of Medicine		
Appointee:	Rosenberg, Jason J.	10/31/2012
Board of Nursing		
Appointees:	Cuetara, Dulce M.	10/31/2011
	Kirkpatrick, Lavigne Ann	10/31/2010
	Munoz, Rita J.	10/31/2011
Board of Nursing Home Administrators		
Appointee:	Moore, Carolyn	10/31/2010
Board of Optometry		
Appointees:	Presnell, C. Rod	10/31/2010
	Underhill, Timothy E.	10/31/2011
Board of Osteopathic Medicine		
Appointee:	St. Louis, James S.	10/31/2012
Central Florida Regional Planning Council, Region 7		
Appointees:	Goodman, Marshall	10/01/2010
	Keene, William S., Sr.	10/01/2010
	Rada-Pilkington, Erlinda "Linda"	10/01/2009
	Tuck, Andy	10/01/2009
	Tucker, Jacqueline W.	10/01/2010
Unemployment Appeals Commission		
Appointee:	Epsky, Thomas D.	06/30/2012
Board of Veterinary Medicine		
Appointees:	Helm, JoAnn K.	10/31/2011
	Lewis, Cynthia N.	10/31/2012
	Maxwell, Guy Ray	10/31/2012
	Simmons, George W.	10/31/2011
Peace River Basin Board of the Southwest Florida Water Management District		
Appointee:	Harrison, James Kenneth "Ken"	03/01/2010
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointee:	Bachschmidt, William J.	03/01/2011

The following executive appointments were referred to the Senate Committee on Children, Families, and Elder Affairs and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Children and Family Services		
Appointee:	Sheldon, George H.	Pleasure of Governor
Director, Agency for Persons with Disabilities		
Appointee:	DeBeaugrine, James "Jim"	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Commerce and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Directors, Enterprise Florida, Inc.		
Appointees:	de las Cuevas-Diaz, Vivian	07/01/2011
	Leonhardt, Frederick W.	07/01/2012
	Waller, Philip Leon, Jr.	07/01/2012

The following executive appointment was referred to the Senate Committee on Communications, Energy, and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Public Service Commission		
Appointee:	Edgar, Lisa B.	01/01/2013

The following executive appointments were referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Parole Commission		
Appointee:	Dunphy, Frederick B.	06/30/2014
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointee:	Kravitz, Richard	09/30/2012

The following executive appointments were referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointee:	Joyce, Joseph C.	07/01/2011
Fish and Wildlife Conservation Commission		
Appointee:	Yablonski, Brian S.	01/05/2014
Governing Board of the Southwest Florida Water Management District		
Appointees:	Beswick, Bryan K.	03/01/2012
	Gramling, Hugh M.	03/01/2012
	Senft, H. Paul, Jr.	03/01/2011
	Tharp, Douglas B.	03/01/2011
	Whitehead, Judith C.	03/01/2012
Executive Director of Southwest Florida Water Management District		
Appointee:	Moore, David L.	Pleasure of The Board
Governing Board of the Suwannee River Water Management District		
Appointees:	Davis, Heath	03/01/2012
	Quincey, Donald "Don"	03/01/2012

The following executive appointment was referred to the Senate Committee on Higher Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Governors of the State University System		
Appointee:	Tripp, Norman D.	01/06/2013

The following executive appointment was referred to the Senate Committee on Regulated Industries and the Senate Committee on

Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Business and Professional Regulation		
Appointee:	Drago, Charles W.	Pleasure of Governor

As required by Rule 12.7(1), the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence presented at the public hearing, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend pursuant to the authority granted in Article IV, Section 6 (a), Florida Constitution, and in accordance with Section 114.05(1), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2009 Regular Session; and

(3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,
JD Alexander, Chair

On motion by Senator Alexander, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

VOTES RECORDED

Senator Fasano was recorded as voting "nay" on Item #34, the appointment of Lisa B. Edgar to the Florida Public Service Commission.

VOTES DISCLOSURE

On April 30, 2009, the Senate confirmed the appointment of Aileen M. Pruitt to the board of the Florida Commission on Community Service.

Ms. Pruitt is my wife.

Therefore, I believe that, in an abundance of caution, I should disclose the above facts pursuant to Senate Rule 1.39.

Sincerely,
Ken Pruitt, District 28

Senator Pruitt was recorded as abstaining from voting on the appointment of Aileen M. Pruitt within Item #10.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for HB 775**, **HB 777**, **CS for HB 1095**, **CS for HB 1113**, **CS for HB 1169**, **CS for HB 1369**, and **CS for CS for HB 1375** were withdrawn from the Committee on Rules.

LOCAL BILL CALENDAR

On motion by Senator Ring—

CS for HB 775—A bill to be entitled An act relating to the City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for governance of an annexed area; prohibiting land use designation or zoning changes and other annexations prior to subject annexation or defeat of annexation; providing applicability to candidacies for municipal office; providing for preservation of existing contracts; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 775** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Siplin
Bennett	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Deutch, Hill

On motion by Senator Ring—

HB 777—A bill to be entitled An act relating to the City of West Park, Broward County; extending and enlarging the corporate limits of the City of West Park to include specified Town of Pembroke Park lands within the corporate limits of the City of West Park; providing an effective date of annexation; providing construction; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 777** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bullard	Dockery
Alexander	Constantine	Fasano
Altman	Crist	Gaetz
Aronberg	Dean	Garcia
Baker	Detert	Gardiner
Bennett	Diaz de la Portilla	Gelber

Haridopolos	Oelrich	Sobel
Jones	Peaden	Storms
Joyner	Pruitt	Villalobos
Justice	Rich	Wilson
King	Richter	Wise
Lawson	Siplin	
Lynn	Smith	

Nays—None

Vote after roll call:

Yea—Deutch, Hill

On motion by Senator Ring—

CS for HB 1095—A bill to be entitled An act relating to the Broward County Tourist Development Council; providing legislative findings; providing for appointment of additional members to the membership of the Broward County Tourist Development Council; specifying requirements for the council members; providing for duties, responsibilities, and procedures of the council; providing for superseding certain provisions of general law; providing construction; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 1095** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Siplin
Bennett	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Deutch, Hill

On motion by Senator Bullard—

CS for HB 1113—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending chapter 2000-423, Laws of Florida, as amended; amending district boundaries; providing for a board of commissioners in lieu of a board of supervisors; revising beginning of terms; revising method for filling vacancies; revising meeting attendance requirements; providing penalties for unexcused absences from meetings; providing for a salary; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **CS for HB 1113** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bullard	Dockery
Alexander	Constantine	Fasano
Altman	Crist	Gaetz
Aronberg	Dean	Garcia
Baker	Detert	Gardiner
Bennett	Diaz de la Portilla	Gelber
Haridopolos	Oelrich	Sobel
Jones	Peaden	Storms
Joyner	Pruitt	Villalobos
Justice	Rich	Wilson
King	Richter	Wise
Lawson	Siplin	
Lynn	Smith	

Nays—None

Vote after roll call:

Yea—Deutch, Hill

On motion by Senator Baker—

CS for HB 1169—A bill to be entitled An act relating to the City of Leesburg, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to nonprofit civic organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public rights-of-way and public parks in the downtown area of Leesburg; providing that such events require a special event permit from the city; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for HB 1169** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Siplin
Bennett	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Deutch, Hill

On motion by Senator Lawson—

CS for HB 1369—A bill to be entitled An act relating to Gulf County; authorizing the Department of Environmental Protection, notwithstanding s. 161.053, F.S., to issue a permit for a single-family dwelling on a parcel if the parcel is located in Gulf County and the applicant demonstrates the parcel for which the single-family dwelling is proposed was platted or subdivided by metes and bounds prior to January 1, 2009, the owner of the parcel for which the single-family dwelling is proposed does not own another parcel immediately adjacent to and landward of the parcel for which the dwelling is proposed, the proposed single-family dwelling is located landward of the frontal dune structure, and the proposed single-family dwelling will be as far landward on its parcel as is practicable without being located seaward of or on the frontal dune; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **CS for HB 1369** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Siplin
Bennett	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Deutch, Hill

On motion by Senator Jones—

CS for CS for HB 1375—A bill to be entitled An act relating to the Tierra Verde Community, Pinellas County; providing requirements for the municipal annexation of the community; requiring a referendum of the electors within the community prior to such annexation; describing the community boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for CS for HB 1375** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Siplin
Bennett	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Deutch, Hill

SPECIAL ORDER CALENDAR, continued

On motion by Senator Siplin—

CS for SB 254—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; providing legislative intent; requiring the department to work with the Department of Agriculture and Consumer Services to recommend policies and rules to the State Board of Education relating to school food services which encourage schools and school districts in this state to buy fresh and local food; requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; requiring the program to maintain compliance with the rules and regulations of the National School Lunch Program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 254** was placed on the calendar of Bills on Third Reading.

On motion by Senator Justice, by two-thirds vote **CS for HB 635** was withdrawn from the Committees on Military Affairs and Domestic Security; Judiciary; Commerce; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Justice—

CS for HB 635—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; clarifying and updating references with respect to courts-martial; amending s. 250.482, F.S.; revising applicability of provisions with respect to immunity from penalization for National Guard members ordered into state active duty by employers; requiring National Guard members to notify employers of intent to return to work; providing exceptions under which employers are not required to allow such members to return to work; providing for entitlement to seniority and other rights and benefits for National Guard members returning to work following state active duty; providing that such members may not be discharged from employment except for cause; providing rights and requirements with respect to use of vacation and leave by such members; removing a limitation with respect to the right of an employee ordered into state active duty to bring a civil action for a specified violation by an employer; amending s. 250.82, F.S.; clarifying provisions; creating s. 250.905, F.S.; providing for the imposition of a civil penalty for specified noncompliance with specified provisions of ch. 250, F.S., or with other specified provisions of federal law; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 206** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 635** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

SB 166—A bill to be entitled An act relating to public records; defining the term "publicly owned building or facility"; creating an exemption from public-records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility if the donor desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 166** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 521** was withdrawn from the Committees on Community Affairs; Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, the rules were waived and—

CS for CS for HB 521—A bill to be entitled An act relating to ad valorem tax assessment challenges; amending s. 194.301, F.S.; revising burden of proof requirements in taxpayer challenges of ad valorem tax assessments of value; requiring property appraisers to prove compliance with certain laws and appraisal practices; providing a presumption of correctness under certain circumstances; providing taxpayer burden of proof requirements; deleting provisions relating to a presumption of correctness of an assessment by a property appraiser; authorizing value adjustment boards or courts to establish assessments under certain circumstances; specifying that a property appraiser's denial of exemption or assessment classification does not have a presumption of correctness in administrative or judicial actions; requiring a taxpayer to prove entitlement to an ad valorem tax exemption or classification by a

preponderance of the evidence; providing legislative intent relating to taxpayer burden of proof; rejecting certain case law precedent; providing construction; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1006** and read the second time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment:

Amendment 1 (963610) (with title amendment)—Delete lines 27-81 and insert:

(Substantial rewording of section. Sees. 194.301, F.S., for present text.)

194.301 Challenge to ad valorem tax assessment.—

(1) In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment is presumed correct if the appraiser proves by a preponderance of the evidence that the assessment was arrived at by complying with s. 193.011, any other applicable statutory requirements relating to classified use values or assessment caps, and professionally accepted appraisal practices, including mass appraisal standards, if appropriate. However, a taxpayer who challenges an assessment is entitled to a determination by the value adjustment board or court of the appropriateness of the appraisal methodology used in making the assessment. The value of property must be determined by an appraisal methodology that complies with the criteria of s. 193.011 and professionally accepted appraisal practices. The provisions of this subsection preempt any prior case law that is inconsistent with this subsection.

(2) In an administrative or judicial action in which an ad valorem tax assessment is challenged, the burden of proof is on the party initiating the challenge.

(a) If the challenge is to the assessed value of the property, the party initiating the challenge has the burden of proving by a preponderance of the evidence that the assessed value:

1. Does not represent the just value of the property after taking into account any applicable limits on annual increases in the value of the property;

2. Does not represent the classified use value or fractional value of the property if the property is required to be assessed based on its character or use; or

3. Is arbitrarily based on appraisal practices that are different from the appraisal practices generally applied by the property appraiser to comparable property within the same county.

(b) If the party challenging the assessment satisfies the requirements of paragraph (a), the presumption provided in subsection (1) is overcome and the value adjustment board or the court shall establish the assessment if there is competent, substantial evidence of value in the record which cumulatively meets the criteria of s. 193.011 and professionally accepted appraisal practices. If the record lacks such evidence, the matter must be remanded to the property appraiser with appropriate directions from the value adjustment board or the court, and the property appraiser must comply with those directions.

(c) If the revised assessment following remand is challenged, the procedures described in this section apply.

(d) A party is not required to exclude every reasonable hypothesis of a legal assessment.

(e) If the challenge is to the classification or exemption status of the property, there is no presumption of correctness and the party initiating the challenge has the burden of proving by a preponderance of the evidence that the classification or exempt status assigned to the property is incorrect.

And the title is amended as follows:

Delete lines 2-18 and insert: An act relating to ad valorem assessments; amending s. 194.301, F.S.; revising the bases for providing a presumption of correctness to an assessment of property value; providing that the taxpayer is entitled to an evaluation of the appraisal methodology; providing that the act preempts prior case law; revising the criteria for overcoming the presumption of correctness; providing for challenges to the classification or exemption status of property; providing for application; providing legislative intent relating to

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (124980)—Delete lines 54-56 and insert:

(d) If the challenge is to the classification or exemption

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 521** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SJR 532** and **SJR 1828** was deferred.

On motion by Senator Siplin—

CS for SB 784—A bill to be entitled An act relating to job opportunities for youth; providing legislative intent to support statewide vocational training and placement provided to at-risk youth through the Jobs for Florida's Graduates program; requiring that a proposal for funding a statewide summer program for youth employment be submitted to the Florida Endowment Foundation for Florida's Graduates; providing criteria concerning the proposal; requiring a report to the Legislature; providing for the Florida Endowment Foundation for Florida's Graduates to be the fiscal agent for the Jobs for Florida's Graduates program; amending s. 561.121, F.S.; revising the percentage of monthly collections of the excise taxes on alcoholic beverages to be deposited into the Alcoholic Beverage and Tobacco Trust Fund; requiring a certain percentage of net collections to be deposited into the Grants and Donations Trust Fund within the Florida Endowment Foundation for Florida's Graduates to operate the statewide summer program for youth employment; amending s. 563.05, F.S.; clarifying a unit of measurement; providing an effective date.

—was read the second time by title.

SENATOR FASANO PRESIDING

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendments to be considered:

Senator Siplin moved the following amendments which were adopted:

Amendment 1 (165984) (with title amendment)—Delete lines 55-87.

And the title is amended as follows:

Delete lines 13-23 and insert: Jobs for Florida's Graduates program; providing an effective date.

Amendment 2 (456092)—Delete line 29 and insert:

(1) Contingent upon appropriate funding made available through the American Recovery and Reinvestment Act, it is the intent of the Legislature that these funds be used, in part, to provide support

Pursuant to Rule 4.19, **CS for SB 784** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gardiner, by two-thirds vote **CS for HJR 833** was withdrawn from the Committees on Community Affairs; Military Affairs and Domestic Security; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gardiner—

CS for HJR 833—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 31 of Article XII of the State Constitution to provide an additional homestead property tax exemption for members of the military who receive a homestead exemption and were deployed on active duty outside the United States during the preceding year and provide an effective date.

—a companion measure, was substituted for **CS for CS for SJR 1302** and read the second time in full.

Pursuant to Rule 4.19, **CS for HJR 833** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich—

CS for CS for SB 2276—A bill to be entitled An act relating to a DNA database; providing a short title; amending s. 943.325, F.S.; providing legislative intent; providing definitions; providing a phase-in schedule whereby persons arrested for specified felony offenses will be required to provide DNA samples to the Department of Law Enforcement; requiring reports; providing for a statewide automated personal identification system capable of classifying, matching, and storing analyses of DNA and other data; providing for access; specifying duties of the department; providing that the database may contain DNA for certain types of samples; specifying offenders from whom DNA is to be collected; authorizing the use of reasonable force to collect samples; providing an exemption from liability for use of such force; providing for collection of samples from specified offenders from out of state; requiring the department to provide sample containers; providing requirements for information to be submitted with each sample; providing for court orders for samples; authorizing prosecutors to seek court orders in certain circumstances; requiring that a convicted person pay the actual costs of collecting the approved DNA samples unless declared indigent; providing that certain failures to strictly comply with statute or protocol are not grounds for challenging the validity of the collection or the use of a DNA sample in court, and evidence based upon or derived from the collected DNA sample may not be excluded by a court; providing that the detention, arrest, or conviction of a person based upon a database match or database information may not be invalidated if it is later determined that the sample was obtained or placed in the database by mistake; providing for retention of samples; providing for analysis of samples; requiring that DNA analysis and the comparison of analytic results be released only to criminal justice agencies; continuing a public-records exemption for such information; prohibiting the willful refusal to provide a DNA sample; providing penalties; prohibiting specified offenses relating to disclosing DNA records, using records without authorization, or tampering with DNA samples or analysis results; providing penalties; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of a conviction for a qualifying offense; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of an arrest; authorizing the Department of Law Enforcement to adopt rules related to the implementation of the removal of DNA analyses and samples from the statewide DNA database; amending ss. 760.40 and 948.014, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Oelrich moved the following amendment which was adopted:

Amendment 1 (128030)—Delete lines 370-371 and insert: *commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Pursuant to Rule 4.19, **CS for CS for SB 2276** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 1380—A bill to be entitled An act relating to solar energy; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; deleting a provision that requires solar energy systems in this state to meet a certain standard; providing that a person who manufactures and sells solar products and systems does not need a contractor license if certain requirements are met; providing an effective date.

—was read the second time by title.

Senator Gaetz moved the following amendments which were adopted:

Amendment 1 (594358) (with title amendment)—Delete lines 48-89 and insert:

~~(a) The center shall develop and promulgate standards for solar energy systems manufactured or sold in this state based on the best currently available information and shall consult with scientists, engineers, or persons in research centers who are engaged in the construction of, experimentation with, and research of solar energy systems to properly identify the most reliable designs and types of solar energy systems.~~

~~(b)~~ The center shall *select nationally-recognized standards for solar energy systems and* establish criteria for testing *the* performance of solar energy systems and shall maintain the necessary capability for testing or evaluating *the* performance of solar energy systems. ~~The center may accept results of tests on solar energy systems made by other organizations, companies, or persons when such tests are conducted according to the criteria established by the center and when the testing entity has no vested interest in the manufacture, distribution or sale of solar energy systems.~~

(5) ~~(c)~~ *FEES.*-The center shall *charge* ~~be entitled to receive~~ a testing fee sufficient to cover the costs of such testing. All testing fees shall be transmitted by the center to the Chief Financial Officer to be deposited in the Solar Energy Center Testing Trust Fund, which is ~~hereby~~ created in the State Treasury, and disbursed for the payment of expenses incurred in testing solar energy systems.

(6) ~~(d)~~ All solar energy systems manufactured or sold in the state must meet the *nationally-recognized* standards *selected* ~~established~~ by the center and shall display accepted results of approved performance tests in a manner prescribed by the center.

Section 2. *The Florida Building Commission is directed to make all changes to the building and energy codes necessary to conform those rules to this bill.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete lines 2-8 and insert: An act relating to energy; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; directing the Florida Building Commission to make all changes to the building and energy codes necessary to conform to this act;

Amendment 2 (120042) (with title amendment)—Delete line 89 and insert:

Section 2. *The term of any person sitting as a member of the Florida Energy and Climate Commission on March 3, 2009, whose appointment is not confirmed by the Senate during the 2009 Regular Session or the 2010 Regular Session, shall be extended until completion of the 2010 Regular Session, except for any member who, during that time, the Senate expressly refuses to confirm.*

Section 3. *The Florida Energy and Climate Commission must obtain the approval of the joint Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Before line 9 insert: providing that if a specified commissioner of the Florida Energy and Climate Commission is not confirmed during the 2009 Regular Session or the 2010 Regular Session, the commissioner's appointment shall be extended until May 1, 2010, except for any member who, during that time, the Senate expressly refuses to confirm; requiring the Florida Energy and Climate Commission to obtain the approval of the joint Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package;

Pursuant to Rule 4.19, **CS for SB 1380** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By the direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for SB 2282—A bill to be entitled An act relating to first-responder services; creating ss. 125.01045 and 166.0446, F.S.; prohibiting counties and municipalities from imposing a fee or seeking reimbursement for costs relating to certain first-responder services; providing exceptions; defining the term "first responder"; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (954620)—Delete lines 19-42 and insert: *a motor vehicle accident, except for costs to contain or clean up hazardous materials in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and costs for transportation and treatment provided by ambulance services licensed pursuant to ss. 401.23(4) and 401.23(5).*

(2) As used in this section, the term "first responder" means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.30, or an emergency medical technician or paramedic as defined in s. 401.23 who is employed by the state or a local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Section 2. Section 166.0446, Florida Statutes, is created to read:

166.0446 Prohibition of fees for first-responder services.—

(1) A municipality may not impose a fee or seek reimbursement for any costs or expenses that may be incurred for services provided by a first responder, including costs or expenses related to personnel, supplies, motor vehicles, or equipment in response to a motor vehicle accident, except for costs to contain or clean up hazardous materials in

On motion by Senator Bennett, **CS for SB 2282** as amended was passed by the required constitutional two-thirds vote of the membership, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Dockery	Lawson
Altman	Fasano	Lynn
Aronberg	Gaetz	Oelrich
Baker	Garcia	Peaden
Bennett	Gardiner	Pruitt
Bullard	Gelber	Rich
Constantine	Haridopolos	Richter
Crist	Hill	Ring
Dean	Jones	Siplin
Detert	Joyner	Smith
Deutch	Justice	Sobel
Diaz de la Portilla	King	Storms
Villalobos	Wilson	Wise

Nays—None

Consideration of **SB 2656**, **CS for SB 642**, **CS for CS for SB 1894**, and **CS for CS for HB 1423** was deferred.

CS for CS for SB 2614—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring the Department of Health to include in its environmental health program the testing of the air in enclosed ice rinks; authorizing the department to adopt rules relating to air quality standards, monitoring, testing, record keeping, the maintenance and operation of equipment that affects air quality, and assessment of fees; authorizing the department to enter and inspect an enclosed ice skating rink at reasonable hours to determine compliance with applicable air quality statutes or rules; authorizing the department to assess a fee for a specified purpose; requiring the air quality standards be consistent with federal risk values or exposure guidelines; amending s. 381.0061, F.S.; providing that the department may impose a fine, which may not exceed a specified amount for a violation of the ice rink air quality standards; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level

programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 430.80, F.S.; redefining the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—as amended April 28 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2614** to **CS for HB 1471**.

Pending further consideration of **CS for CS for SB 2614** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for HB 1471** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Gaetz, by two-thirds vote—

CS for HB 1471—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring a report to the Governor and Legislature prior to proceeding with nitrogen reduction activities; ; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; deleting an obsolete provision relating to the AHEC smoking-cessation initiative; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based

chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2614** as amended and read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (525670) (with title amendment)—Delete lines 238-244.

And the title is amended as follows:

Delete lines 16-17.

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment:

Amendment 2 (140970) (with title amendment)—Delete lines 296-322 and insert:

Section 5. *Purchasing and repackaging of pharmaceuticals; studies and reports.—*

(1) The Office of Program Policy Analysis and Government Accountability shall evaluate and submit a report to the Legislature by October 31, 2009, containing recommendations for the statewide consolidation of pharmaceutical repackaging services, including an evaluation of the value to the state of all potential credits, rebates, and cost avoidances that may be realized through repackaging for the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health. The Office of Program Policy Analysis and Government Accountability shall also include in its report an analysis of verifiable annual utilization rates for the dispensing of pharmaceuticals for fiscal years 2004-2005 through 2008-2009 by each of the five agencies that would participate in a consolidated repackaging services program and the approximate daily output capabilities that would be required to meet the projected average daily utilization rate, as adjusted for future growth projections over the next 3 years for the five agencies. The report shall include an assessment of the projected capitalized cost of leases and equipment and the fully burdened labor rate, projected FTE requirements, and associated operating costs needed by the Department of Health to meet the projected daily utilization requirements for statewide consolidated repackaging services and, if applicable, any cost avoidances or credits that would apply or not apply, as well as any federal regulatory requirements, including any inspection and certification requirements by the United States Food and Drug Administration.

(2) The Office of Program Policy Analysis and Government Accountability shall evaluate and submit a report to the Legislature by October 31, 2009, containing recommendations concerning options for implementing a statewide consolidated program for purchasing pharmaceuticals under an adopted formulary to be used by the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health and the feasibility of the state obtaining discounts below both wholesale acquisition cost and the Minnesota Multistate Contracting Alliance for Pharmacy prices for the pharmaceuticals listed on the adopted formulary, including the availability and regulatory prerequisites for obtaining 340b pricing under the federal Medicare program.

(3) The Department of Health shall study the feasibility of consolidating drug repackaging services through the Department of Health's central pharmacy and compare that with the costs and benefits of contracting out for such services to a private pharmaceutical repackager licensed by the United States Food and Drug Administration, with preference given to vendors with Florida-based manufacturing operations that will promote the creation and maintenance of jobs in the state. The department shall be prohibited from contracting with any other agency to provide pharmaceutical repackaging services until the results of the Office of Program Policy Analysis and Government Accountability study are reported to the Legislature and the department has submitted a plan for consolidating pharmaceutical repackaging services for the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health, consistent with the recommendations of the Office of Program Policy Analysis and Government Accountability and

the Pharmacy and Therapeutic Advisory Council. The plan shall be submitted to the Legislature by January 31, 2010.

And the title is amended as follows:

Delete lines 24-29 and insert: requiring the Office of Program Policy Analysis and Government Accountability to evaluate and submit reports to the Legislature regarding consolidation of pharmaceutical repackaging services and implementation of a statewide consolidated pharmaceutical purchasing program; requiring the Department of Health to conduct a study; prohibiting the department from entering into certain contracts until the results of the Office of Program Policy Analysis and Government Accountability report are submitted to the Legislature and the department has submitted a plan to the Legislature for consolidation of pharmaceutical repackaging services; transferring, renumbering, and amending s.

On motion by Senator Gaetz, further consideration of **CS for HB 1471** as amended with pending **Amendment 2 (140970)** by Senator Lawson was deferred.

Consideration of **CS for CS for SB 2072** was deferred.

CS for CS for SB 274—A bill to be entitled An act relating to water resources; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and groundwater; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; creating s. 403.093, F.S.; providing legislative intent to consider creation of a statewide onsite sewage treatment and disposal system inspection program; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; requiring the Department of Environmental Protection to provide procedures for implementing an inspection program; requiring minimum standards; directing disposition of revenues to fund the costs of the program; directing remaining revenues be used to fund the grant program; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

—as amended April 28 was read the third time by title.

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment:

Amendment 1 (589956) (with title amendment)—Delete lines 211-685 and insert:

(2) Agricultural operations must implement applicable best-management practices, including nutrient management, adopted by the Department of Agriculture and Consumer Services to reduce nitrogen impacts to groundwater. By December 31, 2009, the Department of Agriculture and Consumer Services, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption by rule equine, and cow and calf best-management practices pursuant to this subsection. Implementation must be in accordance with s. 403.067(7)(b).

(3) Stormwater systems must comply with the requirements of this section. The department is directed to adopt rules to implement the requirements of this subsection by July 1, 2010.

(a) Local governments, in cooperation with the water management districts, must develop and implement a remediation plan for all existing drainage wells containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation. All new drainage wells must comply with the department's underground injection control rules.

(b) Local governments must develop and implement a remediation plan for all stormwater management systems constructed before 1982 which have not been modified to provide stormwater treatment containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable.

(c) Local governments, in cooperation with the water management districts, must develop and implement a remediation plan to reduce nitrogen loading to groundwater, including reducing existing direct discharges of stormwater into groundwater through karst features, to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(d) The Department of Transportation must identify any untreated stormwater discharges into groundwater through natural subterranean drainages such as sinkholes and develop and implement a remediation plan to reduce nitrogen loading to groundwater, including reducing existing groundwater discharges to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(4) This section does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.406 Additional requirements for all spring protection zones.—

(1) All newly constructed or expanded domestic wastewater facilities operational after July 1, 2012, must meet the advanced wastewater treatment requirements of s. 403.086(4).

(2) For all development not permitted as of July 1, 2009, which has septic system densities equal to or greater than 640 systems per square mile, connection to a central wastewater treatment facility or other centralized collection and treatment system is required. For the purposes of this subsection, density must be calculated using the largest number of systems possible within a square mile.

(3) All new septic systems installed on or after January 1, 2010, that are located on properties abutting a water body or water segment that is listed as impaired pursuant to s. 403.067, or properties within a designated spring protection zone pursuant to s. 369.404, must be designed to meet a target annual average groundwater concentration of no more than 3 milligrams per liter total nitrogen at the owner's property line. Compliance with these requirements does not require groundwater monitor-

ing. The department must initiate and develop by rule design standards for achieving the target annual average groundwater concentration. At a minimum, the standard must take into consideration the relationship between the treatment level achieved by the septic system and the area of usable property available for rainwater dilution. Such design standards adopted by the department must provide multiple options that may be used to meet the standards established in s. 369.406(3).

(4) Prior to adoption of the design standards by the department, compliance with the requirements in subsection (3) is presumed if one of the following conditions is met:

(a) The lot associated with the establishment or single-family home is served by a septic system meeting the baseline system standards set forth in rules of the Department of Health, and the ratio of estimated sewage flow in gallons per day to acres of usable property is 100 to 1 or less.

(b) The lot associated with the establishment or single-family home is served by a septic system meeting at least the advanced secondary treatment standards for nitrogen as set forth in rules of the Department of Health.

(c) The lot associated with the establishment or single-family home is scheduled to connect to a central wastewater treatment facility within 6 months after the application for the permit.

(5) Subsection (4) does not supersede the jurisdictional flow limits established in s. 381.0065(3)(b).

(6) Land application of septage is prohibited and subject to a $250 fine for a first offense and $500 fine for a second or subsequent offense pursuant to the authority granted to the Department of Health in s. 381.0065(3)(h).

(7) Any septic system, when requiring repair, modification, or reapproval, must meet a 24-inch separation from the wet season water table and the surface water setback requirements in s. 381.0065(4). All treatment receptacles must be within one size of the requirements in rules of the Department of Health and must be tested for watertightness by a state-licensed septic tank contractor or plumber.

(8) Each owner of a publicly owned or investor-owned sewerage system must notify all owners of septic systems, excluding approved graywater systems, of the availability of central sewerage facilities for purposes of connection pursuant to s. 381.00655(1) within 60 days after receipt of notification from the Department of Health that collection facilities for the central sewerage system have been cleared for use.

(a) Notwithstanding s. 381.00655(2)(b), a publicly owned or investor-owned sewerage system may not waive the requirement for mandatory onsite sewage disposal connection to an available publicly owned or investor-owned sewerage system, except as provided in paragraph (b).

(b) With the approval of the Department of Health, a publicly owned or investor-owned sewerage system may waive the requirement for mandatory onsite sewage disposal connection for a sewage treatment system that meets or exceeds standards established for septic systems if it determines that such connection is not required in the public interest due to water quality or public health considerations.

(9) In hardship cases the Department of Health may grant variances to the provisions of this section and any rules adopted under this section in accordance with s. 381.0065(4)(h).

(10) After July 1, 2010, land application of Class A, Class B, or Class AA wastewater residuals, as defined by department rule, is prohibited. This prohibition does not apply to Class AA residuals that are marketed and distributed as fertilizer products in accordance with department rule.

(11) Animal feeding operations must implement the requirements of rules adopted by the department to reduce nitrogen impacts to groundwater. By December 31, 2009, the department, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption, revised rules for animal feeding operations which address requirements for lined wastewater storage ponds and the development and implementation of nutrient management plans, including the land spreading of animal waste not treated and packaged as fertilizer.

(12) All county and municipal governments must, at a minimum, adopt the department's model ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants and Restrictions (2009) by December 31, 2010.

(13) The department and the water management districts shall adopt design criteria for stormwater treatment systems located within spring protection zones to minimize the movement of nitrogen into the groundwater and to prevent the formation of sinkholes within stormwater systems.

(14) This subsection does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.407 Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program.—

(1) The Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program is established in the department and shall be administered by it. The purpose of the program is to provide grants to low-income property owners in spring protection zones using septic systems to assist the property owners in complying with rules for these systems developed by the department or the water management districts, or to connect to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 381.00655(1). The grant program is effective upon final adoption of department rules and may be applied to costs incurred on or after such date.

(2) Any property owner in a spring protection zone having an income less than or equal to 200 percent of the federal poverty level who is required by rule of the department or the water management districts to alter, repair, or modify any existing septic system to a nitrate-reducing system pursuant to s. 369.406(3), or to assist property owners with connecting to available publicly owned or investor-owned sewerage system pursuant to s. 381.00655(1), may apply to the department for a grant to assist the owner with the costs of compliance or connection.

(3) The amount of the grant is limited to the cost differential between the replacement of a comparable existing septic system and that of an upgraded nitrate-reducing treatment system pursuant to s. 369.406(3), or to the actual costs incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 385.00655(1), but may not exceed $5,000 per property.

(4) The grant must be in the form of a rebate to the property owner for costs incurred in complying with the requirements for septic systems under s. 369.406(3), or incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 381.00655(1). The property owner must provide documentation of those costs in the grant application to the department.

(5) The department shall adopt rules providing forms, procedures, and requirements for applying for and disbursing grants, including bid requirements, and for documenting compliance or connection costs incurred.

(6) The department, in coordination with the water management districts, shall continue to evaluate, by any means it deems appropriate, the level of nitrate deposited in state springs by septic systems.

369.408 Rules.—

(1) The department, the Department of Health, and the Department of Agriculture and Consumer Services may adopt rules to administer the provisions of this part, as applicable.

(2) The Department of Agriculture and Consumer Services shall be the lead agency coordinating the reduction of agricultural nonpoint sources of pollution for springs protection.

(a) The Department of Agriculture and Consumer Services and the department, pursuant to s. 403.067(7)(c)4., shall study and if necessary, in cooperation with the other cooperating entities, applicable county and municipal governments, and stakeholders, initiate rulemaking to implement new or revised best-management practices for improving and protecting springs. As needed to implement the new or revised practices, the Department of Agriculture and Consumer Services, shall revise its best-

management practices rules to require implementation of the modified practice within a reasonable time period as specified in the rule.

(b) The Department of Agriculture and Consumer Services, the department, and the University of Florida's Institute of Food and Agricultural Sciences shall cooperate in the conduct of necessary research and demonstration projects to develop improved or additional nutrient management tools, including the use of controlled release fertilizer, which can be used by agricultural producers as part of an agricultural best-management practices program. The development of such tools shall reflect a balance between water quality improvements and agricultural productivity and, where applicable, shall be incorporated into revised best-management practices adopted by rule of the Department of Agriculture and Consumer Services.

(3) The department shall as a part of the rules developed for this part include provisions that allow for the variance of the compliance deadlines provided for in paragraph (b) of s. 369.404(2). Such variance must, at a minimum, be based on the financial ability of the responsible county or municipality to meet the requirements of this part.

(4) The department must initiate and develop rules to implement subsections (3), (4), and (5) of s.369.406, in conjunction with the Department of Health.

Section 2. Subsection (7) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(7) Eligible projects must be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or *groundwater* ~~ground water~~ quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities. The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

(a) Eliminate public health hazards;

(b) Enable compliance with laws requiring the elimination of discharges to specific water bodies, including the requirements of s. 403.086(9) regarding domestic wastewater ocean outfalls;

(c) Assist in the implementation of total maximum daily loads *and basin management action plans* adopted under s. 403.067;

(d) Enable compliance with other pollution control requirements, including, but not limited to, toxics control, wastewater residuals management, and reduction of nutrients and bacteria;

(e) Assist in the implementation of surface water improvement and management plans and pollutant load reduction goals developed under state water policy;

(f) Promote reclaimed water reuse;

(g) Eliminate *environmental damage caused by* failing onsite sewage treatment and disposal systems*, with priority given to systems located within an area designated as an area of critical state concern under s. 380.05 or located in a spring protection zone designated pursuant to s. 369.404* ~~or those that are causing environmental damage~~; or

(h) Reduce pollutants to and otherwise promote the restoration of *state* ~~Florida's~~ surface *waters* and *groundwaters* ~~ground waters~~.

Section 3. *All state agencies and water management districts shall asses nitrogen loading from all publically owned buildings and facilities owned or managed by each respective agency or district located within a spring protection zone using a consistent methodology, evaluate existing management activities, and develop and begin implementing management plans to reduce adverse impacts to the springs by December 31, 2011.*

Section 4. Section 403.093, Florida Statutes, is created to read:

403.093 Onsite sewage treatment and disposal systems; inspection.—

(1) In order to increase protection of state water bodies and provide for potential cost savings to the people of this state, it is the intent of the Legislature to consider creation of a statewide onsite sewage treatment and disposal system inspection program.

(2) The department shall produce a report that details the process to be used and resources needed. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2011. The report must, at a minimum:

a. Provide a method to ensure that each onsite sewage treatment and disposal system be inspected at least once every 5 years.

b. Recommend exemptions from the inspection requirement for onsite sewage treatment and disposal systems. In identifying systems for potential exemption, the department shall consider the risk a system or a certain density of systems poses to water bodies. Such evaluation shall also account for the proximity of the system or systems to a water body or water segment that is listed as impaired pursuant to s. 403.067 or is within a spring protection zone designated pursuant to s. 369.404.

c. Identify the appropriate mechanism for tracking inspections and providing notification to the owner of an onsite sewage treatment and disposal system that requires repairs or modifications.

d. A projection of the revenues that may be generated and expenses that may be needed to administer an inspection program. These projections are to be based on an inspection fee that covers the full costs of the proposed program.

(3) It is the intent of the Legislature that revenues derived from an inspection program be used to fund the administrative costs of the program and the remaining revenues be used to fund the grant program created pursuant to s. 369.407.

Section 5. Paragraph (m) is added to subsection (9) of section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(9) The Acquisition and Restoration Council shall recommend rules for adoption by the board of trustees to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b) and for additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4). In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

(m) Any part of the project area falls within a springs protection zone as defined by ss. 369.401-369.407.

Section 6. Section 403.9335, Florida Statutes, is created to read:

403.9335 Protection of urban and residential environments and water.—

(1) The Legislature finds that the implementation of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions (2009) manual, which was developed consistent with the recommendations of the Florida Consumer Fertilizer Task Force, in concert with the provisions of the Labeling Requirements for Urban Turf Fertilizers found in chapter 5E-1 Florida Administrative Code, will assist in protecting the quality of Florida's surface water and groundwater resources. The Legislature further finds that local circumstances, including the varying types and conditions of water bodies, site-specific soils and geology, and urban or rural densities and characteristics, necessitates that additional or more stringent fertilizer-management practices may be needed at the local government level.

(2) All county and municipal governments are encouraged to adopt and enforce the provisions in the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes as a mechanism for better protecting local surface water and groundwater quality.

(3) Each county and municipal government located within the watershed of a water body or water segment that is listed by the department as impaired by nutrients pursuant to s. 403.067, or designated as a spring protection zone pursuant to 369.404, shall adopt, at a minimum, the

provisions of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A county or municipal government may adopt additional or more stringent provisions than the model ordinance if the following criteria are met:

(a) The county or municipal government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, economically and technically feasible, that additional or more stringent provisions to the model ordinance are necessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

(b) The county or municipal government documents consideration of all relevant scientific information including input from the department, the Department of Agriculture and Consumer Services and the University of Florida Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation shall be made part of the public record prior to adoption of the additional or more stringent criteria.

(4) Any county or municipal government that has adopted its own fertilizer use ordinance before January 1, 2009, is exempt from the provisions of this section. Ordinances adopted or amended after January 1, 2009, must adopt the provisions in the most recent version of the model fertilizer ordinance and are subject to the criteria described in subsections (1) and (2) above.

(5) Nothing herein shall be construed to regulate the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 7. Section 403.9337, Florida Statutes, is created to read:

403.9337 Urban turf fertilizers.—

(1) As used in this section, the term:

(a) "No-phosphate fertilizer" or "no-phosphorus fertilizer" means fertilizer that contains less than 0.5 percent phosphate by weight.

(b) "Urban turf" means noncropland planted, mowed, and managed grasses, including, but not limited to, residential lawns; turf on commercial property; filter strips; and turf on property owned by federal, state, or local governments and other public lands, including roadways, roadsides, parks, campsites, recreation areas, school grounds, and other public grounds. The term does not include pastures, hay production and grazing land, turf grown on sod farms, or any other form of agricultural production; golf courses or sports turf fields; or garden fruits, flowers, or vegetables.

(c) "Soil test" means a test performed on soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf growth.

(d) "Tissue test" means a test performed on plant tissue growing in the soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf.

(2) Other than no-phosphate and no-phosphorus fertilizers, fertilizer containing phosphorus may not be applied to urban turf anywhere in this state on or after July 1, 2011, unless a soil or tissue test that is conducted pursuant to a method approved by the Department of Agriculture and Consumer Services indicates:

(a) For turf that is being initially established by seed or sod, the level of available phosphorus is insufficient to establish new turf growth and a root system. However, during the first year, a one-time application only of up to 1 pound of phosphate per 1,000 square feet of area may be applied.

(b) For established turf, the level of available phosphorus is insufficient to support healthy turf growth. However, no more than 0.25 pound of phosphate per 1,000 square feet of area per each application may be applied, not to exceed 0.5 pound of phosphate per 1,000 square feet of area per year.

And the title is amended as follows:

Delete lines 51-53 and insert: exemptions;

On motion by Senator Constantine, further consideration of **CS for CS for SB 274** with pending **Amendment 1 (589956)** by Senator Lawson was deferred.

CS for CS for SB 2088—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; providing that the Financial Management Information Board is responsible for the system; deleting provisions relating to the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the agency is headed by the Governor and Cabinet acting as the Financial Management Information Board; providing for an executive director; providing the duties of the agency; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to the agency; providing the members of the council; providing council duties; creating s. 215.924, F.S.; providing for an Enterprise Financial Business Strategic Plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; providing for the contents of the plan; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; adding the Revenue and Tax Collection, Processing, and Distribution Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; revising the duties of the owners; deleting references to the design and coordination staff; providing for the ownership and functions of the Revenue and Tax Collection, Processing, and Distribution Subsystem by the Department of Revenue; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; amending s. 215.95, F.S.; providing additional duties for the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; creating s. 215.961, F.S.; providing state agency requirements relating to the Florida Financial Management Information System and the use of functional information and enterprise agency business subsystems; repealing s. 570.07(41), F.S., relating to the Department of Agriculture and Consumer Services' exemption from using the state online procurement system; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing for funding; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Alexander, **CS for CS for SB 2088** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Oelrich

Consideration of **CS for HB 631**, **SB 2080**, and **CS for CS for CS for SB 2104** was deferred.

CS for SB 2158—A bill to be entitled An act relating to public records; creating s. 631.582, F.S.; providing an exemption from public-records requirements for specified claims files, medical records that are part of a claims file, information relating to the medical condition or medical status of a claimant, and records pertaining to matters reasonably encompassed in privileged attorney-client communications of the Florida Insurance Guaranty Association; providing for limited duration of the exemption for claims files; providing for release of records under specified conditions; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2158** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Garcia

CS for HB 631—A bill to be entitled An act relating to public records; amending s. 733.604, F.S.; providing exemptions from public records requirements for certain estate inventories and accountings; requiring custodians to disclose certain inventories or accountings to certain persons or by court order; providing retroactive application; providing for review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 631** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deutch	Joyner
Alexander	Diaz de la Portilla	Justice
Altman	Dockery	King
Aronberg	Fasano	Lawson
Baker	Gaetz	Lynn
Bennett	Garcia	Oelrich
Bullard	Gardiner	Peaden
Constantine	Gelber	Pruitt
Crist	Haridopolos	Rich
Dean	Hill	Richter
Detert	Jones	Ring
Siplin	Storms	Wise
Smith	Villalobos	
Sobel	Wilson	

Nays—None

HB 7157—A bill to be entitled An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full or partial exemption for land dedicated in perpetuity for conservation purposes; exempting certain real property encumbered by a conservation easement purchased by the federal or state government or by a local government; providing circumstances under which land consisting of less than 40 acres qualifies for such exemption; providing for the assessment of buildings and structures on exempted lands; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts; creating the Board of Conservation for certain purposes; providing for appointment of members; amending s. 193.501, F.S.; revising a cross-reference; amending s. 704.06, F.S.; requiring owners of property encumbered by a conservation easement to comply with marketable record title requirements to preserve the easement in perpetuity; amending s. 195.073, F.S.; specifying an additional real property assessment classification; amending s. 196.011, F.S.; providing requirements and procedures for renewal applications for exemptions for real property dedicated in perpetuity for conservation purposes; requiring owners of such property to notify the property appraiser when use of the property no longer qualifies for the exemption; providing penalties for failure to notify; providing for application of certain lien provisions; amending s. 192.0105, F.S.; conforming a cross-reference; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties with a population not exceeding 25,000; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Altman, **HB 7157** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Constantine

Consideration of **CS for CS for HB 7031** was deferred.

CS for HB 1213—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term "transportation facilities"; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising

scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees' benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fiscal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator King, **CS for HB 1213** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Consideration of **CS for HB 7043**, **CS for CS for HB 821**, and **CS for HB 7051** was deferred.

SENATOR PRUITT PRESIDING

CS for CS for HB 821—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; defining the term "compact, urban, mixed-use district"; amending s. 190.006, F.S.; providing for application of certain board of supervisors election time periods to compact, urban, mixed-use districts; providing for retroactive application; amending ss. 190.005, 190.011, 190.016, 190.021, and 348.968, F.S.; conforming cross-references; amending s. 190.012, F.S.; revising deed restriction enforcement rulemaking authority of boards of directors of community development districts; authorizing certain property owners to elect a district board advisor; providing advisor responsibilities; providing requirements for district board advisor review and recommendations relating to enforcement of the district rules outside the boundaries of the district; requiring creation of a district board advisor seat after an interlocal agreement is entered into; providing for election of the advisor and the term of office; providing election procedures and requirements; amending s. 190.046, F.S.; revising procedures and requirements to amend the boundaries of a community development district; revising procedures and requirements to merge community development districts; providing limitations; providing for petition filing fees; preserving rights of creditors, liens upon property, and claims and pending actions or proceedings; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for HB 821** was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Fasano	Lynn
Altman	Gaetz	Oelrich
Aronberg	Garcia	Peaden
Baker	Gardiner	Pruitt
Bennett	Gelber	Rich
Constantine	Haridopolos	Ring
Crist	Hill	Siplin
Dean	Jones	Smith
Detert	Joyner	Sobel
Deutch	Justice	Villalobos
Diaz de la Portilla	King	Wilson
Dockery	Lawson	Wise

Nays—2

Bullard	Storms

CS for HB 7051—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act for social security numbers; amending s. 119.071, F.S.; providing that social security

numbers of current and former agency employees held by the employing agency are confidential and exempt from public records requirements; providing for future review and repeal of the exemption; requiring that an agency identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers and ensure compliance therewith; requiring notice as to whether collection of a social security number is authorized or mandatory under federal or state law; clarifying that the public records exemption for social security numbers held by an agency does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemptions for social security numbers; delineating conditions under which social security numbers held by an agency may be disclosed; redefining the term "commercial activity" for purposes of provisions authorizing the disclosure of a social security number under limited circumstances; eliminating agency reports of requests for social security numbers by commercial entities; reenacting ss. 119.0714(1)(i), (2)(e), and (3)(b) and 1007.35(8)(b), F.S., relating to social security numbers contained in records that are made part of a court file, a future requirement of court clerks to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to court clerks with respect to court records, the availability of social security numbers as part of official records, a future requirement of county recorders to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to county recorders with respect to official records, and access to specified information under the Florida Partnership for Minority and Underrepresented Student Achievement, respectively, for the purpose of incorporating the amendment to s. 119.071, F.S., in references thereto,; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for HB 7051** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Oelrich	

Nays—None

CS for CS for SB 1372—A bill to be entitled An act relating to insurance; providing a short title; amending s. 624.310, F.S.; expanding the definition of "affiliated party" to include certain third-party marketers; amending s. 626.025, F.S.; including family members of insurance agents in a prohibition related to the transaction of life insurance; amending s. 626.621, F.S.; expanding grounds for discretionary refusal, suspension, or revocation of certain licenses; amending s. 626.641, F.S.; prohibiting the Department of Financial Services from issuing certain licenses in certain circumstances; amending s. 626.798, F.S.; prohibiting a family member of a life insurance agent from being a beneficiary of certain policies; amending s. 626.9521, F.S.; providing that the failure to ascertain a customer's age at the time of an insurance application does not constitute a defense to certain violations of state law; authorizing the use of video depositions in certain circumstances; amending s. 626.99, F.S.; extending the unconditional refund period for fixed annuity contracts and variable or market value annuity contracts for customers 65 years of age or older; requiring that the unconditional refund amount for a variable or market value annuity contract be equal to the cash surrender value provided in the contract, plus any fees or charges deducted from the premiums or imposed under the contract; providing for applicability of certain provisions; requiring that an insurer provide a prospective purchaser of an annuity policy with a buyer's guide to annuities; requiring that such buyer's guide contain certain information; requiring that an insurer attach a cover page to an annuity policy informing the purchaser of the unconditional refund period; requiring that the cover page provide other specified information; amending s. 627.4554, F.S.; defining the term "accredited investor"; authorizing the Department of Financial Services to order an insurance agent to pay monetary restitution to a senior consumer under certain circumstances; limiting the amount of such restitution; prohibiting an annuity contract issued to a senior consumer from containing a surrender or deferred sales charge for withdrawal of funds from an annuity in excess of a specified maximum amount; providing for the periodic reduction of such charge; creating s. 817.2351, F.S.; providing that it is unlawful for a natural person to perform certain acts in connection with the rendering of any advice or the offer, sale, or purchase of any financial services product to a person who is 65 years of age or older; providing that performance of such a prohibited act constitutes a felony of the third degree; providing for applicability; providing that criminal prosecution for certain offenses is subject to specified time limitations as prescribed by state law; providing an effective date.

—as amended April 29 was read the third time by title.

MOTION

On motion by Senator Gelber, the rules were waived to allow the following amendment to be considered:

Senator Gelber moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (421064)—Delete line 295 and insert: harmed by a violation of this section by the insurance

On motion by Senator Bennett, **CS for CS for SB 1372** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 1471—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring a report to the Governor and Legislature prior to proceeding with nitrogen reduction activities; ; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Com-

prehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth- directed focus in each program component; deleting an obsolete provision relating to the AHEC smoking-cessation initiative; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 2 (140970)** by Senator Lawson.

RECONSIDERATION OF AMENDMENT

On motion by Senator Villalobos, the Senate reconsidered the vote by which **Amendment 1 (525670)** was adopted.

On motion by Senator Gaetz, further consideration of **CS for HB 1471** with pending **Amendment 1 (525670)** and pending **Amendment 2 (140970)** was deferred.

SB 2080—A bill to be entitled An act relating to the West-Central Florida Water Restoration Action Plan; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria for the Southwest Florida Water Management District to meet in implementing the West-Central Florida Water Restoration Action Plan; requiring that the district coordinate with regional water supply authorities and governmental entities to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan's purpose; specifying the initiatives that are included in the plan; providing criteria for implementing the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; providing for the Southwest Florida Water Management District to include specified criteria concerning implementation of the plan, regional conditions, and the use of funds in specified annual reports; requiring that the Southwest Florida Water Management District develop and submit a plan to the Legislature; providing for approval of the plan; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Alexander moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (256072) (with title amendment)—Between lines 211 and 212 insert:

Section 3. *Section 373.069, Florida Statutes, is reenacted.*

Section 4. Subsections (3), (6), and (7) and paragraph (a) of subsection (8) of section 373.0693, Florida Statutes, are amended to read:

373.0693 Basins; basin boards.—

(3) Each member of the various basin boards shall serve for a period of 3 years or until a successor is appointed, *but not more than 180 days after the end of the term,* except that the board membership of each new basin shall be divided into three groups as equally as possible, with members in such groups to be appointed for 1, 2, and 3 years, respectively. Each basin board shall choose a vice chair and a secretary to serve for a period of 1 year. The term of office of a basin board member shall be construed to commence on March 2 preceding the date of appointment and to terminate March 1 of the year of the end of a term *or may continue until a successor is appointed, but not more than 180 days after the end of the expired term*.

(6)(a) Notwithstanding the provisions of any other general or special law to the contrary, a member of the governing board of the district residing in the basin or, if no member resides in the basin, a member of the governing board designated by the chair of the governing board shall be the ~~ex officio~~ chair of the basin board. The ~~ex officio~~ chair shall preside at all meetings of the basin board, except that the vice chair may preside in his or her absence. The ~~ex officio~~ chair shall ~~have no official vote, except in case of a tie vote being cast by the members, but~~ shall be the liaison officer of the district in all affairs in the basin and shall be kept informed of all such affairs.

(b) Basin boards within the Southwest Florida Water Management District shall meet regularly as determined by a majority vote of the basin board members. Subject to notice requirements of chapter 120, special meetings, both emergency and nonemergency, may be called either by the ~~ex officio~~ chair or the elected vice chair of the basin board or upon request of two basin board members. The district staff shall include on the agenda of any basin board meeting any item for discussion or action requested by a member of that basin board. The district staff shall notify any basin board, as well as their respective counties, of any vacancies occurring in the district governing board or their respective basin boards.

(7) At 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District, which is annexed to the Southwest Florida Water Management District by change of its boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the Southwest Florida Water Management District, subject to the same provisions as the other basins in such district. Such subdistrict shall be designated initially as the Manasota Basin. The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of the Manasota Basin of the Southwest Florida Water Management District. Notwithstanding other provisions in this section, beginning on July 1, 2001, the membership of the Manasota Basin Board shall be comprised of *two* ~~three~~ members from Manatee County and *two* ~~three~~ members from Sarasota County. Matters relating to tie votes shall be resolved pursuant to subsection (6) by the ~~ex officio~~ chair designated by the governing board to vote in case of a tie vote.

(8)(a) At 11:59 p.m. on June 30, 1988, the area transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall cease to be a subdistrict or basin of the St. Johns River Water Management District known as the Oklawaha River Basin and said Oklawaha River Basin shall cease to exist. However, any recognition of an Oklawaha River Basin or an Oklawaha River Hydrologic Basin for regulatory purposes shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River Water Management District. ~~There shall be established by the governing board of the St. Johns River Water Management District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management District's governing board on water management issues affecting the Oklawaha River Basin. The Oklawaha River Basin Advisory Council shall be appointed by action of the St. Johns River Water Management District's governing board and shall include one representative from each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns River Water Management District's governing board member currently serving pursuant to s. 373.073(2)(c)3. shall serve as chair of the Oklawaha River Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

Section 5. Paragraph (b) of subsection (1) of section 373.073, Florida Statutes, is amended to read:

373.073 Governing board.—

(1)

(b) Commencing January 1, *2011* ~~1999~~, the Governor shall appoint the following number of governing board members in each year of the Governor's 4-year term of office:

1. In the first year of the Governor's term of office, the Governor shall *appoint four members to the governing board of the Southwest Florida Water Management District and* appoint three members to the governing board of each *other* district.

2. In the second year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.

3. In the third year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.

4. In the fourth year of the Governor's term of office, the Governor shall appoint *three members to the governing board of the Southwest Florida Water Management District and* two members to the governing board of each *other* district.

For any governing board vacancy that occurs before the date scheduled for the office to be filled under this paragraph, the Governor shall appoint a person meeting residency requirements of subsection (2) for a term that will expire on the date scheduled for the term of that office to terminate under this subsection. In addition to the residency requirements for the governing boards as provided by subsection (2), the Governor shall consider appointing governing board members to represent an equitable cross-section of regional interests and technical expertise.

Section 6. Subsections (4) and (7) of section 373.079, Florida Statutes, are amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)(a) The governing board of the district is authorized to employ an executive director, ombudsman, and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment of an executive director by the governing board is subject to approval by the Governor and must be initially confirmed by the Florida Senate. The governing board may delegate all or part of its authority under this paragraph to the executive director. *However, the governing board shall delegate to the executive director all of its authority to take final action on permit applications under part II or part IV or petitions for variances or waivers of permitting requirements under part II or part IV, except for denials of such actions as provided in s. 373.083(5).The executive director may execute such delegated authority through designated staff members. Such delegations shall not be subject to the rulemaking requirements of chapter 120.* The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

(b)1. The governing board of each water management district shall employ an inspector general, who shall report directly to the board. However, the governing boards of the Suwannee River Water Management District and the Northwest Florida Water Management District may jointly employ an inspector general, or provide for inspector general services by interagency agreement with a state agency or water management district inspector general.

2. An inspector general must have the qualifications prescribed and perform the applicable duties of state agency inspectors general as provided in s. 20.055.

(7) The governing board shall meet at least once a month and upon call of the chair. *The governing board, a basin board, a committee, or an advisory board may conduct meetings by means of communications media technology in accordance with rules adopted pursuant to s. 120.54.*

Section 7. Subsection (5) of section 373.083, Florida Statutes, is amended to read:

373.083 General powers and duties of the governing board.—In addition to other powers and duties allowed it by law, the governing board is authorized to:

(5) Execute any of the powers, duties, and functions vested in the governing board through a member or members thereof, the executive director, or other district staff as designated by the governing board. The governing board may establish the scope and terms of any delegation. *The* ~~However, if the~~ governing board *shall delegate to the executive director all of its* ~~delegates the~~ authority to take final action on permit applications under part II or part IV~~,~~ or petitions for variances or waivers of permitting requirements under part II or part IV*, and the executive director may execute such delegated authority through designated staff. Such delegations shall not be subject to the rulemaking requirements of chapter 120. However*, the governing board shall provide a process for referring any denial of such application or petition to the governing board to take final action. *Such process shall expressly prohibit any member of a governing board from intervening in any manner during the review of an application prior to such application being referred to the governing board for final action.* The authority in this subsection is supplemental to any other provision of this chapter granting authority to the governing board to delegate specific powers, duties, or functions.

Section 8. Present subsection (4) of section 373.118, Florida Statutes, is amended, and subsection (5) of that section is renumbered as subsection (4), to read:

373.118 General permits; delegation.—

~~(4) To provide for greater efficiency, the governing board may delegate by rule its powers and duties pertaining to general permits to the executive director. The executive director may execute such delegated authority through designated staff. However, when delegating the authority to take final action on permit applications under part II or part IV or petitions for variances or waivers of permitting requirements under part II or part IV, the governing board shall provide a process for referring any denial of such application or petition to the governing board to take such final action.~~

Section 9. Subsection (3) of section 373.323, Florida Statutes, is amended to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(3) An applicant who meets the following requirements shall be entitled to take the *water well contractor* licensure examination ~~to practice water well contracting~~:

(a) Is at least 18 years of age.

(b) Has at least 2 years of experience in constructing, repairing, or abandoning *water* wells. *Satisfactory proof of such experience shall be demonstrated by providing:*

1. Evidence of the length of time the applicant has been engaged in the business of the construction, repair, or abandonment of water wells as a major activity, as attested to by a letter from three of the following persons:

a. A water well contractor.

b. A water well driller.

c. A water well parts and equipment vendor.

d. A water well inspectors employed by a governmental agency.

2. A list of at least 10 water wells that the applicant has constructed, repaired, or abandoned within the preceding 5 years. Of these wells, at least seven must have been constructed, as defined in s. 373.303(2), by the applicant. The list shall also include:

a. The name and address of the owner or owners of each well.

b. The location, primary use, and approximate depth and diameter of each well that the applicant has constructed, repaired, or abandoned.

c. The approximate date the construction, repair, or abandonment of each well was completed.

(c) Has completed the application form and remitted a nonrefundable application fee.

Section 10. Subsections (6) and (7) are added to section 373.236, Florida Statutes, to read:

373.236 Duration of permits; compliance reports.—

(6)(a) The Legislature finds that the need for alternative water supply development projects to meet anticipated public water supply demands of the state is so important that it is essential to encourage participation in and contribution to these projects by private-rural-land owners who characteristically have relatively modest near-term water demands but substantially increasing demands after the 20-year planning period in s. 373.0361. Therefore, where such landowners make extraordinary contributions of lands or construction funding to enable the expeditious implementation of such projects, water management districts and the department may grant permits for such projects for a period of up to 50 years to municipalities, counties, special districts, regional water supply authorities, multijurisdictional water supply entities, and publicly or privately owned utilities, with the exception of any publicly or privately owned utilities created for or by a private landowner after April 1, 2008, which have entered into an agreement with the private landowner for the purpose of more efficiently pursuing alternative public water supply development projects identified in a district's regional water supply plan and meeting water demands of both the applicant and the landowner.

(b) A permit under paragraph (a) may be granted only for that period for which there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met. Such a permit shall require a compliance report by the permittee every 5 years during the term of the permit. The report shall contain sufficient data to maintain reasonable assurance that the conditions for permit issuance applicable at the time of district review of the compliance report are met. After review of this report, the governing board or the department may modify the permit to ensure that the use meets the conditions for issuance. This subsection does not limit the existing authority of the department or the governing board to modify or revoke a consumptive use permit.

(7) A permit approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production renewable energy, as defined in s. 366.91(2)(d), shall be granted for a term of at least 25 years at the applicant's request based on the anticipated life of the facility if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit; otherwise, a permit may be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided. Such a permit is subject to compliance reports under subsection (4).

Section 11. Subsection (4) of section 373.243, Florida Statutes, is amended to read:

373.243 Revocation of permits.—The governing board or the department may revoke a permit as follows:

(4) For nonuse of the water supply allowed by the permit for a period of 2 years or more, the governing board or the department may revoke the permit permanently and in whole unless the user can prove that his or her nonuse was due to extreme hardship caused by factors beyond the user's control. *For a permit issued pursuant to s. 373.236(7), the governing board or the department may revoke the permit only if the nonuse of the water supply allowed by the permit is for a period of 4 years or more.*

Section 12. Paragraph (e) of subsection (5) of section 373.536, Florida Statutes, is amended to read:

373.536 District budget and hearing thereon.—

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

(e) By September 5 of the year in which the budget is submitted, the House and Senate appropriations *and appropriate substantive committee* chairs may transmit to each district comments and objections to the proposed budgets. Each district governing board shall include a response to such comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Governor, the department, and the chairs of the House and Senate appropriations committees.

Section 13. Subsection (5) is added to section 373.584, Florida Statutes, to read:

373.584 Revenue bonds.—

(5)(a) The total annual debt service for bonds issued pursuant to this section and s. 373.563 may not exceed 20 percent of the annual ad valorem tax revenues of the water management district, unless approved by the Joint Legislative Budget Commission.

(b) The Joint Legislative Budget Commission is authorized to review the financial soundness of a water management district and determine whether bonds may be issued by a water management district in excess of the limitation provided in paragraph (a).

(c) A water management district may not take any action regarding the issuance of bonds in excess of the limitation of paragraph (a) without prior approval of the Joint Legislative Budget Commission pursuant to joint rules of the House of Representative and the Senate.

(d) Bonds issued and outstanding before January 1, 2009, are exempt from this subsection and shall not be included in the calculation of the limitation of paragraph (a).

(e) This subsection does not affect the validity or enforceability of outstanding revenue bonds.

Section 14. Subsection (10) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(10)(a) Beginning July 1, 1999, not more than one-fourth of the funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual *ad valorem* tax losses incurred as a result of *all* governing board acquisitions for water management *district purposes* ~~districts pursuant to ss. 259.101, 259.105, 373.470, and this section during any year~~. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. *186.901* ~~11.031~~. *The population estimates published April 1 and used in the revenue-sharing formula pursuant to s. 186.901 shall be used to determine eligibility under this subsection and shall apply to payments made for the subsequent fiscal year.*

2. To all local governments located in eligible counties and whose lands are bought and taken off the tax rolls.

For properties acquired after January 1, 2000, in the event that such properties otherwise eligible for payment in lieu of taxes under this subsection are leased or reserved and remain subject to ad valorem taxes, payments in lieu of taxes shall commence or recommence upon the expiration or termination of the lease or reservation~~, but in no event shall there be more than a total of 10 annual payments in lieu of taxes for each tax loss~~. If the lease is terminated for only a portion of the lands at any time, the ~~10~~ annual payments shall be made for that portion only commencing the year after such termination, without limiting the requirement that ~~10~~ annual payments shall be made on the remaining portion or portions of the land as the lease on each expires. For the purposes of this subsection, "local government" includes municipalities *and* ~~,~~ the county school board~~, mosquito control districts, and any other local government entity which levies ad valorem taxes~~.

(c) If sufficient funds are unavailable in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(d) The payment amount shall be based on the average amount of actual *ad valorem* taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than *May* ~~January~~ 31 of the year *for which payment is sought* ~~following acquisition.~~ No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition.

(e) If property that was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of *ad valorem* taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive annual payments for each tax loss until the qualifying governmental entity exceeds the population threshold pursuant to *paragraph (b)* ~~s. 259.032(12)(b)~~.

(f) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual *ad valorem* taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Chief Financial Officer and have requested that payment be made in accordance with the requirements of this section. With the assistance of the local government requesting payment in lieu of taxes, the water management district that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.

(g) If a water management district conveys to a county or local government title to any land owned by the district, any payments in lieu of taxes on the land made to the county or local government shall be discontinued as of the date of the conveyance.

Section 15. Section 373.5905, Florida Statutes, is amended to read:

373.5905 *Reinstatement* ~~Reinstitution~~ of payments in lieu of taxes; duration.—If a water management district has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment, *beginning July 1, 2009,* the water management district shall *reinstate* ~~reinstitute~~ appropriate payments and continue the payments *for as long as the county population remains below the population threshold pursuant to s. 373.59(10)(b). This section does not authorize or provide for payments in arrears* ~~in consecutive years until the governmental entity has received a total of 10 payments for each tax loss~~.

Section 16. *Sections 373.465 and 373.466, Florida Statutes, are repealed.*

And the title is amended as follows:

Delete lines 2-31 and insert: An act relating to water resources; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria for the Southwest Florida Water Management District to meet in implementing the West-Central Florida Water Restoration Action Plan; requiring that the district coordinate with regional water supply authorities and governmental entities to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan's purpose; specifying the initiatives that are included in the plan; providing criteria for implementing the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes

Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; providing for the Southwest Florida Water Management District to include specified criteria concerning implementation of the plan, regional conditions, and the use of funds in specified annual reports; requiring that the Southwest Florida Water Management District develop and submit a plan to the Legislature; providing for approval of the plan; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; reenacting s. 373.069, F.S., relating to the creation of the water management districts, pursuant to the provisions of the Florida Government Accountability Act; amending s. 373.0693, F.S.; limiting the period of time a basin board member may serve after the end of a term; reducing the number of members on the Manasota Basin Board; eliminating the Oklawaha River Basin Advisory Council; removing ex officio designation of basin board chairs; removing a restriction on the voting authority of the chair; amending s. 373.073, F.S.; revising the membership of water management district governing boards; providing for appointment of members commencing on a specified date; amending s. 373.079, F.S.; requiring a water management district's governing board to delegate to the executive director its authority to approve certain permits or grant variances or waivers of permitting requirements; authorizing the executive director to execute such delegated authority through designated staff members; providing that such delegations are exempt from specified rulemaking requirements; authorizing water management district governing boards, basin boards, committees, and advisory boards to conduct meetings by means of communications media technology; amending s. 373.083, F.S.; requiring water management district governing boards to delegate to the water management district's executive director authority to approve certain permits or grant variances or waivers of permitting requirements; authorizing the executive director to execute such delegated authority through designated staff members; providing that such delegations are exempt from specified rulemaking requirements; amending s. 373.118, F.S.; removing provisions authorizing water management district governing boards to delegate authority to issue general permits to the executive director; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.236, F.S.; authorizing water management districts to issue 50-year consumptive use permits to specified entities for certain alternative water supply development projects; providing for compliance reporting and review, modification, and revocation relating to such permits; authorizing 25-year consumptive use permits for renewable energy generating facilities and specified lands used in the production of renewable energy under certain conditions; providing that such permits are subject to compliance reports; amending s. 373.243, F.S.; providing for the revocation of certain consumptive use permits for renewable energy generating facilities and specified lands used in the production of renewable energy; amending s. 373.536, F.S.; authorizing substantive legislative committee chairs to provide input on proposed water management district budgets; amending s. 373.584, F.S.; providing a limitation on certain bonding for water management districts; authorizing the Joint Legislative Budget Commission to approve bonding exceeding such limitation; exempting certain outstanding bonds from such limitation and its calculation; amending s. 373.59, F.S.; expanding water management district lands eligible to receive payment in lieu of taxes; revising the method used to determine eligibility for such payment; amending s. 373.5905, F.S.; providing conditions for reinstatement of payments in lieu of taxes and their duration; repealing s. 373.465, F.S., to eliminate the Lake Panasoffkee Restoration Council; repealing s. 373.466, F.S., to eliminate the Lake Panasoffkee restoration program; providing an effective

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment:

Amendment 2 (536382) (with title amendment)—Between lines 211-212 insert:

Section 3. Section 373.185, Florida Statutes, is amended to read:

373.185 Local *Florida-friendly landscaping* ~~Xeriscape~~ ordinances.—

(1) As used in this section, the term:

(a) "Local government" means any county or municipality of the state.

(b) ~~"Xeriscape" or~~ "Florida-friendly *landscaping* ~~landscape~~" means quality landscapes that conserve water*,* ~~and~~ protect the environment*,* ~~and~~ are adaptable to local conditions*,* and ~~which~~ are drought tolerant. The principles of *such landscaping* ~~Xeriscape~~ include *planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape* planning and design, ~~appropriate choice of plants,~~ soil analysis*,* ~~which may include~~ the *appropriate* use of solid waste compost, *minimizing the use of* ~~efficient~~ irrigation, ~~practical use of turf, appropriate use of mulches,~~ and proper maintenance.

(2) Each water management district shall design and implement an incentive program to encourage all local governments within its district to adopt new ordinances or amend existing ordinances to require *Florida-friendly* ~~Xeriscape~~ landscaping for development permitted after the effective date of the new ordinance or amendment. ~~Each district shall adopt rules governing the implementation of its incentive program and governing the review and approval of local government Xeriscape ordinances or amendments which are intended to qualify a local government for the incentive program.~~ Each district shall assist the local governments within its jurisdiction by providing a model *Florida-friendly landscaping ordinance* ~~Xeriscape code~~ and other technical assistance. *Each district may develop its own model or use a model contained in the "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions" manual developed by the department. To qualify for a district's incentive program,* a local government ~~Xeriscape~~ ordinance or amendment~~, in order to qualify the local government for a district's incentive program,~~ must include, at a minimum:

(a) Landscape design, installation, and maintenance standards that result in water conservation *and water quality protection or restoration*. Such standards *must* ~~shall~~ address the use of plant groupings, soil analysis including the promotion of the use of solid waste compost, efficient irrigation systems, and other water-conserving practices.

(b) Identification of prohibited invasive exotic plant species *consistent with s. 581.091.*

(c) Identification of controlled plant species, accompanied by the conditions under which such plants may be used.

(d) A provision specifying the maximum percentage of *irrigated* turf and ~~the maximum percentage of~~ impervious surfaces allowed in a *Florida-friendly landscaped* ~~xeriscaped~~ area and addressing the practical selection and installation of turf.

(e) Specific standards for land clearing and requirements for the preservation of existing native vegetation.

(f) A monitoring program for ordinance implementation and compliance.

(3) Each water management district shall also ~~The districts also shall~~ work with *the department,* local governments*, county extension agents or offices, nursery and landscape industry groups, and other interested stakeholders* to promote, through educational programs*,* ~~and~~ publications, *and other district activities authorized under this chapter,* the use of *Florida-friendly landscaping* ~~Xeriscape~~ practices, including the use of solid waste compost, in ~~existing~~ residential and commercial development. *In conducting these activities, each district shall use the materials developed by the department, the Institute of Food and Agricultural Sciences at the University of Florida, and the Center for Landscape Conservation and Ecology Florida-Friendly Landscaping program, including, but not limited to, the Florida Yards and Neighborhoods Program for homeowners, the Florida Yards and Neighborhoods Builder Developer Program for developers, and the Green Industries Best Management Practices Program for landscaping professionals. Each district may develop supplemental materials as appropriate to address the physical and natural characteristics of the district. The districts shall coordinate with the department and the Institute of Food and Agricultural Sciences at the University of Florida if revisions to the educational ma-*

terials are needed. ~~This section may not be construed to limit the authority of the districts to require Xeriscape ordinances or practices as a condition of any consumptive use permit.~~

(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to state's efforts in water conservation and water quality protection and restoration.

(b) ~~(3)~~ A deed restriction or covenant ~~entered after October 1, 2001, or local government ordinance~~ may not prohibit *or be enforced so as to prohibit* any property owner from implementing ~~Xeriscape or~~ Florida-friendly *landscaping* ~~landscape~~ on his or her land *or create any requirement or limitation in conflict with any provision of part II of this chapter or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of this chapter.*

(c) A local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.

(4) This section does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of any permit issued under this chapter.

Section 4. Section 373.187, Florida Statutes, is created to read:

373.187 Water management district implementation of Florida-friendly landscaping.—Each water management district shall use Florida-friendly landscaping, as defined in s. 373.185, on public property associated with buildings and facilities owned by the district and constructed after June 30, 2009. Each district shall also develop a 5-year program for phasing in the use of Florida-friendly landscaping on public property associated with buildings or facilities owned by the district and constructed before July 1, 2009.

Section 5. Section 373.228, Florida Statutes, is amended to read:

373.228 Landscape irrigation design.—

(1) The Legislature finds that multiple areas throughout the state have been identified by water management districts as water resource caution areas, which indicates that in the near future water demand in those areas will exceed the current available water supply and that conservation is one of the mechanisms by which future water demand will be met.

(2) The Legislature finds that landscape irrigation comprises a significant portion of water use and that ~~the~~ current typical landscape irrigation *systems* ~~system~~ and *Florida-friendly landscaping* ~~xeriscape~~ designs offer significant potential water conservation benefits.

(3) It is the intent of the Legislature to improve landscape irrigation water use efficiency by ensuring that landscape irrigation systems meet or exceed minimum design criteria.

(4) The water management districts shall work with the Florida *Nursery,* ~~Nurserymen and~~ Growers *and Landscape* Association, *the Florida Native Plant Society,* the Florida Chapter of the American Society of Landscape Architects, the Florida Irrigation Society, the Department of Agriculture and Consumer Services, the Institute of Food and Agricultural Sciences, the Department of Environmental Protection, the Department of Transportation, the Florida League of Cities, the Florida Association of Counties, and the Florida Association of Community Developers to develop landscape irrigation and *Florida-friendly landscaping* ~~xeriscape~~ design standards for new construction which incorporate a landscape irrigation system and develop scientifically based model guidelines for urban, commercial, and residential landscape irrigation, including drip irrigation, for plants, trees, sod, and other landscaping. The ~~landscape and irrigation design~~ standards shall be based on the irrigation code defined in the Florida Building Code, Plumbing Volume, Appendix F. Local governments shall use the standards and guidelines when developing landscape irrigation and *Florida-friendly landscaping* ~~xeriscape~~ ordinances. By January 1, 2011, the agencies and entities specified in this subsection shall review the standards and guidelines to determine whether new research findings require a change or modification of the standards and guidelines.

(5) In evaluating water use applications from public water suppliers, water management districts shall consider whether the applicable local government has adopted ordinances for landscaping and irrigation systems consistent with the Florida-friendly landscaping provisions of s. 373.185.

Section 6. Subsection (3) of section 373.323, Florida Statutes, is amended to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(3) An applicant who meets the following requirements *is* ~~shall be~~ entitled to take the *water well contractor* licensure examination ~~to practice water well contracting~~:

(a) Is at least 18 years of age.

(b) Has at least 2 years of experience in constructing, repairing, or abandoning *water* wells. *Satisfactory proof of such experience is demonstrated by providing:*

1. Evidence of the length of time the applicant has been engaged in the business of the construction, repair, or abandonment of water wells as a major activity, as attested to by a letter from three of the following persons:

a. A water well contractor.

b. A water well driller.

c. A water well parts and equipment vendor.

d. A water well inspector employed by a governmental agency.

2. A list of at least 10 water wells that the applicant has constructed, repaired, or abandoned within the preceding 5 years. Of these wells, at least seven must have been constructed, as defined in s. 373.303(2), by the applicant. The list must also include:

a. The name and address of the owner or owners of each well.

b. The location, primary use, and approximate depth and diameter of each well.

c. The approximate date the construction, repair, or abandonment of each well was completed.

(c) Has completed the application form and remitted a nonrefundable application fee.

Section 7. Subsection (8) of section 373.333, Florida Statutes, is amended to read:

373.333 Disciplinary guidelines; adoption and enforcement; license suspension or revocation.—

(8) The water management district may impose through an order an administrative fine not to exceed $5,000 *per occurrence* against an unlicensed person *if* ~~when~~ it determines that the unlicensed person has engaged in the practice of water well contracting~~,~~ for which a license is required.

Section 8. Section 125.568, Florida Statutes, is amended to read:

125.568 Conservation of water; *Florida-friendly landscaping* ~~Xeriscape~~.—

(1)(a) The Legislature finds that *Florida-friendly landscaping* ~~Xeriscape~~ contributes to the conservation*, protection, and restoration* of water. In an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, it is the intent of the Legislature that *Florida-friendly landscaping* ~~Xeriscape~~ be an essential part of water conservation *and water quality protection and restoration* planning.

(b) *As used in this section,* ~~"Xeriscape" or~~ "Florida-friendly *landscaping" has the same meaning as in s. 373.185* ~~landscape" means quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.~~

(2) The board of county commissioners of each county shall consider enacting ordinances*, consistent with s. 373.185,* requiring the use of *Florida-friendly landscaping* ~~Xeriscape~~ as a water conservation *or water quality protection or restoration* measure. If the board determines that *such landscaping* ~~Xeriscape~~ would be of significant benefit as a water conservation *or water quality protection or restoration* measure*, especially for waters designated as impaired pursuant to s. 403.067,* relative to the cost to implement *Florida-friendly* ~~Xeriscape~~ landscaping in its area of jurisdiction, the board shall enact a *Florida-friendly landscaping* ~~Xeriscape~~ ordinance. Further, the board of county commissioners shall consider promoting *Florida-friendly landscaping* ~~Xeriscape~~ as a water conservation *or water quality protection or restoration* measure by: using *such landscaping* ~~Xeriscape~~ in *any*~~, around, or near facilities, parks, and other common~~ areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on *Florida-friendly landscaping* ~~Xeriscape~~, its uses *in increasing* ~~as a~~ water conservation *and water quality protection or restoration* ~~tool~~, and its long-term cost-effectiveness; and offering incentives to local residents and businesses to implement *Florida-friendly* ~~Xeriscape~~ landscaping.

(3)*(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.*

(b) A deed restriction or covenant ~~entered after October 1, 2001, or local government ordinance~~ may not prohibit *or be enforced so as to prohibit* any property owner from implementing ~~Xeriscape or~~ Florida-friendly *landscaping* ~~landscape~~ on his or her land *or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.*

(c) A local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.

Section 9. Section 166.048, Florida Statutes, is amended to read:

166.048 Conservation of water; *Florida-friendly landscaping* ~~Xeriscape~~.—

(1)(a) The Legislature finds that *Florida-friendly landscaping* ~~Xeriscape~~ contributes to the conservation*, protection, and restoration* of water. In an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, it is the intent of the Legislature that *Florida-friendly landscaping* ~~Xeriscape~~ be an essential part of water conservation *and water quality protection and restoration* planning.

(b) *As used in this section,* ~~"Xeriscape" or~~"Florida-friendly *landscaping" has the same meaning as in s. 373.185* ~~landscape" means quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.~~

(2) The governing body of each municipality shall consider enacting ordinances*, consistent with s. 373.185,* requiring the use of *Florida-friendly landscaping* ~~Xeriscape~~ as a water conservation *or water quality protection or restoration* measure. If the governing body determines that *such landscaping* ~~Xeriscape~~ would be of significant benefit as a water conservation *or water quality protection or restoration* measure*, especially for waters designated as impaired pursuant to s. 403.067,* relative to the cost to implement *Florida-friendly* ~~Xeriscape~~ landscaping in its area of jurisdiction in the municipality, the *governing body* ~~board~~ shall enact a *Florida-friendly landscaping* ~~Xeriscape~~ ordinance. Further, the governing body shall consider promoting *Florida-friendly landscaping* ~~Xeriscape~~ as a water conservation *or water quality protection or restoration* measure by: using *such landscaping* ~~Xeriscape~~ in *any*~~, around, or near facilities, parks, and other common~~ areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on *Florida-friendly landscaping* ~~Xeriscape~~, its uses *in increasing* ~~as a~~ water conservation *and water quality protection or restoration* ~~tool~~, and its long-term cost-effectiveness; and offering incentives to local residents and businesses to implement *Florida-friendly* ~~Xeriscape~~ landscaping.

(3)*(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.*

(b) A deed restriction or covenant ~~entered after October 1, 2001, or local government ordinance~~ may not prohibit *or be enforced so as to prohibit* any property owner from implementing ~~Xeriscape or~~ Florida-friendly *landscaping* ~~landscape~~ on his or her land *or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.*

(c) A local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.

Section 10. Section 255.259, Florida Statutes, is amended to read:

255.259 *Florida-friendly* ~~Xeriscape~~ landscaping on public property.—

(1) The Legislature finds that water conservation *and water quality protection and restoration are* ~~is~~ increasingly critical to the continuance of an adequate water supply *and healthy surface and ground waters* ~~for the citizens of this state~~. The Legislature further finds that "*Florida-friendly landscaping* ~~Xeriscape~~," as defined in s. 373.185, can contribute significantly to *water* ~~the~~ conservation *and* ~~of~~ water *quality protection and restoration*. Finally, the Legislature finds that state government has the responsibility to promote *Florida-friendly landscaping* ~~Xeriscape~~ as a water conservation *and water quality protection and restoration* measure by using *such landscaping* ~~Xeriscape~~ on public property associated with publicly owned buildings or facilities.

(2) As used in this section, "publicly owned buildings or facilities" means ~~those~~ construction projects under the purview of the Department of Management Services. *The term* ~~It~~ does not include environmentally endangered land or roads and highway construction under the purview of the Department of Transportation.

(3) The Department of Management Services, in consultation with the Department of Environmental Protection, shall adopt rules and guidelines for the required use of *Florida-friendly landscaping* ~~Xeriscape~~ on public property associated with publicly owned buildings or facilities constructed after June 30, *2009* ~~1992~~. The Department of Management Services ~~also~~ shall *also* develop a 5-year program for phasing in the use of *Florida-friendly landscaping* ~~Xeriscape~~ on public property associated with publicly owned buildings or facilities constructed before July 1, *2009* ~~1992~~. In accomplishing these tasks, the Department of Management Services shall take into account the *standards provided in* ~~guidelines set out in~~ s. 373.185~~(2)(a)-(f)~~. The Department of Transportation shall implement *Florida-friendly* ~~Xeriscape~~ landscaping pursuant to s. 335.167.

(4)*(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.*

(b) A deed restriction or covenant ~~entered after October 1, 2001, or local government ordinance~~ may not prohibit *or be enforced so as to*

prohibit any property owner from implementing ~~Xeriscape or~~ Florida-friendly *landscaping* ~~landscape~~ on his or her land *or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.*

(c) A local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.

Section 11. Section 335.167, Florida Statutes, is amended to read:

335.167 State highway construction and maintenance; ~~Xeriscape or~~ Florida-friendly landscaping.—

(1) The department shall use and require the use of *Florida-friendly landscaping* ~~Xeriscape~~ practices, as defined in s. 373.185~~(1)~~, in the construction and maintenance of all new state highways, wayside parks, access roads, welcome stations, and other state highway rights-of-way constructed upon or acquired after June 30, *2009* ~~1992~~. The department shall develop a 5-year program for phasing in the use of *Florida-friendly landscaping* ~~Xeriscape~~, including the use of solid waste compost, in state highway rights-of-way constructed upon or acquired before July 1, *2009* ~~1992~~. In accomplishing these tasks, the department shall employ the *standards* ~~guidelines~~ set out in s. 373.185~~(2)(a) (f)~~.

(2)*(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.*

(b) A deed restriction or covenant ~~entered after October 1, 2001, or local government ordinance~~ may not prohibit *or be enforced so as to prohibit* any property owner from implementing ~~Xeriscape or~~ Florida-friendly *landscaping* ~~landscape~~ on his or her land *or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.*

(c) A local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.

Section 12. Paragraph (a) of subsection (3) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements *if* ~~which is~~ applicable to the site of a qualified development:

1. *Donate or enter* ~~Have donated or entered~~ into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of *this* ~~the above~~ requirement, the developer may enter into a binding commitment *that* ~~which~~ runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for ~~the purpose of~~ passive recreation that is consistent with the purposes for which the land was preserved.

a. Those wetlands and water bodies throughout the state *which* ~~as~~ would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities *if* ~~to the extent that~~ such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created~~,~~ if the redesign or alteration is done so as to produce a more naturally functioning system.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.

d. Areas known to be important to animal species designated as endangered or threatened ~~animal species~~ by the United States Fish and Wildlife Service or by the Fish and Wildlife Conservation Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.

e. Areas known to contain plant species designated as endangered ~~plant species~~ by the Department of Agriculture and Consumer Services.

2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency*,* ~~or by~~ the Department of Environmental Protection*,* or the Department of Agriculture and Consumer Services. This subparagraph *does* ~~is~~ not ~~intended to~~ apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as ~~activities in those waters are~~ permitted pursuant to s. 403.813(2)*,* and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, *Florida-friendly landscaping* ~~Xeriscape~~ as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts *that* ~~which~~ the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, *are* ~~will be~~ available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved strategic regional policy plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.

7. Design and construct the development in a manner that is consistent with the adopted state plan, the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.

Section 13. Subsection (3) of section 388.291, Florida Statutes, is amended to read:

388.291 Source reduction measures; supervision by department.—

(3) Property owners in a developed residential area *shall* ~~are required to~~ maintain their property in ~~such~~ a manner *that does* ~~so as~~ not ~~to~~ create or maintain any standing freshwater condition capable of breeding mosquitoes or other arthropods in significant numbers so as to constitute a public health, welfare, or nuisance problem. ~~Nothing in~~ This subsection *does not authorize* ~~shall permit~~ the alteration of permitted stormwater management systems or prohibit maintained fish ponds, *Florida-friendly landscaping* ~~xeriscaping~~, or other maintained systems of landscaping or vegetation. If such a condition is found to exist, the local arthropod control agency shall serve notice on the property owner to treat, remove, or abate the condition. Such notice *is* ~~shall serve as~~ prima facie evidence of maintaining a nuisance, and upon failure of the property owner to treat, remove, or abate the condition, the local arthropod control agency or any affected citizen may proceed pursuant to s.

60.05 to enjoin the nuisance and may recover costs and attorney's fees if they prevail in the action.

Section 14. Subsection (6) of section 481.303, Florida Statutes, is amended to read:

481.303 Definitions.—As used in this chapter:

(6) "Landscape architecture" means professional services, including, but not limited to, the following:

(a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of *Florida-friendly landscaping* ~~Xeriscape~~ as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;

(b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;

(c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and

(d) The design of such tangible objects and features as are necessary to the purpose outlined herein.

Section 15. Subsection (4) of section 720.3075, Florida Statutes, is amended to read:

720.3075 Prohibited clauses in association documents.—

(4)*(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.*

(b) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, ~~entered after October 1, 2001,~~ may not prohibit *or be enforced so as to prohibit* any property owner from implementing ~~Xeriscape or~~ Florida-friendly *landscaping* ~~landscape~~, as defined in s. 373.185~~(1)~~, on his or her land *or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.*

And the title is amended as follows:

Delete line 31 and insert: certain Class I landfills; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; providing an effective

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment to **Amendment 2** which was adopted by two-thirds vote:

Amendment 2A (636638) (with title amendment)—Delete lines 168-200.

And the title is amended as follows:

Delete lines 611-613 and insert: to changes made by the act;

Amendment 2 as amended was adopted by two-thirds vote.

On motion by Senator Alexander, **SB 2080** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for SB 746—A bill to be entitled An act relating to direct-support organizations; creating s. 430.82, F.S.; authorizing the Department of Elderly Affairs to create a direct-support organization; providing definitions; providing for appointment of members to the board of directors; providing requirements for membership to the board of directors; requiring the direct-support organization to operate under a contract; providing contract requirements; authorizing the department to use its property, facilities, and personal services for the direct-support organization; requiring the Secretary of Elderly Affairs to approve of any transaction or agreement between the department's direct-support organization and any other direct-support organization; requiring the direct-support organization to submit certain forms from the Internal Revenue Service to the department; requiring the direct-support organization to provide an annual financial audit; amending s. 272.135, F.S.; providing that the Capitol Curator may assist in raising funds and making expenditures for the Historic Capitol; creating s. 272.136, F.S.; authorizing the Legislative Research Center and Museum and the Capitol Curator to establish a direct-support organization; providing for the appointment of members of a board of directors; providing for board use of capitol property; requiring the organization to be not for profit; authorizing the center and curator to prescribe all conditions for the organization; providing for the reversion of the organization's funds; providing an effective date.

—as amended April 29 was read the third time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (785448)—Delete line 48 and insert: *under chapter 617,*

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (302358) (with title amendment)—Between lines 204 and 205 insert:

Section 4. Section 817.36, Florida Statutes, is amended to read:

817.36 Resale of tickets.—

(1) A person or entity that offers ~~Whoever shall offer~~ for resale or *resells* ~~resell~~ any ticket may ~~only~~ charge *only* $1 above the admission price charged therefor by the original ticket seller of *the* ~~said~~ ticket for the following transactions:

(a) ~~(1)~~ Passage or accommodations on any common carrier in this state. ~~;~~ However, ~~the provisions of~~ this *paragraph does* ~~subsection shall~~ not apply to travel agencies that have an established place of business in this state, ~~which place of business~~ is required to pay state, county, and city occupational license taxes.

(b) ~~(2)~~ Multiday or multievent tickets to a park or entertainment complex or to a concert, entertainment event, permanent exhibition, or recreational activity within such a park or complex, including an entertainment/resort complex as defined in s. 561.01(18).

(c) Event tickets originally issued by a charitable organization exempt from taxation under s. 501(c)(3) of the Internal Revenue Code for which no more than 3,000 tickets are issued per performance. The charitable organization must issue event tickets with the following statement conspicuously printed on the face or back of the ticket: "Pursuant to s. 817.36, Florida Statutes, this ticket may not be resold for more than $1 over the original admission price." This paragraph does not apply to tickets issued or sold by a third party contractor ticketing services provider on behalf of a charitable organization otherwise included in this paragraph unless the required disclosure is printed on the ticket.

(d) ~~(3)~~ Any tickets, other than the tickets in *paragraph (a), paragraph (b), or paragraph (c)* ~~subsections (1) and (2)~~, that are resold or offered through an Internet website, unless such website is authorized by the original ticket seller or makes and posts the following guarantees and disclosures through Internet web pages on which are visibly posted, or links to web pages on which are posted, text to which a prospective purchaser is directed before completion of the resale transaction:

1. ~~(a)~~ The website operator guarantees a full refund of the amount paid for the ticket including any servicing, handling, or processing fees, if such fees are not disclosed, when:

a. ~~1.~~ The ticketed event is canceled;

b. ~~2.~~ The purchaser is denied admission to the ticketed event, unless such denial is due to the action or omission of the purchaser;

c. ~~3.~~ The ticket is not delivered to the purchaser in the manner requested and pursuant to any delivery guarantees made by the reseller and such failure results in the purchaser's inability to attend the ticketed event.

2. ~~(b)~~ The website operator discloses that it is not the issuer, original seller, or reseller of the ticket or items and does not control the pricing of the ticket or items, which may be resold for more than their original value.

(2) ~~(4)~~ ~~Nothing in~~ This section *does not authorize* ~~authorizes~~ any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property.

(3) ~~(5)~~ Any sales tax due for resales under this section shall be remitted to the Department of Revenue in accordance with s. 212.04.

(4) A person who knowingly resells a ticket or tickets in violation of this section is liable to the state for a civil penalty equal to treble the amount of the price for which the ticket or tickets were resold.

(5) A person who intentionally uses or sells software to circumvent on a ticket seller's Internet website a security measure, an access control system, or any other control or measure that is used to ensure an equitable ticket-buying process is liable to the state for a civil penalty equal to treble the amount for which the ticket or tickets were sold.

(6) As used in this section, the term "software" means computer programs that are primarily designed or produced for the purpose of interfering with the operation of any person or entity that sells, over the Internet, tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind.

And the title is amended as follows:

Delete line 31 and insert: organization's funds; amending s. 817.36, F.S.; limiting the amount above the original price for which an event ticket issued by charitable organizations at certain venues may be sold; providing for notice to be included on the ticket; providing an exception; providing for a civil penalty equal to treble the amount for which tickets were sold in violation of the law; prohibiting the use of computer software to circumvent a ticket seller's website security measures, access control systems, or other controls or measures used to ensure an equitable ticket-buying process; providing penalties; defining the term "software"; providing an effective date.

On motion by Senator Fasano, **CS for SB 746** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Vote after roll call:

Yea—Richter

CS for SB 538—A bill to be entitled An act relating to publicly funded retirement programs; amending s. 121.4501, F.S.; requiring the Trustees of the State Board of Administration to identify and offer at least one terror-free investment product to the Public Employee Optional Retirement Program by a certain date; amending s. 121.591, F.S.; conforming a cross-reference; amending s. 175.032, F.S.; redefining the terms "credible service" and "firefighter"; amending s. 175.061, F.S.; authorizing the terms of office for the board of trustees of the firefighters' pension trust fund to be revised under certain circumstances; authorizing the firefighters' pension trust fund plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 175.071, F.S.; requiring the board of trustees to perform its powers subject to certain

fiduciary standards and ethics provisions; increasing the percentage of assets of the firefighters' pension trust fund that the board of trustees may invest in foreign securities on a market-value basis; authorizing certain individuals to sign drafts issued providing that investment caps on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the firefighters' pension trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a certain date; amending s. 175.101, F.S.; clarifying boundaries of a special fire control district for purposes of assessment and imposition of the excise tax on property insurance premiums; amending s. 175.171, F.S.; authorizing retired firefighters to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 175.361, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; amending s. 185.02, F.S.; redefining the term "creditable service" for purposes of determining credit for prior service as a police officer; amending s. 185.05, F.S.; revising municipal police officers' retirement trust fund board of trustee selection procedures; authorizing the terms of office for the board of trustees of the municipal police officers' retirement trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 185.06, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the municipal police officers' retirement trust fund that the board of trustees may invest in foreign securities on a market-value basis; providing that the investment cap on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the municipal police officers' retirement trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a date certain; amending s. 185.161, F.S.; authorizing retired police officers to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 185.37, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Baker, **CS for SB 538** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise
Dockery	Lynn	

Nays—None

Consideration of **CS for CS for CS for SB 1154** was deferred.

CS for CS for HB 7031—A bill to be entitled An act relating to economic development; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; adding the Office of Tourism, Trade, and Economic Development and certain partners and offices of such office to the list of agencies to be reviewed by July 1, 2010; revising the date by which the office must submit an agency report to the Legislature; amending ss. 166.231 and 220.15, F.S.; revising industry code designations; providing a definition; amending s. 212.05, F.S.; extending the time nonresident purchasers have to remove a boat from the state after purchase; providing for an extension decal to be issued by a dealer; imposing a decal cost; revising industry code designations; amending s. 212.097, F.S.; revising review and certification requirements for Urban High-Crime Area Job Tax Credit Program applications; amending s. 212.098, F.S.; revising the definition of the term "qualified area"; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing the Governor to designate a portion of the state as an additional rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term "rural community"; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising and providing definitions; including targeted industry zones under the tax refund program for qualified target industry businesses; revising industry code designation requirements for the program; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising criteria for businesses eligible for brownfield redevelopment bonus refunds; providing an additional criterion for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending s. 288.1089, F.S.; including alternative and renewable energy projects under the Innovation Incentive Program; revising and providing definitions; revising applicant review and qualification criteria; authorizing reduction or waiver of certain matching requirements in certain areas; revising Enterprise Florida, Inc., proposal evaluation requirements; specifying additional evaluation criteria for alternative and renewable energy proposals; deleting an evaluation and recommendation requirement for the Florida Energy and Climate Commission for certain proposals; revising requirements and criteria for agreements to award and receive incentive funds; providing additional agreement requirements; revising award performance reporting requirements; requiring award recipients to

comply with certain business ethics standards; requiring the Office of Tourism, Trade, and Economic Development to submit annual reports to the Governor and Legislature on program grant recipients' activities; requiring the Office of Program Policy Analysis and Government Accountability to submit triennial reports evaluating the program; creating s. 288.10895, F.S.; providing requirements and procedures for and limitations on transfers of economic development incentives; providing definitions; providing for the amount of the incentive that may be transferred; providing conditions for use of transferred incentives; providing a limitation on the number of transfers; providing eligibility of transfers; providing for recovery of transfers under certain circumstances; providing certain agency rulemaking authority; amending s. 288.9622, F.S.; revising legislative intent for the Florida Capital Formation Act; amending s. 288.9624, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; providing a limitation on the funds that may be used in making investments; establishing authority for certain actions to be taken to use public and private funds; revising a report requirement; amending s. 380.06, F.S.; exempting certain nonresidential developments and catalyst sites from development of regional impact requirements under certain circumstances; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; providing an effective date.

—as amended April 29 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Garcia, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (837800)** was adopted April 29.

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (787708)—Between lines 758 and 759 insert:

Section 6. Paragraph (b) of subsection (5) of section 220.15, Florida Statutes, is amended to read:

220.15 Apportionment of adjusted federal income.—

(5) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(b)1. Sales of tangible personal property occur in this state if the property is delivered or shipped to a purchaser within this state, regardless of the f.o.b. point, other conditions of the sale, or ultimate destination of the property, unless shipment is made via a common or contract carrier. However, for industries in *NAICS National* ~~SIC Industry~~ Number *311411* ~~2037~~, if the ultimate destination of the product is to a location outside this state, regardless of the method of shipment or f.o.b. point, the sale shall not be deemed to occur in this state. *As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.*

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for the growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor is not a sale within this state.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Garcia, **CS for CS for HB 7031** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for HB 7043—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding Scripps Florida Funding Corporation; amending s. 288.955, F.S.; clarifying the definition of "grantee"; amending s. 288.9551, F.S.; narrowing the public records exemption for specified information held by the Scripps Florida Funding Corporation and the public meetings exemption for portions of meetings of the board of directors of the corporation at which confidential and exempt information is discussed; removing the Office of Tourism, Trade, and Economic Development from the public records and public meetings exemptions; reorganizing and conforming provisions; making editorial changes; removing superfluous language; providing a penalty; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for HB 7043** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—1

Gelber

The Senate resumed consideration of—

CS for HB 1471—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set

forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring a report to the Governor and Legislature prior to proceeding with nitrogen reduction activities; ; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth- directed focus in each program component; deleting an obsolete provision relating to the AHEC smoking-cessation initiative; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 1 (525670)** by Senator Constantine and **Amendment 2 (140970)** by Senator Lawson were withdrawn.

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following amendment:

Amendment 3 (947302) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (2) of section 154.503, Florida Statutes, is amended to read:

154.503 Primary Care for Children and Families Challenge Grant Program; creation; administration.—

(2) The department shall:

(e) Coordinate with the primary care program developed pursuant to s. 154.011, the Florida Healthy Kids Corporation program created in s. 624.91, the school health services program created in ss. 381.0056 and 381.0057, ~~the Healthy Communities, Healthy People Program created in s. 381.734,~~ and the volunteer health care provider program developed pursuant to s. 766.1115.

Section 2. *Sections 381.0053, 381.0054, 381.732, 381.733, and 381.734, Florida Statutes, are repealed.*

Section 3. Subsection (16) of section 381.006, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

(16) A group-care-facilities function, where a group care facility means any public or private school, housing, building or buildings, section of a building, or distinct part of a building or other place, whether operated for profit or not, which undertakes, through its ownership or management, to provide one or more personal services, care, protection, and supervision to persons who require such services and who are not related to the owner or administrator. The department may adopt rules necessary to protect the health and safety of residents, staff, and patrons of group care facilities, such as child care facilities, family day care homes, assisted living facilities, adult day care centers, adult family care homes, hospices, residential treatment facilities, crisis stabilization units, pediatric extended care centers, intermediate care facilities for the developmentally disabled, group care homes, and, jointly with the Department of Education, private and public schools. These rules may include definitions of terms; provisions relating to operation and maintenance of facilities, buildings, grounds, equipment, furnishings, and occupant-space requirements; lighting; heating, cooling, and ventilation; food service; water supply and plumbing; sewage; sanitary facilities; insect and rodent control; garbage; safety; personnel health, hygiene, and work practices; and other matters the department finds are appropriate or necessary to protect the safety and health of the residents, staff, or patrons. The department may not adopt rules that conflict with rules adopted by the licensing or certifying agency. The department may enter and inspect at reasonable hours to determine compliance with applicable statutes or rules. *An environmental health program inspection of a certified domestic violence center or residential child-caring agency licensed by the Department of Children and Family Services pursuant to chapter 409 shall be limited to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents.* In addition to any sanctions that the department may impose for violations of rules adopted under this section, the department shall also report such violations to any agency responsible for licensing or certifying the group care facility. The licensing or certifying agency may also impose any sanction based solely on the findings of the department.

The department may adopt rules to carry out the provisions of this section.

(18) A function related to air quality inside an enclosed ice rink to protect the health and safety of visitors and employees of an enclosed ice skating rink from dangers associated with oxides of nitrogen (NOX), hydrocarbons (CXHX), carbon monoxide (CO), carbon dioxide (CO2), and other harmful gasses, vapors, or particles as identified by the department which change the air quality due to the operation of the ice rink. The department may adopt rules, including definitions; air quality standards and requirements for monitoring, testing, and recordkeeping; maintenance and operation requirements for equipment that affects air quality; ventilation of the facility; operators' required response activities to the exceedance of an air quality standard; and assessment of fees. The department may enter and inspect an enclosed ice skating rink at reasonable hours to determine compliance with applicable statutes or rules. The department may assess a fee no greater than $300 to cover the actual costs of the annual inspection and review of the air quality of enclosed ice skating rinks. The air quality standards adopted by the department must be consistent with risk values or exposure guidelines recommended by the United States Environmental Protection Agency or the United States Centers for Disease Control and Prevention.

Section 4. Subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which shall not exceed $500 for each violation, for a violation of s. 381.006(16), *s. 381.006(18),* s. 381.0065, s. 381.0066, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of any of the provisions of chapter 386. Notice of intent to impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

Section 5. Paragraph (a) of subsection (2) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(2) DUTIES.—

(a) The department shall adopt rules, including definitions of terms which are consistent with law prescribing minimum sanitation standards and manager certification requirements as prescribed in s. 509.039, and which shall be enforced in food service establishments as defined in this section. The sanitation standards must address the construction, operation, and maintenance of the establishment; lighting, ventilation, laundry rooms, lockers, use and storage of toxic materials and cleaning compounds, and first-aid supplies; plan review; design, construction, installation, location, maintenance, sanitation, and storage of food equipment and utensils; employee training, health, hygiene, and work practices; food supplies, preparation, storage, transportation, and service, including access to the areas where food is stored or prepared; and sanitary facilities and controls, including water supply and sewage disposal; plumbing and toilet facilities; garbage and refuse collection, storage, and disposal; and vermin control. Public and private schools, if the food service is operated by school employees; hospitals licensed under chapter 395; nursing homes licensed under part II of chapter 400; child care facilities as defined in s. 402.301; residential facilities colocated with a nursing home or hospital, if all food is prepared in a central kitchen that complies with nursing or hospital regulations; and bars and lounges, as defined by department rule, are exempt from the rules developed for manager certification. The department shall administer a comprehensive inspection, monitoring, and sampling program to ensure such standards are maintained. With respect to food service establishments permitted or licensed under chapter 500 or chapter 509, the department shall assist the Division of Hotels and Restaurants of the Department of Business and Professional Regulation and the Department of Agriculture and Consumer Services with rulemaking by providing technical information. *Food service inspections of a certified domestic violence center shall be limited to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents.*

Section 6. Subsection (1) and paragraph (a) of subsection (2) of section 381.0203, Florida Statutes, are amended to read:

381.0203 Pharmacy services.—

(1) The department *must* ~~may~~ contract on a statewide basis for the purchase of drugs, as defined in s. 499.003, to be used by state agencies and political subdivisions, and may adopt rules to administer this section. *Effective January 1, 2010, all state agencies, except the Agency for Health Care Administration, the Department of Veterans' Affairs, and the Department of Management Services, must purchase drugs through the statewide contract unless:*

(a) The Pharmacy and Therapeutic Advisory Council approves a more cost-effective purchasing plan; or

(b) The drugs required are not available through the statewide purchasing contract.

(2) The department *must* ~~may~~ establish and maintain a pharmacy services program *that includes*~~, including~~, but *is* not limited to:

(a) A central pharmacy to support pharmaceutical services provided by the county health departments, including pharmaceutical repackaging, dispensing, and the purchase and distribution of immunizations and other pharmaceuticals. *Such services shall be provided to other state*

agencies and political subdivisions of the state upon written agreement. State agencies purchasing pharmaceutical services shall purchase pharmaceutical services, including pharmaceutical repackaging and dispensing services in the most cost-effective manner consistent with the delivery of quality medical care. Nothing in this subsection prohibits state agencies from contracting with vendors to provide these pharmaceutical services. Cost savings realized by the state through utilization of the central pharmacy may be used by the department to offset additional costs.

Section 7. Section 381.84, Florida Statutes, is transferred, renumbered as section 385.106, Florida Statutes, and amended to read:

385.106 ~~381.84~~ Comprehensive Statewide Tobacco Education and Use Prevention Program.—

(1) DEFINITIONS.—As used in this section and for purposes of the provisions of s. 27, Art. X of the State Constitution, the term:

(a) "AHEC network" means an area health education center network established under s. 381.0402.

(b) "Best practices" means the Best Practices for Comprehensive Tobacco Control Programs as established by the CDC, as amended.

(c) ~~(b)~~ "CDC" means the United States Centers for Disease Control and Prevention.

(d) ~~(c)~~ "Council" means the Tobacco Education and Use Prevention Advisory Council.

~~(d) "Department" means the Department of Health.~~

~~(e) "Tobacco" means, without limitation, tobacco itself and tobacco products that include tobacco and are intended or expected for human use or consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, and smokeless tobacco.~~

~~(f) "Youth" means minors and young adults.~~

(2) PURPOSE, FINDINGS, AND INTENT.—It is the purpose of this section to implement s. 27, Art. X of the State Constitution. The Legislature finds that s. 27, Art. X of the State Constitution requires the funding of a statewide tobacco education and use prevention program that focuses on tobacco use by youth. The Legislature further finds that the primary goals of the program are to reduce the prevalence of tobacco use among youth, adults, and pregnant women; reduce per capita tobacco consumption; and reduce exposure to environmental tobacco smoke. Further, it is the intent of the Legislature to base increases in funding for individual components of the program on the results of assessments and evaluations. Recognizing that some components will need to grow faster than inflation, it is the intent of the Legislature to fund portions of the program on a nonrecurring basis in the early years so that those components that are most effective can be supported as the program matures.

(3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department shall conduct a comprehensive, statewide tobacco education and use prevention program consistent with the recommendations for effective program components contained in the 1999 Best Practices for Comprehensive Tobacco Control Programs of the CDC, as amended by the CDC. The program shall include the following components, each of which shall focus on educating people~~, particularly youth and their parents,~~ about the health hazards of tobacco and discouraging the use of tobacco*. All program components shall include efforts to educate youth and their parents about tobacco use, and a youth-directed focus shall exist in all components outlined in this subsection.* ~~:~~

(a) *State and community interventions.—These interventions shall include, but not be limited to, a statewide tobacco control program that combines and coordinates community-based interventions that focus on preventing initiation of tobacco use among youth and young adults; promoting quitting among adults, youth, and pregnant women; eliminating exposure to secondhand smoke; identifying and eliminating tobacco-related disparities among population groups; and promoting a range of collaborations to prevent and alleviate the effects of chronic diseases.* ~~*Counter-marketing and advertising; cyberspace resource center.*~~ ~~The counter-marketing and advertising campaign shall include, at a minimum, Internet, print, radio, and television advertising and shall be funded with a minimum of one-third of the total annual appropriation required by s. 27, Art. X of the State Constitution. A cyberspace resource center for copyrighted materials and information concerning tobacco education and use prevention, including cessation, shall be maintained by the program. Such resource center must be accessible to the public, including parents, teachers, and students, at each level of public and private schools, universities, and colleges in the state and shall provide links to other relevant resources. The Internet address for the resource center must be incorporated in all advertising. The information maintained in the resource center shall be used by the other components of the program.~~

(b) *Health communication interventions.—Effective media and health communication intervention efforts include, but are not limited to, audience research to define themes and execute messages for influential, high impact, and specifically targeted campaigns; market research to identify the target market and the behavioral theory motivating change; counter-marketing surveillance; community tie-ins to support and reinforce the statewide campaign; technologies such as viral marketing, social networks, personal web pages, and web logs; traditional media; process and outcome evaluation of the communication efforts; and promotion of available services, including the state telephone cessation quitline.* ~~*Cessation programs, counseling, and treatment.*~~ ~~This program component shall include two subcomponents:~~

~~1. A statewide toll-free cessation service, which may include counseling, referrals to other local resources and support services, and treatment to the extent funds are available for treatment services; and~~

~~2. A local community-based program to disseminate information about smoking cessation, how smoking cessation relates to prenatal care and obesity prevention, and other chronic tobacco-related diseases.~~

(c) *Cessation interventions.—Cessation interventions include, but are not limited to, sustaining, expanding, and promoting the service through population-based counseling and treatment programs; encouraging public and private insurance coverage for counseling and FDA-approved medication treatments for tobacco-use cessation; eliminating cost and other barriers to treatment for underserved populations; and making health care system changes. Youth interventions to prevent tobacco-use initiation and encourage cessation among young people are needed in order to reshape the environment so that it supports tobacco-free norms. Because most people who start smoking are younger than 18 years of age, intervening during adolescence is critical. Community programs and school-based policies and interventions should be a part of a comprehensive effort that is implemented in coordination with community and school environments and in conjunction with increasing the unit price of tobacco products, sustaining anti-tobacco media campaigns, making environments tobacco free, and engaging in other efforts to create tobacco-free social norms.* ~~*Surveillance and evaluation.*~~ ~~The program shall conduct ongoing epidemiological surveillance and shall contract for annual independent evaluations of the effectiveness of the various components of the program in meeting the goals as set forth in subsection (2).~~

(d) *Surveillance and evaluation.—The surveillance and evaluation of all program components shall monitor and document short-term, intermediate, and long-term intervention outcomes to inform program and policy direction and ensure accountability. The surveillance and evaluation must be conducted objectively through scientifically sound methodology.* ~~*Youth school programs.*~~ ~~School and after-school programs shall use current evidence based curricula and programs that involve youth to educate youth about the health hazards of tobacco, help youth develop skills to refuse tobacco, and demonstrate to youth how to stop using tobacco.~~

(e) *Administration and management.—Administration and management activities include, but are not limited to, strategic planning to guide program efforts and resources in order to accomplish goals; recruiting and developing qualified and diverse technical, program, and administrative staff; awarding and monitoring program contracts and grants to coordinate implementation across program areas; developing and maintaining a fiscal-management system to track allocations and the expenditure of funds; increasing capacity at the community level through ongoing training and technical assistance; creating effective communications internally among chronic disease prevention programs and local coalitions and partners; and educating the public and decision-makers on the health effects of tobacco and evidence-based effective program and policy interventions.* ~~*Community programs and chronic disease*~~

~~*prevention.*—The department shall promote and support local community-based partnerships that emphasize programs involving youth, including programs for the prevention, detection, and early intervention of smoking-related chronic diseases.~~

(f) *Training.*—The program shall include the training of health care practitioners, smoking-cessation counselors, and teachers by health professional students and other tobacco-use prevention specialists who are trained in preventing tobacco use and health education. Smoking-cessation counselors shall be trained by specialists who are certified in tobacco-use cessation.

(g) *County health departments* ~~Administration, statewide programs, and county health departments.~~—Each county health department is eligible to receive a portion of the annual appropriation, on a per capita basis, for coordinating tobacco education and use prevention programs within that county. Appropriated funds may be used to improve the infrastructure of the county health department to implement the comprehensive, statewide tobacco education and use prevention program. Each county health department shall prominently display in all treatment rooms and waiting rooms, counter-marketing and advertisement materials in the form of wall posters, brochures, television advertising if televisions are used in the lobby or waiting room, and screensavers and Internet advertising if computer kiosks are available for use or viewing by people at the county health department.

(h) *Enforcement and awareness of related laws.*—In coordination with the Department of Business and Professional Regulation, the program shall monitor the enforcement of laws, rules, and policies prohibiting the sale or other provision of tobacco to minors, as well as the continued enforcement of the Clean Indoor Air Act prescribed in chapter 386. The advertisements produced in accordance with *paragraph (b)* ~~paragraph (a)~~ may also include information designed to make the public aware of these related laws and rules. The departments may enter into interagency agreements to carry out this program component.

(i) *AHEC smoking-cessation initiative.*—~~For the 2007-2008 and 2008-2009 fiscal years only,~~ The AHEC network shall expand the AHEC smoking-cessation initiative to each county within the state and perform other activities as determined by the department.

(4) ADVISORY COUNCIL; MEMBERS, APPOINTMENTS, AND MEETINGS.—The Tobacco Education and Use Prevention Advisory Council is created within the department.

(a) The council shall consist of 23 members, including:

1. The State Surgeon General, who shall serve as the chairperson.

2. One county health department director, appointed by the State Surgeon General.

3. Two members appointed by the Commissioner of Education, of whom one must be a school district superintendent.

4. The chief executive officer of the Florida Division of the American Cancer Society, or his or her designee.

5. The chief executive officer of the Greater Southeast Affiliate of the American Heart Association, or his or her designee.

6. The chief executive officer of the American Lung Association of Florida, or his or her designee.

7. The dean of the University of Miami School of Medicine, or his or her designee.

8. The dean of the University of Florida College of Medicine, or his or her designee.

9. The dean of the University of South Florida College of Medicine, or his or her designee.

10. The dean of the Florida State University College of Medicine, or his or her designee.

11. The dean of Nova Southeastern College of Osteopathic Medicine, or his or her designee.

12. The dean of the Lake Erie College of Osteopathic Medicine in Bradenton, Florida, or his or her designee.

13. The chief executive officer of the Campaign for Tobacco Free Kids, or his or her designee.

14. The chief executive officer of the Legacy Foundation, or his or her designee.

15. Four members appointed by the Governor, of whom two must have expertise in the field of tobacco-use prevention and education or smoking cessation and one individual who shall be between the ages of 16 and 21 at the time of his or her appointment.

16. Two members appointed by the President of the Senate, of whom one must have expertise in the field of tobacco-use prevention and education or smoking cessation.

17. Two members appointed by the Speaker of the House of Representatives, of whom one must have expertise in the field of tobacco-use prevention and education or smoking cessation.

(b) The appointments shall be for 3-year terms and shall reflect the diversity of the state's population. A vacancy shall be filled by appointment by the original appointing authority for the unexpired portion of the term.

(c) An appointed member may not serve more than two consecutive terms.

(d) The council shall meet at least quarterly and upon the call of the chairperson. Meetings may be held via teleconference or other electronic means.

(e) Members of the council shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061. Members who are state officers or employees or who are appointed by state officers or employees shall be reimbursed for per diem and travel expenses pursuant to s. 112.061 from the state agency through which they serve.

(f) *The council shall adhere to all state ethics laws. Meetings of the council and the review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.* ~~The department shall provide council members with information and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.~~

(5) COUNCIL DUTIES AND RESPONSIBILITIES.—The council shall advise the State Surgeon General as to the direction and scope of the Comprehensive Statewide Tobacco Education and Use Prevention Program. The responsibilities of the council *may* include, but are not limited to:

(a) Providing advice on program priorities and emphases.

(b) Providing advice on the overall program budget.

(c) Providing advice on copyrighted material, trademark, and future transactions as they pertain to the tobacco education and use prevention program.

(d) Reviewing*, as requested by the department,* broadcast material prepared for the Internet, portable media players, radio, and television *advertisement* ~~as it relates to the advertising component of the tobacco education and use prevention program~~.

(e) Participating in periodic program evaluation*, as requested by the department*.

(f) Assisting *the department* in *developing* ~~the development of~~ guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.

(g) Assisting *the department* in *developing* ~~the development of~~ administrative procedures relating to solicitation, review, and award of contracts and grants in order to ensure an impartial, high-quality peer review system.

(h) Assisting *the department* in *developing panels to review and evaluate potential fund recipients* ~~the development and supervision of peer review panels~~.

(i) *Assisting the department in* reviewing reports of ~~peer~~ review panels and making recommendations for *funding allocations* ~~contracts and grants~~.

(j) *Assisting the department in* reviewing the activities and ~~evaluating~~ the performance of the AHEC network to avoid duplicative efforts using state funds.

(k) Recommending *specific measureable outcomes* ~~meaningful outcome measures~~ through a regular review of *evidence-based and promising* tobacco-use prevention and education strategies and programs of other states and the Federal Government.

(l) Recommending policies to encourage a coordinated response to tobacco use in this state, focusing specifically on creating partnerships within and between the public and private sectors.

(6) CONTRACT REQUIREMENTS.—Contracts or grants for the program components or subcomponents described in paragraphs (3)(a)-(f) shall be awarded by the State Surgeon General, after consultation with the council, on the basis of merit, as determined by an open, competitive, peer-reviewed process that ensures objectivity, consistency, and high quality. The department shall award such grants or contracts no later than October 1 for each fiscal year. A recipient of a contract or grant for the program component described in paragraph *(3)(d)* ~~(3)(e)~~ is not eligible for a contract or grant award for any other program component described in subsection (3) in the same state fiscal year. ~~A school or college of medicine that is represented on the council is not eligible to receive a contract or grant under this section. For the 2007-2008 and 2008-2009 fiscal years only,~~ The department shall award a contract or grant in the amount of $10 million to the AHEC network for the purpose of developing the components described in paragraph (3)(i). ~~The AHEC network may apply for a competitive contract or grant after the 2008-2009 fiscal year.~~

(a) In order to ensure that all proposals for funding are appropriate and are evaluated fairly on the basis of merit, the State Surgeon General, in consultation with the council, shall appoint a ~~peer~~ review panel of independent, qualified experts in the field of tobacco control to review the content of each proposal and establish its priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals will be recommended for funding.

(b) The council and the ~~peer~~ review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflicts of interest. *Council members are subject to the applicable provisions of chapter 112.* ~~A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement.Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.~~

(c) In each contract or grant agreement, the department shall limit the use of food and promotional items to no more than 2.5 percent of the total amount of the contract or grant and limit overhead or indirect costs to no more than 7.5 percent of the total amount of the contract or grant. The department, in consultation with the Department of Financial Services, shall publish guidelines for appropriate food and promotional items.

(d) In each advertising contract, the department shall limit the total of production fees, buyer commissions, and related costs to no more than 10 percent of the total contract amount.

(e) Notwithstanding the competitive process for contracts prescribed in this subsection, each county health department is eligible for core funding, on a per capita basis, to implement tobacco education and use prevention activities within that county.

(7) ANNUAL REPORT REQUIRED.—By *February 28* ~~January 31~~ of each year, the department shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that evaluates the program's effectiveness in reducing and preventing tobacco use and that recommends improvements to enhance the program's effectiveness. The report must contain, at a minimum, an annual survey of youth attitudes and behavior toward tobacco, as well as a description of the progress in reducing the prevalence of tobacco use among youth, adults, and pregnant women; reducing per capita tobacco consumption; and reducing exposure to environmental tobacco smoke.

(8) LIMITATION ON ADMINISTRATIVE EXPENSES.—From the total funds appropriated for the Comprehensive Statewide Tobacco Education and Use Prevention Program in the General Appropriations Act, an amount of up to 5 percent may be used by the department for administrative expenses.

~~(9) RULEMAKING AUTHORIZED. By January 1, 2008, the department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.~~

Section 8. Section 381.91, Florida Statutes, is transferred and renumbered as section 385.2024, Florida Statutes, to read:

385.2024 ~~381.91~~ Jessie Trice Cancer Prevention Program.—

(1) It is the intent of the Legislature to:

(a) Reduce the rates of illness and death from lung cancer and other cancers and improve the quality of life among low-income African-American and Hispanic populations through increased access to early, effective screening and diagnosis, education, and treatment programs.

(b) Create a community faith-based disease-prevention program in conjunction with the Health Choice Network and other community health centers to build upon the natural referral and education networks in place within minority communities and to increase access to health service delivery in Florida.

(c) Establish a funding source to build upon local private participation to sustain the operation of the program.

(2)(a) There is created the Jessie Trice Cancer Prevention Program, to be located, for administrative purposes, within the Department of Health, and operated from the community health centers within the Health Choice Network in Florida.

(b) Funding may be provided to develop contracts with community health centers and local community faith-based education programs to provide cancer screening, diagnosis, education, and treatment services to low-income populations throughout the state.

Section 9. Section 381.911, Florida Statutes, is transferred, renumbered as section 385.2023, Florida Statutes, and amended to read:

385.2023 ~~381.911~~ Prostate Cancer Awareness Program.—

(1) To the extent that funds are specifically made available for this purpose, the Prostate Cancer Awareness Program is established within the Department of Health. The purpose of this program is to implement the recommendations of January 2000 of the Florida Prostate Cancer Task Force to provide for statewide outreach and health education activities to ensure that men are aware of and appropriately seek medical counseling for prostate cancer as an early-detection health care measure.

(2) For purposes of implementing the program, the Department of Health and the Florida Public Health Foundation, Inc., may:

(a) Conduct activities directly or enter into a contract with a qualified nonprofit community education entity.

(b) Seek any available gifts, grants, or funds from the state, the Federal Government, philanthropic foundations, and industry or business groups.

(3) A prostate cancer advisory committee is created to advise and assist the Department of Health and the Florida Public Health Foundation, Inc., in implementing the program.

(a) The State Surgeon General shall appoint the advisory committee members, who shall consist of:

1. Three persons from prostate cancer survivor groups or cancer-related advocacy groups.

2. Three persons who are scientists or clinicians from public *or nonpublic* universities or research organizations.

3. Three persons who are engaged in the practice of a cancer-related medical specialty from health organizations committed to cancer research and control.

(b) Members shall serve without compensation but are entitled to reimbursement, pursuant to s. 112.061, for per diem and travel expenses incurred in the performance of their official duties.

(4) The program shall coordinate its efforts with those of the Florida Public Health Foundation, Inc.

Section 10. *Section 381.912, Florida Statutes, is repealed.*

Section 11. Section 381.92, Florida Statutes, is transferred and renumbered as section 385.2025, Florida Statutes, to read:

385.2025 ~~381.92~~ Florida Cancer Council.—

(1) Effective July 1, 2004, the Florida Cancer Council within the Department of Health is established for the purpose of making the state a center of excellence for cancer research.

(2)(a) The council shall be representative of the state's cancer centers, hospitals, and patient groups and shall be organized and shall operate in accordance with this act.

(b) The Florida Cancer Council may create not-for-profit corporate subsidiaries to fulfill its mission. The council and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the council.

(c) The members of the council shall consist of:

1. The chair of the Florida Dialogue on Cancer, who shall serve as the chair of the council;

2. The State Surgeon General or his or her designee;

3. The chief executive officer of the H. Lee Moffitt Cancer Center or his or her designee;

4. The director of the University of Florida Shands Cancer Center or his or her designee;

5. The chief executive officer of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee;

6. The chief executive officer of the Mayo Clinic, Jacksonville, or his or her designee;

7. The chief executive officer of the American Cancer Society, Florida Division, Inc., or his or her designee;

8. The president of the American Cancer Society, Florida Division, Inc., Board of Directors or his or her designee;

9. The president of the Florida Society of Clinical Oncology or his or her designee;

10. The president of the American College of Surgeons, Florida Chapter, or his or her designee;

11. The chief executive officer of Enterprise Florida, Inc., or his or her designee;

12. Five representatives from cancer programs approved by the American College of Surgeons. Three shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the President of the Senate;

13. One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

14. One member of the Senate, to be appointed by the President of the Senate.

(d) Appointments made by the Speaker of the House of Representatives and the President of the Senate pursuant to paragraph (c) shall be for 2-year terms, concurrent with the bienniums in which they serve as presiding officers.

(e) Appointments made by the Governor pursuant to paragraph (c) shall be for 2-year terms, although the Governor may reappoint members.

(f) Members of the council or any subsidiaries shall serve without compensation, and each organization represented on the council shall cover the expenses of its representatives.

(3) The council shall issue an annual report to the Center for Universal Research to Eradicate Disease, the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 15 of each year, with policy and funding recommendations regarding cancer research capacity in Florida and related issues.

Section 12. Section 381.921, Florida Statutes, is transferred and renumbered as section 385.20251, Florida Statutes, to read:

385.20251 ~~381.921~~ Florida Cancer Council mission and duties.—The council, which shall work in concert with the Florida Center for Universal Research to Eradicate Disease to ensure that the goals of the center are advanced, shall endeavor to dramatically improve cancer research and treatment in this state through:

(1) Efforts to significantly expand cancer research capacity in the state by:

(a) Identifying ways to attract new research talent and attendant national grant-producing researchers to cancer research facilities in this state;

(b) Implementing a peer-reviewed, competitive process to identify and fund the best proposals to expand cancer research institutes in this state;

(c) Funding through available resources for those proposals that demonstrate the greatest opportunity to attract federal research grants and private financial support;

(d) Encouraging the employment of bioinformatics in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines, to facilitate the full spectrum of cancer investigations;

(e) Facilitating the technical coordination, business development, and support of intellectual property as it relates to the advancement of cancer research; and

(f) Aiding in other multidisciplinary research-support activities as they inure to the advancement of cancer research.

(2) Efforts to improve both research and treatment through greater participation in clinical trials networks by:

(a) Identifying ways to increase adult enrollment in cancer clinical trials;

(b) Supporting public and private professional education programs designed to increase the awareness and knowledge about cancer clinical trials;

(c) Providing tools to cancer patients and community-based oncologists to aid in the identification of cancer clinical trials available in the state; and

(d) Creating opportunities for the state's academic cancer centers to collaborate with community-based oncologists in cancer clinical trials networks.

(3) Efforts to reduce the impact of cancer on disparate groups by:

(a) Identifying those cancers that disproportionately impact certain demographic groups; and

(b) Building collaborations designed to reduce health disparities as they relate to cancer.

Section 13. Paragraph (a) of subsection (2) and subsection (5) of section 381.922, Florida Statutes, as amended by section 2 of chapter 2009-5, Law of Florida, is amended to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(2) The program shall provide grants for cancer research to further the search for cures for cancer.

(a) Emphasis shall be given to the goals enumerated in *s. 385.20251* ~~s. 381.921~~, as those goals support the advancement of such cures.

(5) For the 2008-2009 fiscal year and each fiscal year thereafter, the sum of $6.75 million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program and shall be distributed pursuant to this section to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in *s. 385.20251* ~~s. 381.921~~. From the total funds appropriated, an amount of up to 10 percent may be used for administrative expenses.

Section 14. Section 381.93, Florida Statutes, is transferred and renumbered as section 385.2021, Florida Statutes, to read:

385.2021 ~~381.93~~ Breast and cervical cancer early detection program.—This section may be cited as the "Mary Brogan Breast and Cervical Cancer Early Detection Program Act."

(1) It is the intent of the Legislature to reduce the rates of death due to breast and cervical cancer through early diagnosis and increased access to early screening, diagnosis, and treatment programs.

(2) The Department of Health, using available federal funds and state funds appropriated for that purpose, is authorized to establish the Mary Brogan Breast and Cervical Cancer Screening and Early Detection Program to provide screening, diagnosis, evaluation, treatment, case management, and followup and referral to the Agency for Health Care Administration for coverage of treatment services.

(3) The Mary Brogan Breast and Cervical Cancer Early Detection Program shall be funded through grants for such screening and early detection purposes from the federal Centers for Disease Control and Prevention under Title XV of the Public Health Service Act, 42 U.S.C. ss. 300k et seq.

(4) The department shall limit enrollment in the program to persons with incomes up to and including 200 percent of the federal poverty level. The department shall establish an eligibility process that includes an income-verification process to ensure that persons served under the program meet income guidelines.

(5) The department may provide other breast and cervical cancer screening and diagnostic services; however, such services shall be funded separately through other sources than this act.

Section 15. Section 381.931, Florida Statutes, is transferred and renumbered as section 385.20211, Florida Statutes, to read:

385.20211 ~~381.931~~ Annual report on Medicaid expenditures.—The Department of Health and the Agency for Health Care Administration shall monitor the total Medicaid expenditures for services made under this act. If Medicaid expenditures are projected to exceed the amount appropriated by the Legislature, the Department of Health shall limit the number of screenings to ensure Medicaid expenditures do not exceed the amount appropriated. The Department of Health, in cooperation with the Agency for Health Care Administration, shall prepare an annual report that must include the number of women screened; the percentage of positive and negative outcomes; the number of referrals to Medicaid and other providers for treatment services; the estimated number of women who are not screened or not served by Medicaid due to funding limitations, if any; the cost of Medicaid treatment services; and the estimated cost of treatment services for women who were not screened or referred for treatment due to funding limitations. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by March 1 of each year.

Section 16. *Chapter 385, Florida Statutes, entitled "Chronic Diseases," is renamed the "Healthy and Fit Florida Act."*

Section 17. Section 385.101, Florida Statutes, is amended to read:

385.101 Short title.—*This chapter* ~~Sections 385.101-385.103~~ may be cited as the "*Healthy and Fit Florida* ~~Chronic Diseases~~ Act."

Section 18. Section 385.102, Florida Statutes, is amended to read:

385.102 Legislative intent.—It is the finding of the Legislature that:

(1) Chronic diseases *continue to be the leading cause of death and disability in this state and the country* ~~exist in high proportions among the people of this state~~. ~~These~~ Chronic diseases include, but are not limited to, *arthritis, cardiovascular disease* ~~heart disease, hypertension~~, diabetes, renal disease, cancer, and ~~chronic obstructive~~ lung disease*, including chronic obstructive pulmonary disease*. These diseases ~~are~~ often *have the same preventable risk factors* ~~interrelated,~~ and ~~they directly and indirectly~~ account for a high rate of death*, disability,* and *underlying costs to the state's health care system* ~~illness~~.

(2) Chronic diseases have a significant impact on quality of life, not only for the individuals who experience their painful symptoms and resulting disabilities, but also for family members and caregivers.

(3) Racial and ethnic minorities and other underserved populations are disproportionately affected by chronic diseases.

(4) There are enormous medical costs and lost wages associated with chronic diseases and their complications.

(5) ~~(2)~~ Advances in medical knowledge and technology *assist* ~~have assisted~~ in the prevention*, detection, and management* of chronic diseases. Comprehensive approaches *that stress the* ~~stressing~~ application of current *medical* treatment, continuing research, professional training, ~~and~~ patient education*, and community-level policy and environmental changes* should be *implemented* ~~encouraged~~.

(6) ~~(3) A comprehensive program dealing with the early detection and prevention of chronic diseases is required to make knowledge and therapy available to all people of this state.~~ The mobilization of scientific, medical, and educational resources*, along with the implementation of community-based policy* under one comprehensive chronic disease *law,* ~~act~~ will facilitate the prevention*, early intervention,* and *management* ~~treatment~~ of *chronic* ~~these~~ diseases and their symptoms*. This integration of resources and policy will* ~~and~~ result in a decline in death and *disability* ~~illness~~ among the people of this state.

(7) Chronic diseases account for 70 percent of all deaths in the United States. The following chronic diseases are the leading causes of death and disability:

(a) Heart disease and stroke, which have remained the first and third leading causes of death for both men and women in the United States for over seven decades and account for approximately one-third of total deaths each year in this state.

(b) Cancer, which is the second leading cause of death and is responsible for one in four deaths in this state.

(c) Lung disease, which is the third leading cause of death and accounts for one in every six deaths in this state.

(d) Diabetes, which is the sixth leading cause of death in this state.

(e) Arthritis, which is the leading cause of disability in the United States, limiting daily activities for more than 19 million citizens. In this state, arthritis limits daily activities for an estimated 1.3 million people.

(8) The department shall establish, promote, and maintain state-level and local-level programs for chronic disease prevention and health pro-

motion to the extent that funds are specifically made available for this purpose.

Section 19. Section 385.1021, Florida Statutes, is created to read:

385.1021 Definitions.—As used in this chapter, the term:

(1) "CDC" means the United States Centers for Disease Control and Prevention.

(2) "Chronic disease" means an illness that is prolonged, does not resolve spontaneously, and is rarely cured completely.

(3) "Department" means the Department of Health.

(4) "Environmental changes" means changes to the economic, social, or physical natural or built environments which encourage or enable behaviors.

(5) "Policy change" means altering an informal or formal agreement between public or private sectors which sets forth values, behaviors, or resource allocation in order to improve health.

(6) "Primary prevention" means an intervention that is directed toward healthy populations and focuses on avoiding disease before it occurs.

(7) "Risk factor" means a characteristic or condition identified during the course of an epidemiological study of a disease that appears to be statistically associated with a high incidence of that disease.

(8) "Secondary prevention" means an intervention that is designed to promote the early detection and management of diseases and reduce the risks experienced by at-risk populations.

(9) "System changes" means altering standard activities, protocols, policies, processes, and structures carried out in population-based settings, such as schools, worksites, health care facilities, faith-based organizations, and the overall community, which promote and support new behaviors.

(10) "Tertiary prevention" means an intervention that is directed at rehabilitating and minimizing the effects of disease in a chronically ill population.

(11) "Tobacco" means, without limitation, tobacco itself and tobacco products that include tobacco and are intended or expected for human use or consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, and smokeless tobacco.

(12) "Wellness program" means a structured program that is designed or approved by the department to offer intervention activities on or off the worksite which help state employees change certain behaviors or adopt healthy lifestyles.

(13) "Youth" means children and young adults, up through 24 years of age, inclusive.

Section 20. Section 385.1022, Florida Statutes, is created to read:

385.1022 Chronic disease prevention program.—The department shall support public health programs to reduce the incidence of mortality and morbidity from diseases for which risk factors can be identified. Such risk factors include, but are not limited to, being overweight or obese, physical inactivity, poor nutrition and diet, tobacco use, sun exposure, and other practices that are detrimental to health. The programs shall educate and screen the general public as well as groups at particularly high risk of chronic diseases.

Section 21. Section 385.1023, Florida Statutes, is created to read:

385.1023 State-level prevention programs for chronic disease.—

(1) The department shall create state-level programs that address the leading, preventable chronic disease risk factors of poor nutrition and obesity, tobacco use, sun exposure, and physical inactivity in order to decrease the incidence of arthritis, cancer, diabetes, heart disease, lung disease, stroke, and other chronic diseases.

(2) State-level programs shall address, but need not be limited to, the following activities:

(a) Monitoring specific causal and behavioral risk factors that affect the health of residents in the state.

(b) Analyzing data regarding chronic disease mortality and morbidity to track changes over time.

(c) Promoting public awareness and increasing knowledge concerning the causes of chronic diseases, the importance of early detection, diagnosis, and appropriate evidence-based prevention, management, and treatment strategies.

(d) Disseminating educational materials and information concerning evidence-based results, available services, and pertinent new research findings and prevention strategies to patients, health insurers, health professionals, and the public.

(e) Using education and training resources and services developed by organizations having appropriate expertise and knowledge of chronic diseases for technical assistance.

(f) Evaluating the quality and accessibility of existing community-based services for chronic disease.

(g) Increasing awareness among state and local officials involved in health and human services, health professionals and providers, and policymakers about evidence-based chronic-disease prevention, tobacco cessation, and treatment strategies and their benefits for people who have chronic diseases.

(h) Developing a partnership with state and local governments, voluntary health organizations, hospitals, health insurers, universities, medical centers, employer groups, private companies, and health care providers to address the burden of chronic disease in this state.

(i) Implementing and coordinating state-level policies in order to reduce the burden of chronic disease.

(j) Providing lasting improvements in the delivery of health care for individuals who have chronic disease and their families, thus improving their quality of life while also containing health care costs.

Section 22. Section 385.103, Florida Statutes, is amended to read:

385.103 *Community-level* ~~Community intervention~~ programs *for chronic disease prevention and health promotion.—*

(1) DEFINITIONS.—As used in this section, the term:

(a) "Chronic disease prevention and *health promotion* ~~control~~ program" means a program *that may include, but is not limited to,* ~~including~~ a combination of the following elements:

1. *Staff who are sufficiently trained and skilled in public health, community health, or school health education to facilitate the operation of the program* ~~Health screening~~;

2. *Community input into the planning, implementation, and evaluation processes* ~~Risk factor detection~~;

3. *Use of public health data to make decisions and to develop and prioritize community-based interventions focusing on chronic diseases and their risk factors;* ~~Appropriate intervention to enable and encourage changes in behaviors that create health risks; and~~

4. *Adherence to a population-based approach by using a socio-ecological model that addresses the influence on individual behavior, interpersonal behavior, organizational behavior, the community, and public policy;* ~~Counseling in nutrition, physical activity, the effects of tobacco use, hypertension, blood pressure control, and diabetes control and the provision of other clinical prevention services.~~

5. *Focus on at least the common preventable risk factors for chronic disease, such as physical inactivity, obesity, poor nutrition, and tobacco use;*

6. Focus on developing and implementing interventions and activities through communities, schools, worksites, faith-based organizations, and health-care settings;

7. Use of evidence-based interventions as well as best and promising practices to guide specific activities and effect change, which may include guidelines developed by organizations, volunteer scientists, and health care professionals who write published medical, scientific statements on various chronic disease topics. The statements shall be supported by scientific studies published in recognized journals that have a rigorous review and approval process. Scientific statements generally include a review of data available on a specific subject and an evaluation of its relationship to overall chronic disease science;

8. Use of policy, system, and environmental changes that support healthy behaviors so as to affect large segments of the population and encourage healthy choices;

9. Development of extensive and comprehensive evaluation that is linked to program planning at the state level and the community level in order to determine the program's effectiveness or necessary program modifications; and

10. Reduction of duplication of efforts through coordination among appropriate entities for the efficient use of resources.

(b) "~~Community~~ Health education program" means a program *that follows* ~~involving~~ the planned and coordinated use of ~~the~~ educational *standards and teaching methods* ~~resources available in a community~~ in an effort to *provide*:

1. Appropriate medical, research-based interventions to enable and encourage changes in behaviors which reduce or eliminate health risks;

2. Counseling in nutrition, weight management, physical inactivity, and tobacco-use prevention and cessation strategies; hypertension, blood pressure, high cholesterol, and diabetes control; and other clinical prevention services;

3. ~~1.~~ *Motivation and assistance to individuals or groups in adopting and maintaining* ~~Motivate and assist citizens to adopt and maintain~~ healthful practices and lifestyles; *and*

4. ~~2.~~ ~~Make available~~ Learning opportunities *that* ~~which~~ will increase the ability of people to make informed decisions affecting their personal, family, and community well-being and *that* ~~which~~ are designed to facilitate ~~voluntary~~ adoption of behavior *that* ~~which~~ will improve or maintain health. ~~;~~

~~3. Reduce, through coordination among appropriate agencies, duplication of health education efforts; and~~

~~4. Facilitate collaboration among appropriate agencies for efficient use of scarce resources.~~

(c) "Community intervention program" means a program combining the required elements of a chronic disease prevention and *health promotion* ~~control~~ program and *the principles of* a ~~community~~ health education program *that addresses system, policy, and environmental changes that ensure that communities provide support for healthy lifestyles* ~~into a unified program over which a single administrative entity has authority and responsibility~~.

~~(d) "Department" means the Department of Health.~~

~~(e) "Risk factor" means a factor identified during the course of an epidemiological study of a disease, which factor appears to be statistically associated with a high incidence of that disease.~~

(2) OPERATION OF *COMMUNITY-LEVEL* ~~COMMUNITY INTERVENTION~~ PROGRAMS *FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION.*—

(a) *The department shall develop and implement a comprehensive, community-based program for chronic disease prevention and health promotion. The program shall be designed to reduce major behavioral risk factors that are associated with chronic diseases by enhancing the knowledge, skills, motivation, and opportunities for individuals, organizations, health care providers, small businesses, health insurers, and communities to develop and maintain healthy lifestyles.* ~~The department shall assist the county health departments in developing and operating community intervention programs throughout the state. At a minimum, the community intervention programs shall address one to three of the following chronic diseases: cancer, diabetes, heart disease, stroke, hypertension, renal disease, and chronic obstructive lung disease.~~

(b) *The program shall include:*

1. Countywide assessments of specific, causal, and behavioral risk factors that affect the health of residents;

2. The development of community-based programs for chronic disease prevention and health promotion which incorporate health promotion and preventive care practices that are supported in scientific and medical literature;

3. The development and implementation of statewide age-specific, disease-specific, and community-specific health promotion and preventive care strategies using primary, secondary, and tertiary prevention interventions;

4. The promotion of community, research-based health-promotion model programs that meet specific criteria, address major risk factors, and motivate individuals to permanently adopt healthy behaviors and increase social and personal responsibilities;

5. The development of policies that encourage the use of alternative community delivery sites for health promotion, disease prevention, and preventive care programs and promote the use of neighborhood delivery sites that are close to work, home, and school; and

6. An emphasis on the importance of healthy and physically active lifestyles to build self-esteem and reduce morbidity and mortality associated with chronic disease and being overweight or obese. ~~Existing community resources, when available, shall be used to support the programs. The department shall seek funding for the programs from federal and state financial assistance programs which presently exist or which may be hereafter created. Additional services, as appropriate, may be incorporated into a program to the extent that resources are available. The department may accept gifts and grants in order to carry out a program.~~

~~(c) Volunteers shall be used to the maximum extent possible in carrying out the programs. The department shall contract for the necessary insurance coverage to protect volunteers from personal liability while acting within the scope of their volunteer assignments under a program.~~

~~(d) The department may contract for the provision of all or any portion of the services required by a program, and shall so contract whenever the services so provided are more cost-efficient than those provided by the department.~~

~~(e) If the department determines that it is necessary for clients to help pay for services provided by a program, the department may require clients to make contribution therefor in either money or personal services. The amount of money or value of the personal services shall be fixed according to a fee schedule established by the department or by the entity developing the program. In establishing the fee schedule, the department or the entity developing the program shall take into account the expenses and resources of a client and his or her overall ability to pay for the services.~~

Section 23. Section 385.105, Florida Statutes, is created to read:

385.105 Physical activity, obesity prevention, nutrition, other health-promotion services, and wellness programs.—

(1) PHYSICAL ACTIVITY—.

(a) The department shall develop programs for people at every stage of their lives to increase physical fitness and promote behavior changes.

(b) The department shall work with school health advisory or wellness committees in each school district as established in s. 381.0056.

(c) The department shall develop public and private partnerships that allow the public to easily access recreational facilities and public land areas that are suitable for physical activity.

(d) The department shall work in collaboration with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, such as the Governor's Fitness Challenge.

(e) The department shall collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools.

(2) OBESITY PREVENTION.—The department shall promote healthy lifestyles to reduce the prevalence of excess weight gain and being overweight or obese through programs that are directed towards all residents of this state by:

(a) Using all appropriate media to promote maximum public awareness of the latest research on healthy lifestyles and chronic diseases and disseminating relevant information through a statewide clearinghouse relating to wellness, physical activity, and nutrition and the effect of these factors on chronic diseases and disabling conditions.

(b) Providing technical assistance, training, and resources on healthy lifestyles and chronic diseases to the public, health care providers, school districts, and other persons or entities, including faith-based organizations that request such assistance to promote physical activity, nutrition, and healthy lifestyle programs.

(c) Developing, implementing, and using all available research methods to collect data, including, but not limited to, population-specific data, and tracking the incidence and effects of weight gain, obesity, and related chronic diseases. The department shall include an evaluation and data-collection component in all programs as appropriate. All research conducted under this paragraph is subject to review and approval as required by the department's institutional review board under s. 381.86.

(d) Entering into partnerships with the Department of Education, local communities, school districts, and other entities to encourage schools in this state to promote activities during and after school to help students meet a minimum goal of 30 minutes of physical activity or physical fitness per day.

(e) Entering into partnerships with the Department of Education, school districts, and the Florida Sports Foundation to develop a programs recognizing the schools at which students demonstrate excellent physical fitness or fitness improvement.

(f) Collaborating with other state agencies to develop policies and strategies for preventing and treating obesity, which shall be incorporated into programs administered by each agency and shall include promoting healthy lifestyles of employees of each agency.

(g) Advising, in accordance with s. 456.081, health care practitioners about the morbidity, mortality, and costs associated with being overweight or obese, informing such practitioners of promising clinical practices for preventing and treating obesity, and encouraging practitioners to counsel their patients regarding the adoption of healthy lifestyles.

(h) Maximizing all local, state, and federal funding sources, including grants, public-private partnerships, and other mechanisms to strengthen the department's programs promoting physical activity and nutrition.

(3) NUTRITION.—The department shall promote optimal nutritional status in all stages of people's lives by developing strategies to:

(a) Promote and maintain optimal nutritional status in the population through activities, including, but not limited to:

1. Nutrition screening and assessment and nutrition counseling, including nutrition therapy, followup, case management, and referrals for persons who have medical conditions or nutrition-risk factors and who are provided health services through public health programs or through referrals from private health care providers or facilities;

2. Nutrition education to assist residents of the state in achieving optimal health and preventing chronic disease; and

3. Consultative nutrition services to group facilities which promote the provision of safe and nutritionally adequate diets.

(b) Monitor and conduct surveillance of the nutritional status of this state's population.

(c) Conduct or support research or evaluations related to public health nutrition. All research conducted under this paragraph is subject to review and approval as required by the department's institutional review board under s. 381.86.

(d) Establish policies and standards for public health nutrition practices.

(e) Promote interagency cooperation, professional education, and consultation.

(f) Provide technical assistance and advise state agencies, private institutions, and local organizations regarding public health nutrition standards.

(g) Work with the Department of Agriculture and Consumer Services, the Department of Education, and the Department of Management Services to further the use of fresh produce from this state in schools and encourage the development of community gardens. Nutritional services shall be available to eligible persons in accordance with eligibility criteria adopted by the department. The department shall provide by rule requirements for the service fees, when applicable, which may not exceed the department's actual costs.

The department may adopt rules to administer this subsection.

(4) OTHER HEALTH-PROMOTION SERVICES.—

(a) The department shall promote personal responsibility by encouraging residents of this state to be informed, follow health recommendations, seek medical consultations and health assessments, take healthy precautions, and comply with medical guidelines, including those that lead to earlier detection of chronic diseases in order to prevent chronic diseases or slow the progression of established chronic diseases.

(b) The department shall promote regular health visits during a person's lifetime, including annual physical examinations that include measuring body mass index and vital signs, blood work, immunizations, screenings, and dental examinations in order to reduce the financial, social, and personal burden of chronic disease.

(5) WELLNESS PROGRAMS.—

(a) Each state agency may conduct employee wellness programs in buildings and lands owned or leased by the state. The department shall serve as a model to develop and implement employee wellness programs that may include physical fitness, healthy nutrition, self-management of disease, education, and behavioral change. The department shall assist other state agencies to develop and implement employee wellness programs. These programs shall use existing resources, facilities, and programs or resources procured through grant funding and donations that are obtained in accordance with state ethics and procurement policies, and shall provide equal access to any such programs, resources, and facilities to all state employees.

(b) The department shall coordinate its efforts with the Department of Management Services and other state agencies.

(c) Each agency may establish an employee wellness work group to design the program. The department shall be available to provide policy guidance and assist in identifying effective wellness program strategies.

(d) The department shall provide by rule requirements for nominal participation fees, when applicable, which may not exceed the department's actual costs; collaborations with businesses; and the procurement of equipment and incentives.

Section 24. Section 385.202, Florida Statutes, is amended to read:

385.202 Statewide cancer registry.—

(1) Each facility*, laboratory, or practitioner* licensed under chapter 395*, chapter 458, chapter 459, chapter 464, chapter 483,* and each free-

standing radiation therapy center as defined in s. 408.07*,* shall report to the department ~~of Health such~~ information, specified by the department, by rule*. The department may adopt rules regarding reporting requirements for the cancer registry, which shall include the data required, the timeframe for reporting, and those professionals who are responsible for ensuring compliance with reporting requirements*~~, which indicates diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, and radiation, surgical, or other methods of diagnosis or treatment for each cancer diagnosed or treated by the facility or center~~. ~~Failure to comply with this requirement may be cause for registration or licensure suspension or revocation.~~

(2) The department shall establish, or cause to have established, by contract with a recognized medical organization in this state and its affiliated institutions, a statewide cancer registry program to ensure that cancer reports required under this section shall be maintained and available for use in the course of *public health surveillance and* any study for the purpose of reducing morbidity or mortality; and no liability of any kind or character for damages or other relief shall arise or be enforced against any *facility or practitioner* ~~hospital~~ by reason of having provided such information or material to the department.

(3) The department may adopt rules regarding the establishment and operation of a statewide cancer registry program.

(4) ~~(3)~~ The department or a contractual designee operating the statewide cancer registry program required by this section shall use or publish said material only for the purpose of *public health surveillance and* advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released for general publication. Information which discloses or could lead to the disclosure of the identity of any person whose condition or treatment has been reported and studied shall be confidential and exempt from the provisions of s. 119.07(1), except that:

(a) Release may be made with the written consent of all persons to whom the information applies;

(b) The department or a contractual designee may contact individuals for the purpose of epidemiologic investigation and monitoring, provided information that is confidential under this section is not further disclosed; or

(c) The department may exchange personal data with any other governmental agency or a contractual designee for the purpose of *public health surveillance and* medical or scientific research, *if* ~~provided~~ such governmental agency or contractual designee *does* ~~shall~~ not further disclose information that is confidential under this section.

(5) ~~(4)~~ Funds appropriated for this section shall be used for establishing, administering, compiling, processing, and providing biometric and statistical analyses to the reporting facilities *and practitioners*. Funds may also be used to ensure the quality and accuracy of the information reported and to provide management information to the reporting facilities *and practitioners*.

(6) ~~(5)~~ The department may *adopt rules regarding the classifications of* ~~, by rule, classify~~ facilities *that are responsible for making reports to the cancer registry, the content and frequency of the reports, and the penalty for failure to comply with these requirements* ~~for purposes of reports made to the cancer registry and specify the content and frequency of the reports~~. ~~In classifying facilities, the department shall exempt certain facilities from reporting cancer information that was previously reported to the department or retrieved from existing state reports made to the department or the Agency for Health Care Administration. The provisions of~~ This section *does* ~~shall~~ not apply to any facility whose primary function is to provide psychiatric care to its patients.

(7) Notwithstanding subsection (1), each facility and practitioner that reports cancer cases to the department shall make their records available for onsite review by the department or its authorized representative.

Section 25. Subsection (3) of section 385.203, Florida Statutes, is amended to read:

385.203 Diabetes Advisory Council; creation; function; membership.—

(3) The council shall be composed of *26* ~~25~~ citizens of the state who have knowledge of, or work in, the area of diabetes mellitus as follows:

(a) Five interested citizens, three of whom are affected by diabetes.

(b) *Twenty-one* ~~Twenty~~ members, who must include one representative from each of the following areas: nursing with diabetes-educator certification; dietary with diabetes educator certification; podiatry; ophthalmology or optometry; psychology; pharmacy; adult endocrinology; pediatric endocrinology; the American Diabetes Association (ADA); the Juvenile Diabetes Foundation (JDF); *the Florida Academy of Family Physicians;* a community health center; a county health department; an American Diabetes Association recognized community education program; each medical school in the state; an osteopathic medical school; the insurance industry; a Children's Medical Services diabetes regional program; and an employer.

(c) One or more representatives from the Department of Health, who shall serve on the council as ex officio members.

Section 26. Section 385.206, Florida Statutes, is amended to read:

385.206 *Pediatric* Hematology-Oncology ~~care~~ Center Program.—

(1) DEFINITIONS.—As used in this section*, the term*:

(a) "Department" means the Department of Health.

(b) "Hematology" means the study, diagnosis, and treatment of blood and blood-forming tissues.

(c) "Oncology" means the study, diagnosis, and treatment of malignant neoplasms or cancer.

(d) "Hemophilia" or "other hemostatic disorder" means a bleeding disorder resulting from a genetic abnormality of mechanisms related to the control of bleeding.

(e) "Sickle-cell anemia or other hemoglobinopathy" means an hereditary, chronic disease caused by an abnormal type of hemoglobin.

(f) "Patient" means a person under the age of 21 who is in need of hematologic-oncologic services and who is *enrolled in the Children's Medical Services Network* ~~declared medically and financially eligible by the department; or a person who received such services prior to age 21 and who requires long-term monitoring and evaluation to ascertain the sequelae and the effectiveness of treatment~~.

(g) "Center" means a facility designated by the department as having a program specifically designed to provide a full range of medical and specialty services to patients with hematologic and oncologic disorders.

(2) *PEDIATRIC* HEMATOLOGY-ONCOLOGY ~~CARE~~ CENTER PROGRAM; AUTHORITY.—The department *may designate* ~~is authorized to make grants and reimbursements to designated~~ centers *and provide funding* to ~~establish and~~ maintain programs for the care of patients with hematologic and oncologic disorders. Program administration costs shall be paid by the department from funds appropriated for this purpose.

(3) *GRANT FUNDING CONTRACTS* ~~GRANT AGREEMENTS; CONDITIONS~~.—

(a) Funding provided ~~A grant made~~ under this section shall be pursuant to a *contract* ~~contractual agreement~~ made between a center and the department. Each *contract* ~~agreement~~ shall provide that patients will receive *services* ~~specified types of treatment and care~~ from the center without additional charge to the patients or their parents or guardians. ~~Grants shall be disbursed in accordance with conditions set forth in the disbursement guidelines.~~

~~(4) GRANT DISBURSEMENTS AND SPECIAL DISBURSEMENTS FOR LOCAL PROGRAMS.—~~

(b) ~~(a)~~ *Funding may be provided* ~~Grant disbursements may be made~~ to centers *that* ~~which~~ meet the following criteria:

1. The personnel shall include at least one board-certified pediatric hematologist-oncologist, at least one board-certified pediatric surgeon, at

least one board-certified radiotherapist, and at least one board-certified pathologist.

2. ~~As approved by the department,~~ The center shall actively participate in a national children's cancer study group, maintain a pediatric tumor registry, have a multidisciplinary pediatric tumor board, and meet other guidelines for development, including, but not limited to, guidelines from such organizations as the American Academy of Pediatrics and the American Pediatric Surgical Association.

~~(b) Programs shall also be established to provide care to hematology-oncology patients within each district of the department. The guidelines for local programs shall be formulated by the department. Special disbursements may be made by the program office to centers for educational programs designed for the districts of the department. These programs may include teaching total supportive care of the dying patient and his or her family, home therapy to hemophiliacs and patients with other hemostatic disorders, and screening and counseling for patients with sickle cell anemia or other hemoglobinopathies.~~

(4) ~~(5)~~ PROGRAM AND PEER REVIEW.—The department shall evaluate ~~at least annually during the grant period~~ the services rendered by the centers ~~and the districts of the department~~. Data from the centers and other sources relating to pediatric cancer shall be reviewed annually by the Florida Association of Pediatric Tumor Programs, Inc.; and a written report with recommendations shall be made to the department. This database will be available to the department for *program planning and quality assurance initiatives* ~~formulation of its annual program and financial evaluation report~~. A portion of the funds appropriated for this section may be used to provide statewide consultation, supervision, and evaluation of the programs of the centers, as well as *central* ~~program~~ office support personnel.

Section 27. Paragraph (g) of subsection (2) and subsection (7) of section 385.207, Florida Statutes, are amended to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.—

(2) The Department of Health shall:

(g) Continue current programs and develop cooperative programs and services designed to enhance the vocational rehabilitation of epilepsy clients, including the current jobs programs. The department shall*, as part of its contract with a provider of epilepsy services, collect information regarding the number of clients served, the outcomes reached, the expenses incurred, and the fees collected by such providers for the provision of services* ~~keep~~ and make *this information* available to the Governor and the Legislature *upon request* ~~information regarding the number of clients served, the outcome reached, and the expense incurred by such programs and services~~.

~~(7) The department shall limit total administrative expenditures from the Epilepsy Services Trust Fund to 5 percent of annual receipts.~~

Section 28. Paragraphs (b), (d), and (g) of subsection (2) and paragraph (b) of subsection (5) of section 385.210, Florida Statutes, are amended to read:

385.210 Arthritis prevention and education.—

(2) LEGISLATIVE FINDINGS.—The Legislature finds the following:

(b) Arthritis is the leading cause of disability in the United States, limiting daily activities for more than *19* ~~7~~ million citizens.

(d) There are enormous economic and social costs associated with treating arthritis and its complications; the economic costs are estimated at over *$128 billion (2003)* ~~$116 billion (1997)~~ annually in the United States.

(g) The National Arthritis Foundation, the *CDC* ~~Centers for Disease Control and Prevention~~, and the Association of State and Territorial Health Officials have led the development of a public health strategy, the National Arthritis Action Plan, to respond to this challenge.

(5) FUNDING.—

(b) The State Surgeon General *may* ~~shall~~ seek any federal waiver or waivers that may be necessary to maximize funds from the Federal Government to implement this program.

Section 29. Section 385.301, Florida Statutes, is created to read:

385.301 Rulemaking authority.—The department may adopt rules pursuant to chapter 120 to administer this chapter.

Section 30. Paragraph (l) of subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(l) Orthotic*,* ~~or~~ prosthetic*, pediatric cardiological, or perinatological* clinical facilities that are a publicly traded corporation or that are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

Section 31. Subsection (9) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(9) Eligible women with incomes at or below 200 percent of the federal poverty level and under age 65, for cancer treatment pursuant to the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, screened through the Mary Brogan Breast and Cervical Cancer Early Detection Program established under *s. 385.2021* ~~s. 381.93~~.

Section 32. *The amendment to s. 409.912(17), Florida Statutes, contained in CS/CS/CS/SB 1986, as enacted by the 2009 Regular Session of the Legislature, shall not take effect if that act becomes law.*

Section 33. *The repeal of s. 429.26(9), Florida Statutes, contained in CS/CS/CS/SB 1986, as enacted by the 2009 Regular Session of the Legislature, shall not take effect if that act becomes law.*

Section 34. *The Pharmacy and Therapeutic Advisory Council.—*

(1) The Pharmacy and Therapeutic Advisory Council is created within the Executive Office of the Governor to serve in an advisory capacity to the Department of Health and other governmental agencies. The council may not interfere with existing mandated Medicaid services and may not develop or implement new ones. Specifically, the council may not interfere with the work of the Agency for Health Care Administration as it complies with federal and state statutory obligations to develop a preferred drug list, to negotiate rebate agreements for medications included in the preferred drug list, and to protect the confidentiality of rebate agreements. The council may not interfere with the Medicaid Pharmacy and Therapeutics Committee or the Drug Utilization Review Board, which oversee clinical activities within the Bureau of Pharmacy Services if such interference would violate any federal or state statutory obligations.

(2) The Pharmacy and Therapeutic Advisory Council shall use Medicaid processes within the existing Medicaid structure of the Agency for Health Care Administration as a guide for assisting state agencies in:

(a) Developing an unbiased clinical perspective on drug evaluations and utilization protocols that are relevant to patient care provided through programs administered by state agencies.

(b) Developing drug-utilization-review processes that are relevant to the agencies and those receiving care through programs administered by the agencies.

(c) Building a formulary structure that enforces formulary compliance or adherence within each agency.

(d) Performing pharmacoeconomic analyses on formulary management so that the state maximizes the cost-effectiveness of its pharmaceutical purchasing.

(e) Reviewing new and existing therapies using criteria established for efficacy, safety, and quality in order to maximize cost-effective purchasing.

(f) Reviewing state agency proposals to maximize the cost-effectiveness of pharmaceutical purchasing in compliance with s. 381.0203.

(3) The council shall verify the cost-effectiveness and clinical efficacy of any state contracts under s. 381.0203(1), Florida Statutes, no less than once every 2 years.

(4) The members of the council and the chair shall be appointed by the Governor to 4-year staggered terms or until their successors are appointed. Members may be appointed to more than one term. The Governor shall fill any vacancies for the remainder of the unexpired term in the same manner as the original appointment.

(5) The council shall include voting and nonvoting members, and the chair, who is a voting member, must be a pharmacist employed by a state agency.

(a) The voting members shall represent:

1. The Agency for Health Care Administration.

2. The Agency for Persons with Disabilities.

3. The Department of Children and Family Services.

4. The Department of Corrections.

5. The Department of Elderly Affairs.

6. The Department of Health.

7. The Department of Juvenile Justice.

8. The Bureau of Pharmacy Services within the Agency for Health Care Administration, which shall be represented by the bureau chief.

9. The Bureau of Statewide Pharmaceutical Services within the Department of Health, which shall be represented by the bureau chief.

(b) The nonvoting members shall be:

1. A representative from the Agency for Health Care Administration's drug contracting program.

2. The contracting officer for the Department of Health's drug procurement program.

3. A clinical pharmacy program manager from the Agency for Health Care Administration.

4. The chair of the Department of Health's Pharmacy and Therapeutics Committee.

5. The general counsel for the Agency for Health Care Administration or his or her designee.

6. The general counsel for a state agency in the executive branch of state government, or his or her designee.

7. A representative from the Executive Office of the Governor.

8. The statewide pharmacy director of the Department of Corrections' Office of Health Services.

(6) Members of the council shall consist of at least one physician licensed under chapter 458 or chapter 459, Florida Statutes, at least one pharmacist licensed under chapter 465, Florida Statutes, and at least one registered nurse licensed under chapter 464, Florida Statutes. Each member designated in this subsection must have an active license in his or her profession and may not have been the subject of any agency disciplinary action.

(7) Members, who must be residents of this state, shall be selected on the basis of specialty, board certification, prior pharmacy and therapeutic experience, experience treating medical assistance recipients, ability to represent a broad base of constituents, and number of years of practice. Members must not have any conflicts of interest due to their service on the council.

(8) The council may request the participation of additional subject-matter experts to address specific drug, therapeutic, or drug-procurement issues under review by the council.

(9) A majority of the members of the council constitutes a quorum, and an affirmative vote of a majority of the voting members is necessary to take action.

(10) The council shall meet quarterly or at the call of the chair.

(11) The council shall be staffed by the chair's department or agency.

(12) The council members shall serve without compensation, but are entitled to reimbursement for travel and per diem expenses incurred in the performance of their duties in accordance with s. 112.061, Florida Statutes.

Section 35. Subsections (1) and (3) of section 430.80, Florida Statutes, are amended to read:

430.80 Implementation of a teaching nursing home pilot project.—

(1) As used in this section, the term "teaching nursing home" means a nursing home facility licensed under chapter 400 which contains a minimum of *275* ~~400~~ licensed nursing home beds; has access to a resident senior population of sufficient size to support education, training, and research relating to geriatric care; and has a contractual relationship with a federally funded accredited geriatric research center in this state *or operates in its own right a geriatric research center*.

(3) To be designated as a teaching nursing home, a nursing home licensee must, at a minimum:

(a) Provide a comprehensive program of integrated senior services that include institutional services and community-based services;

(b) Participate in a nationally recognized accreditation program and hold a valid accreditation, such as the accreditation awarded by the Joint Commission on Accreditation of Healthcare Organizations*, or possess a Gold Seal Award as conferred by the Agency for Health Care Administration on its licensed nursing home*;

(c) Have been in business in this state for a minimum of 10 consecutive years;

(d) Demonstrate an active program in multidisciplinary education and research that relates to gerontology;

(e) Have a formalized contractual relationship with at least one accredited health profession education program located in this state;

~~(f) Have a formalized contractual relationship with an accredited hospital that is designated by law as a teaching hospital; and~~

(f) ~~(g)~~ Have senior staff members who hold formal faculty appointments at universities, which must include at least one accredited health profession education program*; and* ~~.~~

(g) ~~(h)~~ Maintain insurance coverage pursuant to s. 400.141(20) or proof of financial responsibility in a minimum amount of $750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining pursuant to chapter 675 an unexpired, irrevocable, nontransferable and nonassignable letter of credit issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized to receive deposits in this state. The letter of credit shall be used to satisfy the obligation of the facility to the claimant upon presentment of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the facility.

Section 36. Paragraph (g) is added to subsection (53) of section 499.003, Florida Statutes, to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(53) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(g) The sale, purchase, trade, or transfer of a prescription drug among agencies and health care entities of the state to complete the dispensing of the prescription drug to a patient under the care of a state agency or health care entity, or to a patient for whom the state is responsible for providing or arranging health care services. The agency or health care entity that received the prescription drug on behalf of the patient is deemed the patient's agent under s. 465.003(6).

Section 37. Subsection (1) of section 651.105, Florida Statutes, is amended to read:

651.105 Examination and inspections.—

(1) The office may at any time, and shall at least once every *5* ~~3~~ years, examine the business of any applicant for a certificate of authority and any provider engaged in the execution of care contracts or engaged in the performance of obligations under such contracts, in the same manner as is provided for examination of insurance companies pursuant to s. 624.316. Such examinations shall be made by a representative or examiner designated by the office, whose compensation will be fixed by the office pursuant to s. 624.320. Routine examinations may be made by having the necessary documents submitted to the office; and, for this purpose, financial documents and records conforming to commonly accepted accounting principles and practices, as required under s. 651.026, will be deemed adequate. The final written report of each such examination shall be filed with the office and, when so filed, will constitute a public record. Any provider being examined shall, upon request, give reasonable and timely access to all of its records. The representative or examiner designated by the office may at any time examine the records and affairs and inspect the physical property of any provider, whether in connection with a formal examination or not.

Section 38. Effective upon this act becoming a law, paragraphs (d) and (g) of subsection (5) of section 627.6692, Florida Statutes, are amended to read:

627.6692 Florida Health Insurance Coverage Continuation Act.—

(5) CONTINUATION OF COVERAGE UNDER GROUP HEALTH PLANS.—

(d)1. A qualified beneficiary must give written notice to the insurance carrier within 63 days after the occurrence of a qualifying event. Unless otherwise specified in the notice, a notice by any qualified beneficiary constitutes notice on behalf of all qualified beneficiaries. The written notice must inform the insurance carrier of the occurrence and type of the qualifying event giving rise to the potential election by a qualified beneficiary of continuation of coverage under the group health plan issued by that insurance carrier, except that in cases where the covered employee has been involuntarily discharged, the nature of such discharge need not be disclosed. The written notice must, at a minimum, identify the employer, the group health plan number, the name and address of all qualified beneficiaries, and such other information required by the insurance carrier under the terms of the group health plan or the commission by rule, to the extent that such information is known by the qualified beneficiary.

2. A special election period shall be provided for qualified beneficiaries whose qualifying event was involuntary termination of employment during the period from September 1, 2008, through February 16, 2009, who did not elect continuation coverage when it was first offered, or who did elect continuation coverage but are no longer enrolled. The carrier that issued the small employer's group health plan shall provide notice to individuals eligible for this special continuation coverage election period informing them of this opportunity. The notice must be provided by June 15, 2009.

a. Individuals have 30 days after notice is provided to elect continuation coverage by written notice to the insurer. The written notice must, at a minimum, identify the employer, the group health plan number, the name and address of all qualified beneficiaries, and such other information required by the insurance carrier under the terms of the group health plan or the commission by rule, to the extent that such information is known by the qualified beneficiary.

b. Coverage shall be effective with the first period of coverage on or after February 17, 2009.

c. For individuals electing continuation coverage during this election period, the period between the loss of coverage and beginning of coverage under this election is to be disregarded for purposes of determining the 63-day periods referred to in s. 627.6561(6).

3. ~~2.~~ Within 14 days after the receipt of written notice under *subparagraphs* ~~subparagraph~~ 1. *and 2.*, the insurance carrier shall send each qualified beneficiary by certified mail an election and premium notice form, approved by the office, which form must provide for the qualified beneficiary's election or nonelection of continuation of coverage under the group health plan and the applicable premium amount due after the election to continue coverage. This subparagraph does not require separate mailing of notices to qualified beneficiaries residing in the same household, but requires a separate mailing for each separate household.

(g) If an insurance carrier fails to comply with the notice requirements of subparagraph (d)*3.* ~~2.~~ and such noncompliance results in the failure of an eligible qualified beneficiary to elect continuation under the group health plan, the qualified beneficiary shall be deemed to have timely elected continuation of coverage within the election period and shall be covered under the group health plan at the expense of the noncomplying insurance carrier. The liability exposure of a noncomplying insurance carrier under this paragraph shall be limited to that period which includes the effective date of coverage pursuant to an affirmative election through the date on which the qualified beneficiary receives actual notice. This paragraph does not apply to the extent that the failure of the insurance carrier to comply with applicable notice requirements was due to noncompliance by the qualified beneficiary with notice requirements applicable to the qualified beneficiary.

Section 39. Paragraph (l) is added to subsection (13) of section 627.6699, Florida Statutes, to read:

627.6699 Employee Health Care Access Act.—

(13) STANDARDS TO ASSURE FAIR MARKETING.—

(l)1. In order to improve the ability of small employers to obtain information including premium rates for small employer health benefit plans and to facilitate the application process, all small employer carriers shall use a uniform employee health status form. The commission shall adopt rules specifying such form. The form shall be designed by the Office of Insurance Regulation, in consultation with small employer carriers, to permit its use as a written document and through electronic or other and alternative delivery formats. The form shall include the following health data elements for all persons to be covered under the policy that occurred in the 2 years before the date of completion of the form:

a. Any treatment or diagnosis by any licensed medical practitioner.

b. Any procedure or treatment in a hospital, rehabilitation program, or surgical center.

c. All current medications prescribed by a licensed practitioner.

c. Current diagnosis of pregnancy.

e. Current use of any tobacco products.

f. Pending test results.

g. Workers' compensation injury or illness.

h. Tests or treatments recommended but not completed.

2. The form shall require the signature of the employee completing the form. Use of a standardized form does not prevent a small employer carrier from obtaining information from other sources in order to determine the appropriate premium rate for a small employer.

Section 40. Except as otherwise expressly provided in this act, and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring the Department of Health to include in its environmental health program the testing of the air in enclosed ice rinks; authorizing the department to adopt rules relating to air quality standards, monitoring, testing, record keeping, the maintenance and operation of equipment that affects air quality, and assessment of fees; authorizing the department to enter and inspect an enclosed ice skating rink at reasonable hours to determine compliance with applicable air quality statutes or rules; authorizing the department to assess a fee for a specified purpose; requiring the air quality standards be consistent with federal risk values or exposure guidelines; amending s. 381.0061, F.S.; providing that the department may impose a fine, which may not exceed a specified amount for a violation of the ice rink air quality standards; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 400.9905, F.S.; revising the

definition of the term "clinic" as it relates to the Health Care Clinic Act; amending s. 409.904, F.S.; conforming a cross-reference; abrogating an amendment to s. 409.912(17), F.S., relating to a requirement that entities providing services under the Medicaid program maintain certain surplus funds; abrogating the repeal of 429.26(9), F.S., relating to assisted living facility resident examinations and evaluations in certain circumstances; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 430.80, F.S.; redefining the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; amending s. 651.105, F.S.; revising the time period in which the Office of Insurance Regulation is required to examine the business of an applicant for a certificate of authority and a provider engaged in the execution of continuing care contracts; amending s. 627.6692, F.S.; providing for a special election period for continuation of coverage under group health plans for certain qualified beneficiaries; providing carrier notification requirements; providing for effectiveness of such coverage; providing for disregarding certain periods for which coverage is not provided; amending s. 627.6699, F.S.; requiring small employer carriers to use a uniform employee health status form; requiring the Financial Service Commission to adopt rules; requiring the Office of Insurance Regulation to design the form in consultation with small employer carriers; providing form delivery formats; specifying form requirements; providing effective dates.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (146242) (with title amendment)—Between lines 1864 and 1865 insert:

Section 40. Subsection (1) of section 641.407, Florida Statutes, is amended to read:

641.407 Minimum surplus.—

(1) Each prepaid health clinic *that is licensed before July 1, 2009,* shall have and maintain minimum surplus in accordance with the following schedule: On January 1, *2010* ~~1996~~, *$225,000* $150,000 or 10 percent of total liabilities, whichever is greater*; on January 1, 2011, $300,000 or 10 percent of total liabilities, whichever is greater. A prepaid health clinic that is licensed on or after July 1, 2009, shall have and maintain a surplus of $300,000 or 10 percent of total liabilities, whichever is greater. A prepaid health clinic that is licensed on or before January 1, 2004, and that has an active membership on July 1, 2009, shall have and maintain a minimum surplus of $150,000 or 10 percent of total liabilities, whichever is greater.*

And the title is amended as follows:

Delete line 2101 and insert: form requirements; amending s. 641.407, F.S.; revising the minimum surplus that a prepaid health clinic is required to maintain; providing a schedule for compliance; providing effective dates.

Amendment 3 as amended was adopted.

On motion by Senator Gaetz, by two-thirds vote **CS for HB 1471** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Bennett
Altman	Baker	Bullard
Constantine	Gelber	Pruitt
Crist	Haridopolos	Rich
Dean	Hill	Richter
Detert	Jones	Ring
Deutch	Joyner	Siplin
Diaz de la Portilla	Justice	Smith
Dockery	King	Sobel
Fasano	Lawson	Storms
Gaetz	Lynn	Villalobos
Garcia	Oelrich	Wilson
Gardiner	Peaden	Wise

Nays—None

CS for CS for HB 611—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amount for which certain public projects must be competitively awarded; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms "repair" and "maintenance"; requiring local governments to provide notice for certain public projects; providing notice requirements; extending the notice period for specified public meetings; requiring a local government to support a decision to perform a project with its own employees and to make a factual finding that the project cost will be the same or less than the lowest bid; providing additional exceptions for projects related to public-use airports, certain ports, and certain public transit or transportation systems; authorizing governmental entities to consider certain contractors ineligible to bid; revising the index and year on which the required adjustment of the threshold amounts is based; revising provisions for certain contractors and vendors to challenge a local government's actions; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for HB 611** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

HB 7119—A bill to be entitled An act relating to public records; creating s. 1002.221, F.S.; providing an exemption from public records requirements for K-12 education records held by an agency, public school, center, institution, or other entity that is part of the state's education system; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 1006.52, F.S.; expanding the exemption from public records requirements for records of students in public postsecondary educational institutions to include education records and applicant records; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Detert, **HB 7119** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for CS for CS for SB 1154—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to reduce greenhouse gas emissions through the direct end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; directing the Florida Building Commission to make all changes to the building and energy codes necessary to conform to this act; providing that if a specified commissioner of the Florida Energy and Climate Commission is not confirmed during the 2009 Regular Session or the 2010 Regular Session, the commissioner's appointment shall be extended until May 1, 2010, except for any member who, during that time, the Senate expressly refuses to confirm; requiring the Florida Energy and Climate Commission to obtain the approval of the joint Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package; amending s. 403.503, F.S.; revising the definition of "electrical power plant"; amending s. 525.09, F.S.; imposing a fee on alternative fuel containing alcohol; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator King, **CS for CS for CS for SB 1154** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Aronberg	Bennett
Altman	Baker	Bullard
Constantine	Hill	Richter
Crist	Jones	Ring
Dean	Joyner	Siplin
Detert	Justice	Smith
Deutch	King	Sobel
Diaz de la Portilla	Lawson	Storms
Dockery	Lynn	Villalobos
Gaetz	Oelrich	Wilson
Garcia	Peaden	Wise
Gardiner	Pruitt	
Gelber	Rich	

Nays—1

Fasano

Vote after roll call:

Nay—Haridopolos

CS for CS for CS for CS for HB 425—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026, F.S.; increasing maximum fees for cosmetology licenses; amending ss. 481.215 and 481.313, F.S.; de-

leting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 481.229, F.S.; exempting certain persons or entities engaged in the manufacture, sale, or installation of commercial food service equipment from provisions regulating architecture and interior design under certain circumstances; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing maximum fees for construction contractor certifications; establishing fees for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending s. 489.127, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.128, F.S.; revising the circumstances under which a person is considered an unlicensed contractor; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending ss. 489.129 and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain designated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 509.302, F.S.; defining the term "hospitality industry"; revising the purpose of the program to focus on certain training and transition programs; requiring a statewide nonprofit organization that receives the program's grant funding to represent a hospitality industry in the state; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to use a portion of certain annual licenses fees for programs directed to careers in the restaurant industry and a portion of the fees for programs directed to careers in the lodging industry; authorizing the division to use a portion of the fees for administration of the program; deleting provisions related to the allocation of the funds to various programs; revising the criteria for the award of grants to conform to changes made by the act; removing an expired provision that authorized administrative fines to be used for the program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; amending s. 471.003, F.S.; revises the types of construction projects for which certain contractors are exempt from licensure as an engineer; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing for retroactive application; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

—was read the third time by title.

On motion by Senator Gaetz, **CS for CS for CS for CS for HB 425** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Joyner
Altman	Dockery	Justice
Aronberg	Fasano	King
Baker	Gaetz	Lawson
Bennett	Garcia	Lynn
Constantine	Gardiner	Oelrich
Crist	Gelber	Peaden
Dean	Haridopolos	Pruitt
Detert	Hill	Rich
Deutch	Jones	Richter

Siplin	Storms	Wise
Smith	Villalobos	
Sobel	Wilson	

Nays—None

CS for HB 1139—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Board of Nursing to provide certain information to nurses before they are given the opportunity to contribute to funding the center at licensure renewal; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for HB 1139** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

CS for CS for HB 483—A bill to be entitled An act relating to investor protection; amending s. 16.56, F.S.; expanding jurisdiction of the Office of Statewide Prosecution to investigate and prosecute certain additional offenses; amending s. 517.021, F.S.; revising definitions; amending s. 517.072, F.S.; exempting certain transactions in viatical settlement investments from certain registration requirements; specifying application of certain provisions; amending s. 517.12, F.S.; revising requirements for registration of dealers, associated persons, investment advisers, and branch offices; amending s. 517.121, F.S.; authorizing the Office of Financial Regulation to suspend registration for registrant failure to provide certain records; providing for rescinding suspensions; amending ss. 517.1215 and 517.1217, F.S.; changing an agency reference; amending s. 517.141, F.S.; excluding postjudgment interest from payments from the fund; amending s. 517.161, F.S.; expanding the class of persons related to or associated with an applicant or registrant for which certain violations may result in adverse actions taken against registrations; authorizing the office to suspend a registration under certain circumstances; creating s. 517.1611, F.S.; requiring the Financial Services Commission to adopt rules providing certain disciplinary guidelines; specifying criteria for such guidelines; requiring the commission to adopt rules for disqualifying registrants for certain periods of time for certain criminal actions; providing rules criteria; amending s. 517.191, F.S.; authorizing the office to apply to the court for orders directing restitution; authorizing the office to apply to the court to impose civil penalties for certain violations; specifying limitations; requiring deposit of civil penalties into the Anti-Fraud Trust Fund; authorizing the Attorney General to act as an enforcing authority for certain provisions of law; authorizing the Attorney General, with approval of the office, to investigate and enforce certain provisions; authorizing the Attorney General to bring certain actions for injunctive relief; authorizing the Attorney General to recover certain investigation and enforcement costs and attorney fees; providing for deposit of certain recovered moneys into the Legal Affairs Revolving Trust Fund; authorizing the Legal Affairs Revolving Trust Fund to be used for investigation and enforcement purposes; preserving the authority of the office to bring certain administrative actions; prohibiting subjecting persons to a civil penalty and an administrative fine under certain circumstances; specifying time limitations on bringing certain enforcement actions; amending s. 517.221, F.S.; increasing the amount of certain administrative fines; authorizing the office to bar certain persons from submitting applications or notifications for a license or registration under certain circumstances; amending s. 517.275, F.S.; revising criteria for prohibited practices relating to commodities; creating s. 896.108, F.S.; authorizing the Department of Law Enforcement to enter into agreements to pay rewards for information leading to the recovery of certain fines, penalties, or forfeitures; authorizing the executive director of the department to determine the amount of the reward; authorizing the executive director to exceed certain statutory limits of rewards under certain circumstances; providing limitations; providing for deposit of certain funds into certain trust funds; excluding certain persons from eligibility to collect rewards; providing that a payment of an award does not affect the admissibility of testimony in court; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include certain additional offenses; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **CS for CS for HB 483** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for HB 167—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer a consumer rebate program for specified energy-efficient appliances; authorizing the commission to adopt rules; authorizing the commission to enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, and other arrangements for specified purposes; providing an appropriation; providing requirements for the release of the appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Sobel, **CS for CS for HB 167** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	King
Alexander	Dockery	Lawson
Altman	Fasano	Lynn
Aronberg	Gaetz	Oelrich
Baker	Garcia	Peaden
Bennett	Gardiner	Pruitt
Bullard	Gelber	Rich
Constantine	Haridopolos	Richter
Crist	Hill	Ring
Dean	Jones	Siplin
Detert	Joyner	Smith
Deutch	Justice	Sobel

Storms	Wilson
Villalobos	Wise

Nays—None

HB 7089—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "controlled substance" and "weapon"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **HB 7089** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for HB 895—A bill to be entitled An act relating to public records; amending s. 1008.24, F.S.; providing an exemption from public records requirements for personally identifiable information or allegations of misconduct obtained or reported in connection with an investigation of a testing impropriety conducted by the Department of Education; providing that the exemption applies until the investigation is concluded or becomes inactive; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for HB 895** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bullard	Diaz de la Portilla
Alexander	Constantine	Dockery
Altman	Crist	Fasano
Aronberg	Dean	Gaetz
Baker	Detert	Garcia
Bennett	Deutch	Gardiner
Gelber	Lynn	Smith
Haridopolos	Oelrich	Sobel
Hill	Peaden	Storms
Jones	Pruitt	Villalobos
Joyner	Rich	Wilson
Justice	Richter	Wise
King	Ring	
Lawson	Siplin	

Nays—None

HB 949—A bill to be entitled An act relating to grounds for nonrecognition of foreign defamation judgments; amending s. 55.605, F.S.; providing that an out-of-country foreign judgment need not be recognized if the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press as would be provided in this state; creating s. 55.6055, F.S.; providing that the courts of this state have personal jurisdiction over a person who obtains a judgment in a defamation proceeding outside the United States against a person residing in or having property in this state for the purpose of determining whether the foreign defamation judgment should be deemed nonrecognizable; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 949** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

SB 1862—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds; deleting military-style boot camps from such list; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Joyner, **SB 1862** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Garcia
Alexander	Dean	Gardiner
Altman	Detert	Gelber
Aronberg	Deutch	Haridopolos
Baker	Diaz de la Portilla	Hill
Bennett	Dockery	Jones
Bullard	Fasano	Joyner
Constantine	Gaetz	Justice

King	Rich	Storms
Lawson	Richter	Villalobos
Lynn	Ring	Wilson
Oelrich	Siplin	Wise
Peaden	Smith	
Pruitt	Sobel	

Nays—None

CS for HB 115—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; amending ss. 847.0135 and 847.0138, F.S.; removing residency requirements in statutes relating to computer pornography involving minor children and the transmission of material harmful to a minor by electronic device or equipment, respectively; providing an effective date.

—was read the third time by title.

On motion by Senator Ring, **CS for HB 115** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for SB 1468—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; providing an appeal process for an application that has been denied; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 259.105, F.S.; renaming the "Stan Mayfield Working Waterfronts Program" within the Florida Communities Trust as the "Stan Mayfield Commercial Waterfronts Restoration and Preservation Program"; amending s. 380.502, F.S.; conforming provisions to changes made by the act; amending s. 380.503, F.S.; deleting a definition for the term "working waterfronts" for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; providing a cross-reference; clarifying provisions relating to the authority of the Florida Communities Trust to provide grants or loans for certain projects; clarifying the trust's rulemaking authority; deleting obsolete provisions; amending s. 380.508, F.S.; deleting provisions relating to the purpose of working waterfront projects; amending s. 380.5105, F.S.; conforming provisions to changes made by the act; providing a definition for the term "commercial waterfront"; providing that certain property does not qualify as commercial waterfront property; providing for water-dependent commercial activities; limiting the uses of acquired property in perpetuity; requiring that the Florida Communities Trust adopt rules establishing procedures and an application process; providing an effective date.

—as amended April 29 was read the third time by title.

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (629734)—Delete lines 129-140 and insert:

(b)1. Property classified as working waterfront property under this section shall be assessed solely on the basis of the property's current use. The property appraiser shall consider only the following use factors:

a. The condition of the property.

b. The present market value of the property in its current use.

c. The income produced by the property.

2. In no event shall the assessed value of the property exceed just value.

On motion by Senator Dean, further consideration of **CS for CS for SB 1468** as amended was deferred.

HB 7035—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding written valuations of state-owned surplus lands; amending s. 253.034, F.S., which provides an exemption from public records requirements for a written valuation of state-owned lands determined to be surplus and related documents used to form the valuation or which pertain to the valuation; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 7035** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson

Wise

Nays—None

CS for CS for HB 271—A bill to be entitled An act relating to confidential informants; creating "Rachel's Law"; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide an opportunity to consult with legal counsel to a person who is requested to serve as a confidential informant; requiring training for persons involved with the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review confidential informant practices; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing that any failure to abide by the act does not create any additional right enforceable by a defendant in a criminal proceeding; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for HB 271** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

SB 2416—A bill to be entitled An act relating to solid waste disposal; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; providing an effective date.

—was read the third time by title.

Senator Bullard moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (616880) (with title amendment)—After line 27 insert:

Section 2. Subsection (7) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

Section 6. Sewage requirements in Monroe County.—

(7) Class V injection wells, as defined by Department of Environmental Protection or Department of Health rule, shall meet the following requirements and shall otherwise comply with Department of Environmental Protection or Department of Health rules, as applicable:

(a) If the design capacity of the facility is less than 1,000,000 gallons per day, the injection well shall be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule.

(b) *Except as provided in paragraph (c) for backup wells,* if the design capacity of the facility is equal to or greater than 1,000,000 gallons per day, the injection well shall be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by Department of Environmental Protection rule.

(c) If the injection well is used as a backup to a primary injection well, the following conditions apply:

1. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;

2. The backup well may not be used for a total of more than 500 hours during any 5-year period, unless specifically authorized in writing by the Department of Environmental Protection;

3. The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by rule of the Department of Environmental Protection; and

4. Fluid injected into the backup well shall meet the requirements of subsections (5) and (6).

And the title is amended as follows:

Delete line 6 and insert: the gas; amending s. 6, ch. 99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well; providing an effective date.

On motion by Senator Gaetz, **SB 2416** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Constantine

The Senate resumed consideration of—

CS for CS for SB 1468—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a

change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; providing an appeal process for an application that has been denied; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 259.105, F.S.; renaming the "Stan Mayfield Working Waterfronts Program" within the Florida Communities Trust as the "Stan Mayfield Commercial Waterfronts Restoration and Preservation Program"; amending s. 380.502, F.S.; conforming provisions to changes made by the act; amending s. 380.503, F.S.; deleting a definition for the term "working waterfronts" for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; providing a cross-reference; clarifying provisions relating to the authority of the Florida Communities Trust to provide grants or loans for certain projects; clarifying the trust's rulemaking authority; deleting obsolete provisions; amending s. 380.508, F.S.; deleting provisions relating to the purpose of working waterfront projects; amending s. 380.5105, F.S.; conforming provisions to changes made by the act; providing a definition for the term "commercial waterfront"; providing that certain property does not qualify as commercial waterfront property; providing for water-dependent commercial activities; limiting the uses of acquired property in perpetuity; requiring that the Florida Communities Trust adopt rules establishing procedures and an application process; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Altman, the rules were waived to allow the following amendment to be considered:

Senator Altman moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (854878)—Delete lines 131-140 and insert: *use.*

1. If appropriate to the property, the assessed value shall be calculated using the income approach to value, and using a capitalization rate based upon the debt coverage ratio formula. The capitalization rate shall be calculated and updated annually. The capitalization rate shall be based on data that is county specific unless insufficient data is available, in which case the property appraisers shall use data from counties with similar conditions and characteristics, or data provided by the department. The condition and size of the property shall also be taken into account when assessing the property.

2. In assessing property for which the methodology in 1. is not appropriate, the property appraiser shall consider only the following factors:

a. The condition of the property.

b. The present market value of the property in its current use.

c. The income produced by the property.

3. In no event shall the assessed value of the property exceed just value.

RECONSIDERATION OF AMENDMENT

On motion by Senator Altman, the Senate reconsidered the vote by which **Amendment 1 (629734)** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Dean, **CS for CS for SB 1468** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Altman	Aronberg
Baker	Garcia	Peaden
Bennett	Gardiner	Pruitt
Bullard	Gelber	Rich
Constantine	Haridopolos	Richter
Crist	Hill	Ring
Dean	Jones	Siplin
Detert	Joyner	Smith
Deutch	Justice	Sobel
Diaz de la Portilla	King	Storms
Dockery	Lawson	Villalobos
Fasano	Lynn	Wilson
Gaetz	Oelrich	Wise

Nays—None

CS for SB 2334—A bill to be entitled An act relating to the Water Protection and Sustainability Program Trust Fund; amending s. 373.1961, F.S.; revising requirements for the use of moneys in the trust fund; authorizing the Northwest Florida Water Management District and the Suwannee River Water Management District to use a portion of moneys in the trust fund for specific purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for SB 2334** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for HB 127—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for CS for HB 127** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Detert	Hill
Alexander	Deutch	Jones
Altman	Diaz de la Portilla	Joyner
Aronberg	Dockery	Justice
Baker	Fasano	King
Bennett	Gaetz	Lawson
Bullard	Garcia	Lynn
Constantine	Gardiner	Oelrich
Crist	Gelber	Peaden
Dean	Haridopolos	Pruitt

Rich	Smith	Wilson
Richter	Sobel	Wise
Ring	Storms	
Siplin	Villalobos	

Nays—None

CS for SB 2408—A bill to be entitled An act relating to compensation for wrongful incarceration; amending s. 961.02, F.S.; defining the term "actual innocence" for purposes of the Victims of Wrongful Incarceration Compensation Act; redefining the term "wrongfully incarcerated person" in order to conform; amending s. 961.03, F.S.; requiring that a petition for compensation include clear and convincing evidence of actual innocence; requiring the petitioner to submit fingerprints for criminal history records checks; providing that failure to submit fingerprints within the prescribed timeframe does not warrant denial of compensation under the act; providing procedures for taking and submitting fingerprints; requiring that the results of the criminal history records checks be submitted to the clerk of the court; providing for use of the results by the court; specifying who will pay for the criminal history records checks; amending s. 961.05, F.S.; eliminating the requirement that a wrongfully incarcerated person provide certain court records and documentation from the Department of Corrections along with an application for compensation; requiring the Department of Legal Affairs to request certain records from the clerk of the court and the Department of Corrections; amending s. 961.06, F.S.; precluding submission of an application for compensation if the wrongfully incarcerated person has received a prior favorable judgment from a civil action arising out of the wrongful incarceration; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **CS for SB 2408** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—1

Oelrich

CS for HB 1065—A bill to be entitled An act relating to aircraft safety; providing a short title; creating s. 379.2293, F.S.; providing legislative findings and intent; exempting airport authorities and other entities from penalties, restrictions, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defining the term "authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards"; providing that federal or state authorizations for such actions prevail over certain other regulations, permits, comprehensive plans, and laws; providing immunity from penalties with respect to authorized action for certain individuals; providing exceptions; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for HB 1065** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for CS for SB 904—A bill to be entitled An act relating to parental responsibility and time-sharing; amending s. 61.046, F.S.; redefining the terms "parenting plan," "parenting plan recommendations," and "time-sharing schedule"; creating s. 61.125, F.S.; providing for parenting coordination as an alternative dispute resolution process to resolve parenting plan disputes; providing for court referral; providing for domestic violence situations; providing the qualifications required for a parenting coordinator and for the disqualification of a coordinator; providing for the payment of parenting coordination fees and costs; providing for confidentiality; providing for emergency reporting to the court by the coordinator; providing a limitation on the coordinator's liability; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that shared parental responsibility is detrimental to a child when a parent is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of substantially changed circumstances; requiring a court to make explicit written findings if, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms "other person," "parent," and "relocation"; substituting the term "access to" for "visitation"; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, and 61.21, F.S.; conforming provisions to changes made by the act; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

—as amended April 29 was read the third time by title.

MOTION

On motion by Senator Deutch, the rules were waived to allow the following amendment to be considered:

Senator Deutch moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (710614)—Delete line 371 and insert: rebutted *after the convicted parent is advised by the court that the presumption exists*, shared parental responsibility, including time-sharing

On motion by Senator Deutch, **CS for CS for CS for SB 904** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

THE PRESIDENT PRESIDING

On motion by Senator Richter, by two-thirds vote **CS for HB 903** was withdrawn from the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

On motion by Senator Richter, by two-thirds vote—

CS for HB 903—A bill to be entitled An act relating to attorney's fees in workers' compensation cases; amending s. 440.34, F.S.; clarifying requirements for the payment of fees and costs under a retainer agreement; specifying the amount of attorney's fees which a claimant is entitled to recover from a carrier or employer; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2072** and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Ring, the rules were waived to allow the following amendment to be considered:

Senator Ring moved the following amendment which was adopted:

Amendment 1 (383074) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Paragraph (c) of subsection (3) of section 440.105, Florida Statutes, is repealed.*

Section 2. Paragraph (c) of subsection (11) of section 440.20, Florida Statutes, is amended to read:

440.20 Time for payment of compensation and medical bills; penalties for late payment.—

(11)

(c) Notwithstanding s. 440.21(2), when a claimant is represented by counsel, the claimant may waive all rights to any and all benefits under this chapter by entering into a settlement agreement releasing the employer and the carrier from liability for workers' compensation benefits in exchange for a lump-sum payment to the claimant. The ~~settlement agreement requires approval by the~~ judge of compensation claims *shall enter an order determining what, if any, portion of the settlement proceeds must be allocated to satisfy any child support arrearage* ~~only as to the attorney's fees paid to the claimant's attorney by the claimant~~. ~~The parties need not submit any information or documentation in support of the settlement, except as needed to justify the amount of the attorney's fees.~~ Neither the employer nor the carrier is responsible for any attorney's fees relating to the settlement and release of claims under this section. *Attorney's fees related to a settlement and release of claims are not subject to the provisions of s. 440.34(1). However, any attorney's fees paid by a claimant may not exceed the amount allowable under the Supreme Court's guidelines governing contingency fee agreements based upon the gross amount of the settlement.* Payment of the lump-sum settlement amount must be made within 14 days after the date the judge of compensation claims mails the order *determining the portion of the settlement proceeds, if any, that must be allocated to satisfy a child support arrearage* ~~approving the attorney's fees~~. ~~Any order entered by a judge of compensation claims approving the attorney's fees as set out in the settlement under this subsection is not considered to be an award and is not subject to modification or review.~~ The judge of compensation claims shall report these settlements to the Deputy Chief Judge in accordance with the requirements set forth in paragraphs (a) and (b). Settlements entered into under this subsection are valid and apply to all dates of accident.

Section 3. Section 440.34, Florida Statutes, is amended to read:

440.34 Attorney's fees; costs.—

(1) *A claimant is responsible for the payment of his or her own attorney's fees, except that he or she is entitled to recover attorney's fees payable by a carrier or employer if:*

(a) A carrier or employer furnishes benefits claimed in a petition for benefits more than 30 days after the carrier or employer, if self-insured, receives the petition; or

(b) The claimant successfully prevails in a proceeding filed under s. 440.24 or s. 440.28.

The attorney's fees a carrier or employer must pay under this subsection must equal 25 percent of the first $5,000 of the amount of the benefits secured, 20 percent of the next $5,000 of the amount of the benefits secured, and 15 percent of the remaining amount of the benefits secured. However, an attorney's fee payable under this subsection may be increased up to the fee paid by the employer or carrier to the employer's or carrier's attorneys if it is determined that the employer or carrier engaged in a bad faith denial of benefits, unreasonably delayed furnishing benefits that were due and owing, or unreasonably continued or increased the expense of litigation.

(2) Unless the parties agree otherwise, attorney's fees payable under subsection (1) shall be determined ~~A fee, gratuity, or other consideration may not be paid for a claimant in connection with any proceedings arising under this chapter, unless approved as reasonable~~ by the judge of compensation claims or court having jurisdiction over such proceedings. ~~Any attorney's fee approved by a judge of compensation claims for benefits secured on behalf of a claimant must equal to 20 percent of the first $5,000 of the amount of the benefits secured, 15 percent of the next $5,000 of the amount of the benefits secured, 10 percent of the remaining amount of the benefits secured to be provided during the first 10 years after the date the claim is filed, and 5 percent of the benefits secured after 10 years. The judge of compensation claims shall not approve a compensation order, a joint stipulation for lump sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter that provides for an attorney's fee in excess of the amount permitted by this section. The judge of compensation claims is not required to approve any retainer agreement between the claimant and his or her attorney. The retainer agreement as to fees and costs may not be for compensation in excess of the amount allowed under this section.~~

(3) ~~(2)~~ In awarding a claimant's attorney's fee, the judge of compensation claims shall consider only those benefits secured by the attorney. An attorney is not entitled to attorney's fees for representation in any issue that was ripe, due, and owing and that reasonably could have been addressed, but was not addressed, during the pendency of other issues for the same injury. The amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all attorney's fees awarded by the judge of compensation claims. For purposes of this section, the term "benefits secured" does not include future medical benefits to be provided on any date more than 5 years after the date the claim is filed. ~~In the event an offer to settle an issue pending before a judge of compensation claims, including attorney's fees as provided for in this section, is communicated in writing to the claimant or the claimant's attorney at least 30 days prior to the trial date on such issue, for purposes of calculating the amount of attorney's fees to be taxed against the employer or carrier, the term "benefits secured" shall be deemed to include only that amount awarded to the claimant above the amount specified in the offer to settle. If multiple issues are pending before the judge of compensation claims, said offer of settlement shall address each~~

~~issue pending and shall state explicitly whether or not the offer on each issue is severable. The written offer shall also unequivocally state whether or not it includes medical witness fees and expenses and all other costs associated with the claim.~~

(4) ~~(3)~~ If any party should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the non-prevailing party the reasonable costs of such proceedings, not to include attorney's fees. ~~A claimant shall be responsible for the payment of her or his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:~~

~~(a) Against whom she or he successfully asserts a petition for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage loss, or death benefits, arising out of the same accident;~~

~~(b) In any case in which the employer or carrier files a response to petition denying benefits with the Office of the Judges of Compensation Claims and the injured person has employed an attorney in the successful prosecution of the petition;~~

~~(c) In a proceeding in which a carrier or employer denies that an accident occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or~~

~~(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28.~~

~~Regardless of the date benefits were initially requested, attorney's fees shall not attach under this subsection until 30 days after the date the carrier or employer, if self insured, receives the petition.~~

(5) ~~(4)~~ In such cases in which the claimant is responsible for the payment of her or his own attorney's fees, such fees are a lien upon compensation payable to the claimant, notwithstanding s. 440.22.

(6) ~~(5)~~ If any proceedings are had for review of any claim, award, or compensation order before any court, the court may award the injured employee or dependent an attorney's fee to be paid by the employer or carrier, in its discretion, which shall be paid as the court may direct.

(7) ~~(6)~~ A judge of compensation claims may not enter an order approving the contents of a retainer agreement that permits the escrowing of any portion of the employee's compensation until benefits have been secured.

(8) Nothing in this chapter impairs the right of a claimant to contract with an attorney for representation in connection with a claim filed under this chapter, except that an attorney may not recover an attorney's fee from a claimant on benefits secured for which an attorney's fee has been paid by a carrier or employer pursuant to this section.

(9) Notwithstanding any provision of law to the contrary, attorney's fees and costs of the prevailing party paid by a carrier to a claimant or a claimant's attorney pursuant to this chapter may not be recouped, directly or indirectly, by any carrier, included in any rate base or rate filing, or used to justify a rate or rate change.

(10) For purposes of first responders as defined in s. 112.1815(1), the finder of fact and law is not bound by any statutory provision regarding attorney's fees relating to the provision of indemnity or medical benefits for employment-related accidents or injuries involving exposure to a toxic substance or occupational disease, but must consider the following factors when awarding an attorney's fee:

(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly.

(b) The fee customarily charged in the locality for similar legal services.

(c) The amount involved in the controversy and the benefits payable to the claimant.

(d) The time limitations imposed by the claimant or the circumstances.

(e) The experience, reputation, and ability of the attorney or attorneys performing services.

(f) The contingency or certainty of a fee.

For purposes of this subsection, the term "occupational disease" has the same meaning as provided in s. 112.1815(4).

~~(7) If an attorney's fee is owed under paragraph (3)(a), the judge of compensation claims may approve an alternative attorney's fee not to exceed $1,500 only once per accident, based on a maximum hourly rate of $150 per hour, if the judge of compensation claims expressly finds that the attorney's fee amount provided for in subsection (1), based on benefits secured, fails to fairly compensate the attorney for disputed medical only claims as provided in paragraph (3)(a) and the circumstances of the particular case warrant such action.~~

Section 4. *The Legislature finds that this act fulfills an important state interest relating to the public interest in prompt and adequate response to provide for the safety of the public unique to first responders.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to workers' compensation; repealing s. 440.105(3)(c), F.S., relating to the prohibition against a fee, consideration, or gratuity for an attorney or other person for certain services; amending s. 440.20, F.S.; requiring that a judge of compensation claims enter an order determining the portion of settlement proceeds to be allocated to child support arrearages; deleting the requirement that a judge of compensation claims approve the attorney's fees paid by a claimant; deleting the requirement that parties to a settlement submit information or documentation to support the settlement; exempting settlement attorney's fees from certain provisions of state law; limiting the amount of attorney's fees paid by a claimant; requiring payment of a settlement within a specified time after a judge determines the portion of the settlement amount allocated to child support; amending s. 440.34, F.S.; providing that a claimant is responsible for the payment of his or her attorney's fees; providing exceptions; specifying a schedule for the determination of attorney's fees to be paid by a carrier or employer; requiring that a judge of compensation claims determine the amount of attorney's fees unless the parties agree otherwise; deleting certain restrictions on the amount of attorney's fees; deleting requirements relating to offers of settlement; preserving the right of a claimant to contract with an attorney for representation in connection with certain claims; prohibiting the recovery of attorney's fees under certain circumstances; prohibiting the recoupment of certain attorney's fees and costs by a carrier; prohibiting the inclusion of such fees or costs in any rate base or rate filing and the use of such fees or costs to justify a rate or rate change; providing that the finder of fact and law is not bound by provisions of state law relating to the provision of indemnity or medical benefits for employment-related accidents or injuries involving exposure to a toxic substance or occupational disease when awarding attorney's fees in cases involving first responders; requiring that the finder of fact and law consider certain factors when awarding attorney's fees in such cases; defining the term "occupational disease" for specified purposes; deleting provisions authorizing a judge of compensation claims to approve alternative attorney's fees under certain circumstances; providing legislative findings; providing an effective date.

On motion by Senator Richter, by two-thirds vote **CS for HB 903** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dean	Gelber
Alexander	Detert	Haridopolos
Altman	Deutch	Hill
Aronberg	Diaz de la Portilla	Jones
Baker	Dockery	Joyner
Bennett	Fasano	Justice
Bullard	Gaetz	King
Constantine	Garcia	Lawson
Crist	Gardiner	Lynn

Oelrich	Ring	Storms
Peaden	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise

Nays—None

Vote after roll call:

Yea—Pruitt

CS for HB 597—A bill to be entitled An act relating to homelessness; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuum of care to track, monitor, and report on assisted families for a specified period of time; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; conforming a cross-reference; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; amending s. 420.625, F.S.; deleting a cross-reference to conform; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; requiring the State Office on Homelessness to create specified procedures; providing methodology; providing components of the program; creating s. 420.628, F.S.; providing legislative findings and intent with respect to children and young adults leaving the child welfare system; amending s. 1003.01, F.S.; revising a definition; amending s. 1003.21, F.S.; conforming terminology; providing a school attendance exemption for certain children in foster care; amending s. 1003.22, F.S.; conforming terminology; providing a school certification of a school-entry health examination exemption for certain children in foster care; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Crist, **CS for HB 597** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Richter

CS for CS for SB 564—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing effective dates, one of which is contingent.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for SB 564** was passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	
Fasano	Peaden	

Nays—3

Aronberg	Deutch	Gelber

Vote after roll call:

Nay to Yea—Aronberg, Deutch, Gelber

HJR 81—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

Be It Resolved by the Legislature of the State of Florida:

That the repeal of Section 7 of Article VI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VI, SECTION 7

REPEAL OF PUBLIC campaign financing REQUIREMENT.—Proposing the repeal of the provision in the State Constitution that requires public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—was read the third time in full.

On motion by Senator Haridopolos, **HJR 81** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Baker	Garcia	Richter
Bennett	Gardiner	Ring
Constantine	Haridopolos	Smith
Crist	Jones	Storms
Dean	King	Villalobos
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—11

Aronberg	Hill	Siplin
Bullard	Joyner	Sobel
Deutch	Justice	Wilson
Gelber	Rich	

SENATOR PRUITT PRESIDING

CS for CS for HB 485—A bill to be entitled An act relating to fast track economic stimulus for small businesses; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain confidential taxpayer information with the Office of Tourism, Trade, and Economic Development; preserving certain confidentiality of such information; amending s. 220.02, F.S.; revising legislative intent with respect to the order of tax credits to include the New Markets Development Program tax credit; amending s. 220.13, F.S.; revising a definition; creating ss. 288.991-288.9922, F.S.; providing a short title; establishing the New Markets Development Program; providing a purpose; providing definitions; providing for a tax credit for making certain qualified equity investments; specifying a credit amount; providing for uses of the credit; prohibiting sale or transfer of such credits; authorizing allocation of the credit; specifying limitations on such credits; specifying application and certification requirements and procedures for the Office of Tourism, Trade, and Economic Development to qualify certain equity investments as eligible for tax credits; providing for application fees; providing duties and responsibilities of the Department of Revenue; limiting the amount of investments the office may certify; providing requirements and limitations on issuance of certified equity investments; providing for calculation of tax credits; limiting the amount of the tax credit that may be redeemed in a fiscal year; providing for carryover of unredeemed tax credits under certain circumstances; providing for redemption of tax credits; specifying how tax credits may be claimed by insurance companies; requiring the calculations to be certified and accompanied by audited financial statements and notarized affidavits; providing requirements for recapture of tax credits under certain circumstances; requiring notice of proposed recapture; providing requirements for compliance and audits of qualified equity investments; providing annual reporting requirements for certain community development entities; providing annual reporting requirements for the office; authorizing the office to conduct certain examinations; authorizing the office to revoke or modify tax credit authorizations under certain circumstances; providing for taxpayer liability for reimbursement of fraudulently claimed tax credits; providing penalties; authorizing the office and the department to adopt rules; providing for future repeal of the tax credit program; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for HB 485** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

CS for CS for SB 126—A bill to be entitled An act relating to the confidential records of children; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child's records may be obtained after the child leaves the department's custody; authorizing the department to adopt rules; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Oelrich, **CS for CS for SB 126** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 360, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 360—A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the state land planning agency to issue a notice to a school board or local government to show cause for not imposing sanctions; requiring that the state land planning agency submit its findings to the Administration Commission within the Executive Office of the Governor if the agency finds insufficient cause to impose sanctions; authorizing the Administration Commission to impose certain sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and

Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; limiting the adoption of certain amendments to the text of a plan to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research within the Legislature; amending s. 186.509, F.S.; revising provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; providing that the act fulfills an important state interest; providing an effective date.

House Amendment 1 (839199) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Community Renewal Act."*

Section 2. Subsection (29) of section 163.3164, Florida Statutes, is amended, and subsection (34) is added to that section, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(29) "~~Existing~~ Urban service area" means built-up areas where public facilities and services*, including, but not limited to, central water and sewer capacity and* ~~such as sewage treatment systems,~~ roads~~, schools, and recreation areas~~ are already in place *or are committed in the first 3 years of the capital improvement schedule. In addition, for counties that qualify as dense urban land areas under subsection (34), the non-rural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.*

(34) "Dense urban land area" means:

(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or

(c) A county, including the municipalities located therein, which has a population of at least 1 million.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.

Section 3. Paragraph (b) of subsection (3), paragraphs (a) and (h) of subsection (6), and paragraphs (a), (j), and (k) of subsection (12) of section 163.3177, Florida Statutes, are amended, and paragraph (f) is added to subsection (3) of that section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)

(b)1. The capital improvements element must be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. *The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011.* ~~Amendments to implement this section must be adopted and transmitted no later than December 1, 2008.~~ Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, *2011* ~~2008~~, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; the discouragement of urban sprawl; energy-efficient land use patterns ac-

counting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited ~~solely~~ by the projected population of the rural community. *For communities designated as rural areas of critical economic concern pursuant to s. 288.0656, the amount of land designated for future planned industrial, residential, commercial, or other land use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited by the projected population of the rural area of critical economic concern.* The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

c. The intergovernmental coordination element *shall* ~~may~~ provide for a ~~voluntary~~ dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. ~~A local government may develop and use an alternative local dispute resolution process for this purpose.~~

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4.a. Local governments must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted

pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. *The state land planning agency may allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed 10 percent when the projected 10-year capital outlay full-time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100-percent limitation.* The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

~~(j) Failure to adopt the public school facilities element, to enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and s. 163.31777, or to amend the comprehensive plan as necessary to implement school concurrency, according to the phased schedule, shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.~~

(j) ~~(k)~~ The state land planning agency may issue ~~the school board~~ a notice to *the school board and the local government to* show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement ~~the~~ provisions ~~of this act~~ relating to public school concurrency. *If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement as required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission which may impose on the local government any of the sanctions set forth in s. 163.3184(11)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).* ~~The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

Section 4. Subsections (5) and (10) and paragraphs (b) and (e) of subsection (13) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)(a) The Legislature finds that under limited circumstances ~~dealing with transportation facilities~~, countervailing planning and public policy goals may come into conflict with the requirement that adequate public *transportation* facilities and services be available concurrent with the impacts of such development. The Legislature further finds that ~~often~~ the unintended result of the concurrency requirement for transportation facilities is *often* the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. *The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives are essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers.* ~~Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.~~

(b)*1. The following are transportation concurrency exception areas:*

a. A municipality that qualifies as a dense urban land area under s. 163.3164;

b. An urban service area under s. 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164, except a limited urban service area may not be included as an urban service area unless the parcel is defined as provided in s. 163.3164(33); and

c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.

2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164;

b. Community redevelopment areas as defined in s. 163.340;

c. Downtown revitalization areas as defined in s. 163.3164;

d. Urban infill and redevelopment under s. 163.2517; or

e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164;

b. Urban infill and redevelopment under s. 163.2517; or

c. Urban service areas as defined in s. 163.3164.

4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.

5. Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.

6. Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do not apply in any county that has exempted more than 40 percent of the area inside the

urban service area from transportation concurrency for the purpose of urban infill.

7. A local government *that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.* may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

a. ~~1.~~ Urban infill development;

b. ~~2.~~ Urban redevelopment;

c. ~~3.~~ Downtown revitalization;

d. ~~4.~~ Urban infill and redevelopment under s. 163.2517; or

e. ~~5.~~ An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, ~~existing~~ urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517*,* which pose only special part-time demands on the transportation system*, are exempt* ~~should be excepted~~ from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) *Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b) 3., the following requirements apply:* ~~A local government shall establish guidelines in the comprehensive plan for granting the exceptions authorized in paragraphs (b) and (c) and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions.~~

1. ~~(e)~~ The local government shall *both* adopt into the *comprehensive* plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment must also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided.

2. ~~In addition,~~ The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must be accompanied by data and analysis *supporting the local government's determination of the boundaries of the transportation concurrency exception* ~~justifying the size of the~~ area.

(e)(f) Before designating ~~Prior to the designation of~~ a concurrency exception area *pursuant to subparagraph (b)6.*, the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level-of-service standards established for *regional transportation facilities identified pursuant to s. 186.507, including the* Strategic Intermodal System ~~facilities, as defined in s. 339.64,~~ and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall *provide a plan for the mitigation of* ~~, in consultation with the state land planning agency and the Department of Transportation, develop a plan to mitigate any~~ impacts to the Strategic Intermodal System, including, if appropriate, *access management, parallel reliever roads, transportation demand management, and other measures* ~~the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.~~

~~(g) Transportation concurrency exception areas existing prior to July 1, 2005, must, at a minimum, meet the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29)(e).

(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.

(10) *Except in transportation concurrency exception areas,* with regard to roadway facilities on the Strategic Intermodal System designated in accordance with *s.* ~~ss.339.61, 339.62,~~ 339.63 ~~, and 339.64, the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. *However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project.* For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(b) Level-of-service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

4. For the purpose of determining whether levels of service have been achieved, for the first 3 years of school concurrency implementation, a school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20.

(e) Availability standard.—Consistent with the public welfare, a local government may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities must be established in the public school facilities element and the interlocal agreement pursuant to s. 163.31777.

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; *the construction of a charter school that complies with the requirements of s. 1002.33(18);* or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; ~~or~~ the construction or expansion of a public school facility, or a portion thereof*; or the construction of a charter school that complies with the requirements of s. 1002.33(18)*, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

4. If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the impacts of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated facility within the first 3 years of an approved capital improvement plan, and the cost of the school facility is equal to or greater than the development's proportionate share. When the completed school facility is conveyed to the school district, the developer shall receive impact fee credits usable within the zone where the facility is constructed or any attendance zone contiguous with or adjacent to the zone where the facility is constructed.

5. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

Section 5. Paragraph (d) of subsection (3) of section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—

(3) An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:

(d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or *increased* ~~amended~~ impact fee. *A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.*

Section 6. Section 163.31802, Florida Statutes, is created to read:

163.31802 Prohibited standards for security devices.—A county, municipality, or other entity of local government may not adopt or maintain in effect an ordinance or rule that establishes standards for security cameras that require a lawful business to expend funds to enhance the services or functions provided by local government unless specifically provided by general law. Nothing in this section shall be construed to limit the ability of a county, municipality, airport, seaport, or other local governmental entity to adopt standards for security cameras in publicly operated facilities, including standards for private businesses operating within such public facilities pursuant to a lease or other contractual arrangement.

Section 7. Paragraph (b) of subsection (1) of section 163.3184, Florida Statutes, is amended, and paragraph (e) is added to subsection (3) of that section, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "In compliance" means consistent with the requirements of ss. 163.3177, ~~when a local government adopts an educational facilities element,~~ 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(e) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

Section 8. Paragraphs (b) and (f) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (q) is added to that subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated

by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances~~, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this subsection shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact.~~

(f) ~~Any comprehensive plan amendment that changes the schedule in~~ The capital improvements element *annual update required in s. 163.3177(3)(b)1.* ~~,~~ and any amendments directly related to the schedule~~, may be made once in a calendar year on a date different from the two times provided in this subsection when necessary to coincide with the adoption of the local government's budget and capital improvements program~~.

(q) Any local government plan amendment to designate an urban service area as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3. and an area exempt from the development-of-regional-impact process under s. 380.06(29).

Section 9. Subsection (2) of section 163.32465, Florida Statutes, is amended to read:

163.32465 State review of local comprehensive plans in urban areas.—

(2) ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.—Pinellas and Broward Counties, and the municipalities within these counties, and Jacksonville, Miami, Tampa, and Hialeah shall follow an alternative state review process provided in this section. Municipalities within the pilot counties may elect, by super majority vote of the governing body, not to participate in the pilot program. *In addition to the pilot program jurisdictions, any local government may use the alternative state review process to designate an urban service area as defined in s. 163.3164(29) in its comprehensive plan.*

Section 10. Section 171.091, Florida Statutes, is amended to read:

171.091 Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. *A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.*

Section 11. Section 186.509, Florida Statutes, is amended to read:

186.509 Dispute resolution process.—Each regional planning council shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The dispute resolution process shall, within a reasonable set of timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of *mandatory* ~~voluntary~~ mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate. The council shall not utilize the dispute resolution process to address disputes involving environmental permits or other regulatory matters unless requested to do so by the parties. The resolution of any issue through the dispute resolution process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

Section 12. Paragraph (a) of subsection (7) and subsections (24) and (28) of section 380.06, Florida Statutes, are amended, and subsection (29) is added to that section, to read:

380.06 Developments of regional impact.—

(7) PREAPPLICATION PROCEDURES.—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. *The levels of service required in the transportation methodology shall be the same levels of service used to evaluate concurrency in accordance with s. 163.3180.* The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from the provisions of this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from the provisions of this section.

(c) Any proposed addition to an existing sports facility complex is exempt from the provisions of this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from the provisions of this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from the provisions of this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from the provisions of this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such

expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from the provisions of this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with the provisions of s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from the provisions of this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from the provisions of this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14*), which is not otherwise exempt pursuant to subsection (29),* is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

~~(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).~~

(n) ~~(o)~~ The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) ~~(p)~~ Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) ~~(q)~~ Any proposed nursing home or assisted living facility is exempt from this section.

(q) ~~(r)~~ Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) ~~(s)~~ Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) ~~(t)~~ Any development in a specific area plan which is prepared pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

(t) ~~(u)~~ Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-*(s)* ~~(t)~~, but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project*, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million*.

(28) PARTIAL STATUTORY EXEMPTIONS.—

(a) If the binding agreement referenced under paragraph (24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development-of-regional-impact review for projects within the urban service boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.

(c) If the binding agreement ~~referenced under paragraph (24)(n)~~ for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.

(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (24)(l) *or* ~~,~~ paragraph (24)(m)~~, or paragraph (24)(n)~~ shall provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b) and (c). Following the notification of the state land planning agency, development-of-regional-impact review for projects within an urban service boundary under paragraph (24)(l), *or* a rural land stewardship area under paragraph (24)(m)~~, or an urban infill and redevelopment area under paragraph (24)(n)~~, must address transportation impacts only.

(e) The vesting provision of s. 163.3167(8) relating to an authorized development of regional impact shall not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that qualifies as a dense urban land area as defined in s. 163.3164;

2. Any proposed development within a county that qualifies as a dense urban land area as defined in s. 163.3164 and that is located within an urban service area defined in s. 163.3164 which has been adopted into the comprehensive plan; or

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, which qualifies as a dense urban land area under s. 163.3164, but which does not have an urban service area designated in the comprehensive plan.

(b) If a municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;

2. Community redevelopment areas as defined in s. 163.340;

3. Downtown revitalization areas as defined in s. 163.3164;

4. Urban infill and redevelopment under s. 163.2517; or

5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

(c) If a county that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;

2. Urban infill and redevelopment under s. 163.2517; or

3. Urban service areas as defined in s. 163.3164.

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section.

(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). A development that has a pending application for a comprehensive plan amendment and that elects not to continue development-of-regional-impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.

(f) Local governments must submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable development-of regional-impact threshold and would require development-of-regional-impact review but for the exemption from the program under paragraphs (a)-(c). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.

(g) If a local government that qualifies as a dense urban land area under this subsection is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.

(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(i) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).

Section 13. *(1)(a) The Legislature finds that the existing transportation concurrency system has not adequately addressed the transportation needs of this state in an effective, predictable, and equitable manner and is not producing a sustainable transportation system for the state. The Legislature finds that the current system is complex, inequitable, lacks uniformity among jurisdictions, is too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevents the attainment of important growth management goals.*

(b) The Legislature determines that the state shall evaluate and consider the implementation of a mobility fee to replace the existing transportation concurrency system. The mobility fee should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.

(2) The state land planning agency and the Department of Transportation shall continue their respective current mobility fee studies and develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 1, 2009, a final joint report on the mobility fee methodology study, complete with recommended legislation and a plan to implement the mobility fee as a replacement for the existing local government adopted and implemented transportation concurrency management systems. The final joint report shall also contain, but is not limited to, an economic analysis of implementation of the mobility fee, activities necessary to implement the fee, and potential costs and benefits at the state and local levels and to the private sector.

Section 14. *(1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s. 380.06(19)(c). This section shall not be construed to prohibit conversion from the construction phase to the operation phase upon completion of construction.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except when it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision shall apply to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification shall not extend the time limit beyond 2 additional years.

(6) Nothing in this section shall impair the authority of a county or municipality to require the owner of a property, that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section, to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 15. *The Legislature finds that this act fulfills an important state interest.*

Section 16. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising the definition of the term "existing urban service area"; providing a definition for the term "dense urban land area" and providing requirements of the Office of Economic and Demographic Research and the state land planning agency with respect thereto; amending s. 163.3177, F.S.; revising requirements for adopting amendments to the capital improvements element of a local comprehensive plan; revising requirements for future land use plan elements and intergovernmental coordination elements of a local comprehensive plan; revising requirements for the public school facilities element implementing a school concurrency program; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the Administration Commission to impose sanctions; deleting authority of the Administration Commission to impose sanctions on a school board; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; authorizing local governments to provide for a waiver of transportation concurrency requirements for certain projects under certain circumstances; revising school concurrency requirements; requiring charter schools to be considered as a mitigation option under certain circumstances; amending s. 163.31801, F.S.; revising requirements for adoption of impact fees; creating s. 163.31802, F.S.; prohibiting establishment of local standards for security cameras requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; amending s. 163.3184, F.S.; revising a definition; requiring local governments to consider applications for certain zoning changes required to comply with proposed plan amendments; amending s. 163.3187, F.S.; revising certain comprehensive plan amendments that are exempt from the twice-per-year limitation; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; amending s. 163.32465, F.S.; authorizing local governments to use the alternative state review process to designate urban service areas; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research; amending s. 186.509, F.S.; revising provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; amending s. 380.06, F.S.; specifying levels of service required in the transportation methodology to be the same levels of service used to evaluate concurrency; revising statutory exemptions from the development of the regional impact review process; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; providing legislative findings and determinations relating to replacing the existing transportation concurrency system with a mobility fee system; requiring the state land planning agency and the Department of Transportation to continue mobility fee studies; requiring a joint report on a mobility fee methodology study to the Legislature; specifying report requirements; correcting cross-references; providing for extending and renewing certain permits subject to certain expiration dates; providing for application of the extension to certain related activities; providing for extension of commencement and completion dates; requiring permitholders to notify authorizing agencies of intent to use the extension and anticipated time of the extension; specifying nonapplication to certain permits; providing for application of certain rules to extended permits; preserving the authority of counties and municipalities to impose certain security and sanitary requirements on property owners under certain circumstances; requiring permitholders to notify permitting agencies of intent to use the extension; providing a legislative declaration of important state interest; providing an effective date.

Senator Bennett moved the following amendments which were adopted:

Senate Amendment 1 (152754) to House Amendment 1—Delete lines 15-17 and insert: ~~treatment systems,~~ roads, schools, and recreation areas are already in place. *In addition, for counties that*

Senate Amendment 2 (329058) (with directory amendment) to House Amendment 1—Delete lines 93-98.

And the directory clause is amended as follows:

Delete lines 58-59 and insert: amended to read:

Senate Amendment 3 (215776) (with directory amendment) to House Amendment 1—Delete lines 102-197.

And the directory clause is amended as follows:

Delete lines 55-56 and insert:

Section 3. Paragraph (b) of subsection (3), paragraph (h) of subsection (6), and paragraphs (a), (j), and (k) of

Senate Amendment 4 (605252) to House Amendment 1—Delete lines 392-394 and insert: *163.3164; and*

Senate Amendment 5 (193380) (with directory and title amendments) to House Amendment 1—Between lines 778 and 779 insert:

(7) Other than the exceptions listed in subsection (1), text amendments to the goals, objectives, or policies of the local government's comprehensive plan may be adopted only once a year, unless the text amendment is directly related to, and applies only to, a future land use map amendment.

And the directory clause is amended as follows:

Delete lines 748-749 and insert: section 163.3187, Florida Statutes, are amended, paragraph (q) is added to that subsection, and subsection (7) is added to that section, to read:

And the title is amended as follows:

Between lines 1260 and 1261 insert: limiting text amendments to once a year;

Senate Amendment 6 (131454) (with directory and title amendments) to House Amendment 1—Delete lines 827-850 and insert: applied to the proposed development. The regional planning agency shall provide the

And the directory clause is amended as follows:

Delete lines 822-823 and insert:

Section 12. Subsections (24) and (28) of section 380.06, Florida Statutes,

And the title is amended as follows:

Delete lines 1271-1274 and insert: mandatory mediation; amending s. 380.06, F.S.; revising statutory exemptions from

On motion by Senator Bennett, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate Amendments to the House Amendment.

CS for CS for SB 360 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Dean	Haridopolos
Altman	Deutch	Hill
Aronberg	Diaz de la Portilla	Jones
Baker	Fasano	King
Bennett	Gaetz	Lawson
Bullard	Garcia	Lynn
Crist	Gardiner	Oelrich

Peaden	Ring	Wise
Pruitt	Siplin	
Richter	Villalobos	

Nays—12

Alexander	Gelber	Smith
Constantine	Joyner	Sobel
Detert	Justice	Storms
Dockery	Rich	Wilson

SPECIAL ORDER CALENDAR, continued

On motion by Senator Fasano, the Senate resumed consideration of—

CS for CS for SB 682—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; repealing s. 509.233(1) and (7), F.S., relating to a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments; abrogating the repeal of the program; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 4 (907778)** by Senator Pruitt and pending point of order by Senator Dockery.

POINT OF ORDER DISPOSITION

The pending point of order by Senator Dockery was withdrawn.

Pending **Amendment 4 (907778)** by Senator Pruitt was withdrawn.

Senator Fasano moved the following amendment which was adopted:

Amendment 5 (948548) (with title amendment)—Between lines 67 and 68 insert:

Section 5. *The amendment to s. 471.003(2)(h)1., Florida Statutes, contained in CS/CS/CS/CS/HB 425, Eng. 1, 2009 Regular Session, shall not take effect.*

And the title is amended as follows:

Delete line 22 and insert: nullifying a provision of another bill which increases the threshold value of certain equipment for construction projects below which a contractor working with such equipment need not be a licensed engineer; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 682** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for HB 479—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers' Class; revising the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (873470)** by Senator Lawson was withdrawn.

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senators Lawson, King, and Haridopolos offered the following amendment which was moved by Senator Lawson:

Amendment 2 (897738) (with title amendment)—Delete lines 115-1387 and insert:

(10) "Employer" means any agency, branch, department, institution, university, institution of higher education, or board of the state, or any county agency, branch, department, board, district school board, *municipality, metropolitan planning organization,* or special district of the state~~, or any city of the state~~ which participates in the system for the benefit of certain of its employees, or a charter school or charter technical career center that participates as provided in s. 121.051(2)(d). *Employers are not agents of the department, the state board, or the Division of Retirement, and the department, the state board, and the division are not responsible for erroneous information provided by representatives of employers.*

(11) "Officer or employee" means any person receiving salary payments for work performed in a regularly established position and, if employed by a *municipality* ~~city~~, a metropolitan planning organization, or a special district, employed in a covered group. *The term does not apply to state employees covered by a leasing agreement under s. 110.191, other public employees covered by a leasing agreement, or a co-employer relationship.*

(18) "Past service" of any member, as provided in s. 121.081(1), means the number of years and complete months and any fractional part of a month, recognized and credited by an employer and approved by the administrator, during which the member was in the active employ of *a governmental* ~~an~~ employer *and for which the employee is not entitled to a benefit before* ~~prior to~~ his or her date of participation.

(29) "Normal retirement date" means the ~~first day of any month following the~~ date a member attains *normal retirement age and is vested, which is determined as follows* ~~one of the following statuses~~:

(a) If a Regular Class member, *a Senior Management Service Class member, or an Elected Officers' Class* ~~the~~ member:

1. *The first day of the month the member* completes 6 or more years of creditable service and attains age 62; or

2. *The first day of the month following the date the member* completes 30 years of creditable service, regardless of age~~, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system~~.

(b) If a Special Risk Class member~~, the member~~:

1. *The first day of the month the member* completes 6 or more years of creditable service in the Special Risk Class and attains age 55;

2. *The first day of the month following the date the member* completes 25 years of creditable service in the Special Risk Class, regardless of age; or

3. *The first day of the month following the date the member* completes 25 years of creditable service and attains age 52, which service may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

~~(c) If a Senior Management Service Class member, the member:~~

~~1. Completes 6 years of creditable service in the Senior Management Service Class and attains age 62; or~~

~~2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.~~

~~(d) If an Elected Officers' Class member, the member~~:

~~1. Completes 6 years of creditable service in the Elected Officers' Class and attains age 62; or~~

~~2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.~~

"Normal retirement age" is attained on the "normal retirement date."

(39)(a) "Termination" occurs, except as provided in paragraph (b), when a member ceases all employment relationships with *an employer, however:* ~~employers under this system, as defined in subsection (10), but in the event~~

1. For retirements effective before July 1, 2010, if a member *is* ~~should be~~ employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence *constitutes* ~~shall constitute~~ a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination ~~for a member,~~ if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or *state* board may require other evidence of termination as it deems necessary.

2. For retirements effective on or after July 1, 2010, if a member is employed by any such employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

(b) "Termination" for a member electing to participate *in* ~~under~~ the Deferred Retirement Option Program occurs when the ~~Deferred Retirement Option~~ program participant ceases all employment relationships with *an employer* ~~employers under this system~~ in accordance with s. 121.091(13), *however:* ~~but~~

1. For termination dates occurring before July 1, 2010, if ~~in the event~~ the ~~Deferred Retirement Option Program~~ participant *is* ~~should be~~ employed by any such employer within the next calendar month, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence shall constitute a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if the participant becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

(52) "Regularly established position" *means* ~~is defined as follows~~:

(a) *With respect to* ~~In~~ a state *employer* ~~agency~~, ~~the term means~~ a position *that* ~~which~~ is authorized and established pursuant to law and is compensated from a salaries *and benefits* appropriation pursuant to s. 216.011(1)*(mm)* ~~(dd)~~, or an established position *that* ~~which~~ is authorized pursuant to s. 216.262(1)(a) and (b) and is compensated from a salaries account as provided *in s. 216.011(1)(nn)* ~~by rule~~.

(b) *With respect to* ~~In~~ a local *agency employer* ~~agency~~ (district school board, county agency, community college, *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district), ~~the term means~~ a regularly established position *that* ~~which~~ will be in existence for a period beyond 6 consecutive months, except as provided by rule.

(53) "Temporary position" *means* ~~is defined as follows~~:

(a) *With respect to* ~~In~~ a state *employer* ~~agency~~, *a* ~~the term means an employment~~ position *that* ~~which~~ is compensated from an other personal services (OPS) account~~,~~ as provided ~~for~~ in s. 216.011(1)(dd).

(b) *With respect to* ~~In~~ a local *agency employer* ~~agency~~, *a* ~~the term means an employment~~ position *that* ~~which~~ will exist for less than 6 consecutive months, or other ~~employment~~ position as determined by rule of the division, regardless of whether it will exist for 6 consecutive months or longer.

(63) "State board" means the State Board of Administration.

(64) "Trustees" means the Board of Trustees of the State Board of Administration.

Section 2. Subsection (6) is added to section 121.031, Florida Statutes, to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(6) Unless prior written approval is obtained from the department or state board, any promotional materials or advertisements that, directly or indirectly, refer to the "Florida Retirement System" or the "FRS" must contain a disclaimer that the information is not approved or endorsed by the Florida Retirement System.

Section 3. Paragraph (a) of subsection (1) and paragraphs (c) and (f) of subsection (2) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(a) *Participation in the Florida Retirement System is* ~~The provisions of this law shall be~~ compulsory *for* ~~as to~~ all officers and employees, except elected officers who meet the requirements of s. 121.052(3), who are employed on or after December 1, 1970, *by* ~~of~~ an employer other than those referred to in paragraph (2)(b). ~~, and~~ Each officer or employee, as a condition of employment, *becomes* ~~shall become~~ a member of the system *on the* ~~as of his or her~~ date of employment, except that a person who is retired from any state retirement system and is reemployed on or after December 1, 1970, may not renew his or her membership in any state retirement system except as provided in s. 121.091(4)(h) for a person who recovers from disability, ~~and~~ as provided in *s. 121.053* ~~s. 121.091(9)(b)8.~~ for a person who is elected to public office, and, effective July 1, 1991, as provided in s. 121.122 for all other retirees.

1. Officers and employees of the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, employed on and after July 1, 1979, *may* ~~shall~~ not participate in any state-supported retirement system.

2. ~~1.~~ Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan *adopted* ~~provided~~ by rule ~~adopted~~ by the Board of Regents may not participate in the Florida Retirement System. Effective July 1, 2008, any person appointed ~~thereafter~~ to a faculty position, including clinical faculty, in a college at a state university that has a faculty practice plan authorized by the Board of Governors may not participate in the Florida Retirement System. A faculty member so appointed shall participate in the optional retirement program for the State University System notwithstanding ~~the provisions of~~ s. 121.35(2)(a).

~~2.~~ For purposes of this *subparagraph* ~~paragraph~~, the term*:*

a. "Faculty position" *means* ~~is defined as~~ a position assigned the principal responsibility of teaching, research, or public service activities or administrative responsibility directly related to the academic mission of the college. ~~The term~~

b. "Clinical faculty" *means* ~~is defined as~~ a faculty position appointment in conjunction with a professional position in a hospital or other clinical environment at a college. ~~The term~~

c. "Faculty practice plan" includes professional services to patients, institutions, or other parties which are rendered by the clinical faculty employed by a college that has a faculty practice plan at a state university authorized by the Board of Governors.

(2) OPTIONAL PARTICIPATION.—

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, ~~as~~ designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and ~~in~~ s. 1012.875 may ~~elect~~, in lieu of participating in the Florida Retirement System, *elect* to withdraw from the ~~Florida Retirement~~ system altogether and participate in *the State Community College System* ~~an~~ Optional Retirement Program provided by the employing agency under s. 1012.875~~, to be known as the State Community College System Optional Retirement Program~~. ~~Pursuant thereto:~~

1. Through June 30, 2001, the cost to the employer for such annuity *equals* ~~shall equal~~ the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class defined benefit program, plus the portion of the contribution rate required by s. 112.363(8) *which* ~~that~~ would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct an amount ~~to provide~~ for the administration of the ~~optional retirement~~ program. The employer ~~providing the optional program~~ shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in ~~such~~ an optional retirement program *is* ~~shall be~~ irrevocable ~~for~~ as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System *is* ~~shall be~~ retained after the member withdraws from the ~~Florida Retirement~~ system; however, additional service credit in the ~~Florida Retirement~~ system *may* ~~shall~~ not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, ~~to choose~~ to transfer from the optional retirement program to the defined benefit program of the Florida Retirement System or to the Public Employee Optional Retirement Program, subject to the terms of the applicable optional retirement program contracts.

a. If the employee chooses to move to the Public Employee Optional Retirement Program, any contributions, interest, and earnings creditable to the employee under the State Community College System Optional Retirement Program *is* ~~shall be~~ retained by the employee in the State Community College System Optional Retirement Program, and the applicable provisions of s. 121.4501(4) ~~shall~~ govern the election.

b. If the employee chooses to move to the defined benefit program of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the State Community College System Optional Retirement Program.

(I) The cost for such credit *is the* ~~shall be an~~ amount representing the present value of *the* ~~that~~ employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee *becomes* ~~would become~~ eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. The calculation *must* ~~shall~~ include any service already maintained under the defined benefit plan in addition to the years under the State Community College System Optional Retirement Program. The present value of any service already maintained *must* ~~under the defined benefit plan shall~~ be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her State Community College System Optional Retirement Program account and from other employee moneys as necessary, a sum representing the present value of *the* ~~that~~ employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the State Community College System Optional Retirement Program.

4. Participation in the optional retirement program *is* ~~shall be~~ limited to ~~those~~ employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and~~:~~

~~(A)~~ the duties and responsibilities of the position include ~~either~~ the formulation, interpretation, or implementation of policies*,* ~~;~~ or

~~(B) The duties and responsibilities of the position include~~ the performance of functions that are unique or specialized within higher education and that frequently ~~involve the~~ support ~~of~~ the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

5. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. *A participant who receives a program distribution funded by employer contributions shall be deemed to be retired from a state-administered retirement system if the participant is subsequently employed with an employer that participates in the Florida Retirement System.*

6. Eligible community college employees *are* ~~shall be~~ compulsory members of the Florida Retirement System until, pursuant to ~~the procedures set forth in~~ s. 1012.875, a written election to withdraw from the ~~Florida Retirement~~ system and ~~to~~ participate in the State Community College System Optional Retirement Program is filed with the program administrator and received by the division.

a. *A* ~~Any~~ community college employee whose program eligibility results from initial employment *must* ~~shall~~ be enrolled in the State Community College System Optional Retirement Program retroactive to the first day of eligible employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the community college *to* ~~for~~ the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. *A* ~~Any~~ community college employee whose program eligibility *is* ~~results from a change in status~~ due to the subsequent designation of the employee's position as one of those specified in subparagraph 4*.,* or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4*., must* ~~shall~~ be enrolled in the program *on* ~~upon~~ the first day of the first full calendar month that such change in status becomes effective. The employer retirement contributions paid from the effective date through the month of the employee plan change *must* ~~shall~~ be transferred to the community college *to* ~~for~~ the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any participant of the State Community College System Optional Retirement Program who has service credit in the defined benefit plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the defined benefit plan to the optional retirement program and the actual date of transfer may, during ~~his or her~~ employment, ~~elect to~~ transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for *the* ~~such~~ period of service credit. Upon ~~such~~ transfer, all ~~such~~ service credit previously earned under the defined benefit program of the Florida Retirement System during this period *is* ~~shall be~~ nullified for purposes of entitlement to a future benefit under the defined benefit program of the Florida Retirement System.

(f)1. *If* ~~Whenever~~ an employer that participates in the Florida Retirement System undertakes the transfer, merger, or consolidation of governmental services or *assumes the* functions *and activities of an employing governmental entity that was not an employer under the system*, the employer must notify the department at least 60 days *before* ~~prior to~~ such action and ~~shall~~ provide documentation as required by the department. *The transfer, merger, or consolidation of governmental services or assumption of governmental functions and activities must occur between public employers. The current or former employer may pay the employees' past service cost, unless prohibited under this chapter. This subparagraph does not apply to the transfer, merger, or consolidation of governmental services or assumption of functions and activities of a public entity under a leasing agreement having a co-employer relationship. Employers and employees of a public governmental employer whose service is covered by a leasing agreement under s. 110.191, any other leasing agreement, or a co-employer relationship are not eligible to participate in the Florida Retirement System.*

2. *If* ~~When~~ the agency to which a member's employing unit is transferred, merged, or consolidated does not participate in the Florida Retirement System, a member *may* ~~shall~~ elect in writing to remain in the Florida Retirement System or to transfer to the local retirement system operated by *the* ~~such~~ agency. If *the* ~~such~~ agency does not participate in a local retirement system, the member shall continue membership in the Florida Retirement System. In either case, ~~the~~ membership *continues* ~~shall continue~~ for as long as the member is employed by the agency to which his or her unit was transferred, merged, or consolidated.

Section 4. Paragraph (f) of subsection (2) and paragraph (e) of subsection (3) of section 121.052, Florida Statutes, are amended to read:

121.052 Membership class of elected officers.—

(2) MEMBERSHIP.—The following holders of elective office, hereinafter referred to as "elected officers," whether assuming elective office by election, reelection, or appointment, are members of the Elected Officers' Class, except as provided in subsection (3):

(f) Any elected officer of a municipality or special district *assuming office* on ~~or after~~ July 1, 1997, *through June 30, 2009,* as provided in paragraph (3)(e). *On or after January 1, 2010, an elected officer shall become a member only if the governing body of the municipality or special district, at the time it joins the Florida Retirement System for its elected officers, elects, by majority vote, to include all its elected positions in the Elected Officers' Class.*

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) ~~Effective July 1, 2001,~~ The governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class *as follows*.

1. Effective July 1, 1997, such election must be made between July 1, 1997, and December 31, 1997, and is irrevocable. The designation of such positions is effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

2. Effective July 1, 2001, such election *must* ~~shall~~ be made between July 1, 2001, and December 31, 2001, and *is* ~~shall be~~ irrevocable. The designation of such positions *is* ~~shall be~~ effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

3. Effective July 1, 2009, such election must be made between July 1, 2009, and December 31, 2009, and is irrevocable. The designation of such positions is effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

Section 5. Section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)~~(a)~~ *A* ~~Any~~ member who retired under *an* ~~any~~ existing system as defined in s. 121.021~~(2),~~ and receives a *retirement* benefit ~~thereof~~, and who *subsequently* serves in an office covered by the Elected Officers' Class for a period of at least 6 years, *is* ~~shall be~~ entitled to receive an

additional retirement benefit for ~~such~~ elected officer service *completed before* ~~prior to~~ July 1, 1990, under the Elected Officers' Class of the Florida Retirement System, as follows:

(a) ~~1.~~ Upon completion of 6 or more years of creditable service in an office covered by the Elected Officers' Class, ~~s. 121.052,~~ such member shall notify the administrator of his or her intent to purchase elected officer service *completed before* ~~prior to~~ July 1, 1990, and shall pay the member contribution applicable for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund; however, such member may purchase retirement credit under the Elected Officers' Class only for ~~such~~ service as an elected officer.

(b) ~~2.~~ Upon payment of the amount specified in *paragraph (a)* ~~sub-paragraph 1.~~, the employer shall pay into the Florida Retirement System Trust Fund the applicable employer contribution for the period of elected officer service *completed before* ~~prior to~~ July 1, 1990, ~~being claimed by the member,~~ plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund.

(2) ~~(b)~~ *A* ~~Any~~ retired member of the Florida Retirement System, or *an* ~~any~~ existing system as defined in s. 121.021~~(2)~~, who, *beginning* ~~on or after~~ July 1, 1990, *through June 30, 2010, serves in* ~~is serving in, or is elected or appointed to,~~ an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). ~~Pursuant thereto:~~

(a) ~~1.~~ *The* ~~Any such retired~~ member *may* ~~shall be eligible to~~ continue to receive retirement benefits as well as compensation for the elected officer service *if* ~~for as long as~~ he or she remains in an elective office covered by the Elected Officers' Class.

(b) ~~2.~~ If *the* ~~any such~~ member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she *is* ~~shall be~~ entitled to receive an additional retirement benefit for *the* ~~such~~ elected officer service.

(c) ~~3.~~ *The* ~~Such~~ member *is* ~~shall be~~ entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class *before* ~~prior to~~ July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position *before* ~~prior to~~ July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, *is* ~~shall be~~ the difference between *the* ~~such~~ contribution and the total applicable contribution for the period being claimed, plus interest. The employer ~~of such member~~ may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service. *Any retiree who served in an elective office before July 1, 1990, suspended his or her retirement benefits, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.*

(d) ~~4.~~ Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions *of* ~~in~~ s. 121.122 may be used in conjunction with creditable service earned under this *subsection* ~~paragraph~~, *if* ~~provided~~ applicable vesting requirements and other existing statutory conditions required by this chapter are met.

~~5. An elected officer who is elected or appointed to an elective office and is participating in the Deferred Retirement Option Program is not subject to termination as provided in s. 121.021(39)(b), or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds such an elective office, as follows:~~

~~a. At the end of the 60 month DROP period:~~

~~(I) The officer's DROP account shall accrue no additional monthly benefits, but shall continue to earn interest as provided in s. 121.091(13).~~

~~(II) No Retirement contributions shall be required of the employer of the elected officer and no additional retirement credit shall be earned under the Florida Retirement System.~~

~~b. Nothing herein shall prevent An elected officer from voluntarily terminating his or her elective office at any time and electing to receive his or her DROP proceeds. However, until termination requirements are fulfilled as provided in s. 121.021(39), any elected officer whose termination limitations are extended by this section shall be ineligible for renewed membership in the system and shall receive no pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.~~

~~c. Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which shall be paid on a prospective basis only.~~

However, an officer electing to participate in the Deferred Retirement Option Program on or before June 30, 2002, *is* ~~shall~~ not ~~be~~ required to terminate and *remains* ~~shall remain~~ subject to the provisions of this *paragraph* ~~subparagraph~~ as adopted in section 1 of chapter 2001-235, Laws of Florida.

(3) On or after July 1, 2010:

(a) A retiree of a state-administered retirement system who is elected or appointed for the first time to an elective office in a regularly established position with a covered employer may not reenroll in the Florida Retirement System.

(b) An elected officer who is elected or appointed to an elective office and is participating in the Deferred Retirement Option Program is subject to termination as defined in s. 121.021 upon completion of his or her DROP participation period. An elected official may defer termination as provided in paragraph (2)(e).

(4) ~~(2)~~ Upon attaining his or her normal retirement date and ~~payment of the amount specified in paragraphs (1)(a) and (b)~~, and upon application to the administrator of the intent to retire, *a* ~~the~~ member *qualifying under subsection (1) or subsection (2)* shall receive a monthly benefit under this section, in addition to any benefits already being received, which shall commence on the last day of the month of retirement and be payable on the last day of the month thereafter during his or her lifetime. The amount of *the* ~~such~~ monthly benefit *is* ~~shall be~~ the total percentage of retirement credit purchased under this section multiplied by the member's average monthly compensation as an elected officer, adjusted according to the option selected at retirement under s. 121.091(6).

(5) ~~(3)~~ Any renewed member, as described in subsection (1) *or subsection (2)*, who is not receiving the maximum health insurance subsidy provided in s. 112.363 *is* ~~shall be~~ entitled to earn additional credit toward the maximum health insurance subsidy. Any additional subsidy due because of such additional credit *may* ~~shall~~ be received only at the time of payment of the second career retirement benefit. ~~In no case shall~~ The total health insurance subsidy received ~~by a retiree receiving benefits~~ from initial and renewed membership *may not* exceed the maximum allowed in s. 112.363.

(6) ~~(4)~~ *A* ~~No~~ retired judge consenting to temporary duty in any court, as assigned by the Chief Justice of the Supreme Court in accordance with s. 2, Art. V of the State Constitution, *is not* ~~shall be~~ subject to the renewed membership provisions of this section.

(7) A member who is elected or appointed to an elective office and who is participating in the Deferred Retirement Option Program is not subject

to termination as defined in s. 121.021, or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds an elective office, as follows:

(a) At the end of the 60-month DROP period:

1. The officer's DROP account may not accrue additional monthly benefits, but does continue to earn interest as provided in s. 121.091(13). However, an officer whose DROP participation begins on or after July 1, 2010, may not continue to earn such interest.

2. Retirement contributions are not required of the employer of the elected officer and additional retirement credit may not be earned under the Florida Retirement System.

(b) An elected officer may voluntarily terminate his or her elective office at any time and receive his or her DROP proceeds. However, until termination occurs, an elected officer whose termination limitations are extended by this section is ineligible for renewed membership in the system and may not receive pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.

(c) Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which must be paid on a prospective basis only.

Section 6. Paragraph (f) of subsection (1) and paragraphs (c) and (e) of subsection (6) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(f) Effective July 1, 1997:

1. *Except as provided in subparagraph 3., an* ~~any~~ elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. *Except as provided in subparagraph 3., an* ~~any~~ elected ~~county~~ officer *of a local agency employer* eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected ~~county~~ officers *of a local agency employer*, elect to *withdraw from the Florida Retirement System* ~~participate in a lifetime monthly annuity program~~, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

3. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, as an elected official eligible for the Elected Officers' Class may not renew membership in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program as provided in subsection (6), and may not withdraw from the Florida Retirement System as a renewed member as provided in subparagraph (b)2., as applicable, in lieu of membership in the Senior Management Service Class.

(6)

(c) *Participation.*—

1. *An* ~~any~~ eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participation in the Senior Management Service Class. Such election *must* ~~shall~~ be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. *An* ~~Any~~ eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. *Except as provided in subparagraph 6., an* ~~Any~~ employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of *commencing* ~~commencement of~~ employment, elect to participate in the optional annuity program. Such election *must* ~~shall~~ be made in writing and filed with the personnel officer of the employer. *An* ~~Any~~ eligible employee who does not within 90 days after *commencing* ~~commencement of such~~ employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is appointed to a position in the Senior Management Service Class and who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System may elect to remain in such system or class in lieu of participation in the Senior Management Service Class or optional annuity program. Such election *must* ~~shall~~ be made in writing and filed with the department and the personnel officer of the employer within 90 days of such appointment. Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

4. Except as provided in subparagraph 5., an employee's election to participate in the optional annuity program is irrevocable *if the* ~~as long as such~~ employee continues to be employed in an eligible position and continues to meet the eligibility requirements set forth in this paragraph.

5. Effective from July 1, 2002, through September 30, 2002, any active employee in a regularly established position who has elected to participate in the Senior Management Service Optional Annuity Program has one opportunity to choose to move from the Senior Management Service Optional Annuity Program to the Florida Retirement System defined benefit program.

a. The election must be made in writing and must be filed with the department and the personnel officer of the employer before October 1, 2002, or, in the case of an active employee who is on a leave of absence on July 1, 2002, within 90 days after the conclusion of the leave of absence. This election is irrevocable.

b. The employee *shall* ~~will~~ receive service credit under the defined benefit program of the Florida Retirement System equal to his or her years of service under the Senior Management Service Optional Annuity Program. The cost for such credit *is the* ~~shall be an~~ amount representing the present value of that employee's accumulated benefit obligation for the affected period of service.

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. ~~In no case may~~ The employee *may not* retain any employer contributions or earnings thereon from the Senior Management Service Optional Annuity Program account.

6. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, may not renew membership in the Senior Management Service Optional Annuity Program.

(e) *Benefits.*—

1. Benefits ~~shall be payable~~ under the Senior Management Service Optional Annuity Program *are payable* only to participants in the program, or their beneficiaries as designated by the participant in the contract with *the* ~~a~~ provider company, and *must* ~~such benefits shall~~ be paid by the designated company in accordance with the terms of the annuity contract ~~or contracts~~ applicable to the participant. A participant

must be terminated from all employment *relationships* with ~~all~~ Florida Retirement System employers as provided in s. 121.021(39) to begin receiving the employer-funded benefit. Benefits funded by employer contributions *are* ~~shall be~~ payable *under the terms of the contract* ~~only as a lifetime annuity~~ to the participant, his or her beneficiary, or his or her estate, *in addition to* ~~except for~~:

a. A lump-sum payment to the beneficiary upon the death of the participant;

b. A cash-out of a de minimis account upon the request of a former participant who has been terminated for a minimum of 6 *calendar* months from the employment that entitled him or her to optional annuity program participation. ~~A de minimis account is an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter.~~ Such cash-out must be a complete liquidation of the account balance with that company and is subject to ~~the provisions of~~ the Internal Revenue Code; ~~or~~

c. A mandatory distribution of a de minimis account of a former participant who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation as authorized by the department; or

d. ~~c.~~ A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant.

2. The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, *are* ~~shall~~ not ~~be~~ subject to assignment, execution, or attachment or to any legal process whatsoever.

3. *Except as provided in subparagraph 4.,* a participant who *terminates employment and* receives *a distribution, including a rollover or trustee-to-trustee transfer,* ~~optional annuity program benefits~~ funded by employer contributions shall be deemed to be retired from a state-administered retirement system *if the participant is subsequently employed with an* ~~in the event of subsequent employment with any~~ employer that participates in the Florida Retirement System.

4. A participant who receives optional annuity program benefits funded by employer contributions as a mandatory distribution of a de minimis account authorized by the department is not considered a retiree.

As used in this paragraph, a "de minimis account" means an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under this chapter.

Section 7. Paragraph (a) of subsection (6) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(6)(a) Required employee contributions for all service other than current service, including, but not limited to, prior service, past service, military service, leave-of-absence service, out-of-state service, and certain non-Florida Retirement System in-state service, shall be paid by cash, personal check, cashier's check, ~~or~~ money order*, or a direct rollover or transfer from a qualified plan as provided under the Internal Revenue Code. The payment must* ~~only; shall~~ be accompanied by a statement identifying the service for which payment is made~~;~~ and shall be made in a lump sum for the total amount due or in annual payments of not less than $100, except for the final payment if less than $100, unless another method of payment is authorized by law or rule.

Section 8. Paragraphs (a), (b), (e), (f), and (h) of subsection (1) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)(a) Past service, as defined in s. 121.021~~(18)~~, may be claimed as creditable service by officers or employees of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district *who* ~~that~~ become a covered group under this system. The governing body of a covered group in compliance with s. 121.051(2)(b) may elect to provide benefits *for* ~~with respect to~~ past service earned *before* ~~prior to~~ January 1, 1975, in accordance with this chapter, and the cost for such past service *is* ~~shall be~~ established by applying the following formula: The member contribution for both regular and special risk members *is* ~~shall be~~ 4 percent of the gross annual salary for each year of past service claimed, plus 4-percent employer matching contribution, plus 4-percent interest thereon compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until July 1, 1975, and 6.5-percent interest compounded annually thereafter until date of payment. Once the total cost for a member has been figured to date, then after July 1, 1975, 6.5-percent compounded interest shall be added each June 30 thereafter on any unpaid balance until the cost of such past service liability is paid in full. The following formula shall be used in calculating past service earned *before* ~~prior to~~ January 1, 1975: (Annual gross salary multiplied by 8 percent) multiplied by the 4-percent or 6.5-percent compound interest table factor, as may be applicable. The resulting product equals cost to date for each particular year of past service.

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district *who become* ~~that becomes~~ a covered group under this system. The governing body of a covered group may elect to provide benefits *for* ~~with respect~~ to past service earned after January 1, 1975, in accordance with this chapter, and the cost for such past service *is* ~~shall be~~ established by applying the following formula: The employer shall contribute an amount equal to the contribution rate in effect at the time the service was earned, multiplied by the employee's gross salary for each year of past service claimed, plus 6.5-percent interest thereon, compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until date of payment.

(e) Past service, as defined in s. 121.021~~(18)~~, may be claimed as creditable service by a member of the Florida Retirement System who formerly was an officer or employee of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district, notwithstanding the status or form of the retirement system, if any, of that *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district and irrespective of whether *such* officers or employees ~~of that city, metropolitan planning organization, or special district~~ now or hereafter become a covered group under the Florida Retirement System. Such member may claim creditable service and be entitled to the benefits accruing to the regular class of members as provided for the past service claimed under this paragraph by paying into the retirement trust fund an amount equal to the total actuarial cost of providing the additional benefit resulting from such past-service credit, discounted by the applicable actuarial factors to date of retirement.

(f) *If* ~~When~~ any person~~, either prior to this act or hereafter,~~ becomes entitled to and *participates* ~~does participate~~ in one of the retirement systems *under* ~~consolidated within or created by~~ this chapter through the consolidation or merger of governments or the transfer of functions between units of government, ~~either~~ at the state or local level or between state and local units, or through the assumption of functions or activities by a state or local unit from an employing *governmental* entity *that* ~~which~~ was not an employer under the system, and such person becomes a member of the Florida Retirement System, such person *is* ~~shall be~~ entitled to receive past-service credit ~~as defined in s. 121.021(18)~~ for the time *the* ~~such~~ person performed services for, and was an employee of, such state or local unit or other *governmental* employing entity *before* ~~prior to~~ the transfer, merger, consolidation, or assumption of functions and activities. Past-service credit allowed by this paragraph *is* ~~shall~~ also ~~be~~ available to any person who becomes a member of an existing system *before*~~, as defined in s. 121.021(2), prior to~~ December 1, 1970, through the transfer, merger, consolidation, or assumption of functions and activities set forth in this paragraph and who subsequently becomes a member of the Florida Retirement System. However, credit for the past service may not be granted until contributions are made in the manner provided in this subsection. If a person rejected Florida Retirement System membership at the time of the transfer, merger, ~~or~~ consolidation, *or assumption of governmental functions and activities,* the required contributions shall be at total actuarial cost as specified in paragraph (e). Such contributions or accrued interest may not be paid from any *public* ~~state~~ funds.

(h) The following provisions apply to the purchase of past service:

1. Notwithstanding any of the provisions of this subsection, past-service credit may not be purchased under this chapter for any service that is used to obtain a *pension or* benefit from *a* ~~any~~ local retirement system. *Eligibility to receive or the receipt of contributions to a retirement plan made by the employer on behalf of the employee is considered a benefit.*

2. A member may not receive past service credit under paragraphs (a), (b), (e), or (f) for any leaves of absence without pay, except that credit for active military service leaves of absence may be claimed under paragraphs (a), (b), and (f), in accordance with s. 121.111(1).

3. A member may not receive past service credit for co-employer service. Co-employer service or a co-employer relationship is employment in a single position simultaneously covered and reported by both a public employer and a private employer.

4. ~~3.~~ If a member does not *want* ~~desire~~ to receive credit for all of his or her past service, the period the member claims must be the most recent past service prior to his or her participation in the Florida Retirement System.

5. ~~4.~~ The cost of past service purchased by an employing agency for its employees may be amortized over *the* ~~such~~ period of time ~~as is~~ provided in the agreement, but not to exceed 15 years, calculated in accordance with rule 60S-1.007(5)(f), Florida Administrative Code.

6. ~~5.~~ The retirement account of each member for whom past service is being provided by his or her employer shall be credited with all past service the employer agrees to purchase as soon as the agreement between the employer and the department is executed. ~~Pursuant thereto:~~

a. Each ~~such~~ member's account shall also be posted with the total contribution his or her employer agrees to make *on* ~~in~~ the member's behalf for past service earned *before* ~~prior to~~ October 1, 1975, excluding those contributions representing the employer's matching share and the compound interest calculation on the total contribution. However, a portion of any contributions paid by an employer for past service credit earned on and after October 1, 1975, may not be posted to *the* ~~a~~ member's account.

b. A refund of contributions payable after an employer has made a written agreement to purchase past service for employees of the covered group *includes* ~~shall include~~ contributions for past service which are posted to *the* ~~a~~ member's account. However, contributions for past service earned on and after October 1, 1975, are not refundable.

Section 9. Subsections (9), (13), and (14) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(a) Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that does not participate in a state-administered retirement system and ~~may~~ receive compensation from that employment without limiting or restricting in any way the retirement benefits payable to that person.

(b)~~1.~~ Any person *whose retirement is effective before July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates before July 1, 2010,* ~~who is retired under this chapter~~, except under the disability retirement provisions of subsection (4) *or as provided in s. 121.053*, may be reemployed by *an* ~~any private or public~~ employer *that participates in a state-administered retirement system* ~~after retirement~~ and receive retirement benefits and compensation from *that* ~~his or her~~ employer without any limitations, except that *the* ~~a~~ person may not *be reemployed by an employer* ~~receive both a salary from reemployment with any agency~~ participating in the Florida Retirement System *before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer* and retirement benefits ~~under this chapter~~ for ~~a period of~~ 12 *calendar* months immediately subsequent to the date of retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. ~~2.~~ *A retiree* ~~Any person to whom the limitation in subparagraph 1. applies~~ who violates such reemployment limitation ~~and who is reemployed with any agency participating in the Florida Retirement System~~ before completion of the 12-month limitation period *must* ~~shall~~ give timely notice of this fact in writing to the employer and to the Division *of Retirement or the state board* and shall have his or her retirement benefits suspended for *the months employed or* the balance of the 12-month limitation period *as required in sub-subparagraphs b. and c. A retiree* ~~Any person~~ employed in violation of this paragraph and *an employer who* ~~any employing agency which knowingly~~ employs or appoints such person *are* ~~without notifying the Division of Retirement to suspend retirement benefits shall be~~ jointly and severally liable for reimbursement to the retirement trust fund*, including the Florida Retirement System Trust Fund and the Public employee Optional Retirement Program Trust Fund, from which the benefits were paid* ~~of any benefits paid during the reemployment limitation period~~. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. ~~Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and~~ Retirement benefits shall remain suspended until ~~such~~ repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

a. ~~3.~~ A district school board may reemploy a *retiree* ~~retired member~~ as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker on a noncontractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. A district school board may reemploy a *retiree* ~~retired member~~ as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. Any ~~other retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. District school boards reemploying such teachers, education paraprofessionals, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph *2.* ~~7.~~

b. ~~4.~~ A community college board of trustees may reemploy a *retiree* ~~retired member~~ as an adjunct instructor~~, that is, an instructor who is noncontractual and part-time,~~ or as a participant in a phased retirement program within the Florida Community College System, after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. *A* ~~Any retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph *2.* ~~7.~~ A *retiree* ~~retired member~~ may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of retirement. *A retiree* ~~Any retired member~~ reemployed for more than 780 hours during the first 12 months of retirement *must* ~~shall~~ give timely notice in writing to the employer and to the Division *of Retirement or the state board* of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the ~~first~~ 12 months of retirement. Any *retiree* ~~person~~ employed in violation of this *sub-subparagraph* ~~subparagraph~~ and any *employer who* ~~employing agency which knowingly~~ employs or appoints such person without notifying the division ~~of Retirement~~ to suspend retirement benefits *are* ~~shall be~~ jointly and severally liable for ~~reimbursement to the retirement trust fund of~~ any benefits paid during the reemployment limitation period. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by *the retiree* ~~a retired member~~ while reemployed in excess of 780 hours during the first 12 months of retirement *must* ~~shall~~ be repaid to the *Florida* Retirement

System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the *retiree's* ~~retired member's~~ first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

c. ~~5.~~ The State University System may reemploy a *retiree* ~~retired member~~ as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the *retiree* ~~retired member~~ has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. *A* ~~Any retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph *2.* ~~7.~~, as appropriate. A *retiree* ~~retired member~~ may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his or her retirement. *A retiree* ~~Any retired member~~ reemployed for more than 780 hours during the first 12 months of retirement *must* ~~shall~~ give timely notice in writing to the employer and to the Division *of Retirement or the state board* of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the ~~first~~ 12 months ~~of retirement~~. Any *retiree* ~~person~~ employed in violation of this *sub-subparagraph* ~~subparagraph~~ and any *employer who* ~~employing agency which knowingly~~ employs or appoints such person without notifying the division ~~of Retirement~~ to suspend retirement benefits *are* ~~shall be~~ jointly and severally liable for ~~reimbursement to the retirement trust fund of~~ any benefits paid during the reemployment limitation period. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by *the retiree* ~~a retired member~~ while reemployed in excess of 780 hours during the first 12 months of retirement *must* ~~shall~~ be repaid to the *Florida* Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the *retiree's* ~~retired member's~~ first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

d. ~~6.~~ The Board of Trustees of the Florida School for the Deaf and the Blind may reemploy a *retiree* ~~retired member~~ as a substitute teacher, substitute residential instructor, or substitute nurse on a noncontractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. Any ~~retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The Board of Trustees of the Florida School for the Deaf and the Blind reemploying such teachers, residential instructors, or nurses is subject to the retirement contribution required by subparagraph *2.* ~~7. Reemployment of a retired member as a substitute teacher, substitute residential instructor, or substitute nurse is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.~~

e. A developmental research school may reemploy a retiree as a substitute or hourly teacher or an education paraprofessional as defined in s. 1012.01(2) on a noncontractual basis after he or she has been retired for 1 calendar month. A developmental research school may reemploy a retiree as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids his or her application for retirement benefits. A developmental research school that reemploys retired teachers and education paraprofessionals is subject to the retirement contribution required by subparagraph 2.

f. A charter school may reemploy a retiree as a substitute or hourly teacher on a noncontractual basis after he or she has been retired for 1 calendar month. A charter school may reemploy a retired member as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids his or her application for retirement benefits. A charter school that reemploys such teachers is subject to the retirement contribution required by subparagraph 2.

2. ~~7.~~ The employment ~~by an employer~~ of *a* ~~any~~ retiree or DROP participant of *a* ~~any~~ state-administered retirement system *does not affect* ~~shall have no effect on~~ the average final compensation or years of creditable service of the retiree or DROP participant. *Before* ~~Prior to~~ July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who *is* ~~has been~~ retired under *a* ~~any~~ state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for retirees *who have* ~~with~~ renewed membership or*, as provided in* subsection (13)*, for* ~~with respect to~~ DROP participants.

~~8. Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office eligible for the Elected Officers' Class on or after July 1, 1990, shall be enrolled in the Florida Retirement System as provided in s. 121.053(1)(b) or, if holding an elective public office that does not qualify for the Elected Officers' Class on or after July 1, 1991, shall be enrolled in the Florida Retirement System as provided in s. 121.122, and shall continue to receive retirement benefits as well as compensation for the elected officer's service for as long as he or she remains in elective office. However, any retired member who served in an elective office prior to July 1, 1990, suspended his or her retirement benefit, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.~~

3. ~~9.~~ Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office *if*~~, provided that~~ he or she *terminates* ~~shall be required to terminate~~ his or her nonelected covered employment. *Such* ~~Any person who exercises this election~~ shall receive his or her retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection. *A* ~~No~~ person who seeks to exercise the provisions of this subparagraph~~,~~ as *they* ~~the same~~ existed *before* ~~prior to~~ May 3, 1984, *may not be* ~~shall be~~ deemed to be retired under those provisions, unless such person is eligible to retire under ~~the provisions of~~ this subparagraph, as amended by chapter 84-11, Laws of Florida.

~~10. The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.~~

~~11. An employing agency may reemploy a retired member as a firefighter or paramedic after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The employing agency reemploying such firefighter or paramedic is subject to the retired contribution required in subparagraph 8. Reemployment of a retired firefighter or paramedic is limited to no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement~~

~~benefits shall be jointly and severally liable for reimbursement to the Retirement System Trust Fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780 hour reemployment limitation.~~

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, except as provided under the disability retirement provisions of subsection (4) or under s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer without limitation, except that the person may not be reemployed by an employer participating in the Florida Retirement System for 6 calendar months immediately subsequent to the date of retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13). A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system.

1. The reemployed retiree may not renew membership in the Florida Retirement System.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.

(d) ~~(c)~~ The provisions of this subsection apply to retirees, as defined in s. 121.4501(2)~~(j)~~, of the Public Employee Optional Retirement Program ~~created in part II~~, subject to the following conditions:

1. *The* ~~Such~~ retirees may not be reemployed with an employer participating in the Florida Retirement System ~~as provided in paragraph (b)~~ until such person has been retired for *6* ~~3~~ calendar months~~, unless the participant has reached the normal retirement requirements of the defined benefit plan as provided in s. 121.021(29)~~.

2. *A* ~~Such~~ retiree employed in violation of this subsection and *an employer* ~~any employing agency~~ that ~~knowingly~~ employs or appoints such person *are* ~~shall be~~ jointly and severally liable for reimbursement of any benefits paid to the retirement trust fund from which the benefits were paid, including the Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. *The employer* ~~To avoid liability, such employing agency~~ must have a written statement from the retiree that he or she is not retired from a state-administered retirement system.

(e) The limitations of this subsection apply to reemployment in any capacity irrespective of the category of funds from which the person is compensated.

And the title is amended as follows:

Delete lines 3-50 and insert: redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for the Elected Officers' Class; revising when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to a retiree's participation in the Elected Officers' Class; providing that a retiree who is elected after a certain date may not reenroll in the Florida Retirement System and may not continue to earn interest on his or her DROP account after the end of the 60-month DROP period; amending s. 121.055, F.S.; providing that a retiree of that class who is reemployed as an elected official may not renew membership in the Senior Management Class or the Senior Management Annuity Program; revising provisions relating to de minimis accounts; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to employment after retirement; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; providing that retirees of a state-administered retirement system who retire after a certain date may not be reemployed by an employer participating in the Florida Retirement System for 6 months and may not renew membership in the Florida Retirement System; revising

MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senator King moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (232276)—Delete lines 105-111 and insert:

1. For DROP effective dates occurring before July 1, 2010, if ~~in the event~~ the ~~Deferred Retirement Option Program~~ participant *is* ~~should be~~ employed by any such employer within the next calendar month, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence shall constitute a continuation of the employment relationship.

2. For DROP effective dates occurring on or after July 1,

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following substitute amendment:

Amendment 3 (171224) (with title amendment)—Delete lines 115-1387 and insert:

(10) "Employer" means any agency, branch, department, institution, university, institution of higher education, or board of the state, or any county agency, branch, department, board, district school board, *municipality, metropolitan planning organization,* or special district of the state~~, or any city of the state~~ which participates in the system for the benefit of certain of its employees, or a charter school or charter technical career center that participates as provided in s. 121.051(2)(d). *Employers are not agents of the department, the state board, or the Division of Retirement, and the department, the state board, and the division are not responsible for erroneous information provided by representatives of employers.*

(11) "Officer or employee" means any person receiving salary payments for work performed in a regularly established position and, if employed by a *municipality* ~~city~~, a metropolitan planning organization, or a special district, employed in a covered group. *The term does not apply to state employees covered by a leasing agreement under s. 110.191, other public employees covered by a leasing agreement, or a co-employer relationship.*

(18) "Past service" of any member, as provided in s. 121.081(1), means the number of years and complete months and any fractional part of a month, recognized and credited by an employer and approved by the administrator, during which the member was in the active employ of *a governmental* ~~an~~ employer *and for which the employee is not entitled to a benefit before* ~~prior to~~ his or her date of participation.

(29) "Normal retirement date" means the ~~first day of any month following the~~ date a member attains *normal retirement age and is vested, which is determined as follows* ~~one of the following statuses~~:

(a) If a Regular Class member, *a Senior Management Service Class member, or an Elected Officers' Class* ~~the~~ member:

1. *The first day of the month the member* completes 6 or more years of creditable service and attains age 62; or

2. *The first day of the month following the date the member* completes 30 years of creditable service, regardless of age~~, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system~~.

(b) If a Special Risk Class member~~, the member~~:

1. *The first day of the month the member* completes 6 or more years of creditable service in the Special Risk Class and attains age 55;

2. *The first day of the month following the date the member* completes 25 years of creditable service in the Special Risk Class, regardless of age; or

3. *The first day of the month following the date the member* completes 25 years of creditable service and attains age 52, which service may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

~~(c) If a Senior Management Service Class member, the member:~~

~~1. Completes 6 years of creditable service in the Senior Management Service Class and attains age 62; or~~

~~2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.~~

~~(d) If an Elected Officers' Class member, the member~~:

~~1. Completes 6 years of creditable service in the Elected Officers' Class and attains age 62; or~~

~~2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.~~

"Normal retirement age" is attained on the "normal retirement date."

(39)(a) "Termination" occurs, except as provided in paragraph (b), when a member ceases all employment relationships with *an employer, however:* ~~employers under this system, as defined in subsection (10), but in the event~~

1. For retirements effective before July 1, 2010, if a member *is* ~~should be~~ employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence *constitutes* ~~shall constitute~~ a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination ~~for a member,~~ if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or *state* board may require other evidence of termination as it deems necessary.

2. For retirements effective on or after July 1, 2010, if a member is employed by any such employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

(b) "Termination" for a member electing to participate *in* ~~under~~ the Deferred Retirement Option Program occurs when the ~~Deferred Retirement Option~~ program participant ceases all employment relationships with *an employer* ~~employers under this system~~ in accordance with s. 121.091(13), *however:* ~~but~~

1. For termination dates occurring before July 1, 2010, if ~~in the event~~ the ~~Deferred Retirement Option Program~~ participant *is* ~~should be~~ employed by any such employer within the next calendar month, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence shall constitute a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if the participant becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

(52) "Regularly established position" *means* ~~is defined as follows~~:

(a) *With respect to* ~~In~~ a state *employer* ~~agency~~, ~~the term means~~ a position *that* ~~which~~ is authorized and established pursuant to law and is compensated from a salaries *and benefits* appropriation pursuant to s. 216.011(1)*(mm)* ~~(dd)~~, or an established position *that* ~~which~~ is authorized pursuant to s. 216.262(1)(a) and (b) and is compensated from a salaries account as provided *in s. 216.011(1)(nn)* ~~by rule~~.

(b) *With respect to* ~~In~~ a local *agency employer* ~~agency~~ (district school board, county agency, community college, *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district), ~~the term means~~ a regularly established position *that* ~~which~~ will be in existence for a period beyond 6 consecutive months, except as provided by rule.

(53) "Temporary position" *means* ~~is defined as follows~~:

(a) *With respect to* ~~In~~ a state *employer* ~~agency~~, *a* ~~the term means an employment~~ position *that* ~~which~~ is compensated from an other personal services (OPS) account~~,~~ as provided ~~for~~ in s. 216.011(1)(dd).

(b) *With respect to* ~~In~~ a local *agency employer* ~~agency~~, *a* ~~the term means an employment~~ position *that* ~~which~~ will exist for less than 6 consecutive months, or other ~~employment~~ position as determined by rule of the division, regardless of whether it will exist for 6 consecutive months or longer.

(63) "State board" means the State Board of Administration.

(64) "Trustees" means the Board of Trustees of the State Board of Administration.

Section 2. Subsection (6) is added to section 121.031, Florida Statutes, to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(6) Unless prior written approval is obtained from the department or state board, any promotional materials or advertisements that, directly or indirectly, refer to the "Florida Retirement System" or the "FRS" must contain a disclaimer that the information is not approved or endorsed by the Florida Retirement System.

Section 3. Paragraph (a) of subsection (1) and paragraphs (c) and (f) of subsection (2) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(a) *Participation in the Florida Retirement System is* ~~The provisions of this law shall be~~ compulsory *for* ~~as to~~ all officers and employees, except elected officers who meet the requirements of s. 121.052(3), who are employed on or after December 1, 1970, *by* ~~of~~ an employer other than

those referred to in paragraph (2)(b).~~, and~~ Each officer or employee, as a condition of employment, *becomes* ~~shall become~~ a member of the system *on the* ~~as of his or her~~ date of employment, except that a person who is retired from any state retirement system and is reemployed on or after December 1, 1970, may not renew his or her membership in any state retirement system except as provided in s. 121.091(4)(h) for a person who recovers from disability, ~~and~~ as provided in *s. 121.053* ~~s. 121.091(9)(b)8.~~ for a person who is elected to public office, and, effective July 1, 1991, as provided in s. 121.122 for all other retirees.

1. Officers and employees of the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, employed on and after July 1, 1979, *may* ~~shall~~ not participate in any state-supported retirement system.

2. ~~1.~~ Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan *adopted* ~~provided~~ by rule ~~adopted~~ by the Board of Regents may not participate in the Florida Retirement System. Effective July 1, 2008, any person appointed ~~thereafter~~ to a faculty position, including clinical faculty, in a college at a state university that has a faculty practice plan authorized by the Board of Governors may not participate in the Florida Retirement System. A faculty member so appointed shall participate in the optional retirement program for the State University System notwithstanding ~~the provisions of~~ s. 121.35(2)(a).

~~2.~~ For purposes of this *subparagraph* ~~paragraph~~, the term*:*

a. "Faculty position" *means* ~~is defined as~~ a position assigned the principal responsibility of teaching, research, or public service activities or administrative responsibility directly related to the academic mission of the college. ~~The term~~

b. "Clinical faculty" *means* ~~is defined as~~ a faculty position appointment in conjunction with a professional position in a hospital or other clinical environment at a college. ~~The term~~

c. "Faculty practice plan" includes professional services to patients, institutions, or other parties which are rendered by the clinical faculty employed by a college that has a faculty practice plan at a state university authorized by the Board of Governors.

(2) OPTIONAL PARTICIPATION.—

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, ~~as~~ designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and ~~in~~ s. 1012.875 may ~~elect~~, in lieu of participating in the Florida Retirement System, *elect* to withdraw from the ~~Florida Retirement~~ system altogether and participate in *the State Community College System* ~~an~~ Optional Retirement Program provided by the employing agency under s. 1012.875~~, to be known as the State Community College System Optional Retirement Program~~. ~~Pursuant thereto:~~

1. Through June 30, 2001, the cost to the employer for such annuity *equals* ~~shall equal~~ the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class defined benefit program, plus the portion of the contribution rate required by s. 112.363(8) *which* ~~that~~ would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct an amount ~~to provide~~ for the administration of the ~~optional retirement~~ program. The employer ~~providing the optional program~~ shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in ~~such~~ an optional retirement program *is* ~~shall be~~ irrevocable ~~for~~ as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System *is* ~~shall be~~ retained after the member withdraws from the ~~Florida Retirement~~ system; however, additional service credit in the ~~Florida Retirement~~ system *may* ~~shall~~ not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, ~~to choose~~ to transfer from the optional retirement program to the defined benefit program of the Florida Retirement System or to the Public Employee Optional Retirement Program, subject to the terms of the applicable optional retirement program contracts.

a. If the employee chooses to move to the Public Employee Optional Retirement Program, any contributions, interest, and earnings creditable to the employee under the State Community College System Optional Retirement Program *is* ~~shall be~~ retained by the employee in the State Community College System Optional Retirement Program, and the applicable provisions of s. 121.4501(4) ~~shall~~ govern the election.

b. If the employee chooses to move to the defined benefit program of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the State Community College System Optional Retirement Program.

(I) The cost for such credit *is the* ~~shall be an~~ amount representing the present value of *the* ~~that~~ employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee *becomes* ~~would become~~ eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. The calculation *must* ~~shall~~ include any service already maintained under the defined benefit plan in addition to the years under the State Community College System Optional Retirement Program. The present value of any service already maintained *must* ~~under the defined benefit plan shall~~ be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her State Community College System Optional Retirement Program account and from other employee moneys as necessary, a sum representing the present value of *the* ~~that~~ employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the State Community College System Optional Retirement Program.

4. Participation in the optional retirement program *is* ~~shall be~~ limited to ~~those~~ employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and~~:~~

~~(A)~~ the duties and responsibilities of the position include ~~either~~ the formulation, interpretation, or implementation of policies*,* ~~;~~ or

~~(B) The duties and responsibilities of the position include~~ the performance of functions that are unique or specialized within higher education and that frequently ~~involve the~~ support ~~of~~ the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

5. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System

under ss. 121.091(9), 121.122, and 121.091(5), respectively. *A participant who receives a program distribution funded by employer contributions shall be deemed to be retired from a state-administered retirement system if the participant is subsequently employed with an employer that participates in the Florida Retirement System.*

6. Eligible community college employees *are* ~~shall be~~ compulsory members of the Florida Retirement System until, pursuant to ~~the procedures set forth in~~ s. 1012.875, a written election to withdraw from the ~~Florida Retirement~~ system and ~~to~~ participate in the State Community College System Optional Retirement Program is filed with the program administrator and received by the division.

a. *A* ~~Any~~ community college employee whose program eligibility results from initial employment *must* ~~shall~~ be enrolled in the State Community College System Optional Retirement Program retroactive to the first day of eligible employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the community college *to* ~~for~~ the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. *A* ~~Any~~ community college employee whose program eligibility *is* ~~results from a change in status~~ due to the subsequent designation of the employee's position as one of those specified in subparagraph 4*.,* or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4*., must* ~~shall~~ be enrolled in the program *on* ~~upon~~ the first day of the first full calendar month that such change in status becomes effective. The employer retirement contributions paid from the effective date through the month of the employee plan change *must* ~~shall~~ be transferred to the community college *to* ~~for~~ the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any participant of the State Community College System Optional Retirement Program who has service credit in the defined benefit plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the defined benefit plan to the optional retirement program and the actual date of transfer may, during ~~his or her~~ employment, ~~elect to~~ transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for *the* ~~such~~ period of service credit. Upon ~~such~~ transfer, all ~~such~~ service credit previously earned under the defined benefit program of the Florida Retirement System during this period *is* ~~shall be~~ nullified for purposes of entitlement to a future benefit under the defined benefit program of the Florida Retirement System.

(f)1. *If* ~~Whenever~~ an employer that participates in the Florida Retirement System undertakes the transfer, merger, or consolidation of governmental services or *assumes the* functions *and activities of an employing governmental entity that was not an employer under the system*, the employer must notify the department at least 60 days *before* ~~prior to~~ such action and ~~shall~~ provide documentation as required by the department. *The transfer, merger, or consolidation of governmental services or assumption of governmental functions and activities must occur between public employers. The current or former employer may pay the employees' past service cost, unless prohibited under this chapter. This subparagraph does not apply to the transfer, merger, or consolidation of governmental services or assumption of functions and activities of a public entity under a leasing agreement having a co-employer relationship. Employers and employees of a public governmental employer whose service is covered by a leasing agreement under s. 110.191, any other leasing agreement, or a co-employer relationship are not eligible to participate in the Florida Retirement System.*

2. *If* ~~When~~ the agency to which a member's employing unit is transferred, merged, or consolidated does not participate in the Florida Retirement System, a member *may* ~~shall~~ elect in writing to remain in the Florida Retirement System or to transfer to the local retirement system operated by *the* ~~such~~ agency. If *the* ~~such~~ agency does not participate in a local retirement system, the member shall continue membership in the Florida Retirement System. In either case, ~~the~~ membership *continues* ~~shall continue~~ for as long as the member is employed by the agency to which his or her unit was transferred, merged, or consolidated.

Section 4. Paragraph (f) of subsection (2) and paragraph (e) of subsection (3) of section 121.052, Florida Statutes, are amended to read:

121.052 Membership class of elected officers.—

(2) MEMBERSHIP.—The following holders of elective office, hereinafter referred to as "elected officers," whether assuming elective office by election, reelection, or appointment, are members of the Elected Officers' Class, except as provided in subsection (3):

(f) Any elected officer of a municipality or special district *assuming office* on ~~or after~~ July 1, 1997, *through June 30, 2009,* as provided in paragraph (3)(e). *On or after January 1, 2010, an elected officer shall become a member only if the governing body of the municipality or special district, at the time it joins the Florida Retirement System for its elected officers, elects, by majority vote, to include all its elected positions in the Elected Officers' Class.*

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) ~~Effective July 1, 2001,~~ The governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class *as follows*.

1. Effective July 1, 1997, such election must be made between July 1, 1997, and December 31, 1997, and is irrevocable. The designation of such positions is effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

2. Effective July 1, 2001, such election *must* ~~shall~~ be made between July 1, 2001, and December 31, 2001, and *is* ~~shall be~~ irrevocable. The designation of such positions *is* ~~shall be~~ effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

3. Effective July 1, 2009, such election must be made between July 1, 2009, and December 31, 2009, and is irrevocable. The designation of such positions is effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

Section 5. Section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)~~(a)~~ *A* ~~Any~~ member who retired under *an* ~~any~~ existing system as defined in s. 121.021~~(2),~~ and receives a *retirement* benefit ~~thereof~~, and who *subsequently* serves in an office covered by the Elected Officers' Class for a period of at least 6 years, *is* ~~shall be~~ entitled to receive an additional retirement benefit for ~~such~~ elected officer service *completed before* ~~prior to~~ July 1, 1990, under the Elected Officers' Class of the Florida Retirement System, as follows:

(a) ~~1.~~ Upon completion of 6 or more years of creditable service in an office covered by the Elected Officers' Class, ~~s. 121.052,~~ such member shall notify the administrator of his or her intent to purchase elected officer service *completed before* ~~prior to~~ July 1, 1990, and shall pay the member contribution applicable for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund; however, such member may purchase retirement credit under the Elected Officers' Class only for ~~such~~ service as an elected officer.

(b) ~~2.~~ Upon payment of the amount specified in *paragraph (a)* ~~subparagraph 1.~~, the employer shall pay into the Florida Retirement System Trust Fund the applicable employer contribution for the period of elected officer service *completed before* ~~prior to~~ July 1, 1990, ~~being claimed by the member,~~ plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund.

(2) ~~(b)~~ *A* ~~Any~~ retired member of the Florida Retirement System, or *an* ~~any~~ existing system as defined in s. 121.021~~(2)~~, who, *beginning* ~~on or after~~ July 1, 1990, *through June 30, 2010, serves in* ~~is serving in, or is elected or appointed to,~~ an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). ~~Pursuant thereto:~~

(a) ~~1.~~ *The* ~~Any such retired~~ member *may* ~~shall be eligible to~~ continue to receive retirement benefits as well as compensation for the elected officer service *if* ~~for as long as~~ he or she remains in an elective office covered by the Elected Officers' Class.

(b) ~~2.~~ If *the* ~~any such~~ member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she *is* ~~shall be~~ entitled to receive an additional retirement benefit for *the* ~~such~~ elected officer service.

(c) ~~3.~~ *The* ~~Such~~ member *is* ~~shall be~~ entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class *before* ~~prior to~~ July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position *before* ~~prior to~~ July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, *is* ~~shall be~~ the difference between *the* ~~such~~ contribution and the total applicable contribution for the period being claimed, plus interest. The employer ~~of such member~~ may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service. *Any retiree who served in an elective office before July 1, 1990, suspended his or her retirement benefits, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.*

(d) ~~4.~~ Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions *of* ~~in~~ s. 121.122 may be used in conjunction with creditable service earned under this *subsection* ~~paragraph~~, *if* ~~provided~~ applicable vesting requirements and other existing statutory conditions required by this chapter are met.

~~5. An elected officer who is elected or appointed to an elective office and is participating in the Deferred Retirement Option Program is not subject to termination as provided in s. 121.021(39)(b), or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds such an elective office, as follows:~~

~~a. At the end of the 60-month DROP period:~~

~~(I) The officer's DROP account shall accrue no additional monthly benefits, but shall continue to earn interest as provided in s. 121.091(13).~~

~~(II) No Retirement contributions shall be required of the employer of the elected officer and no additional retirement credit shall be earned under the Florida Retirement System.~~

~~b. Nothing herein shall prevent An elected officer from voluntarily terminating his or her elective office at any time and electing to receive his or her DROP proceeds. However, until termination requirements are fulfilled as provided in s. 121.021(39), any elected officer whose termination limitations are extended by this section shall be ineligible for renewed membership in the system and shall receive no pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.~~

~~c. Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which shall be paid on a prospective basis only.~~

However, an officer electing to participate in the Deferred Retirement Option Program on or before June 30, 2002, *is* ~~shall~~ not ~~be~~ required to terminate and *remains* ~~shall remain~~ subject to the provisions of this *paragraph* ~~subparagraph~~ as adopted in section 1 of chapter 2001-235, Laws of Florida.

(3) On or after July 1, 2010:

(a) A retiree of a state-administered retirement system who is elected or appointed for the first time to an elective office in a regularly established position with a covered employer may not reenroll in the Florida Retirement System.

(b) An elected officer who is elected or appointed to an elective office and is participating in the Deferred Retirement Option Program is subject to termination as defined in s. 121.021 upon completion of his or her DROP participation period. An elected official may defer termination as provided in paragraph (2)(e).

(4) ~~(2)~~ Upon attaining his or her normal retirement date and ~~payment of the amount specified in paragraphs (1)(a) and (b)~~, and upon application to the administrator of the intent to retire, *a* ~~the~~ member *qualifying under subsection (1) or subsection (2)* shall receive a monthly benefit under this section, in addition to any benefits already being received, which shall commence on the last day of the month of retirement and be payable on the last day of the month thereafter during his or her lifetime. The amount of *the* ~~such~~ monthly benefit *is* ~~shall be~~ the total percentage of retirement credit purchased under this section multiplied by the member's average monthly compensation as an elected officer, adjusted according to the option selected at retirement under s. 121.091(6).

(5) ~~(3)~~ Any renewed member, as described in subsection (1) *or subsection (2)*, who is not receiving the maximum health insurance subsidy provided in s. 112.363 *is* ~~shall be~~ entitled to earn additional credit toward the maximum health insurance subsidy. Any additional subsidy due because of such additional credit *may* ~~shall~~ be received only at the time of payment of the second career retirement benefit. ~~In no case shall~~ The total health insurance subsidy received ~~by a retiree receiving benefits~~ from initial and renewed membership *may not* exceed the maximum allowed in s. 112.363.

(6) ~~(4)~~ *A* ~~No~~ retired judge consenting to temporary duty in any court, as assigned by the Chief Justice of the Supreme Court in accordance with s. 2, Art. V of the State Constitution, *is not* ~~shall be~~ subject to the renewed membership provisions of this section.

(7) A member who is elected or appointed to an elective office and who is participating in the Deferred Retirement Option Program is not subject to termination as defined in s. 121.021, or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds an elective office, as follows:

(a) At the end of the 60-month DROP period:

1. The officer's DROP account may not accrue additional monthly benefits, but does continue to earn interest as provided in s. 121.091(13). However, an officer whose DROP participation begins on or after July 1, 2010, may not continue to earn such interest.

2. Retirement contributions are not required of the employer of the elected officer and additional retirement credit may not be earned under the Florida Retirement System.

(b) An elected officer may voluntarily terminate his or her elective office at any time and receive his or her DROP proceeds. However, until termination occurs, an elected officer whose termination limitations are extended by this section is ineligible for renewed membership in the system and may not receive pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.

(c) Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which must be paid on a prospective basis only.

Section 6. Paragraph (f) of subsection (1) and paragraphs (c) and (e) of subsection (6) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(f) Effective July 1, 1997:

1. *Except as provided in subparagraph 3., an* ~~any~~ elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. *Except as provided in subparagraph 3., an* ~~any~~ elected ~~county~~ officer *of a local agency employer* eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected ~~county~~ officers *of a local agency employer*, elect to *withdraw from the Florida Retirement System* ~~participate in a lifetime monthly annuity program~~, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

3. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, as an elected official eligible for the Elected Officers' Class may not renew membership in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program as provided in subsection (6), and may not withdraw from the Florida Retirement System as a renewed member as provided in subparagraph (b)2., as applicable, in lieu of membership in the Senior Management Service Class.

(6)

(c) Participation.—

1. *An* ~~any~~ eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participation in the Senior Management Service Class. Such election *must* ~~shall~~ be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. *An* ~~Any~~ eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. *Except as provided in subparagraph 6., an* ~~Any~~ employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of *commencing* ~~commencement of~~ employment, elect to participate in the optional annuity program. Such election *must* ~~shall~~ be made in writing and filed with the personnel officer of the employer. *An* ~~Any~~ eligible employee who does not within 90 days after *commencing* ~~commencement of such~~ employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is appointed to a position in the Senior Management Service Class and who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System may elect to remain in such system or class in lieu of participation in the Senior Management Service Class or optional annuity program. Such election *must* ~~shall~~ be made in writing and filed with the department and the personnel officer of the employer within 90 days of such appointment. Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

4. Except as provided in subparagraph 5., an employee's election to participate in the optional annuity program is irrevocable *if the* ~~as long as such~~ employee continues to be employed in an eligible position and continues to meet the eligibility requirements set forth in this paragraph.

5. Effective from July 1, 2002, through September 30, 2002, any active employee in a regularly established position who has elected to participate in the Senior Management Service Optional Annuity Program has one opportunity to choose to move from the Senior Management Service Optional Annuity Program to the Florida Retirement System defined benefit program.

a. The election must be made in writing and must be filed with the department and the personnel officer of the employer before October 1, 2002, or, in the case of an active employee who is on a leave of absence on July 1, 2002, within 90 days after the conclusion of the leave of absence. This election is irrevocable.

b. The employee *shall* ~~will~~ receive service credit under the defined benefit program of the Florida Retirement System equal to his or her years of service under the Senior Management Service Optional Annuity Program. The cost for such credit *is the* ~~shall be an~~ amount representing the present value of that employee's accumulated benefit obligation for the affected period of service.

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. ~~In no case may~~ The employee *may not* retain any employer contributions or earnings thereon from the Senior Management Service Optional Annuity Program account.

6. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, may not renew membership in the Senior Management Service Optional Annuity Program.

(e) Benefits.—

1. Benefits ~~shall be payable~~ under the Senior Management Service Optional Annuity Program *are payable* only to participants in the program, or their beneficiaries as designated by the participant in the contract with *the* ~~a~~ provider company, and *must* ~~such benefits shall~~ be paid by the designated company in accordance with the terms of the annuity contract ~~or contracts~~ applicable to the participant. A participant must be terminated from all employment *relationships* with ~~all~~ Florida Retirement System employers as provided in s. 121.021(39) to begin receiving the employer-funded benefit. Benefits funded by employer contributions *are* ~~shall be~~ payable *under the terms of the contract* ~~only as a lifetime annuity~~ to the participant, his or her beneficiary, or his or her estate, *in addition to* ~~except for~~:

a. A lump-sum payment to the beneficiary upon the death of the participant;

b. A cash-out of a de minimis account upon the request of a former participant who has been terminated for a minimum of 6 *calendar* months from the employment that entitled him or her to optional annuity program participation. ~~A de minimis account is an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter.~~ Such cash-out must be a complete liquidation of the account balance with that company and is subject to ~~the provisions of~~ the Internal Revenue Code; ~~or~~

c. A mandatory distribution of a de minimis account of a former participant who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation as authorized by the department; or

d. ~~c.~~ A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant.

2. The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, *are* ~~shall~~ not ~~be~~ subject to assignment, execution, or attachment or to any legal process whatsoever.

3. *Except as provided in subparagraph 4.,* a participant who *terminates employment and* receives *a distribution, including a rollover or trustee-to-trustee transfer,* ~~optional annuity program benefits~~ funded by employer contributions shall be deemed to be retired from a state-administered retirement system *if the participant is subsequently employed with an* ~~in the event of subsequent employment with any~~ employer that participates in the Florida Retirement System.

4. A participant who receives optional annuity program benefits funded by employer contributions as a mandatory distribution of a de minimis account authorized by the department is not considered a retiree.

As used in this paragraph, a "de minimis account" means an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under this chapter.

Section 7. Paragraph (a) of subsection (6) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(6)(a) Required employee contributions for all service other than current service, including, but not limited to, prior service, past service, military service, leave-of-absence service, out-of-state service, and certain non-Florida Retirement System in-state service, shall be paid by cash, personal check, cashier's check, ~~or~~ money order*, or a direct rollover or transfer from a qualified plan as provided under the Internal Revenue Code. The payment must* ~~only; shall~~ be accompanied by a statement identifying the service for which payment is made~~;~~ and shall be made in a lump sum for the total amount due or in annual payments of not less than $100, except for the final payment if less than $100, unless another method of payment is authorized by law or rule.

Section 8. Paragraphs (a), (b), (e), (f), and (h) of subsection (1) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)(a) Past service, as defined in s. 121.021~~(18)~~, may be claimed as creditable service by officers or employees of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district *who* ~~that~~ become a covered group under this system. The governing body of a covered group in compliance with s. 121.051(2)(b) may elect to provide benefits *for* ~~with respect to~~ past service earned *before* ~~prior to~~ January 1, 1975, in accordance with this chapter, and the cost for such past service *is* ~~shall be~~ established by applying the following formula: The member contribution for both regular and special risk members *is* ~~shall be~~ 4 percent of the gross annual salary for each year of past service claimed, plus 4-percent employer matching contribution, plus 4-percent interest thereon compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until July 1, 1975, and 6.5-percent interest compounded annually thereafter until date of payment. Once the total cost for a member has been figured to date, then after July 1, 1975, 6.5-percent compounded interest shall be added each June 30 thereafter on any unpaid balance until the cost of such past service liability is paid in full. The following formula shall be used in calculating past service earned *before* ~~prior to~~ January 1, 1975: (Annual gross salary multiplied by 8 percent) multiplied by the 4-percent or 6.5-percent compound interest table factor, as may be applicable. The resulting product equals cost to date for each particular year of past service.

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district *who become* ~~that becomes~~ a covered group under this system. The governing body of a covered group may elect to provide benefits *for* ~~with respect~~ to past service earned after January 1, 1975, in accordance with this chapter, and the cost for such past service *is* ~~shall be~~ established by applying the following formula: The employer shall contribute an amount equal to the contribution rate in effect at the time the service was earned, multiplied by the employee's gross salary for each year of past service claimed, plus 6.5-percent interest thereon, compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until date of payment.

(e) Past service, as defined in s. 121.021~~(18)~~, may be claimed as creditable service by a member of the Florida Retirement System who formerly was an officer or employee of a *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district, notwithstanding the status or form of the retirement system, if any, of that *municipality* ~~city~~, metropolitan planning organization, *charter school, charter technical career center,* or special district and irrespective of whether *such* officers or employees ~~of that city, metropolitan planning organization, or special district~~ now or hereafter become a covered group under the Florida Retirement System. Such member may claim creditable service and be entitled to the benefits accruing to the regular class of members as provided for the past service claimed under this paragraph by paying into the retirement trust fund an amount equal to the total actuarial cost of providing the additional benefit resulting from such past-service credit, discounted by the applicable actuarial factors to date of retirement.

(f) *If* ~~When~~ any person~~, either prior to this act or hereafter,~~ becomes entitled to and *participates* ~~does participate~~ in one of the retirement systems *under* ~~consolidated within or created by~~ this chapter through the consolidation or merger of governments or the transfer of functions between units of government, ~~either~~ at the state or local level or between state and local units, or through the assumption of functions or activities by a state or local unit from an employing *governmental* entity *that* ~~which~~ was not an employer under the system, and such person becomes a member of the Florida Retirement System, such person *is* ~~shall be~~ entitled to receive past-service credit ~~as defined in s. 121.021(18)~~ for the time *the* ~~such~~ person performed services for, and was an employee of, such state or local unit or other *governmental* employing entity *before* ~~prior to~~ the transfer, merger, consolidation, or assumption of functions and activities. Past-service credit allowed by this paragraph *is* ~~shall~~ also ~~be~~ available to any person who becomes a member of an existing system *before*~~, as defined in s. 121.021(2), prior to~~ December 1, 1970, through the transfer, merger, consolidation, or assumption of functions and activities set forth in this paragraph and who subsequently becomes a member of the Florida Retirement System. However, credit for the past service may not be granted until contributions are made in the manner provided in this subsection. If a person rejected Florida Retirement System membership at the time of the transfer, merger, ~~or~~ consolidation*, or assumption of governmental functions and activities,* the required contributions shall be at total actuarial cost as specified in paragraph (e). Such contributions or accrued interest may not be paid from any *public* ~~state~~ funds.

(h) The following provisions apply to the purchase of past service:

1. Notwithstanding any of the provisions of this subsection, past-service credit may not be purchased under this chapter for any service that is used to obtain a *pension or* benefit from *a* ~~any~~ local retirement system. *Eligibility to receive or the receipt of contributions to a retirement plan made by the employer on behalf of the employee is considered a benefit.*

2. A member may not receive past service credit under paragraphs (a), (b), (e), or (f) for any leaves of absence without pay, except that credit for active military service leaves of absence may be claimed under paragraphs (a), (b), and (f), in accordance with s. 121.111(1).

3. A member may not receive past service credit for co-employer service. Co-employer service or a co-employer relationship is employment in a single position simultaneously covered and reported by both a public employer and a private employer.

4. ~~3.~~ If a member does not *want* ~~desire~~ to receive credit for all of his or her past service, the period the member claims must be the most recent past service prior to his or her participation in the Florida Retirement System.

5. ~~4.~~ The cost of past service purchased by an employing agency for its employees may be amortized over *the* ~~such~~ period of time ~~as is~~ provided in the agreement, but not to exceed 15 years, calculated in accordance with rule 60S-1.007(5)(f), Florida Administrative Code.

6. ~~5.~~ The retirement account of each member for whom past service is being provided by his or her employer shall be credited with all past service the employer agrees to purchase as soon as the agreement between the employer and the department is executed. ~~Pursuant thereto:~~

a. Each ~~such~~ member's account shall also be posted with the total contribution his or her employer agrees to make *on* ~~in~~ the member's behalf for past service earned *before* ~~prior to~~ October 1, 1975, excluding those contributions representing the employer's matching share and the compound interest calculation on the total contribution. However, a portion of any contributions paid by an employer for past service credit earned on and after October 1, 1975, may not be posted to *the* ~~a~~ member's account.

b. A refund of contributions payable after an employer has made a written agreement to purchase past service for employees of the covered group *includes* ~~shall include~~ contributions for past service which are posted to *the* ~~a~~ member's account. However, contributions for past service earned on and after October 1, 1975, are not refundable.

Section 9. Subsections (9), (13), and (14) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(a) Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that does not participate in a state-administered retirement system and ~~may~~ receive compensation from that employment without limiting or restricting in any way the retirement benefits payable to that person.

(b)~~1.~~ Any person *whose retirement is effective before July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates before July 1, 2010,* ~~who is retired under this chapter~~, except under the disability retirement provisions of subsection (4) *or as provided in s. 121.053*, may be reemployed by *an* ~~any private or public~~ employer *that participates in a state-administered retirement system* ~~after retirement~~ and receive retirement benefits and compensation from *that* ~~his or her~~ employer ~~without any limitations~~, except that *the* ~~a~~ person may not *be reemployed by an employer* ~~receive both a salary from reemployment with any agency~~ participating in the Florida Retirement System *before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer* and retirement benefits ~~under this chapter~~ for ~~a period of~~ 12 *calendar* months immediately subsequent to the date of retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. ~~2.~~ *A retiree* ~~Any person to whom the limitation in subparagraph 1. applies~~ who violates such reemployment limitation ~~and who is reemployed with any agency participating in the Florida Retirement System~~ before completion of the 12-month limitation period *must* ~~shall~~ give timely notice of this fact in writing to the employer and to the Division *of Retirement or the state board* and shall have his or her retirement benefits suspended for *the months employed or* the balance of the 12-month limitation period *as required in sub-subparagraphs b. and c. A retiree* ~~Any person~~ employed in violation of this paragraph and *an employer who* ~~any employing agency which knowingly~~ employs or appoints such person *are* ~~without notifying the Division of Retirement to suspend retirement benefits shall be~~ jointly and severally liable for reimbursement to the retirement trust fund*, including the Florida Retirement System Trust Fund and the Public employee Optional Retirement Program Trust Fund, from which the benefits were paid* ~~of any benefits paid during the reemployment limitation period~~. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. ~~Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and~~ Retirement benefits shall remain suspended until ~~such~~ repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

a. ~~3.~~ A district school board may reemploy a *retiree* ~~retired member~~ as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker on a noncontractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. A district school board may reemploy a *retiree* ~~retired member~~ as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. Any ~~other retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. District school boards reemploying such teachers, education paraprofessionals, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph *2.* ~~7.~~

b. ~~4.~~ A community college board of trustees may reemploy a *retiree* ~~retired member~~ as an adjunct instructor~~, that is, an instructor who is noncontractual and part-time,~~ or as a participant in a phased retirement program within the Florida Community College System, after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. *A* ~~Any retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph *2.* ~~7.~~ A *retiree* ~~retired member~~ may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of retirement. *A retiree* ~~Any retired member~~ reemployed for more than 780 hours during the first 12 months of retirement *must* ~~shall~~ give timely notice in writing to the employer and to the Division *of Retirement or the state board* of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the ~~first~~ 12 months of retirement. Any *retiree* ~~person~~ employed in violation of this *sub-subparagraph* ~~subparagraph~~ and any *employer who* ~~employing agency which knowingly~~ employs or appoints such person without notifying the division ~~of Retirement~~ to suspend retirement benefits *are* ~~shall be~~ jointly and severally liable for ~~reimbursement to the retirement trust fund of~~ any benefits paid during the reemployment limitation period. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by *the retiree* ~~a retired member~~ while reemployed in excess of 780 hours during the first 12 months of retirement *must* ~~shall~~ be repaid to the *Florida* Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the *retiree's* ~~retired member's~~ first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

c. ~~5.~~ The State University System may reemploy a *retiree* ~~retired member~~ as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the *retiree* ~~retired member~~ has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. *A* ~~Any retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph *2.* ~~7.~~, as appropriate. A *retiree* ~~retired member~~ may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his or her retirement. *A retiree* ~~Any retired member~~ reemployed for more than 780 hours during the first 12 months of retirement *must* ~~shall~~ give timely notice in writing to the employer and to the Division *of Retirement or the state board* of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the ~~first~~ 12 months ~~of retirement~~. Any *retiree* ~~person~~ employed in violation of this *sub-subparagraph*

~~subparagraph~~ and any *employer who* ~~employing agency which knowingly~~ employs or appoints such person without notifying the division ~~of Retirement~~ to suspend retirement benefits *are* ~~shall be~~ jointly and severally liable for ~~reimbursement to the retirement trust fund of~~ any benefits paid during the reemployment limitation period. *The employer must* ~~To avoid liability, such employing agency shall~~ have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by *the retiree* ~~a retired member~~ while reemployed in excess of 780 hours during the first 12 months of retirement *must* ~~shall~~ be repaid to the *Florida* Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the *retiree's* ~~retired member's~~ first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

d. ~~6.~~ The Board of Trustees of the Florida School for the Deaf and the Blind may reemploy a *retiree* ~~retired member~~ as a substitute teacher, substitute residential instructor, or substitute nurse on a noncontractual basis after he or she has been retired for 1 calendar month~~, in accordance with s. 121.021(39)~~. Any ~~retired~~ member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The Board of Trustees of the Florida School for the Deaf and the Blind reemploying such teachers, residential instructors, or nurses is subject to the retirement contribution required by subparagraph *2.* ~~7.~~ ~~Reemployment of a retired member as a substitute teacher, substitute residential instructor, or substitute nurse is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.~~

e. A developmental research school may reemploy a retiree as a substitute or hourly teacher or an education paraprofessional as defined in s. 1012.01(2) on a noncontractual basis after he or she has been retired for 1 calendar month. A developmental research school may reemploy a retiree as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids his or her application for retirement benefits. A developmental research school that reemploys retired teachers and education paraprofessionals is subject to the retirement contribution required by subparagraph 2.

f. A charter school may reemploy a retiree as a substitute or hourly teacher on a noncontractual basis after he or she has been retired for 1 calendar month. A charter school may reemploy a retired member as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids his or her application for retirement benefits. A charter school that reemploys such teachers is subject to the retirement contribution required by subparagraph 2.

2. ~~7.~~ The employment ~~by an employer~~ of *a* ~~any~~ retiree or DROP participant of *a* ~~any~~ state-administered retirement system *does not affect* ~~shall have no effect on~~ the average final compensation or years of creditable service of the retiree or DROP participant. *Before* ~~Prior to~~ July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who *is* ~~has been~~ retired under *a* ~~any~~ state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for retirees *who have* ~~with~~ renewed membership or*, as provided in* subsection (13)*, for* ~~with respect to~~ DROP participants.

~~8. Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office eligible for the Elected Officers' Class on or after July 1, 1990, shall be enrolled in the Florida Retirement System as provided in s. 121.053(1)(b) or, if holding an elective public office that does not qualify for the Elected Officers' Class on or after July 1, 1991, shall be enrolled in the Florida Retirement System as provided in s. 121.122, and shall continue to receive retirement benefits as well as compensation for the elected officer's service for as long as he or she remains in elective office. However, any retired member who served in an elective office prior to July 1, 1990, suspended his or her retirement benefit, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.~~

3. ~~9.~~ Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office *if*~~, provided that~~ he or she *terminates* ~~shall be required to terminate~~ his or her nonelected covered employment. *Such* ~~Any person who exercises this election~~ shall receive his or her retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection. *A* ~~No~~ person who seeks to exercise the provisions of this subparagraph~~,~~ as *they* ~~the same~~ existed *before* ~~prior to~~ May 3, 1984, *may not be* ~~shall be~~ deemed to be retired under those provisions, unless such person is eligible to retire under ~~the provisions of~~ this subparagraph, as amended by chapter 84-11, Laws of Florida.

~~10. The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.~~

~~11. An employing agency may reemploy a retired member as a firefighter or paramedic after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The employing agency reemploying such firefighter or paramedic is subject to the retired contribution required in subparagraph 8. Reemployment of a retired firefighter or paramedic is limited to no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the Retirement System Trust Fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.~~

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, the a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer and retirement benefits for 6

calendar months after meeting the definition of termination. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.

3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

(d) ~~(c)~~ The provisions of this subsection apply to retirees, as defined in s. 121.4501(2)~~(j)~~, of the Public Employee Optional Retirement Program ~~created in part II~~, subject to the following conditions:

1. *The* ~~Such~~ retirees may not be reemployed with an employer participating in the Florida Retirement System ~~as provided in paragraph (b)~~ until such person has been retired for *6* ~~3~~ calendar months~~, unless the participant has reached the normal retirement requirements of the defined benefit plan as provided in s. 121.021(29)~~.

2. *A* ~~Such~~ retiree employed in violation of this subsection and *an employer* ~~any employing agency~~ that ~~knowingly~~ employs or appoints such person *are* ~~shall be~~ jointly and severally liable for reimbursement of any benefits paid to the retirement trust fund from which the benefits were paid, including the Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. *The employer* ~~To avoid liability, such employing agency~~ must have a written statement from the retiree that he or she is not retired from a state-administered retirement system.

(e) The limitations of this subsection apply to reemployment in any capacity irrespective of the category of funds from which the person is compensated.

And the title is amended as follows:

Delete lines 3-50 and insert: redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for the Elected Officers' Class; revising when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to a retiree's participation in the Elected Officers' Class; providing that a retiree who is elected after a certain date may not reenroll in the Florida Retirement System and may not continue to earn interest on his or her DROP account after the end of the 60-month DROP period; amending s. 121.055, F.S.; providing that a retiree of that class who is reemployed as an elected official may not renew membership in the Senior Management Class or the Senior Management Annuity Program; revising provisions relating to de minimis accounts; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to employment after retirement; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; providing that retirees of a state-administered retirement system who retire after a certain date may not be reemployed by an employer participating in the Florida Retirement System for 6 months after terminating employment and may not renew membership in the Florida Retirement System; revising

On motion by Senator Fasano, further consideration of **CS for CS for HB 479** with pending **Amendment 2 (897738)** as amended by Senator Lawson and pending substitute **Amendment 3 (171224)** by Senator Fasano was deferred.

On motion by Senator Lynn—

CS for SJR 532—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and the creation of two new sections in Article XII of the State Constitution to generally limit the maximum annual increase in the assessed value of certain nonhomestead properties and to provide an additional homestead exemption to persons who have not owned a principal residence within the preceding 10 years.

—was read the second time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment:

Amendment 1 (239820) (with title amendment)—Delete lines 138-332 and insert: changes in assessments shall not exceed *five* ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed *five* ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the

adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

(f)(1) By general law, and subject to conditions specified therein, the legislature shall provide an additional homestead exemption to the person or persons who:

a. Establish the right to receive the homestead exemption in subsection (a) within one year after purchasing the homestead property; and

b. Have not owned property to which the homestead exemption provided in subsection (a) applied during the immediately preceding three-year period.

(2) The additional homestead exemption shall equal 25 percent of the just value of the property on January 1 of the year in which the homestead exemption in subsection (a) is received, but not more than $100,000.

a. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to twenty percent of the amount of the initial additional exemption or by an amount equal to the difference between the just value of the property and the assessed value determined under subsection (d) of section 4 of this Article, whichever is greater.

b. The additional homestead exemption shall not apply after the fifth year after the initial additional exemption is granted.

(3) Only one additional exemption under this subsection may apply to a single homestead property.

ARTICLE XII

SCHEDULE

Property tax limit for commercial and residential rental property.—The amendment to Section 4 of Article VII permitting the legislature to reduce the maximum annual increase in the assessed value of nonhomestead property and this section shall take effect January 1, 20ll.

Additional homestead exemption for new homestead property owners.—The amendment to subsection (f) of Section 6 of Article VII providing for an additional homestead exemption for persons who have not owned property to which the homestead exemption applied during a preceding three-year period and this section shall take effect January 1, 2011, and shall be available for properties purchased on or after January 1, 2010.

CONSTITUTIONAL AMENDMENTS

ARTICLE VII, SECTIONS 4 and 6

ARTICLE XII

PROPERTY TAX LIMIT FOR PROPERTY TYPES; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD OWNERS.—The State Constitution generally limits the maximum annual increase in the assessed value of nonhomestead property to 10 percent annually. This proposed amendment reduces the maximum annual increase in the assessed values of those properties to 5 percent annually.

This amendment also requires the Legislature to provide an additional homestead exemption for persons who have not owned a homestead to which the homestead exemption applied during the immediately preceding 3-year period. Under the exemption, 25 percent of the just value of the new homestead, up to $100,000, will be exempt from property taxes. The amount of the additional exemption will decrease in each succeeding year for 5 years. The additional exemption will not apply after the 5th year.

And the title is amended as follows:

Delete lines 8-9 and insert: persons who have not owned property to which the homestead exemption applied within the preceding 3 years.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senators Lynn, Altman, and Gaetz offered the following substitute amendment which was moved by Senator Lynn and adopted:

Amendment 2 (179426) (with title amendment)—Delete lines 138-332 and insert: changes in assessments shall not exceed *five* ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed *five* ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the

veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

(f)(1) By general law, and subject to conditions specified therein, the legislature shall provide an additional homestead exemption to the person or persons who:

a. Establish the right to receive the homestead exemption in subsection (a) within one year after purchasing the homestead property; and

b. Have not owned a principal residence during the eight-year period before the purchase. For married persons, neither the purchaser nor his or her spouse may have owned a principal residence during the preceding eight years.

(2) The additional homestead exemption shall equal 25 percent of the just value of the property on January 1 of the year in which the homestead exemption in subsection (a) is received, but not more than $100,000.

a. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to twenty percent of the amount of the initial additional exemption or by an amount equal to the difference between the just value of the property and the assessed value determined under subsection (d) of section 4 of this Article, whichever is greater.

b. The additional homestead exemption shall not apply after the fifth year after the initial additional exemption is granted.

(3) Only one additional exemption under this subsection may apply to a single homestead property.

ARTICLE XII

SCHEDULE

Property tax limit for nonhomestead property.—The amendment to Section 4 of Article VII reducing the limit on the maximum annual increase in the assessed value of nonhomestead property to five percent from ten percent and this section shall take effect January 1, 20ll.

Additional homestead exemption for first-time homestead property owners.—The amendment to subsection (f) of Section 6 of Article VII providing for an additional homestead exemption for persons who have not owned a principal residence within an eight-year period and this section shall take effect January 1, 2011, and shall be available for properties purchased on or after January 1, 2010.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

ARTICLE VII, SECTIONS 4 and 6

ARTICLE XII

PROPERTY TAX LIMIT FOR NONHOMESTEAD PROPERTY; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD OWNERS.—The State Constitution generally limits the maximum annual increase in the assessed value of nonhomestead property to 10 percent annually. This proposed amendment reduces the maximum annual increase in the assessed values of those properties to 5 percent annually.

This amendment also requires the Legislature to provide an additional homestead exemption for persons who have not owned a principal residence during the preceding 8 years. Under the exemption, 25 percent of the just value of a first-time homestead, up to $100,000, will be exempt from property taxes. The amount of the additional exemption will decrease in each succeeding year for 5 years by the greater of 20 percent of the initial additional exemption or the difference between the just value and the assessed value of the property. The additional exemption will not be available in the 6th and subsequent years.

And the title is amended as follows:

Delete lines 8-9 and insert: persons who have not owned a principal residence within the preceding 8 years.

Pursuant to Rule 4.19, **CS for SJR 532** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Altman, the Senate resumed consideration of—

CS for CS for CS for HB 439—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

—which was previously considered April 29 with pending **Amendment 1 (611714)** by Senator Altman as amended and **Amendment 1B (338640)** by Senator Altman. **Amendment 1B (338640)** was withdrawn.

Senator Haridopolos moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (569104)—Delete line 439 and insert:

Section 13. This act shall take effect July 1, 2009.

Senator Altman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (480426)—Delete lines 292-300 and insert:

(c) One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a county or municipality's traffic infraction enforcement officer. Eighty dollars shall be distributed to the county or municipality issuing the citation, $45 shall be distributed to the General Revenue Fund, and the remaining $25 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for HB 439** as amended was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Villalobos, the rules were waived and the Secretary was directed to transmit **CS for HB 1471** to the House at the direction of the President.

CS for SB 2036—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for SB 2036** to **CS for CS for HB 1171**.

Pending further consideration of **CS for SB 2036** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 1171** was withdrawn from the Committee on Banking and Insurance; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Bennett—

CS for CS for HB 1171—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; requiring written notice of nonrenewal, cancellation, or termination; providing an effective date.

—a companion measure, was substituted for **CS for SB 2036** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1171** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, the Senate resumed consideration of—

CS for CS for HB 479—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers' Class; revising the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—which was previously considered this day with pending **Amendment 2 (897738)** as amended by Senator Lawson and substitute **Amendment 3 (171224)** by Senator Fasano. Substitute **Amendment 3** was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 479** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 2198—A bill to be entitled An act relating to tobacco settlement agreements; amending s. 569.23, F.S.; providing definitions; requiring trial courts to stay the execution of all judgments in favor of certain former class action members during appellate proceedings upon the posting of a supersedeas bond or other surety by signatories, parents, successors, or affiliates of a signatory to a tobacco settlement agreement applicable to all such judgments; limiting the total cumulative value of all supersedeas bonds or other surety to a certain amount; permitting a court to order a specific defendant that dissipates assets to avoid payment of a judgment to increase the surety; providing applicability; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Haridopolos, the rules were waived to allow the following amendment to be considered:

Senator Haridopolos moved the following amendment which was adopted:

Amendment 1 (719218) (with title amendment)—Delete lines 19-172 and insert:

Section 1. *(1) It is the intent of the Legislature to amend s. 569.23, Florida Statutes, to prescribe the security required to be provided to stay the execution of a judgment in a civil action against a signatory, or successor, parent, or affiliate of a signatory, to a tobacco settlement agreement brought by or on behalf of persons who claim or have been determined to be members of a former class action that was decertified in whole or in part.*

(2) It is further the intent of the Legislature that:

(a) The security shall be provided through the posting with or payment into the registry of the clerk of the Supreme Court of a supersedeas bond, other surety, or cash.

(b) The security shall apply during the pendency of all appeals or discretionary appellate reviews in Florida courts.

(c) The total amount of security that must be provided by all appellants collectively in a single judgment is based upon the total number of judgments by circuit courts of this state on appeal at the time the security is provided. In cases having multiple appellants, an individual appellant shall provide security with respect to the percent or amount of liability specifically allocated against that appellant in the judgment, or, if liability is not specifically allocated in the judgment, for a share of the unallocated portion of the judgment determined by dividing the judgment equally among all appellants. A judgment may not be stayed until the entire amount of security required by all appellants collectively is provided.

(d) The amount of security shall be tiered using the following number ranges of judgments on appeal:

NUMBER OF JUDGMENTS	*AMOUNT OF SECURITY PER JUDGMENT*	*MINIMUM TOTAL ALL SECURITY*	*MAXIMUM TOTAL ALL SECURITY*
1-80	*$2,500,000*	*$2,500,000*	*$200,000,000*
81-100	*$2,000,000*	*$162,000,000*	*$200,000,000*
101-150	*$1,333,333*	*$134,666,633*	*$199,999,950*
151-200	*$1,000,000*	*$151,000,000*	*$200,000,000*
201-300	*$666,667*	*$134,000,067*	*$200,000,000*
301-500	*$400,000*	*$120,000,000*	*$200,000,000*
501-1000	*$200,000*	*$100,000,000*	*$200,000,000*
1001-2000	*$100,000*	*$100,000,000*	*$200,000,000*
2001-3000	*$66,667*	*$133,334,000*	*$200,000,001*

(e) When the number of judgments on appeal changes so that the total is within a larger or smaller range, a party may petition the court to change the security amount consistent with the statutory appeal bond rights prescribed in this act. If the amount of security on deposit is changed by the court, the security shall be modified as follows:

1. If the security on deposit is in the form of a supersedeas bond or other surety, the appellant shall replace that supersedeas bond or other surety with security in the new amount as required by this act.

2. If the security on deposit is in the form of cash, the clerk of the Supreme Court shall, as appropriate:

a. Refund to the appellant the difference between the amount of security on deposit and the reduced amount of security required;

b. Hold the difference for future judgments against that appellant; or

c. Record any additional cash provided by the appellant consistent with a court order.

(f) Any security provided by an appellant for any single judgment is intended to secure the collection of that judgment against the appellant in cases covered by this act. A claim may not be made against such security unless an appellant fails to pay a judgment in a case covered by this act within 30 days after the judgment becomes final. For purposes of this act, a judgment is "final" following the completion of all appeals or discretionary appellate reviews, including reviews by the United States Supreme Court. If an appellant fails to pay a judgment within such time period:

1. Any stay of execution required in favor of the appellant under this act shall be immediately lifted by operation of law, unless a stay is provided pursuant to some other provision of law, rule of court, or judicial order; or

2. Any appellee against whom a stay of execution of any single judgment against the appellant was in effect under this act may petition the trial court or the Supreme Court for an order directing the clerk of the Supreme Court to make equitable distribution of such security to the appellee whose judgment against such appellant was secured by operation of this act.

(g) The clerk of the Supreme Court shall collect fees for receipt of deposits under this act as authorized by ss. 28.231 and 28.24(10)(a). In addition, for as long as any cash remains on deposit with the clerk, the clerk of the Supreme Court is entitled to regularly receive as an additional fee, the net investment income earned thereon. The clerk shall use the services of the Chief Financial Officer, as needed, for the custody and management of all bonds, other surety, or cash posted or deposited with the clerk. All fees collected under this act shall be deposited into the State Courts Revenue Trust Fund for use as specified by law.

(3) It is further the intent of the Legislature to allow a court to order a specific defendant that dissipates assets in order to avoid payment of a judgment to increase the surety for that defendant.

(4) It is further the intent of the Legislature that s. 569.23, Florida Statutes, expire on December 31, 2012.

And the title is amended as follows:

Delete lines 3-14 and insert: expressing legislative intent to amend s. 569.23, F.S., relating to appeal bond requirements for certain cigarette manufacturers; expressing legislative intent relating to security necessary to stay execution of judgments in actions by certain former class action members, the form of the security, the level of appeals to which the security is applicable, the amount of the security based on the number of appeals, changes in the amount of security based on changes in the number of appeals, claims against the security, and maintenance of the security by the clerk of the Supreme Court; expressing legislative intent to authorize a court to increase the security if assets are dissipated; expressing the legislative intent to provide for the future expiration of s. 569.23, F.S.;

Pursuant to Rule 4.19, **CS for SB 2198** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 2482—A bill to be entitled An act relating to school improvement and accountability; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; repealing s. 1003.413(5), F.S., relating to a requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; correcting a cross-reference; amending s. 1003.429, F.S.; revising provisions relating to accelerated high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program beginning with students who enter grade 9 in the 2009-2010 school year; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate school districts as academically high-performing school districts if certain criteria are met; requiring that such designation occur at the next meeting of the State Board of Education on or after a specified date each year; providing that the designation is effective beginning the following school year; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.25, F.S.; requiring that each district school board annually post certain information on its Internet website; revising the date that each district school board is required to report certain information to the State Board of Education; amending s. 1008.36, F.S.; revising the date that school staff and the school advisory council are required to reach an agreement regarding the distribution of financial awards under the Florida School Recognition Program; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (194438) (with title amendment)—Between lines 296 and 297 insert:

Section 8. Section 1012.985, Florida Statutes, is amended to read:

1012.985 *Regional* ~~Statewide system for inservice~~ professional development *academies*.—

(1) The intent of this section is to *facilitate* ~~establish~~ a ~~statewide~~ system of professional development that provides a wide range of ~~targeted~~ inservice training to teachers, managers, and administrative personnel *which is* designed to upgrade skills and knowledge needed to *attain* ~~reach~~ world class standards in education. The system shall consist of a network of professional development academies *that* ~~in each region of the state which~~ are operated in partnership with area business partners to develop and deliver high-quality training programs *for* ~~purchased by~~ school districts. *Each regional professional development academy* ~~The academies~~ shall ~~be established to~~ meet the human resource development needs of professional educators, schools, and school districts *and shall* ~~. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must~~:

(a) *Support* ~~Be established by~~ the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary educational institutions which may award college credits for courses taught at the academy.

~~(b) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer based delivery systems.~~

~~(c) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel, schools, and school districts relating to improving student achievement and meeting state and local education goals.~~

(b) ~~(d)~~ ~~Demonstrate the ability to~~ Provide high-quality trainers and training *and*~~,~~ appropriate followup and coaching for all participants~~,~~ and support school personnel *in increasing student achievement* ~~in positively impacting student performance~~.

(c) ~~(e)~~ Be operated under contract with its public partners. *Contracts between district school boards and each regional professional development academy shall require:*

1. The academy's independent board of directors to be responsible for the prudent use of all public and private funds and to ensure that such funds are used in accordance with applicable laws, bylaws, and contractual agreements.

2. The academy to retain proper documentation evidencing that district school board funds provided to the academy are expended for authorized purposes as prescribed in the contract and that services to district school boards are commensurate to the funds paid to the academy for such services. The academy's records shall be available for inspection by the district school board's internal auditor and the Auditor General.

3. Each district school board to approve any participation by the academy in the district's programs or services, including use of the district's facilities, furnishings, equipment, other chattels, personnel, or services.

4. The academy to provide an annual report of its activities and expenditures to its independent board of directors and each party to the contract.

5. The academy to be annually audited by an independent certified public accountant retained and paid for by the academy and to provide a copy of the audit report to each party to the contract.

(d) Be ~~and~~ governed by an independent board of directors, which should include at least one district school superintendent and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. Regional educational consortia as defined in s. 1001.451 satisfy the requirements of this paragraph.

~~(f) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. Regional educational consortia as defined in s. 1001.451 which serve rural areas of critical economic concern are exempt from the funding match required by this paragraph.~~

~~(g) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.~~

(e) ~~(h)~~ Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.

(2) ~~Upon compliance with the requirements for the first year of operation in paragraph (1)(f),~~ A regional professional development academy *may*:

(a) ~~May~~ Receive funds from the Department of Education or as provided in the General Appropriations Act for the purpose of developing programs, expanding services, assessing inservice training and professional development, or other programs that are consistent with the mission of the academy and the needs of the state and region; and

(b) Receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from activities of the academy, for the benefit of the academy and the fulfillment of its mission. Income generated by school district personnel at the academy from trademarks, copyrights, and patents shall be shared between the academy and the district school board as outlined in the contract.

~~(b) Is not, by virtue of providing services to one or more school districts, a component of any school district or any governmental unit to which the regional professional development academy provides services.~~

And the title is amended as follows:

Delete line 35 and insert: the Florida School Recognition Program; amending s. 1012.985, F.S.; providing for regional academies rather than a statewide system of organization; providing duties of regional professional development academies; deleting provisions that require academies to meet certain criteria in order to receive start-up funds; specifying requirements for contracts between district school boards and academies; deleting requirements relating to first-year funding and academy financial self-sufficiency in future years; authorizing the academies to administer property and moneys received from various sources; requiring that income generated from certain activities be shared between the academy and the district school board; providing an

Senator Wise moved the following amendment:

Amendment 2 (382092) (with title amendment)—Between lines 296 and 297 insert:

Section 8. *Paragraph (b) of subsection (10) of section 1008.22, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete line 35 and insert: the Florida School Recognition Program; repealing s. 1008.22(10)(b), F.S.; relating to concordance scores for the Florida Comprehensive Assessment Test; providing an

On motion by Senator Wise, further consideration of **CS for CS for SB 2482** as amended with pending **Amendment 2 (382092)** by Senator Wise was deferred.

RECONSIDERATION OF BILL

On motion by Senator Fasano, the Senate recalled for further consideration—

CS for CS for HB 479—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers' Class; revising the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senators Lawson, King, and Haridopolos offered the following amendment which was moved by Senator Lawson and adopted:

Amendment 4 (559986) (with title amendment)—Delete lines 1388-2347 and insert:

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to ~~the provisions of~~ this section, the Deferred Retirement Option Program, hereinafter referred to as ~~the~~ DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the *Florida Retirement* System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in ~~the~~ DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(a) Eligibility of member to participate in ~~the~~ DROP.—All active Florida Retirement System members in a regularly established position, and all active members of ~~either~~ the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122, which ~~systems~~

are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in ~~the~~ DROP *if* ~~provided that~~:

1. The member is not a renewed member ~~of the Florida Retirement System~~ under s. 121.122~~,~~ or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. *A member who delays DROP participation during the 12-month period immediately following his or her maximum DROP deferral date, except as provided in subparagraph 6., loses a month of DROP participation for each month delayed.* ~~For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section.~~ A member who fails to make an election within *the* ~~such~~ 12-month limitation period *forfeits* ~~shall forfeit~~ all rights to participate in ~~the~~ DROP. The member shall advise his or her employer and the division in writing of the date ~~on which the~~ DROP *begins* ~~shall begin~~. *The* ~~Such~~ beginning date may be subsequent to the 12-month election period~~,~~ but must be within the *original* 60-month *participation* ~~or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation~~ period ~~as~~ provided in subparagraph (b)1. When establishing eligibility of the member to participate in ~~the~~ DROP ~~for the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month maximum participation period~~, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member *who has* ~~with~~ dual normal retirement dates *is* ~~shall be~~ eligible to elect to participate in DROP ~~within 12 months~~ after attaining normal retirement date in either class.

3. The employer of a member electing to participate in ~~the~~ DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in ~~the~~ DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in ~~the~~ DROP *is* ~~shall be~~ permissible *if* ~~provided~~ such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the *maximum participation* ~~60-month limitation~~ period ~~as~~ provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in ~~the~~ DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division *of the identity of the new employer* on forms required by the division ~~as to the identity of the new employer~~.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the *maximum participation* ~~original 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month~~ period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and *is* ~~shall be~~ subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in ~~the~~ DROP *may* ~~shall~~ be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which *DROP begins* ~~the Deferred Retirement Option Program shall begin~~. When establishing eligibility of the member to participate in ~~the~~ DROP for the 60-month ~~or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month maximum~~ participation period~~, as~~ provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member *who has* ~~with~~ dual normal retirement dates *is* ~~shall be~~ eligible to elect to participate in either class.

(b) Participation in ~~the~~ DROP.—

1. An eligible member may elect to participate in ~~the~~ DROP for a period not to exceed a maximum of 60 calendar months. *However,* ~~or, with respect to~~ members who are instructional personnel employed by the Florida School for the Deaf and the Blind and *authorized* ~~who have received authorization~~ by the Board of Trustees of the Florida School for the Deaf and the Blind ~~to participate in the DROP beyond 60 months~~, ~~or~~ who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and *authorized* ~~who have received authorization~~ by the district school superintendent ~~to participate in the DROP beyond 60 calendar months~~, *or who are instructional personnel as defined in s. 1012.01(2)(a) employed by a developmental research school and authorized by the school's director, or if the school has no director, by the school's principal, may participate in DROP for up to 36 calendar months beyond the 60-month period.* ~~96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 calendar months, 96 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.~~

2. Upon deciding to participate in ~~the~~ DROP, the member shall submit, on forms required by the division:

a. A written election to participate in ~~the~~ DROP;

b. Selection of ~~the~~ DROP participation and termination dates *that*~~,~~ ~~which~~ satisfy the limitations stated in paragraph (a) and subparagraph

1. *The* ~~Such~~ termination date *must* ~~shall~~ be in a binding letter of resignation *to* ~~with~~ the employer~~,~~ establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of *the* ~~his or her~~ employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant *is* ~~shall be~~ a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. *DROP participation is final and may not be canceled by the participant after the first payment is credited during the DROP participation period.* However, participation in ~~the~~ DROP does not alter the participant's employment status, and *the member is* ~~such employee shall~~ not ~~be~~ deemed retired from employment until his or her deferred resignation is effective and termination occurs as *defined* ~~provided~~ in s. 121.021~~(39)~~.

4. Elected officers *are* ~~shall be~~ eligible to participate in ~~the~~ DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate ~~in the DROP~~ until the next succeeding term in that office. *An* ~~Such~~ elected officer who exercises this option may participate in ~~the~~ DROP for up to 60 calendar months or ~~a period of~~ no longer than *the* ~~such~~ succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly*;*~~, except,~~ however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP *is* ~~shall be~~ null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP *must terminate all employment relationships as provided in s. 121.021(39) for the nonelected position* ~~shall be required to satisfy the definition of termination~~ within the *original* 60-month *period or maximum participation* ~~or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation~~ period as provided in subparagraph 1. *For DROP participation ending:* ~~for the nonelected position and~~

(I) Before July 1, 2010, the officer may continue employment as an elected officer as provided in s. 121.053. The elected officer *shall* ~~will~~ be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.122, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

(II) On or after July 1, 2010, the officer may continue employment as an elected officer but must defer termination as provided in s. 121.053.

(c) Benefits payable under ~~the~~ DROP.—

1. Effective *on* ~~with~~ the date of DROP participation, the member's initial normal monthly benefit, including creditable service, optional form of payment, and average final compensation, and the effective date of retirement *are* ~~shall be~~ fixed. The beneficiary established under the Florida Retirement System *is* ~~shall be~~ the beneficiary eligible to receive any DROP benefits payable if the DROP participant dies *before completing* ~~prior to the completion of~~ the period of DROP participation. *If* ~~In the event~~ a joint annuitant predeceases the member, the member may name a beneficiary to receive accumulated DROP benefits payable. *The* ~~Such~~ retirement benefit, the annual cost of living adjustments provided in s. 121.101, and interest ~~shall~~ accrue monthly in the *Florida Retirement* System Trust Fund. *The* ~~Such~~ interest *accrues* ~~shall accrue~~ at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death*, except as provided in s. 121.053(7).*

2. Each employee who elects to participate in ~~the~~ DROP *may* ~~shall be allowed to~~ elect to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in ~~the~~ DROP. *The* ~~Such~~ accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average final compensation. The employee electing *the* ~~such~~ lump-sum payment *is* ~~upon beginning participation in DROP will~~ not ~~be~~ eligible to receive a second lump-sum payment upon termination, except to the extent the employee has earned additional annual leave which*,* combined with the original payment*,* does not exceed the maximum lump-sum payment allowed by the employing agency's policy or rules. *An* ~~Such~~ early lump-sum payment shall be based on the hourly wage of the employee at the time he or she begins participation in ~~the~~ DROP. If the member elects to wait and receive *a* ~~such~~ lump-sum payment upon termination of DROP and termination of employment with the employer, any accumulated leave payment made at that time *may not* ~~cannot~~ be included in the member's retirement benefit, which was determined and fixed by law when the employee elected to participate in ~~the~~ DROP.

3. The effective date of DROP participation and the effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in ~~the~~ DROP, provided such date is properly established, with the written confirmation of the employer, and the approval of the division, on forms required by the division.

4. Normal retirement benefits and *any* interest ~~thereon~~ shall continue to accrue in ~~the~~ DROP until the established termination date of ~~the~~ DROP~~,~~ or until the participant terminates employment or dies prior to such date*, except as provided in s. 121.053(7).* Although individual DROP accounts shall not be established, a separate accounting of each participant's accrued benefits under ~~the~~ DROP shall be calculated and provided to participants.

5. At the conclusion of the participant's DROP, the division shall distribute the participant's total accumulated DROP benefits, subject to the following ~~provisions~~:

a. The division shall receive verification by the participant's employer or employers that *the* ~~such~~ participant has terminated *all* employment *relationships* as provided in s. 121.021(39)~~(b)~~.

b. The terminated DROP participant or, if deceased, *the* ~~such~~ participant's named beneficiary, shall elect on forms provided by the division to receive payment of the DROP benefits in accordance with one of the options listed below. *If* ~~For~~ a participant or beneficiary ~~who~~ fails to elect a method of payment within 60 days *after* ~~of~~ termination of ~~the~~ DROP, the division *shall* ~~will~~ pay a lump sum as provided in sub-sub-subparagraph (I).

(I) Lump sum.—All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

(II) Direct rollover.—All accrued DROP benefits, plus interest, shall be paid from ~~the~~ DROP directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code.

(III) Partial lump sum.—A portion of the accrued DROP benefits shall be paid to ~~the~~ DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits *must* ~~shall~~ be transferred directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code. The proportions *must* ~~shall~~ be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary *must comply* ~~complies~~ with the minimum distribution requirements of the Internal Revenue Code.

d. A DROP participant who fails to terminate *all* employment *relationships* as *provided* ~~defined~~ in s. 121.021(39)~~(b)~~ shall be deemed *as* not ~~to be~~ retired, and the DROP election *is* ~~shall be~~ null and void. Florida Retirement System membership shall be reestablished retroactively to the date of the commencement of ~~the~~ DROP, and each employer with whom the participant continues employment *must* ~~shall be required to~~ pay to the *Florida Retirement* System Trust Fund the difference between the DROP contributions paid in paragraph (i) and the contributions required for the applicable Florida Retirement System class of membership during the period the member participated in ~~the~~ DROP, plus 6.5 percent interest compounded annually.

6. The retirement benefits of any DROP participant who terminates all employment relationships as provided in s. 121.021(39) but is reemployed in violation of the reemployment provisions of subsection (9) shall be suspended during those months in which the retiree is in violation. Any retiree in violation of this subparagraph and any employer that employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits are jointly and severally liable for any benefits paid during the reemployment limitation period. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retiree while employed in violation of the reemployment limitations must be repaid to the Florida Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the reemployment limitation period apply toward repayment of benefits received in violation of the reemployment limitation.

7. ~~6.~~ The accrued benefits of any DROP participant, and any contributions accumulated under *the* ~~such~~ program, *are* ~~shall~~ not ~~be~~ subject to assignment, execution, attachment, or ~~to~~ any legal process whatsoever, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

8. ~~7.~~ DROP participants *are* ~~shall~~ not ~~be~~ eligible for disability retirement benefits as provided in subsection (4).

(d) Death benefits under ~~the~~ DROP.—

1. Upon the death of a DROP participant, the named beneficiary *is* ~~shall be~~ entitled to apply for and receive the accrued benefits in ~~the~~ DROP as provided in sub-subparagraph (c)5.b.

2. The normal retirement benefit accrued to ~~the~~ DROP during the month of a participant's death *is* ~~shall be~~ the final monthly benefit credited for such DROP participant.

3. Eligibility to participate in ~~the~~ DROP terminates upon death of the participant. If the participant dies on or after the effective date of enrollment in ~~the~~ DROP, but *before* ~~prior to~~ the first monthly benefit *is* ~~being~~ credited to ~~the~~ DROP, Florida Retirement System benefits *are* ~~shall be~~ paid in accordance with subparagraph (7)(c)1. or subparagraph 2.

4. A DROP *participant's* ~~participants'~~ survivors *are* ~~shall~~ not ~~be~~ eligible to receive Florida Retirement System death benefits as provided in paragraph (7)(d).

(e) Cost-of-living adjustment.—On each July 1, the *participant's* ~~participants'~~ normal retirement benefit shall be increased as provided in s. 121.101.

(f) Retiree health insurance subsidy.—DROP participants are not eligible to apply for the retiree health insurance subsidy payments as provided in s. 112.363 until such participants have terminated employment and participation in ~~the~~ DROP.

(g) Renewed membership.—DROP participants *are* ~~shall~~ not ~~be~~ eligible for renewed membership in the Florida Retirement System under ss. 121.053 and 121.122 until *all employment relationships are terminated* ~~termination of employment is effectuated~~ as provided in s. 121.021(39)~~(b)~~.

(h) Employment limitation after DROP participation.— Upon ~~satisfying the definition of~~ termination ~~of employment~~ as *defined* ~~provided~~ in s. 121.021~~(39)(b)~~, DROP participants *are* ~~shall be~~ subject to *the same* ~~such~~ reemployment limitations as other retirees. Reemployment restrictions applicable to retirees as provided in subsection (9) *do* ~~shall~~ not apply to DROP participants until their employment and participation in ~~the~~ DROP are terminated.

(i) Contributions.—

1. All employers paying the salary of a DROP participant filling a regularly established position shall contribute 8.0 percent of such participant's gross compensation for the period of July 1, 2002, through June 30, 2003, and *the percentage* ~~11.56 percent~~ of such compensation *required by s. 121.71* thereafter, which shall constitute the entire employer DROP contribution with respect to such participant. Such contributions, payable to the *Florida Retirement* System Trust Fund in the same manner as required in s. 121.071, *must* ~~shall~~ be made as appropriate for each pay period and are in addition to contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. Such employer, social security, and health insurance subsidy contributions are not included in ~~the~~ DROP.

2. The employer shall, in addition to subparagraph 1., also withhold one-half of the entire social security contribution required for the participant. Contributions for social security by each participant and each employer, in the amount required for social security coverage as ~~now or hereafter~~ provided by the federal Social Security Act, *are* ~~shall be~~ in addition to contributions specified in subparagraph 1.

3. All employers paying the salary of a DROP participant filling a regularly established position shall contribute the percent of such participant's gross compensation required in s. 121.071(4), which ~~shall~~ constitute the employer's health insurance subsidy contribution with respect to such participant. Such contributions *must* ~~shall~~ be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(j) Forfeiture of retirement benefits.— ~~Nothing in~~ This section *does not* ~~shall be construed to~~ remove DROP participants from the scope of s. 8(d), Art. II of the State Constitution, s. 112.3173, and paragraph (5)(f). DROP participants who commit a specified felony offense while employed *are* ~~will be~~ subject to forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.

(k) Administration of program.—The division shall *adopt* ~~make such~~ rules as ~~are~~ necessary for the effective and efficient administration of this subsection. The division *is* ~~shall~~ not ~~be~~ required to advise members of the federal tax consequences of an election related to the DROP but may advise members to seek independent advice.

(14) PAYMENT OF BENEFITS.—This subsection applies to the payment of benefits to a payee (retiree or beneficiary) under the Florida Retirement System:

(a) Federal income tax shall be withheld in accordance with federal law, unless the payee elects otherwise on Form W-4P. The division shall prepare and distribute to each recipient of monthly retirement benefits an appropriate income tax form that reflects the recipient's income and federal income tax withheld for the calendar year just ended.

(b) Subject to approval by the division in accordance with rule 60S-4.015, Florida Administrative Code, a payee receiving retirement benefits under the ~~Florida Retirement~~ system may also have the following payments deducted from his or her monthly benefit:

1. Premiums for life and health-related insurance policies from approved companies.

2. Life insurance premiums for the State Group Life Insurance Plan, if authorized in writing by the payee and by the department ~~of Management Services~~.

3. Repayment of overpayments from the Florida Retirement System Trust Fund, the State Employees' Health Insurance Trust Fund, or the State Employees' Life Insurance Trust Fund, upon notification of the payee.

4. Payments to an alternate payee for alimony *or* ~~,~~ child support *pursuant to an income deduction order under s. 61.1301*, or division of marital assets pursuant to a qualified domestic relations order under s. 222.21 ~~or an income deduction order under s. 61.1301~~.

5. Payments to the Internal Revenue Service for federal income tax levies, upon notification of the division by the Internal Revenue Service.

(c) A payee *must* ~~shall~~ notify the division of any change in his or her address. The division may suspend benefit payments to a payee if correspondence sent to the payee's mailing address is returned due to an incorrect address. Benefit payments shall be resumed upon notification to the division of the payee's new address.

(d) A payee whose retirement benefits are reduced by the application of maximum benefit limits under s. 415(b) of the Internal Revenue Code, as specified in s. 121.30(5), shall have the portion of his or her calculated benefit in the Florida Retirement System defined benefit plan which exceeds such federal limitation paid through the Florida Retirement System Preservation of Benefits Plan, as provided in s. 121.1001.

(e) The Division of Retirement may issue retirement benefits payable for division of marital assets pursuant to a qualified domestic relations order directly to the alternate payee, any court order to the contrary notwithstanding, in order to meet Internal Revenue Code requirements.

(f) ~~(e)~~ *A* ~~No~~ benefit may *not* be reduced for the purpose of preserving the member's eligibility for a federal program.

(g) ~~(f)~~ The division shall adopt rules establishing procedures for determining that ~~the~~ persons to whom benefits are being paid are still living. The division shall suspend the benefits being paid to any payee *if* ~~when~~ it is unable to contact such payee and to confirm that he or she is still living.

Section 10. Section 121.1115, Florida Statutes, is amended to read:

121.1115 Purchase of retirement credit for out-of-state *or* ~~and~~ federal service.—Effective January 1, 1995, a member ~~of the Florida Retirement System~~ may purchase creditable service for periods of public employment in another state and receive creditable service for such periods of employment. Service with the Federal Government, including any *active* military service, may be claimed. Upon completion of each year of service earned under the Florida Retirement System, a member may purchase up to 1 year of retirement credit for his or her out-of-state service, subject to the following provisions:

(1) LIMITATIONS AND CONDITIONS.—To receive credit for the out-of-state service:

(a) The out-of-state service ~~being claimed~~ must have been:

1. Performed in a position of employment with the state or a political subdivision thereof or with the Federal Government;

2. Covered by a retirement or pension plan provided by the state or political subdivision, or by the Federal Government, as appropriate; and

3. Performed prior to a period of membership in the Florida Retirement System.

(b) The member must have completed a minimum of 6 years of creditable service under the Florida Retirement System, excluding out-of-state service and in-state service claimed and purchased under s. 121.1122.

(c) Not more than 5 years of creditable service may be claimed for creditable service aggregated under ~~the provisions of~~ this section and s. 121.1122.

(d) The out-of-state service credit ~~claimed under this section~~ shall be credited only as service in the Regular Class ~~of membership~~, and any benefit or pension based thereon *is* ~~shall be~~ subject to the limitations and restrictions of s. 112.65.

(e) The member is not eligible for and may not receive a pension or benefit from a retirement or pension plan based on or including the out-of-state service. Eligibility for or the receipt of contributions to a retirement plan made by the employer on behalf of the employee is considered a benefit.

(f) ~~(e) A member shall be eligible~~ To receive service credit for out-of-state service performed after leaving the Florida Retirement System*, the member must complete* ~~only upon return to membership and completion of~~ at least 1 year of creditable service in the Florida Retirement System following the out-of-state service.

(2) COST.—For each year claimed, the member must pay into the *Florida Retirement* System Trust Fund an amount equal to 20 percent of the member's annual compensation for the first full work year of creditable service earned under the Florida Retirement System, but not less than $12,000, plus interest at 6.5 percent compounded annually from the date of first annual salary earned until full payment is made. The employer may pay all or a portion of the cost of this service credit.

Section 11. Subsection (2) of section 121.1122, Florida Statutes, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic schools and colleges, including charter schools and charter technical career centers.—Effective January 1, 1998, a member of the Florida Retirement System may purchase creditable service for periods of certain public or nonpublic employment performed in this state, as provided in this section.

(2) LIMITATIONS AND CONDITIONS.—

(a) A member is not eligible to receive credit for in-state service under this section until he or she has completed 6 years of creditable service under the Florida Retirement System, excluding service purchased under this section and out-of-state service claimed and purchased under s. 121.1115.

(b) A member may not purchase and receive credit for more than 5 years of creditable service aggregated under ~~the provisions of~~ this section and s. 121.1115.

(c) Service credit claimed under this section shall be credited only as service in the Regular Class ~~of membership~~ and *is* ~~shall be~~ subject to ~~the provisions of~~ s. 112.65.

(d) Service credit may not be purchased under this section if the member is eligible to receive or is receiving a pension or benefit from a retirement or pension plan based on or including the service. Eligibility for or the receipt of contributions to a retirement plan made by the employer on behalf of the employee is considered a benefit.

(e) ~~(d)~~ A member *is* ~~shall be~~ eligible to receive service credit for in-state service performed after leaving the Florida Retirement System only *after* ~~upon returning to membership and~~ completing at least 1 year of creditable service in the Florida Retirement System following the in-state service.

(f) ~~(e)~~ The service claimed must have been service covered by a retirement or pension plan provided by the employer.

Section 12. Section 121.122, Florida Statutes, is amended to read:

121.122 Renewed membership in system.—

(1) Except as provided in s. 121.053, effective July 1, 1991, *through June 30, 2010* any retiree of a state-administered retirement system who is *initially reemployed* ~~employed~~ in a regularly established position with a covered employer*, including an elective public office that does not qualify for the Elected Officer's Class,* shall be enrolled as a compulsory member of the Regular Class of the Florida Retirement System. ~~or,~~ Effective July 1, 1997, *through June 30, 2010,* any retiree of a state-administered retirement system who is *initially reemployed* ~~employed~~ in a position included in the Senior Management Service Class shall be enrolled as a compulsory member of the Senior Management Service Class of the Florida Retirement System as provided in s. 121.055. *A retiree is*~~,~~ ~~and shall be~~ entitled to receive an additional retirement benefit, subject to the following conditions:

~~(1)~~(a) Such member *must* ~~shall~~ resatisfy the age and service requirements as provided in this chapter for initial membership under the system, unless such member elects to participate in the Senior Man-

agement Service Optional Annuity Program in lieu of the Senior Management Service Class, as provided in s. 121.055(6).

(b) Such member *is* ~~shall~~ not ~~be~~ entitled to disability benefits as provided in s. 121.091(4).

(c) Such member must meet the reemployment after retirement limitations as provided in s. 121.091(9), as applicable.

(d) ~~(2)~~ Upon renewed membership *or reemployment of a retiree*, the employer of such member shall pay the applicable employer contributions as required by ss. *121.71, 121.74, 121.76, and 112.363* ~~121.055(3) and 121.071(1)(a) and (4)~~.

(e) ~~(3)~~ Such member *is* ~~shall be~~ entitled to purchase additional retirement credit in the Regular Class or the Senior Management Service Class, as applicable, for any postretirement service performed in a regularly established position as follows:

1. ~~(a)~~ For regular class service prior to July 1, 1991, by paying the Regular Class applicable employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund; or

2. ~~(b)~~ For Senior Management Service Class prior to June 1, 1997, as provided in s. 121.055(1)(j).

The contribution for postretirement service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

(f) ~~(4)~~ No creditable service for which credit was received, or which remained unclaimed, at retirement may be claimed or applied toward service credit earned following renewed membership. However, service earned as an elected officer with renewed membership in the Elected Officers' Class may be used in conjunction with creditable service earned under this section, provided the applicable vesting requirements and other existing statutory conditions required by this chapter are met.

(g) ~~(5)~~ Notwithstanding any other limitations provided in this section, a participant of the State University System Optional Retirement Program*, the State Community College Optional Retirement Program,* or the Senior Management Service Optional Annuity Program who terminated employment and commenced receiving *a distribution* ~~an annuity~~ under ~~the provisions of~~ the optional program, who *initially* renews membership ~~in the Regular Class~~ as required by this section upon reemployment after retirement, and who had previously earned creditable Florida Retirement System service that was not included in any retirement benefit may include such previous service toward vesting and service credit in the second career benefit provided under renewed membership.

(h) ~~(6)~~ *A* ~~Any~~ renewed member who is not receiving the maximum health insurance subsidy provided in s. 112.363 *is* ~~shall be~~ entitled to earn additional credit toward the maximum health insurance subsidy. Any additional subsidy due because of such additional credit *may* ~~shall~~ be received only at the time of payment of the second career retirement benefit. ~~In no case shall~~ The total health insurance subsidy received by a retiree receiving benefits from initial and renewed membership *may not* exceed the maximum allowed in s. 112.363.

(2) A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, is not eligible for renewed membership.

Section 13. Section 121.136, Florida Statutes, is amended to read:

121.136 Annual benefit statement to members.—*Each year* ~~Beginning January 1, 1993, and each January thereafter,~~ the department shall provide each active member of the Florida Retirement System with 5 or more years of creditable service an annual statement of benefits *that provides* ~~. Such statement should provide~~ the member with basic data about the member's retirement account. *At a minimum* ~~Minimally~~, it *must* ~~shall~~ include the member's retirement plan, *accrued service credit* ~~the amount of funds on deposit in the retirement account~~, and an estimate of retirement benefits.

Section 14. Section 121.1905, Florida Statutes, is amended to read:

121.1905 Division of Retirement; creation.—

~~(1)~~ There is created the Division of Retirement within the Department of Management Services.

~~(2) The mission of the Division of Retirement is to provide quality and cost effective retirement services as measured by member satisfaction and by comparison with administrative costs of comparable retirement systems.~~

Section 15. Paragraph (a) of subsection (2) of section 121.23, Florida Statutes, is amended to read:

121.23 Disability retirement and special risk membership applications; Retirement Commission; powers and duties; judicial review.—The provisions of this section apply to all proceedings in which the administrator has made a written final decision on the merits respecting applications for disability retirement, reexamination of retired members receiving disability benefits, applications for special risk membership, and reexamination of special risk members in the Florida Retirement System. The jurisdiction of the State Retirement Commission under this section shall be limited to written final decisions of the administrator on the merits.

(2) A member shall be entitled to a hearing before the State Retirement Commission pursuant to ss. 120.569 and 120.57(1) on the merits of any written adverse decision of the administrator, if he or she files with the commission a written request for such hearing within 21 days after receipt of such written decision from the administrator. For the purpose of such hearings, the commission shall be an "agency head" as defined by s. 120.52.

(a) The commission *may* ~~shall have the authority to~~ issue orders as a result of *the* ~~a~~ hearing that *are* ~~shall be~~ binding on all parties to the dispute *and* ~~. The commission~~ may order any action that it deems appropriate. Any disability retirement order of the commission *that* ~~issued pursuant to this subsection which~~ sustains the application of the member may include an amount, to be determined by the commission, for reasonable attorney's fees and taxable costs, which shall be calculated in accordance with the statewide uniform guidelines for taxation of costs in civil actions. The amount of the attorney's *fees* ~~fee~~ may not exceed 50 percent of the initial yearly benefit awarded under s. 121.091(4). In cases involving disability retirement, the ~~State Retirement~~ commission shall require the member to present *substantial* competent medical evidence *that meets the requirements of s. 121.091(4)(c)2. and 3.,* and may require vocational evidence*,* before awarding disability retirement benefits.

Section 16. Paragraph (a) of subsection (1) of section 121.24, Florida Statutes, is amended to read:

121.24 Conduct of commission business; legal and other assistance; compensation.—

(1) The commission shall conduct its business within the following guidelines:

(a) For purposes of hearing appeals under s. 121.23, the commission may meet in panels ~~consisting~~ of *no* ~~not~~ fewer than three members. ~~For the purpose of meeting in these panels, a quorum shall be not fewer than two members. For all other purposes,~~ A quorum shall consist of three members. The concurring vote of a majority of the members present *is* ~~shall be~~ required to reach a decision, issue orders, and conduct the business of the commission.

Section 17. Paragraph (h) of subsection (3) and paragraphs (a) and (e) of subsection (5) of section 121.35, Florida Statutes, are amended, and paragraph (g) is added to subsection (5) of that section, to read:

121.35 Optional retirement program for the State University System.—

(3) ELECTION OF OPTIONAL PROGRAM.—

(h) A participant in the optional retirement program may not participate in more than one state-administered retirement system, plan, or class simultaneously. Except as provided in s. 121.052(6)(d), a participant who is or becomes dually employed in two or more positions covered by the Florida Retirement System, one of which is eligible for the optional program and one of which is not, may remain a member of the optional program and contributions shall be paid as required only on the salary earned in the position eligible for the optional program during *the* ~~such~~ period of dual employment; or, within 90 days after becoming dually employed, he or she may elect membership in the Regular Class of the Florida Retirement System in lieu of the optional program and contributions shall be paid as required on the total salary received for all employment. At retirement, the average final compensation used to calculate any benefits for which the member becomes eligible under the Florida Retirement System *must* ~~shall~~ be based on all salary reported for both positions during such period of dual employment. *If the* ~~When such~~ member ceases to be dually employed, he or she may, within 90 days, elect to remain in the Florida Retirement System class for which he or she is eligible or to again become a participant in the optional retirement program. Failure to elect membership in the optional program within 90 days shall result in compulsory membership in the Florida Retirement System, except that a member filling a faculty position *at* ~~under~~ a *college that has a* faculty practice plan at the University of Florida*, at* ~~or~~ the Medical Center at the University of South Florida*, or other state university* shall again participate in the optional retirement program as required in s. 121.051(1)(a).

(5) BENEFITS.—

(a) Benefits *are* ~~shall be~~ payable under the optional retirement program only to vested participants in the program, or their beneficiaries as designated by the participant in the contract with a provider company, and such benefits shall be paid only by the designated company in accordance with s. 403(b) of the Internal Revenue Code and ~~in accordance with~~ the terms of the annuity contract or contracts applicable to the participant. Benefits ~~shall~~ accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and the earnings thereon. The participant must be terminated from all employment *relationships* with all Florida Retirement System employers, as provided in s. 121.021(39), to begin receiving the employer-funded benefit. Benefits funded by employer contributions *are* ~~shall be~~ payable in accordance with the following terms and conditions:

1. Benefits shall be *paid* ~~payable~~ only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable *department* ~~board~~ rule or policy.

3. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (c). No other death benefits *are* ~~shall be~~ available *to* ~~for~~ survivors of participants under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.

(e) A participant who chooses to receive his or her benefits upon termination *as defined in s. 121.021 must* ~~of employment shall have responsibility to~~ notify the provider company of the date ~~on which~~ he or she wishes benefits funded by employer contributions to begin. Benefits may be deferred until ~~such time as~~ the participant chooses to make such application.

(g) For purposes of this section, "retiree" means a former participant of the optional retirement program who has terminated employment and has taken a distribution as provided in this subsection, except for a mandatory distribution of a de minimis account authorized by the department.

Section 18. Paragraph (f) of subsection (2) of section 121.4501, Florida Statutes, is amended to read:

121.4501 Public Employee Optional Retirement Program.—

(2) DEFINITIONS.—As used in this part, the term:

(f) "Eligible employee" means an officer or employee, as defined in s. 121.021~~(11)~~, who:

1. Is a member of, or is eligible for membership in, the Florida Retirement System, including any renewed member of the Florida Retirement System *initially enrolled before July 1, 2010*; or

2. Participates in, or is eligible to participate in, the Senior Management Service Optional Annuity Program as established under s. 121.055(6), the State Community College System Optional Retirement Program as established under s. 121.051(2)(c), or the State University System Optional Retirement Program established under s. 121.35.

The term does not include any member participating in the Deferred Retirement Option Program established under s. 121.091(13)*, a retiree of a state-administered retirement system initially reemployed on or after July 1, 2010,* or a mandatory participant of the State University System Optional Retirement Program established under s. 121.35.

Section 19. Paragraphs (a) and (b) of subsection (1) of section 121.591, Florida Statutes, is amended to read:

121.591 Benefits payable under the Public Employee Optional Retirement Program of the Florida Retirement System.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed in the manner prescribed by the state board or the department. The state board or department, as appropriate, may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities as provided herein, the State Board of Administration and the Department of Management Services shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received. The State Board of Administration and the Department of Management Services, as appropriate, are authorized to cash out a de minimis account of a participant who has been terminated from Florida Retirement System covered employment for a minimum of 6 calendar months. A de minimis account is an account containing employer contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter. Such cash-out must either be a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or a lump-sum direct rollover distribution paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code, on behalf of the participant. If any financial instrument issued for the payment of retirement benefits under this section is not presented for payment within 180 days after the last day of the month in which it was originally issued, the third-party administrator or other duly authorized agent of the State Board of Administration shall cancel the instrument and credit the amount of the instrument to the suspense account of the Public Employee Optional Retirement Program Trust Fund authorized under s. 121.4501(6). Any such amounts transferred to the suspense account are payable upon a proper application, not to include earnings thereon, as provided in this section, within 10 years after the last day of the month in which the instrument was originally issued, after which time such amounts and any earnings thereon shall be forfeited. Any such forfeited amounts are assets of the Public Employee Optional Retirement Program Trust Fund and are not subject to the provisions of chapter 717.

(1) NORMAL BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits in the form of vested accumulations as described in s. 121.4501(6) shall be payable under this subsection in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits under this subsection, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

4. Benefit payments may not be made until the participant has been terminated for 3 calendar months, except that the board may authorize by rule for the distribution of up to 10 percent of the participant's account after being terminated for 1 calendar month if a participant has reached the normal retirement *date as defined in s. 121.021* ~~requirements~~ of the defined benefit plan~~, as provided in s. 121.021(29)~~.

5. If a member or former member of the Florida Retirement System receives an invalid distribution from the Public Employee Optional Retirement Program Trust Fund, such person shall repay the full invalid distribution to the trust fund within 90 days after receipt of final notification by the State Board of Administration or the third-party administrator that the distribution was invalid. If such person fails to repay the full invalid distribution within 90 days after receipt of final notification, the person may be deemed retired from the Public Employee Optional Retirement Program by the state board, as provided pursuant to s. 121.4501(2)(j), and shall be subject to the provisions of s. 121.122. If such person is deemed retired by the state board, any joint and several liability set out in *s. 121.091(9)(d)2.* ~~s. 121.091(9)(c)2.~~ becomes null and void, and the state board, the Department of Management Services, or the employing agency is not liable for gains on payroll contributions that have not been deposited to the person's account in the Public Employee Optional Retirement Program, pending resolution of the invalid distribution. The member or former member who has been deemed retired or who has been determined by the board to have taken an invalid distribution may appeal the agency decision through the complaint process as provided under s. 121.4501(9)(f)3. As used in this subparagraph, the term "invalid distribution" means any distribution from an account in the Public Employee Optional Retirement Program which is taken in violation of the provisions of this section, s. 121.091(9), or s. 121.4501.

(b) If a participant elects to receive his or her benefits upon termination of employment *as defined in s. 121.021*, the participant must submit a written application or an equivalent form to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

Section 20. Subsection (1) of section 238.183, Florida Statutes, is amended to read:

238.183 Developmental research school and Florida School for the Deaf and the Blind instructional personnel; reemployment after retirement.—

(1) Notwithstanding any other law, instructional personnel, as defined in s. 1012.01(2), employed by a developmental research school or the Florida School for the Deaf and the Blind are eligible for reemployment after retirement in the same manner as classroom teachers who are employed by the district school boards, as described in ss. 121.091(9)(b)~~3.~~ and 238.181(2)(c).

Section 21. Paragraph (g) of subsection (3) and subsection (8) of section 1012.33, Florida Statutes, are amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(3)

(g) Beginning July 1, 2001, for each employee who enters into a written contract, pursuant to this section, in a school district in which the employee was not employed as of June 30, 2001, or was employed as of June 30, 2001, but has since broken employment with that district for 1 school year or more, for purposes of pay, a district school board must recognize and accept each year of full-time public school teaching service earned in the State of Florida or outside the state and for which the employee received a satisfactory performance evaluation. Instructional personnel employed pursuant to s. 121.091(9)(b)~~3.~~ are exempt from the provisions of this paragraph.

(8) Notwithstanding any other provision of law, *a retired* ~~any~~ member ~~who has retired~~ may interrupt retirement and be reemployed in any public school. *A* ~~Any~~ member ~~so~~ reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1)~~; however, no regular retirement employee shall be eligible to renew membership under a retirement system created by chapter 121 or chapter 238~~.

And the title is amended as follows:

Delete lines 51-96 and insert: provisions relating to reemployment of participants in the Deferred Retirement Option Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; increasing the maximum period of participation for instructional personnel in a developmental research school; deleting obsolete provisions; clarifying that DROP participation may not be canceled; providing for the suspension of DROP participation of an elected officer who is reemployed; providing that the retirement benefits of a participant who is reemployed within a certin time after retirement are suspended and must be paid back; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members are not eligible to purchase service credit; amending s. 121.122, F.S.; revising provisions relating to renewed membership in retirement system; providing that retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; clarifying the criteria for medical evidence that a member must submit to the Retirement Commission for before awarding disability retirement benefits; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the retirement commission; amending s. 121.35, F.S.; revising provisions relating to membership in the State University Optional Retirement Program; defining the term "retiree" for purposes of the program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending ss. 121.591 and 238.183, F.S.; providing and conforming cross-references; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing

Pursuant to Rule 4.19, **CS for CS for HB 479** as further amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

CS for CS for SB 1978—A bill to be entitled An act relating to classroom expenditures; creating s. 1010.2155, F.S.; requiring that school districts spend a minimum percentage of the district general fund on expenditures in the classroom; requiring that the Department of Education develop a uniform calculation and a common format for district reporting; requiring that school districts publish information regarding classroom expenditures; requiring that the department analyze the expenditures of school districts that fail to meet required classroom expenditure levels; authorizing the department to provide technical assistance upon request by a school district; requiring that the Commissioner of Education make written recommendations to the superintendent of schools and the school board; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1978** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 2482—A bill to be entitled An act relating to school improvement and accountability; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; repealing s. 1003.413(5), F.S., relating to a requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; correcting a cross-reference; amending s. 1003.429, F.S.; revising provisions relating to accelerated high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program beginning with students who enter grade 9 in the 2009-2010 school year; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate school districts as academically high-performing school districts if certain criteria are met; requiring that such designation occur at the next meeting of the State Board of Education on or after a specified date each year; providing that the designation is effective beginning the following school year; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.25, F.S.; requiring that each district school board annually post certain information on its Internet website; revising the date that each district school board is required to report certain information to the State Board of Education; amending s. 1008.36, F.S.; revising the date that school staff and the school advisory council are required to reach an agreement regarding the distribution of financial awards under the Florida School Recognition Program; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (382092)** by Senator Wise was adopted.

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment which was adopted:

Amendment 3 (192966) (with title amendment)—Between lines 39 and 40 insert:

Section 1. Paragraph (a) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. *For a charter school that meets the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school's governing board.*

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

And the title is amended as follows:

Delete line 3 and insert: accountability; amending s.1008.34, F.S.; revising provisions relating to schools receiving a school grade; amending s. 1003.413, F.S.; redefining

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment:

Amendment 4 (725638) (with title amendment)—Delete lines 55-97 and insert:

Section 3. *Sections 4-6 of this act may be cited as the "Justice Sandra Day O'Connor Civics Education Act."*

Section 4. Paragraph (a) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) Beginning with students entering grade 6 in the 2006-2007 school year, promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. *Beginning with students entering grade 6 in the 2011-2012 school year, one of these courses must be a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.*

4. Three middle school or higher courses in science.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using *Florida* CHOICES ~~for the 21st Century~~ or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student; the student's instructor, guidance counselor, or academic advisor; and the student's parent. ~~By January 1, 2007,~~ The Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

Section 5. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation

and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program to measure a student's content knowledge and skills in reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10. Comprehensive assessments of writing and science shall be administered at least once at the elementary, middle, and high school levels. End-of-course assessments for a subject may be administered in addition to the comprehensive assessments required for that subject under this paragraph. An end-of-course assessment must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by comprehensive and end-of-course assessments must be aligned to the core curricular content established in the Sunshine State Standards. *During the 2011-2012 school year, an end-of-course assessment in civics education shall be administered as a field test at the middle school level. During the 2012-2013 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education shall constitute 30 percent of the student's final course grade. Beginning with the 2013-2014 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit.* The commissioner may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course or industry-approved examinations to earn national industry certifications as defined in s. 1003.492, for use as end-of-course assessments under this paragraph, if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards. The testing program must be designed as follows:

1. The tests shall measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology experts, and the public.

2. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the commissioner, include test items that require the student to produce information or perform tasks in such a way that the core content knowledge and skills he or she uses can be measured.

3. Beginning with the 2008-2009 school year, the commissioner shall discontinue administration of the selected-response test items on the comprehensive assessments of writing. Beginning with the 2012-2013 school year, the comprehensive assessments of writing shall be composed of a combination of selected-response test items, short-response performance tasks, and extended-response performance tasks, which shall measure a student's content knowledge of writing, including, but not limited to, paragraph and sentence structure, sentence construction, grammar and usage, punctuation, capitalization, spelling, parts of speech, verb tense, irregular verbs, subject-verb agreement, and noun-pronoun agreement.

4. A score shall be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or attain concordant scores as described in subsection (10) in reading, writing, and mathematics to qualify for a standard high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall apply only to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT may have the FCAT requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and mathematics. The commissioner shall conduct studies as necessary to verify that the required core curricular content is part of the district instructional programs.

9. District school boards must provide opportunities for students to demonstrate an acceptable level of performance on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

10. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the core curricular content established in the Sunshine State Standards.

11. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the core curricular content established in the Sunshine State Standards for students with disabilities under s. 1003.438.

12. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student

test results. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results must be made available no later than the final day of the regular school year for students.

b. Beginning with the 2010-2011 school year, a comprehensive statewide assessment of writing is not administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject is not administered earlier than the week of April 15.

c. A statewide standardized end-of-course assessment is administered within the last 2 weeks of the course.

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

Section 6. Paragraph (c) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT *and, beginning with the 2012-2013 school year, the statewide, standardized end-of-course assessment in civics education at the middle school level*.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and who have scored at or in the lowest 25th percentile of students in the school in reading, mathematics, or writing, unless these students are exhibiting satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this section and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of an industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

And the title is amended as follows:

Delete lines 9-10 and insert: Program; providing a short title; amending s. 1003.4156, F.S.; providing requirements for a civics education course that a student must successfully complete for middle grades promotion beginning with students entering grade 6 in the 2011-2012 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in civics education as a field test at the middle school level during the 2011-2012 school year; providing requirements for course grade and course credit for subsequent school years; amending s. 1008.34, F.S.; requiring the inclusion of civics education end-of-course assessment data in determining school grades beginning with the 2012-2013 school year; amending s. 1003.429, F.S.; revising

On motion by Senator Wise, further consideration of **CS for CS for SB 2482** with pending **Amendment 4 (725638)** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 216, with amendment(s), and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

SB 216—A bill to be entitled An act relating to campaign financing; creating s. 106.113, F.S.; defining the terms "local government" and "public funds"; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; providing an effective date.

House Amendment 1 (563947)—Remove line 33 and insert: *concerning an issue, referendum, or amendment, including any state question, that is subject to*

Senator Wise moved the following amendment which failed:

Senate Amendment 1 (301400) (with title amendment) to House Amendment 1—Delete lines 4-6 of House Amendment 1 and insert:

Delete everything after the enacting clause and insert:

Section 1. Section 106.113, Florida Statutes, is created to read:

106.113 Expenditures by local governments.—

(1) As used in this section, the term:

(a) "Local government" means:

1. A county, municipality, school district, or other political subdivision in this state; and

2. Any department, agency, board, bureau, district, commission, authority, or similar body of a county, municipality, school district, or other political subdivision of this state.

(b) "Public funds" means all moneys under the jurisdiction or control of the local government.

(2) A local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to a vote of the electors. This subsection does not apply to an electioneering communication from a local government or a person acting on behalf of a local government which is limited to factual information.

(3) With the exception of the prohibitions specified in subsection (2), this section does not preclude an elected official of the local government from expressing an opinion on any issue at any time.

Section 2. Section 106.295, Florida Statutes, is amended to read:

106.295 *Caucus accountability* ~~Leadership~~ fund.—

(1) For purposes of this section:

(a) "*Caucus accountability* ~~Leadership~~ fund" means accounts comprised of any moneys contributed to a political party, directly or indirectly, which are designated to be used at the partial or total discretion of a leader.

(b) "Leader" means the President of the Senate, the Speaker of the House of Representatives, the majority leader and the minority leader of each house, and any person designated by a political caucus of members of either house to succeed to any such position.

(2) *Notwithstanding any other provision of law, caucus accountability* ~~leadership~~ funds are *authorized* ~~prohibited~~ in this state. ~~No leader shall accept any leadership funds.~~

~~(3) This section applies to leadership funds in existence on or after January 1, 1990~~.

Section 3. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to campaign financing; creating s. 106.113, F.S.; defining the terms "local government" and "public funds"; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; amending s. 106.295, F.S.; defining the term "caucus accountability fund"; authorizing the use of caucus accountability funds; providing an effective date.

On motion by Senator Justice, the Senate concurred in the House amendment.

SB 216 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 7:00 p.m.

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 424—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; providing that the executive director of the Florida Transportation Commission is in the Senior Management Service; amending s. 120.52, F.S.; redefining the term "agency" for purposes of ch. 120, F.S., to include certain regional transportation and transit authorities; amending s. 125.42, F.S.; providing for counties to incur certain costs related to the relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and

certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities may not be designated as developments of regional impact under certain circumstances; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; requiring the department to advertise certain contracts as design-build contracts; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring that a copy be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies as well as construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing the collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending s. 348.0003, F.S.; requiring transportation, bridge, and toll authorities to comply with the financial disclosure requirements of the State Constitution; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; clarifying that a municipality or county is authorized to make a determination of customary use with respect to regulations governing commercial wall murals and that such determination must be accepted in lieu of any agreement between the state and the United States Department of Transportation; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor and report to the Governor, the Legislature, and the affected metropolitan planning organizations; repealing part III of ch. 343 F.S., relating to the Tampa Bay Commuter Transit Authority; transferring any assets to the Tampa Bay Area Regional Transportation Authority; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 424** to **HB 1021**.

Pending further consideration of **CS for CS for SB 424** as amended, on motion by Senator Gardiner, by two-thirds vote **HB 1021** was withdrawn from the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Gardiner—

HB 1021—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; requiring a report to the Governor, Legislature, and affected metropolitan planning organizations by a certain date; amending s. 125.42, F.S.; providing for counties to incur certain costs related to relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities are not developments of regional impact under certain circumstances; amending s. 163.3180, F.S.; defining the term "backlog"; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 287.055, F.S.; conforming a cross-reference; amending s. 334.044, F.S.; clarifying the department's authority to establish and collect variable rate tolls; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; providing that the department shall retain the right to use ideas from unsuccessful firms that accept the stipend; establishing a goal for the department to procure certain contracts as design-build contracts; authorizing the department to adopt rules; amending ss. 337.14 and 337.16, F.S.; conforming cross-references; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring a copy to be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies or construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; providing exceptions; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; authorizing the department to use excess toll revenues for public transit;

exempting toll rates on high-occupancy toll lanes or express lanes from consumer price indexing provisions; removing specific identification of certain state-owned toll facilities in the department's authority to request issuance of bonds to fund transportation projects located within the county or counties in which the project is located; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the department to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; removing provisions for a short-range component and an annual performance report; amending s. 339.2816, F.S., relating to the Small County Road Assistance Program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; modifying provisions for local government control of the regulation of wall murals adjacent to certain federal highways; providing for notification to the Federal Highway Administration; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; creating a business partnership pilot program; authorizing the Palm Beach County School District to display names of business partners on district property in unincorporated areas; exempting the program from specified provisions; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; amending s. 120.52, F.S.; revising the definition of the term "agency"; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 424** as amended and read the second time by title.

Senator Gardiner moved the following amendment:

Amendment 1 (728458) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) "Agency" means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.

2. Authority, including a regional water supply authority.

3. Board, including the Board of Governors of the State University System and a state university board of trustees when acting pursuant to statutory authority derived from the Legislature.

4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.

5. Regional planning agency.

6. Multicounty special district with a majority of its governing board comprised of nonelected persons.

7. Educational units.

8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, any metropolitan planning organization created pursuant to s. 339.175, any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, an expressway authority pursuant to chapter 348 or *any* transportation authority under *chapter 343 or* chapter 349, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

Section 2. Subsection (5) of section 125.42, Florida Statutes, is amended to read:

125.42 Water, sewage, gas, power, telephone, other utility, and television lines along county roads and highways.—

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and television lines at no cost to the county*, except as provided in s. 337.403(1)(e)*.

Section 3. Paragraphs (a), (h), and (j) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to ~~the provisions of~~ paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; *lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02;* the discouragement of urban sprawl; energy-efficient land use

patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of *lands* adjacent or closely proximate *to* ~~lands with~~ military installations*, and lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02*. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and *may* ~~shall~~ not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category *is* ~~shall be~~ eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of *lands* adjacent or closely proximate *to* ~~lands with~~ existing military installations*, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02,* in their future land use plan element shall transmit the update or amendment to the *state land planning agency* ~~department~~ by June 30, *2012* ~~2006~~.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide ~~for~~ procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30 *and airport master plans under paragraph (k)*.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

d. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4.a. Local governments *shall* ~~must~~ execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted

pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which *must* ~~shall~~ be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:

1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.

2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

3. Parking facilities.

4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.

6. The capability to evacuate the coastal population prior to an impending natural disaster.

7. Airports, projected airport and aviation development, and land use compatibility around airports*, which includes areas defined in ss. 333.01 and 333.02*.

8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

10. The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.

Section 4. Subsection (3) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9); port transportation facilities and projects listed in s. 311.07(3)(b); ~~and~~ intermodal transportation facilities identified pursuant to s. 311.09(3)*; and facilities determined by the Department of Community Affairs and applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the use of port and intermodal transportation facilities* shall not be *designated as* developments of regional impact *if* ~~where~~ such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section.

Section 5. Paragraph (c) is added to subsection (2) of section 163.3182, Florida Statutes, and paragraph (d) of subsection (3) and subsections (4), (5), and (8) of that section are amended, to read:

163.3182 Transportation concurrency backlogs.—

(2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG AUTHORITIES.—

(c) The Legislature finds and declares that there exists in many counties and municipalities areas that have significant transportation deficiencies and inadequate transportation facilities; that many insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation concurrency standards; that the transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of these counties and municipalities; that the transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which these insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.

(3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG AUTHORITY.—Each transportation concurrency backlog authority has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:

(d) To borrow money*, including, but not limited to, issuing debt obligations such as, but not limited to, bonds, notes, certificates, and similar debt instruments*; to apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part; to give such security as may be required; to enter into and carry out contracts or agreements; and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation concurrency backlog project and related activities such conditions imposed *under* ~~pursuant to~~ federal laws as the transportation concurrency backlog authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.

(4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.—

(a) Each transportation concurrency backlog authority shall adopt a transportation concurrency backlog plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan *must* ~~shall~~:

1. Identify all transportation facilities that have been designated as deficient and require the expenditure of moneys to upgrade, modify, or mitigate the deficiency.

2. Include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy concurrency requirements pursuant to s. 163.3180, and the applicable local government comprehensive plan.

3. Establish a schedule for financing and construction of transportation concurrency backlog projects that will eliminate transportation concurrency backlogs within the jurisdiction of the authority within 10 years after the transportation concurrency backlog plan adoption. The schedule shall be adopted as part of the local government comprehensive plan.

(b) The adoption of the transportation concurrency backlog plan shall be exempt from the provisions of s. 163.3187(1).

Notwithstanding such schedule requirements, as long as the schedule provides for the elimination of all transportation concurrency backlogs within 10 years after the adoption of the concurrency backlog plan, the final maturity date of any debt incurred to finance or refinance the related projects may be no later than 40 years after the date the debt is incurred and the authority may continue operations and administer the trust fund established as provided in subsection (5) for as long as the debt remains outstanding.

(5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation concurrency backlog authority shall establish a local transportation concurrency backlog trust fund upon creation of the authority. Each local trust fund shall be administered by the transportation concurrency backlog authority within which a transportation concurrency backlog has been identified. *Each local trust fund must continue to be funded under this section for as long as the projects set forth in the related transportation concurrency backlog plan remain to be completed or until any debt incurred to finance or refinance the related projects are no longer outstanding, whichever occurs later.* Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation concurrency backlog area to be determined annually and shall be *a minimum of* 25 percent of the difference between *the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree under an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment*

greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation concurrency backlog authority and within the transportation backlog area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation concurrency backlog area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.

(8) DISSOLUTION.—Upon completion of all transportation concurrency backlog projects *and repayment or defeasance of all debt issued to finance or refinance such projects*, a transportation concurrency backlog authority shall be dissolved, and its assets and liabilities ~~shall be~~ transferred to the county or municipality within which the authority is located. All remaining assets of the authority must be used for implementation of transportation projects within the jurisdiction of the authority. The local government comprehensive plan shall be amended to remove the transportation concurrency backlog plan.

Section 6. Subsection (7) of section 337.11, Florida Statutes, is amended, present subsections (8) through (15) of that section are renumbered as subsections (9) through (16), respectively, and a new subsection (8) is added to that section, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If ~~the head of~~ the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

(b) The department shall adopt by rule procedures for administering design-build contracts. Such procedures shall include, but not be limited to:

1. Prequalification requirements.

2. Public announcement procedures.

3. Scope of service requirements.

4. Letters of interest requirements.

5. Short-listing criteria and procedures.

6. Bid proposal requirements.

7. Technical review committee.

8. Selection and award processes.

9. Stipend requirements.

(c) The department must receive at least three letters of interest in order to proceed with a request for proposals. The department shall request proposals from no fewer than three of the design-build firms submitting letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

(8) If the department determines that it is in the best interest of the public, the department may pay a stipend to nonselected design-build firms that have submitted responsive proposals for construction contracts. The decision and amount of a stipend shall be based upon department analysis of the estimated proposal development costs and the anticipated degree of engineering design during the procurement process. The department retains the right to use those designs from responsive nonselected design-build firms that accept a stipend.

Section 7. Paragraph (b) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)

(b) *Before beginning any work under the contract, the contractor shall maintain a copy of the payment and performance bond required under this section at its principal place of business and at the jobsite office, if one is established, and the contractor shall provide a copy of the payment and performance bond within 5 days after receiving a written request for the bond. A copy of the payment and performance bond required under this section may also be obtained directly from the department by making a request pursuant to chapter 119.* ~~Upon execution of the contract, and prior to beginning any work under the contract, the contractor shall record in the public records of the county where the improvement is located the payment and performance bond required under this section.~~ A claimant *has* ~~shall have~~ a right of action against the contractor and surety for the amount due him or her, including unpaid finance charges due under the claimant's contract. *The* ~~Such~~ action *may* ~~shall~~ not involve the department in any expense.

Section 8. Subsections (1), (2), and (7) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

(1) To facilitate the prompt settlement of claims for additional compensation arising out of construction *and maintenance* contracts between the department and the various contractors with whom it transacts business, the Legislature does hereby establish the State Arbitration Board, referred to in this section as the "board." For the purpose of this section, *the term* "claim" *means* ~~shall mean~~ the aggregate of all outstanding claims by a party arising out of a construction *or maintenance* contract. Every contractual claim in an amount up to $250,000 per contract or, at the claimant's option, up to $500,000 per contract or, upon agreement of the parties, up to $1 million per contract that cannot be resolved by negotiation between the department and the contractor shall be arbitrated by the board after acceptance of the project by the department. As an exception, either party to the dispute may request that the claim be submitted to binding private arbitration. A court of law may not consider the settlement of such a claim until the process established by this section has been exhausted.

(2) The board shall be composed of three members. One member shall be appointed by the head of the department, and one member shall be elected by those construction *or maintenance* companies who are under contract with the department. The third member shall be chosen by agreement of the other two members. Whenever the third member has a conflict of interest regarding affiliation with one of the parties, the other two members shall select an alternate member for that hearing. The head of the department may select an alternative or substitute to serve as the department member for any hearing or term. Each member shall serve a 2-year term. The board shall elect a chair, each term, who shall be the administrator of the board and custodian of its records.

(7) The members of the board may receive compensation for the performance of their duties hereunder, from administrative fees received by the board, except that no employee of the department may receive compensation from the board. The compensation amount shall be determined by the board, but *may* ~~shall~~ not exceed $125 per hour, up to a maximum of $1,000 per day for each member authorized to receive compensation. ~~Nothing in~~ This section *does not* ~~shall~~ prevent the mem-

ber elected by construction *or maintenance* companies from being an employee of an association affiliated with the industry, even if the sole responsibility of that member is service on the board. Travel expenses for the industry member may be paid by an industry association, if necessary. The board may allocate funds annually for clerical and other administrative services.

Section 9. Subsection (1) of section 337.403, Florida Statutes, is amended to read:

337.403 Relocation of utility; expenses.—

(1) Any utility heretofore or hereafter placed upon, under, over, or along any public road or publicly owned rail corridor that is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor shall, upon 30 days' written notice to the utility or its agent by the authority, be removed or relocated by such utility at its own expense except as provided in paragraphs *(a)-(f)* ~~(a), (b), and (c)~~.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627 of the 84th Congress, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of *the* ~~such~~ project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall relocate *the* ~~such~~ facilities upon order of the department, and the state shall pay the entire expense properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

(b) When a joint agreement between the department and the utility is executed for utility improvement, relocation, or removal work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility improvement, relocation, or removal costs that exceed the department's official estimate of the cost of *the* ~~such~~ work by more than 10 percent. The amount of such participation shall be limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility improvement, relocation, or removal costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and utility is executed for utility improvement, relocation, or removal work to be accomplished in advance of a contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

(d) If the utility facility being removed or relocated was initially installed to exclusively serve the department, its tenants, or both, the department shall bear the costs of removing or relocating that utility facility. However, the department is not responsible for bearing the cost of removing or relocating any subsequent additions to that facility for the purpose of serving others.

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the cost of removing or relocating the utility, the authority shall bear the cost of removal or relocation. This paragraph does not impair or restrict, and may not be used to interpret, the terms of any such agreement entered into before July 1, 2009.

(f) If the utility is an electric facility being relocated underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department shall incur all costs of the relocation.

Section 10. Subsections (4) and (5) of section 337.408, Florida Statutes, are amended, present subsection (7) of that section is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

337.408 Regulation of benches, transit shelters, street light poles, waste disposal receptacles, and modular news racks within rights-of-way.—

(4) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, waste disposal receptacle, *public pay telephone,* or modular news rack *that* ~~which~~ endangers life or property, except that transit bus benches *that were* ~~which have been~~ placed in service *before* ~~prior to~~ April 1, 1992, are not required to comply with bench size and advertising display size requirements ~~which have been~~ established by the department *before* ~~prior to~~ March 1, 1992. Any transit bus bench that was in service *before* ~~prior to~~ April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. The department *may* ~~is authorized to~~ adopt rules relating to the regulation of bench size and advertising display size requirements. If a municipality or county within which a bench is to be located has adopted an ordinance or other applicable regulation that establishes bench size or advertising display sign requirements different from requirements specified in department rule, the local government requirement *applies* ~~shall be applicable~~ within the respective municipality or county. Placement of any bench or advertising display on the National Highway System under a local ordinance or regulation adopted *under* ~~pursuant to~~ this subsection *is* ~~shall be~~ subject to approval of the Federal Highway Administration.

(5) *A* ~~No~~ bench, transit shelter, waste disposal receptacle, *public pay telephone,* or modular news rack, or advertising thereon, *may not* ~~shall~~ be erected or ~~so~~ placed on the right-of-way of any road *in a manner that* ~~which~~ conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, waste disposal receptacle, *public pay telephone,* or modular news rack services or advertising on such benches, shelters, receptacles, *public pay telephone,* or news racks may be regulated, restricted, or denied by the appropriate local government entity consistent with ~~the provisions of~~ this section.

(7) A public pay telephone, including advertising displayed thereon, may be installed within the right-of-way limits of any municipal, county, or state road, except on a limited access highway, if the pay telephone is installed by a provider duly authorized and regulated by the Public Service Commission under s. 364.3375, if the pay telephone is operated in accordance with all applicable state and federal telecommunications regulations, and if written authorization has been given to a public pay telephone provider by the appropriate municipal or county government. Each advertisement must be limited to a size no greater than 8 square feet and a public pay telephone booth may not display more than three advertisements at any given time. An advertisement is not allowed on public pay telephones located in rest areas, welcome centers, or other such facilities located on an interstate highway.

Section 11. Subsection (6) is added to section 338.01, Florida Statutes, to read:

338.01 Authority to establish and regulate limited access facilities.—

(6) All new limited access facilities and existing transportation facilities on which new or replacement electronic toll collection systems are installed shall be interoperable with the department's electronic toll-collection system.

Section 12. Present subsections (7) and (8) of section 338.165, Florida Statutes, are renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

338.165 Continuation of tolls.—

(7) This section does not apply to high-occupancy toll lanes or express lanes.

Section 13. Section 338.166, Florida Statutes, is created to read:

338.166 High-occupancy toll lanes or express lanes.—

(1) Under s. 11, Art. VII of the State Constitution, the department may request the Division of Bond Finance to issue bonds secured by toll rev-

enues collected on high-occupancy toll lanes or express lanes located on Interstate 95 in Miami-Dade and Broward Counties.

(2) The department may continue to collect the toll on the high-occupancy toll lanes or express lanes after the discharge of any bond indebtedness related to such project. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the high-occupancy toll lanes or express lanes project or associated transportation system.

(3) Any remaining toll revenue from the high-occupancy toll lanes or express lanes shall be used by the department for the construction, maintenance, or improvement of any road on the State Highway System.

(4) The department may implement variable-rate tolls on high-occupancy toll lanes or express lanes.

(5) Except for high-occupancy toll lanes or express lanes, tolls may not be charged for use of an interstate highway where tolls were not charged as of July 1, 1997.

(6) This section does not apply to the turnpike system as defined under the Florida Turnpike Enterprise Law.

Section 14. Paragraph (d) is added to subsection (1) of section 338.2216, Florida Statutes, to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)

(d) The Florida Turnpike Enterprise shall pursue and implement new technologies and processes in its operations and collection of tolls and the collection of other amounts associated with road and infrastructure usage. Such technologies and processes must include, without limitation, video billing and variable pricing.

Section 15. Section 338.231, Florida Statutes, is amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls *and amounts* for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

~~(1) In the process of effectuating toll rate increases over the period 1988 through 1992, the department shall, to the maximum extent feasible, equalize the toll structure, within each vehicle classification, so that the per mile toll rate will be approximately the same throughout the turnpike system. New turnpike projects may have toll rates higher than the uniform system rate where such higher toll rates are necessary to qualify the project in accordance with the financial criteria in the turnpike law. Such higher rates may be reduced to the uniform system rate when the project is generating sufficient revenues to pay the full amount of debt service and operating and maintenance costs at the uniform system rate. If, after 15 years of opening to traffic, the annual revenue of a turnpike project does not meet or exceed the annual debt service requirements and operating and maintenance costs attributable to such project, the department shall, to the maximum extent feasible, establish a toll rate for the project which is higher than the uniform system rate as necessary to meet such annual debt service requirements and operating and maintenance costs. The department may, to the extent feasible, establish a temporary toll rate at less than the uniform system rate for the purpose of building patronage for the ultimate benefit of the turnpike system. In no case shall the temporary rate be established for more than 1 year. The requirements of this subsection shall not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds.~~

(1) ~~(2)~~ Notwithstanding any other ~~provision of~~ law, the department may defer the scheduled July 1, 1993, toll rate increase on the Homestead Extension of the Florida Turnpike until July 1, 1995. The department may also advance funds to the Turnpike General Reserve Trust Fund to replace estimated lost revenues resulting from this deferral. The amount advanced must be repaid within 12 years from the date of advance; however, the repayment is subordinate to all other debt financing of the turnpike system outstanding at the time repayment is due.

(2) ~~(3)~~ The department shall publish a proposed change in the toll rate for the use of an existing toll facility, in the manner provided for in s. 120.54, which will provide for public notice and the opportunity for a public hearing before the adoption of the proposed rate change. When the department is evaluating a proposed turnpike toll project under s. 338.223 and has determined that there is a high probability that the project will pass the test of economic feasibility predicated on proposed toll rates, the toll rate that is proposed to be charged after the project is constructed must be adopted during the planning and project development phase of the project, in the manner provided for in s. 120.54, including public notice and the opportunity for a public hearing. For such a new project, the toll rate becomes effective upon the opening of the project to traffic.

(3)(a) ~~(4)~~ For the period July 1, 1998, through June 30, 2017, the department shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike system in Miami-Dade County, Broward County, and Palm Beach County as compared to total net toll collections attributable to users of the turnpike system. ~~The requirements of~~ This subsection *does* ~~do~~ not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds. *The department may at any time for economic considerations establish lower temporary toll rates for a new or existing toll facility for a period not to exceed 1 year, after which the toll rates adopted pursuant to s. 120.54 shall become effective.*

(b) The department shall also fix, adjust, charge, and collect such amounts needed to cover the costs of administering the different toll-collection and payment methods, and types of accounts being offered and used, in the manner provided for in s. 120.54 which will provide for public notice and the opportunity for a public hearing before adoption. Such amounts may stand alone, be incorporated in a toll rate structure, or be a combination of the two.

(4) ~~(5)~~ When bonds are outstanding which have been issued to finance or refinance any turnpike project, the tolls and all other revenues derived from the turnpike system and pledged to such bonds shall be set aside as may be provided in the resolution authorizing the issuance of such bonds or the trust agreement securing the same. The tolls or other revenues or other moneys so pledged and thereafter received by the department are immediately subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge is valid and binding as against all parties having claims of any kind in tort or contract or otherwise against the department irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the department.

(5) ~~(6)~~ In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. The agreement *must* ~~shall~~ establish that the Sawgrass Expressway *is* ~~shall be~~ subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues *is* ~~shall be~~ subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to ~~provisions of~~ any

subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.

(6) ~~(7)~~ The use and disposition of revenues pledged to bonds are subject to ~~the provisions of~~ ss. 338.22-338.241 and such regulations as the resolution authorizing the issuance of *the* ~~such~~ bonds or such trust agreement may provide.

Section 16. Subsection (4) of section 339.12, Florida Statutes, is amended to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(4)(a) Prior to accepting the contribution of road bond proceeds, time warrants, or cash for which reimbursement is sought, the department shall enter into agreements with the governing body of the governmental entity for the project or project phases in accordance with specifications agreed upon between the department and the governing body of the governmental entity. The department in no instance is to receive from such governmental entity an amount in excess of the actual cost of the project or project phase. By specific provision in the written agreement between the department and the governing body of the governmental entity, the department may agree to reimburse the governmental entity for the actual amount of the bond proceeds, time warrants, or cash used on a highway project or project phases that are not revenue producing and are contained in the department's adopted work program, or any public transportation project contained in the adopted work program. Subject to appropriation of funds by the Legislature, the department may commit state funds for reimbursement of such projects or project phases. Reimbursement to the governmental entity for such a project or project phase must be made from funds appropriated by the Legislature, and reimbursement for the cost of the project or project phase is to begin in the year the project or project phase is scheduled in the work program as of the date of the agreement. Funds advanced pursuant to this section, which were originally designated for transportation purposes and so reimbursed to a county or municipality, shall be used by the county or municipality for any transportation expenditure authorized under s. 336.025(7). Also, cities and counties may receive funds from persons, and reimburse those persons, for the purposes of this section. Such persons may include, but are not limited to, those persons defined in s. 607.01401(19).

(b) Prior to entering an agreement to advance a project or project phase pursuant to this subsection and subsection (5), the department shall first update the estimated cost of the project or project phase and certify that the estimate is accurate and consistent with the amount estimated in the adopted work program. If the original estimate and the updated estimate vary, the department shall amend the adopted work program according to the amendatory procedures for the work program set forth in s. 339.135(7). The amendment shall reflect all corresponding increases and decreases to the affected projects within the adopted work program.

(c) The department may enter into agreements under this subsection for a project or project phase not included in the adopted work program. As used in this paragraph, the term "project phase" means acquisition of rights-of-way, construction, construction inspection, and related support phases. The project or project phase must be a high priority of the governmental entity. Reimbursement for a project or project phase must be made from funds appropriated by the Legislature pursuant to s. 339.135(5). All other provisions of this subsection apply to agreements entered into under this paragraph. The total amount of project agreements for projects or project phases not included in the adopted work program *authorized by this paragraph* may not at any time exceed *$250* ~~$100~~ million. However, notwithstanding such *$250* ~~$100~~ million limit and any similar limit in s. 334.30, project advances for any inland county with a population greater than 500,000 dedicating amounts equal to $500 million or more of its Local Government Infrastructure Surtax pursuant to s. 212.055(2) for improvements to the State Highway System which are included in the local metropolitan planning organization's or the department's long-range transportation plans shall be excluded from the calculation of the statewide limit of project advances.

(d) The department may enter into agreements under this subsection with any county that has a population of 150,000 or fewer as determined by the most recent official estimate under s. 186.901 for a project or project phase not included in the adopted work program. As used in this paragraph, the term "project phase" means acquisition of rights-of-way, construction, construction inspection, and related support phases. The project or project phase must be a high priority of the governmental entity. Reimbursement for a project or project phase must be made from funds appropriated by the Legislature under s. 339.135(5). All other provisions of this subsection apply to agreements entered into under this paragraph. The total amount of project agreements for projects or project phases not included in the adopted work program authorized by this paragraph may not at any time exceed $200 million. The project must be included in the local government's adopted comprehensive plan. The department may enter into long-term repayment agreements of up to 30 years.

Section 17. Paragraph (d) of subsection (7) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(d)1. *Whenever the department proposes any amendment to the adopted work program, as defined in subparagraph (c)1. or subparagraph (c)3., which deletes or defers a construction phase on a capacity project, it shall notify each county affected by the amendment and each municipality within the county. The notification shall be issued in writing to the chief elected official of each affected county, each municipality within the county, and the chair of each affected metropolitan planning organization. Each affected county and each municipality in the county is encouraged to coordinate with each other in order to determine how the amendment affects local concurrency management and regional transportation planning efforts. Each affected county, and each municipality within the county, shall have 14 days to provide written comments to the department regarding how the amendment will affect its respective concurrency management systems, including whether any development permits were issued contingent upon the capacity improvement, if applicable. After receipt of written comments from the affected local governments, the department shall include any written comments submitted by such local governments in its preparation of the proposed amendment.*

2. Following the 14-day comment period in subparagraph 1., if applicable, whenever the department proposes any amendment to the adopted work program, which amendment is defined in subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or subparagraph (c)4., it shall submit the proposed amendment to the Governor for approval and shall immediately notify the chairs of the legislative appropriations committees, the chairs of the legislative transportation committees, *and* each member of the Legislature who represents a district affected by the proposed amendment*. It shall also notify* ~~,~~ each metropolitan planning organization affected by the proposed amendment, and each unit of local government affected by the proposed amendment*, unless it provided to each the notification required by subparagraph 1.* Such proposed amendment shall provide a complete justification of the need for the proposed amendment.

3. ~~2.~~ The Governor *may* ~~shall~~ not approve a proposed amendment until 14 days following the notification required in subparagraph *2.* ~~1.~~

4. ~~3.~~ If either of the chairs of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives objects in writing to a proposed amendment within 14 days following notification and specifies the reasons for such objection, the Governor shall disapprove the proposed amendment.

Section 18. Subsection (3) and paragraphs (b) and (c) of subsection (4) of section 339.2816, Florida Statutes, are amended to read:

339.2816 Small County Road Assistance Program.—

(3) Beginning with fiscal year 1999-2000 until fiscal year 2009-2010*, and beginning again with fiscal year 2012-2013,* up to $25 million annually from the State Transportation Trust Fund may be used for the purposes of funding the Small County Road Assistance Program as described in this section.

(4)

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition, including the

amount of local option fuel tax ~~and ad valorem millage rate~~ imposed by the county. The department may also consider the extent to which the county has offered to provide a match of local funds with state funds provided under the program. At a minimum, small counties shall be eligible only if~~:~~

~~1.~~ the county has enacted the maximum rate of the local option fuel tax authorized by s. 336.025(1)(a)~~, and has imposed an ad valorem millage rate of at least 8 mills; or~~

~~2. The county has imposed an ad valorem millage rate of 10 mills~~.

(c) The following criteria *must* ~~shall~~ be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Whether a road is located in a fiscally constrained county, as defined in s. 218.67(1).

f. ~~e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 19. Paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(4)

(c) Members of *each expressway* ~~an~~ authority*, transportation authority, bridge authority, or toll authority, created pursuant to this chapter, chapter 343, or chapter 349 or any other legislative enactment* shall ~~be required to~~ comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. *This paragraph does not subject any statutorily created authority, other than an expressway authority created under this part, to any other requirement of this part except the requirement of this paragraph.*

Section 20. Subsection (1) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:

(1) "Automatic changeable facing" means a facing *that* ~~which through a mechanical system~~ is capable of delivering two or more advertising messages *through an automated or remotely controlled process* ~~and shall not rotate so rapidly as to cause distraction to a motorist~~.

Section 21. Subsections (1), (5), and (9) of section 479.07, Florida Statutes, are amended to read:

479.07 Sign permits.—

(1) Except as provided in ss. 479.105(1)(e) and 479.16, a person may not erect, operate, use, or maintain, or cause to be erected, operated, used, or maintained, any sign on the State Highway System outside an *urban* ~~incorporated~~ area*, as defined in s. 334.03(32),* or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from the department and paying the annual fee as provided in this section. *As used in* ~~For purposes of~~ this section, *the term* "on any portion of the State Highway System, interstate, or federal-aid primary system" *means* ~~shall mean~~ a sign located within the controlled area which is visible from any portion of the main-traveled way of such system.

(5)(a) For each permit issued, the department shall furnish to the applicant a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the sign facing or, if there is no facing, on the pole nearest the highway; and it shall be attached in such a manner as to be plainly visible from the main-traveled way. *Effective July 1, 2012, the tag must be securely attached to the upper 50 percent of the pole nearest the highway and must be attached in such a manner as to be plainly visible from the main-traveled way.* The permit *becomes* ~~will become~~ void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit became void.

(b) If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the department for a replacement tag. *The department shall adopt a rule establishing a service fee for replacement tags in an amount that will recover the actual cost of providing the replacement tag.* Upon receipt of the application accompanied by *the* ~~a~~ service fee ~~of $3~~, the department shall issue a replacement permit tag. *Alternatively, the permittee may provide its own replacement tag pursuant to department specifications that the department shall adopt by rule at the time it establishes the service fee for replacement tags.*

(9)(a) A permit shall not be granted for any sign for which a permit had not been granted by the effective date of this act unless such sign is located at least:

1. One thousand five hundred feet from any other permitted sign on the same side of the highway, if on an interstate highway.

2. One thousand feet from any other permitted sign on the same side of the highway, if on a federal-aid primary highway.

The minimum spacing provided in this paragraph does not preclude the permitting of V-type, back-to-back, side-to-side, stacked, or double-faced signs at the permitted sign site. *If a sign is visible from the controlled area of more than one highway subject to the jurisdiction of the department, the sign shall meet the permitting requirements of, and, if the sign meets the applicable permitting requirements, be permitted to, the highway having the more stringent permitting requirements.*

(b) A permit shall not be granted for a sign pursuant to this chapter to locate such sign on any portion of the interstate or federal-aid primary highway system, which sign:

1. Exceeds 50 feet in sign structure height above the crown of the main-traveled way, if outside an incorporated area;

2. Exceeds 65 feet in sign structure height above the crown of the main-traveled way, if inside an incorporated area; or

3. Exceeds 950 square feet of sign facing including all embellishments.

(c) Notwithstanding subparagraph (a)1., there is established a pilot program in Orange*, Hillsborough,* and Osceola Counties*, and within the boundaries of the City of Miami,* under which the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet if all other requirements of this chapter are met and if:

1. The local government has adopted a plan, program, resolution, ordinance, or other policy encouraging the voluntary removal of signs in a downtown, historic, redevelopment, infill, or other designated area which also provides for a new or replacement sign to be erected on an interstate highway within that jurisdiction if a sign in the designated area is removed;

2. The sign owner and the local government mutually agree to the terms of the removal and replacement; and

3. The local government notifies the department of its intention to allow such removal and replacement as agreed upon pursuant to subparagraph 2.

The department shall maintain statistics tracking the use of the provisions of this pilot program based on the notifications received by the department from local governments under this paragraph.

(d) ~~Nothing in~~ This subsection *does not* ~~shall be construed so as to~~ cause a sign *that* ~~which~~ was conforming on October 1, 1984, to become nonconforming.

Section 22. Section 479.08, Florida Statutes, is amended to read:

479.08 Denial or revocation of permit.—The department *may* ~~has the authority to~~ deny or revoke any permit requested or granted under this chapter in any case in which it determines that the application for the permit contains knowingly false or misleading information*. The department may revoke any permit granted under this chapter in any case in which* ~~or that~~ the permittee has violated any of the provisions of this chapter, unless such permittee, within 30 days after the receipt of notice by the department, ~~corrects such false or misleading information and~~ complies with the provisions of this chapter. *For the purpose of this section, the notice of violation issued by the department must describe in detail the alleged violation.* Any person aggrieved by any action of the department in denying or revoking a permit under this chapter may, within 30 days after receipt of the notice, apply to the department for an administrative hearing pursuant to chapter 120. If a timely request for hearing has been filed and the department issues a final order revoking a permit, such revocation shall be effective 30 days after the date of rendition. Except for department action pursuant to s. 479.107(1), the filing of a timely and proper notice of appeal shall operate to stay the revocation until the department's action is upheld.

Section 23. Section 479.156, Florida Statutes, is amended to read:

479.156 Wall murals.—Notwithstanding any other provision of this chapter, a municipality or county may permit and regulate wall murals within areas designated by such government. If a municipality or county permits wall murals, a wall mural that displays a commercial message and is within 660 feet of the nearest edge of the right-of-way within an area adjacent to the interstate highway system or the federal-aid primary highway system shall be located in an area that is zoned for industrial or commercial use and the municipality or county shall establish and enforce regulations for such areas that, at a minimum, set forth criteria governing the size, lighting, and spacing of wall murals consistent with the intent of the Highway Beautification Act of 1965 and with customary use. *Whenever a municipality or county exercises such control and makes a determination of customary use pursuant to 23 U.S.C. s. 131(d), such determination shall be accepted in lieu of controls in the agreement between the state and the United States Department of Transportation, and the department shall notify the Federal Highway Administration pursuant to the agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c).* A wall mural that is subject to municipal or county regulation and the Highway Beautification Act of 1965 must be approved by the Department of Transportation and the Federal Highway Administration *when required by federal law and federal regulation under* ~~and may not violate~~ the agreement between the state and the United States Department of Transportation *and* ~~or violate~~ federal regulations enforced by the Department of Transportation under s. 479.02(1). The existence of a wall mural as defined in s. 479.01(27) shall not be considered in determining whether a sign as defined in s. 479.01(17), either existing or new, is in compliance with s. 479.07(9)(a).

Section 24. Subsections (1), (3), (4), and (5) of section 479.261, Florida Statutes, are amended to read:

479.261 Logo sign program.—

(1) The department shall establish a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists about available gas, food, lodging, ~~and~~ camping*, attractions, and other* services*, as approved by the Federal Highway Administration,* at interchanges, through the use of business logos, and may include additional interchanges under the program. ~~A logo sign for nearby attractions may be added to this program if allowed by federal rules.~~

(a) An attraction as used in this chapter is defined as an establishment, site, facility, or landmark *that* ~~which~~ is open a minimum of 5 days a week for 52 weeks a year; *that* ~~which charges an admission for entry; which~~ has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and *that* ~~which~~ is publicly recognized as a bona fide tourist attraction. ~~However, the permits for businesses seeking to participate in the attractions logo sign program shall be awarded by the department annually to the highest bidders, notwithstanding the limitation on fees in subsection (5), which are qualified for available space at each qualified location, but the fees therefor may not be less than the fees established for logo participants in other logo categories.~~

(b) The department shall incorporate the use of RV-friendly markers on specific information logo signs for establishments that cater to the needs of persons driving recreational vehicles. Establishments that qualify for participation in the specific information logo program and that also qualify as "RV-friendly" may request the RV-friendly marker on their specific information logo sign. An RV-friendly marker must consist of a design approved by the Federal Highway Administration. The department shall adopt rules in accordance with chapter 120 to administer this paragraph, including rules setting forth the minimum requirements that establishments must meet in order to qualify as RV-friendly. These requirements shall include large parking spaces, entrances, and exits that can easily accommodate recreational vehicles and facilities having appropriate overhead clearances, if applicable.

(c) The department may implement a 3-year rotation-based logo program providing for the removal and addition of participating businesses in the program.

(3) Logo signs may be installed upon the issuance of an annual permit by the department or its agent and payment of *a* ~~an application and~~ permit fee to the department or its agent.

(4) The department may contract pursuant to s. 287.057 for the provision of services related to the logo sign program, including recruitment and qualification of businesses, review of applications, permit issuance, and fabrication, installation, and maintenance of logo signs. The department may reject all proposals and seek another request for proposals or otherwise perform the work. ~~If the department contracts for the provision of services for the logo sign program, the contract must require, unless the business owner declines, that businesses that previously entered into agreements with the department to privately fund logo sign construction and installation be reimbursed by the contractor for the cost of the signs which has not been recovered through a previously agreed upon waiver of fees.~~ The contract also may allow the contractor to retain a portion of the annual fees as compensation for its services.

(5) Permit fees for businesses that participate in the program must be established in an amount sufficient to offset the total cost to the department for the program, including contract costs. The department shall provide the services in the most efficient and cost-effective manner through department staff or by contracting for some or all of the services. *The department shall adopt rules that set reasonable rates based upon factors such as population, traffic volume, market demand, and costs for annual permit fees. However, annual permit fees for sign locations inside an urban area, as defined in s. 334.03(32), may not exceed $5,000, and annual permit fees for sign locations outside an urban area, as defined in s. 334.03(32), may not exceed $2,500. After recovering program costs, the proceeds from the logo program shall be deposited into the State Transportation Trust Fund and used for transportation purposes.* ~~Such annual permit fee shall not exceed $1,250.~~

Section 25. *The Department of Transportation, in consultation with the Department of Law Enforcement, the Department of Environmental Protection, the Division of Emergency Management of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development, affected metropolitan planning organizations, and regional planning councils within whose jurisdictional area the I-95 corridor lies, shall complete a study of transportation alternatives for the travel corridor parallel to Interstate 95 which takes into account the transportation, emergency management, homeland security, and economic development needs of the state. The report must include identification of cost-effective measures that may be implemented to alleviate congestion on Interstate 95, facilitate emergency and security responses, and foster economic development. The Department of Transportation shall send the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and each affected metropolitan planning organization by June 30, 2010.*

Section 26. *(1) Part III of chapter 343, Florida Statutes, consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75, 343.76, and 343.77, is repealed.*

(2) Any assets or liabilities of the Tampa Bay Commuter Transit Authority are transferred to the Tampa Bay Area Regional Transportation Authority as created under s. 343.92, Florida Statutes.

Section 27. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 120.52, F.S.; redefining the term "agency" for purposes of ch. 120, F.S., to include certain regional transportation and transit authorities; amending s. 125.42, F.S.; providing for counties to incur certain costs related to the relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities may not be designated as developments of regional impact under certain circumstances; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; requiring the department to advertise certain contracts as design-build contracts; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring that a copy be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies as well as construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing the collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending s. 348.0003, F.S.; requiring transportation, bridge, and toll authorities to comply with the financial disclosure requirements of the State Constitution; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; clarifying that a municipality or county is authorized to make a determination of customary use with respect to regulations governing commercial wall murals and that such determination must be accepted in lieu of any agreement between the state and the United States Department of Transportation; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor and report to the Governor, the Legislature, and the affected metropolitan planning organizations; repealing part III of ch. 343 F.S., relating to the Tampa Bay Commuter Transit Authority; transferring any assets to the Tampa Bay Area Regional Transportation Authority; providing an effective date.

Senator Bennett offered the following amendment to **Amendment 1** which was moved by Senator Gardiner and adopted:

Amendment 1A (108518) (with title amendment)—Between lines 305 and 306 insert:

Section 5. Paragraphs (a) and (b) of subsection (12) and paragraph (i) of subsection (16) of section 163.3180, Florida Statutes, are created to read:

163.3180 Concurrency.—

(12)*(a)* A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

1. ~~(a)~~ The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

2. ~~(b)~~ The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;

3. ~~(c)~~ The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and

4. ~~(d)~~ If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a

stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).

(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

And the title is amended as follows:

Delete line 1331 and insert: impact under certain circumstances; amending s. 163.3180, F.S.; providing a definition for "backlog"; amending s. 163.3182, F.S.,

MOTION

Senator Ring moved that the rules be waived to allow consideration of the late filed amendment **1B (626368)**. The motion failed, therefore the amendment was not considered.

The vote was:

Yeas—17

Mr. President	Bullard	Gardiner
Alexander	Constantine	Haridopolos
Altman	Detert	Peaden
Aronberg	Deutch	Pruitt
Baker	Diaz de la Portilla	Ring
Bennett	Fasano	

Nays—23

Crist	Joyner	Siplin
Dean	Justice	Smith
Dockery	King	Sobel
Gaetz	Lawson	Storms
Garcia	Lynn	Villalobos
Gelber	Oelrich	Wilson
Hill	Rich	Wise
Jones	Richter	

Vote after roll call:

Nay to Yea—Gaetz, Smith

Senator Constantine moved the following amendment to **Amendment 1**:

Amendment 1B (337392) (with title amendment)—Delete line 1311 and insert:

Section 27. Effective upon this act becoming a law, section 341.301, Florida Statutes, is amended to read:

341.301 Definitions; *ss. 341.302-341.303* ~~ss. 341.302 and 341.303~~.—As used in *ss. 341.302-341.303* ~~ss. 341.302 and 341.303~~, the term:

(1) "Branch line continuance project" means a project that involves branch line rehabilitation, new connecting track, rail banking, and other similar types of projects, including those specifically identified in the federal Railroad Revitalization and Regulatory Reform Act of 1976, and subsequent amendments to that act.

(2) "Intercity rail transportation system" means the network of railroad facilities used or available for interstate and intrastate passenger and freight operations by railroads, whether or not on a schedule or whether or not restricted.

(3) "Rail programs" means those programs administered by the state or other governmental entities which involve projects affecting the movement of people or goods by rail lines that have been or will be constructed to serve freight or passenger markets within a city or between cities.

(4) "Rail service development project" means a project undertaken by a public agency to determine whether a new or innovative technique or measure can be utilized to improve or expand rail service. The duration of the project funding shall be limited according to the type of project and in no case shall exceed 3 years. Rail service development projects include those projects and other actions undertaken to enhance railroad operating efficiency or increased rail service, including measures that result in improved speed profiles, operations, or technological applications that lead to reductions in operating costs and increases in productivity or service.

(5) "Railroad" or "rail system" means any common carrier fixed-guideway transportation system such as the conventional steel rail-supported, steel-wheeled system. The term does not include a high-speed rail line developed by the Department of Transportation pursuant to ss. 341.8201-341.842.

(6) "Railroad capital improvement project" means a project identified by the rail component of the Florida Transportation Plan, which project involves the leasing, acquisition, design, construction, reconstruction, or improvement to the existing intercity rail transportation system or future segments thereof, including such items as locomotives and other rolling stock, tracks, terminals, and rights-of-way for the continuance or expansion of rail service as necessary to ensure the continued effectiveness of the state's rail facilities and systems in meeting mobility and industrial development needs.

(7) "Train" means any locomotive engine that is powered by diesel fuel, electricity, or other means, with or without cars coupled thereto, and operated upon a railroad track or any other form of fixed guideway, except that the term does not include a light rail vehicle such as a streetcar or people mover.

(8) "Commuter rail passenger" or "passengers" means all persons, ticketed or unticketed, using the commuter rail service on a department-owned rail corridor:

(a) On board trains, locomotives, rail cars, or rail equipment employed in commuter rail service or entraining and detraining therefrom;

(b) On or about the rail corridor for any purpose related to the commuter rail service, including, parking, inquiring about commuter rail service, or purchasing tickets therefor, and coming to, waiting for, leaving from, or observing trains, locomotives, rail cars, or rail equipment; or

(c) Meeting, assisting, or in the company of any person described in paragraph (a) or paragraph (b).

(9) "Commuter rail service" means the transportation of commuter rail passengers and other passengers by rail pursuant to a rail program provided by the department or any other governmental entities.

(10) "Rail corridor invitee" means all persons who are on or about a department-owned rail corridor:

(a) For any purpose related to any ancillary development thereon; or

(b) Meeting, assisting, or in the company of any person described in paragraph (a).

(11) "Rail corridor" means a linear contiguous strip of real property that is used for rail service. The term includes the corridor and structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, ancillary development, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

(12) "Railroad operations" means the use of the rail corridor to conduct commuter rail service, intercity rail passenger service, or freight rail service.

(13) "Ancillary development" includes any lessee or licensee of the department, including other governmental entities, vendors, retailers, restaurateurs, or contract service providers, within a department-owned rail corridor, except for providers of commuter rail service, intercity rail passenger service, or freight rail service.

(14) "Governmental entity" or "entities" has the same meaning as provided in s. 11.45, including a "public agency" as defined in s. 163.01.

Section 28. Effective upon this act becoming a law, section 341.302, Florida Statutes, is amended to read:

341.302 Rail program, duties and responsibilities of the department.—The department, in conjunction with other governmental *entities* ~~units~~ and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under *federal law* ~~Title 49 C.F.R. part 212~~, the department shall:

(1) Provide the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state's rail system to current and anticipated mobility needs.

(2) Promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems.

(3) Develop and periodically update the rail system plan, on the basis of an analysis of statewide transportation needs.

(a) The plan *may contain detailed regional components, consistent with regional transportation plans, as needed to ensure connectivity within the state's regions, and it* shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155. The rail system plan shall include an identification of priorities, programs, and funding levels required to meet statewide *and regional* needs. The rail system plan shall be developed in a manner that will assure the maximum use of existing facilities and the optimum integration and coordination of the various modes of transportation, public and private, in the most cost-effective manner possible. The rail system plan shall be updated at least every *5* ~~2~~ years and include plans for both passenger rail service and freight rail service*, accompanied by a report to the Legislature regarding the status of the plan*.

(b) In recognition of the department's role in the enhancement of the state's rail system to improve freight and passenger mobility, the department shall:

1. Continue to work closely with all affected communities, including, but not limited to, the City of Lakeland, the City of Plant City, and Polk County, to identify and address anticipated impacts associated with an increase in freight rail traffic;

2. In coordination with the affected local governments and CSX Transportation, Inc., finalize all viable alternatives from the department's Rail Traffic Evaluation Study to identify and develop an alternative route for through-freight rail traffic moving through Central Florida, including Polk and Hillsborough Counties. Following the completion of the department's alternative rail traffic evaluation, the department shall begin a project development and environmental study that must be reviewed and approved by appropriate federal agencies so that a preferred alternative can be identified which minimizes the impacts associated with freight rail movements along the corridor. This preferred alternative shall become the basis for future development of this freight rail corridor and, with a priority ranking from the Polk Transportation Planning Organization, or its successor, shall be programmed for funding in the department's work program in a fiscal year no later than 10 years from commencement of construction of the CSX Integrated Logistics Center; and

3. Provide technical assistance to a coalition of local governments in Central Florida, including the counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole, Sumter, and Volusia, and the municipalities within those counties, to develop a regional rail system plan that addresses passenger and freight opportunities in the region, is consistent with the Florida Rail System Plan, and incorporates appropriate elements of the Tampa Bay Area Regional Authority Master Plan, the Metroplan Orlando Regional Transit System Concept Plan, including the Sunrail project, and the Florida Department of Transportation Alternate Rail Traffic Evaluation.

(4) As part of the work program of the department, formulate a specific program of projects and financing to respond to identified railroad needs.

(5) Provide technical and financial assistance to units of local government to address identified rail transportation needs.

(6) Secure and administer federal grants, loans, and apportionments for rail projects within this state when necessary to further the statewide program.

(7) Develop and administer state standards concerning the safety and performance of rail systems, hazardous material handling, and operations. Such standards shall be developed jointly with representatives of affected rail systems, with full consideration given to nationwide industry norms, and shall define the minimum acceptable standards for safety and performance.

(8) Conduct, at a minimum, inspections of track and rolling stock; train signals and related equipment; hazardous materials transportation, including the loading, unloading, and labeling of hazardous materials at shippers', receivers', and transfer points; and train operating practices to determine adherence to state and federal standards. Department personnel may enforce any safety regulation issued under the Federal Government's preemptive authority over interstate commerce.

(9) Assess penalties, in accordance with the applicable federal regulations, for the failure to adhere to the state standards.

(10) Administer rail operating and construction programs, which programs shall include the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of traffic control devices at public grade crossings, the administering of the programs by the department including participation in the cost of the programs.

(11) Coordinate and facilitate the relocation of railroads from congested urban areas to nonurban areas when relocation has been determined feasible and desirable from the standpoint of safety, operational efficiency, and economics.

(12) Implement a program of branch line continuance projects when an analysis of the industrial and economic potential of the line indicates

that public involvement is required to preserve essential rail service and facilities.

(13) Provide new rail service and equipment when:

(a) Pursuant to the transportation planning process, a public need has been determined to exist;

(b) The cost of providing such service does not exceed the sum of revenues from fares charged to users, services purchased by other public agencies, local fund participation, and specific legislative appropriation for this purpose; and

(c) Service cannot be reasonably provided by other governmental or privately owned rail systems.

The department may own, lease, and otherwise encumber facilities, equipment, and appurtenances thereto, as necessary to provide new rail services; or the department may provide such service by contracts with privately owned service providers.

(14) Furnish required emergency rail transportation service if no other private or public rail transportation operation is available to supply the required service and such service is clearly in the best interest of the people in the communities being served. Such emergency service may be furnished through contractual arrangement, actual operation of state-owned equipment and facilities, or any other means determined appropriate by the secretary.

(15) Assist in the development and implementation of marketing programs for rail services and of information systems directed toward assisting rail systems users.

(16) Conduct research into innovative or potentially effective rail technologies and methods and maintain expertise in state-of-the-art rail developments.

(17) In conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor, have the authority to:

(a) Assume the obligation by contract to forever protect, defend, indemnify, and hold harmless the freight rail operator, or its successors, from whom the department has acquired a real property interest in the rail corridor, and that freight rail operator's officers, agents, and employees, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers, rail corridor invitees, and trespassers in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or its officers, agents, and employees, or any other person or persons whomsoever, provided that such assumption of liability of the department by contract shall not in any instance exceed the following parameters of allocation of risk:

1. The department may be solely responsible for any loss, injury, or damage to commuter rail passengers, rail corridor invitees, or trespassers, regardless of circumstances or cause, subject to subparagraphs 2., 3., and 4.

2. When only one train is involved in an incident, the department may be solely responsible for any loss, injury, or damage if the train is a department train or other train pursuant to subparagraph 3., but only if in an instance when only a freight rail operator train is involved, the freight rail operator is solely responsible for any loss, injury, or damage, except for commuter rail passengers, rail corridor invitees, and trespassers, and the freight rail operator is solely responsible for its property and all of its people in any instance when its train is involved in an incident.

3. For the purposes of this subsection, any train involved in an incident that is neither the department's train nor the freight rail operator's train, hereinafter referred to in this subsection as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and the freight rail operator only, but only if the department and the freight rail operator share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a freight rail operator train, and the allocation as between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

4. When more than one train is involved in an incident:

a. If only a department train and freight rail operator's train, or only another train as described in subparagraph 3. and a freight rail operator's train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, rail corridor invitees, and trespassers, but only if the freight rail operator is responsible for its property and all of its people, and the department and the freight rail operator each share one-half responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

b. If a department train, a freight rail operator train, and any other train are involved in an incident, the allocation of liability between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and the freight rail operator as to such payment shall not in any case reduce the freight rail operator's third-party-sharing allocation of one-half under this paragraph to less than one-third of the total third-party liability.

5. Any such contractual duty to protect, defend, indemnify, and hold harmless such a freight rail operator shall expressly include a specific cap on the amount of the contractual duty, which amount shall not exceed $200 million without prior legislative approval, and the department shall purchase liability insurance and establish a self-insurance retention fund in the amount of the specific cap established under this subparagraph, provided that:

a. No such contractual duty shall in any case be effective or otherwise extend the department's liability in scope and effect beyond the contractual liability insurance and self-insurance retention fund required pursuant to this paragraph; and

b. The freight rail operator's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of the freight rail operator.

(b) Purchase liability insurance, which amount shall not exceed $200 million, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for the department, any freight rail operator as described in paragraph (a), commuter rail service providers, governmental entities, or ancillary development. The insureds shall pay a reasonable monetary contribution to the cost of such liability coverage for the sole benefit of the insured. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of a rail corridor.

(c) Incur expenses for the purchase of advertisements, marketing, and promotional items.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s. 768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance hereunder. The provisions of this subsection shall

apply and inure fully as to any other governmental entity providing commuter rail service and constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department.

(18) ~~(17)~~ Exercise such other functions, powers, and duties in connection with the rail system plan as are necessary to develop a safe, efficient, and effective statewide transportation system.

Section 29. *Effective upon this act becoming a law, the Department of Transportation may complete an escrowed closing on the pending Central Florida Rail Corridor acquisition; however, the drawdown of such escrowed closing shall not occur unless and until final Federal Transit Administration full-funding grant agreement approval is obtained for the proposed Central Florida Commuter Rail Transit Project Initial Operating Segment.*

Section 30. Effective upon this act becoming a law, subsection (1) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(1)*(a)* A surcharge of $2.00 per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers regardless of whether such motor vehicle is licensed in Florida. The surcharge applies to only the first 30 days of the term of any lease or rental. The surcharge is subject to all applicable taxes imposed by this chapter.

(b) A county with a population of at least 1,250,000 and at least 25 municipalities may impose a county surcharge of $2 per day or any part of a day upon the lease or rental of a motor vehicle licensed for hire and designed to carry fewer than nine passengers, regardless of whether such motor vehicle is licensed in Florida. The county surcharge applies to only the first 30 days of the term of any lease or rental. The county surcharge is subject to all applicable taxes imposed by this chapter. The county surcharge is subject to the following conditions:

1. The county surcharge may be used solely to fund the transportation needs of the county as determined by the county commission.

2. The county surcharge may be imposed only by a super majority vote of the county commission.

3. The county commission shall, by a super majority vote at the same meeting at which the county surcharge was authorized, also designate the account or fund into which the proceeds from the county surcharge shall be deposited.

4. All funds collected from the county surcharge shall be deposited into the designated account or fund, subject to the applicable taxes imposed by this chapter.

5. Funds deposited into the account or fund must be used solely for the purpose of funding transportation needs as determined by the county commission.

6. After the county commission votes to impose a county surcharge, the county surcharge shall be applied on the first day of the month following the vote.

7. The authority to impose the county surcharge approved by the county commission is effective immediately after the vote and is valid until the next business day following the 2010 general election.

8. The county commission that approved the county surcharge shall cause the question to be placed on the ballot for a vote by the electors of that county on or before the 2010 general election.

9. If a majority of the voters of the county vote in favor of the referendum approving the continuation of the county surcharge, the surcharge continues to be valid.

10. If a majority of the voters of the county vote against the referendum approving the continuation of the county surcharge, the county surcharge shall cease to be effective on the next business day following the election.

11. Notwithstanding subparagraph 7., if a majority of the voters of the county vote against continuation of the surcharge as provided in subparagraph 10., the county commission may, within 6 months after the election and by a super majority vote of the commission, impose the surcharge authorized by this section without causing the question to be placed again on ballot for a vote by the electors.

Section 31. Except as otherwise expressly provided by this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 1428 and insert: Regional Transportation Authority; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation; amending s. 341.302, F.S.; revising certain citations; revising the time period within which the department must revise the rail system plan and requiring a report; providing additional duties for the department relating to a regional rail system plan; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; authorizing an escrowed closing of the pending Central Florida Rail Corridor acquisition; amending s. 212.0606, F.S.; authorizing a county to impose a county surcharge upon the lease or rental of a motor vehicle licensed for hire; requiring that the county surcharge may be used solely to fund the transportation needs of the county as determined by the county commission; requiring the county commission to place the county surcharge on the ballot for a vote by the electors; prescribing a process by which the county may impose the surcharge after the electors vote against continuation of the surcharge; providing effective dates.

MOTION

Senator Bullard moved that the rules be waived to allow consideration of the late filed amendment **1C (929938)**. The motion failed, therefore the amendment was not considered.

The question recurred on **Amendment 1B** which was withdrawn. **Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **HB 1021** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lawson, the rules were waived and by two-thirds vote **SB 338** and **CS for SB 906** were placed on the Special Order Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the conference committee on Education Pre-K - 12 Appropriations was granted permission to meet this day at 7:15 p.m.; the conference committee on General Government Appropriations was granted permission to meet at 8:00 p.m.; the conference committee on Health and Human Services Appropriations was granted permission to meet at 7:15 p.m.; the conference committee on Higher Education Appropriations was granted permission to meet at 7:45 p.m.; the conference committee on Transportation and Economic Development Appropriations was granted permission to meet at 7:15 p.m.; and the conference committee on Criminal and Civil Justice Appropriations was granted permission to meet at 7:00 p.m.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and **CS for CS for HB 55** was retained on the Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, May 1.

On motion by Senator Villalobos, the rules were waived and a deadline of 8:30 p.m. this day was set for filing amendments to **SB 338** and **CS for SB 906** to be considered Friday, May 1.

REPORTS OF COMMITTEES

Pursuant to Rule 4.18 the Chair of the Committee on Rules submits the following bills to be placed on the Local Bill Calendar for Thursday, April 30, 2009: CS for HB 775, HB 777, CS for HB 1095, CS for HB 1113, CS for HB 1169, CS for HB 1369, CS for CS for HB 1375.

Respectfully submitted,
J. Alex Villalobos, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 521, HB 807, CS for HB 903 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Lopez-Cantera, Crisafulli, Holder, Van Zant—

CS for CS for HB 521—A bill to be entitled An act relating to ad valorem tax assessment challenges; amending s. 194.301, F.S.; revising burden of proof requirements in taxpayer challenges of ad valorem tax assessments of value; requiring property appraisers to prove compliance with certain laws and appraisal practices; providing a presumption of correctness under certain circumstances; providing taxpayer burden of proof requirements; deleting provisions relating to a presumption of correctness of an assessment by a property appraiser; authorizing value adjustment boards or courts to establish assessments under certain circumstances; specifying that a property appraiser's denial of exemption or assessment classification does not have a presumption of correctness in administrative or judicial actions; requiring a taxpayer to prove entitlement to an ad valorem tax exemption or classification by a preponderance of the evidence; providing legislative intent relating to taxpayer burden of proof; rejecting certain case law precedent; providing construction; providing for retroactive application; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Clarke-Reed, Rogers, Zapata—

HB 807—A bill to be entitled An act relating to the Florida Kidcare program; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the outreach efforts of the Florida Kidcare program; providing requirements for the study; requiring a report to the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

By General Government Policy Council and Representative(s) Flores, McKeel, Murzin, Williams, T.—

CS for HB 903—A bill to be entitled An act relating to attorney's fees in workers' compensation cases; amending s. 440.34, F.S.; clarifying requirements for the payment of fees and costs under a retainer agreement; specifying the amount of attorney's fees which a claimant is entitled to recover from a carrier or employer; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 168, CS for SB 258, CS for CS for SB 440, CS for CS for CS for CS for SB 462, CS for CS for CS for SB 494, CS for CS for SB 712, CS for CS for SB 1000, CS for SB 1580 and SB 2330.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has concurred in House Amendment(s) and passed CS for CS for HB 227 and HB 331 as amended.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for SB 1006; Aronberg—CS for SB 1126; Bullard—CS for CS for CS for SB 904; Crist—CS for CS for SB 340, CS for CS for SB 440, CS for CS for CS for CS for SB 462, CS for SB 1126; Gaetz—SB 442; Gelber—CS for SM 152; Lynn—SB 234, CS for CS for CS for SB 236, CS for SB 270, CS for CS for SB 308, CS for CS for SB 456, CS for SB 502, CS for CS for SB 712, CS for CS for SB 762, CS for CS for SB 810, CS for CS for CS for SB 1022, CS for CS for CS for SB 1128; Smith—CS for SB 910

RECESS

On motion by Senator Villalobos, the Senate recessed at 6:55 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 1 or upon call of the President.

Journal of the Senate

Number 18—Regular Session **Friday, May 1, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 11:00 a.m. A quorum present—40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Excused: Senator Hill at 4:32 p.m.

PRAYER

The following prayer was offered by Senator Gelber:

With sunset this evening those of my faith will begin their Sabbath, and the torah portion we will read tomorrow is known in the Jewish tradition as *Kedoshim.* Interestingly, it is the exact center of the torah - the midpoint - and it falls precisely on Leviticus, Chapter 19. Biblical scholars have referred to this chapter as the Holiness Code. Among its dozens of instructions that seek to reinforce the notion that God is in the details, is its most important provision: 'Love your neighbor as yourself.' Indeed, this chapter of the Bible is the origin of what most know as the Golden Rule.

Join me, Members, as we call upon the teachings of *Kedoshim.*

God, as we enter the final days and hours of session, please help us recognize that acting with grace and compassion is not an option, it is a commandment.

Give us the strength to resist our lesser impulses, and the clarity to recognize that a righteous path is built upon a mosaic of good deeds and choices, however large or small.

And as we debate and cast our franchise, help us keep from our judgments the faults of vanity, self-promotion and personal animus, allowing us to instead guide all decisions with the simple yet elegant decree to love one another as we would love ourselves. Amen.

PLEDGE

Senate Pages JhaRonte James, Darren M. Thedieck, and Hannah Ciupalo all of Tallahassee; and Demi T. Busatta of Cape Coral, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Walter B. Flesner III of Cape Coral, sponsored by Senator Fasano, as doctor of the day. Dr. Flesner specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator King—

By Senator King—

SR 2740—A resolution recognizing the week of June 21-27, 2009, as "Humane Society Appreciation Week" in Florida.

WHEREAS, there are currently 48 humane societies in the State of Florida, serving 40 counties in the struggle with domestic animal overpopulation, and

WHEREAS, humane societies work to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, humane societies have diligently served many Florida communities for as many as 45 years, and

WHEREAS, the estimated population of more than 800,000 unwanted and stray animals euthanized in Florida each year constitutes a potential health risk for rabies and other contagious diseases in this state, and

WHEREAS, in 2008, humane societies served to locate permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling the animal overpopulation in Florida, and

WHEREAS, humane societies are staffed by an estimated 12,000 Florida residents who unselfishly volunteer their time, energy, and expertise, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the week of June 21-27, 2009, is recognized as "Humane Society Appreciation Week."

—**SR 2740** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 2812—A resolution remembering Sam Horton as a champion of equal opportunity for all in the Hillsborough County public school district and for his dedication as a teacher, administrator, and education reformer.

WHEREAS, Sam Horton was born in historic Bealsville, an East Hillsborough County community settled by a dozen former slaves, and

WHEREAS, Sam Horton attended Hillsborough County public schools, graduating from Marshall High School in 1945, and

WHEREAS, Sam Horton earned a bachelor's degree in education at age 19 from Florida A & M College, and went on to earn his master's degree from Florida State University, and his Ph.D. from Nova University, and

WHEREAS, Sam Horton worked in the Hillsborough County School District for more than 42 years, first as an English teacher and later as a coach and principal, and

WHEREAS, in 1978, Sam Horton became Hillsborough County's first black general director for secondary education, and

WHEREAS, Sam Horton consistently demonstrated his commitment to improving the quality of life and education for all students in the Hillsborough County public school district, and

WHEREAS, in an effort to bring more African-American educators to Hillsborough County, Sam Horton established a local chapter of the National Alliance of Black School Educators, and

WHEREAS, Sam Horton served in the leadership of the NAACP and remained committed in his opposition to practices and policies that might have resulted in more segregated schools, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Sam Horton be remembered as a champion of equal opportunity for all in the Hillsborough County public school district and for his dedication as a teacher, administrator, and education reformer.

—**SR 2812** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 2814—A resolution recognizing the accomplishments of the University of South Florida Bulls women's basketball program and commending the 2008-2009 team and coaching staff on winning the Women's National Invitation Tournament Title.

WHEREAS, Florida's universities offer a world of opportunity to young men and women through intercollegiate sports, and

WHEREAS, student athletes enrolled in the University of South Florida benefit from a quality academic experience and top-level athletic competition, and

WHEREAS, the USF Women's Basketball Team competes in the nation's premier college basketball conference, the Big East Athletic Conference, and

WHEREAS, Head Coach Jose Fernandez and the 2008-2009 players, Crystal Ayers, Melissa Dalembert, Brittany Denson, Shantia Grace, Porche Grant, Jessica Lawson, Ashley Sanders, Jazmine Sepulveda, Allyson Speed, Janae Stokes, Kelsey Varney, and Jasmine Wynne completed the most successful season in the program's history, setting a record for most wins in a season, and

WHEREAS, the University of South Florida Women's Basketball Team won more games during the 2008-2009 season than any other Florida NCAA Division I college basketball program, with the Green-and-Gold ranking in the top five in the nation in scoring throughout the season, averaging 78 points per game, and

WHEREAS, Head Coach Jose Fernandez has recorded the most career wins by a head basketball coach in the program's history, and

WHEREAS, on Saturday, April 4, 2009, the University of South Florida captured the Women's National Invitation Tournament Title, defeating the University of Kansas by a final score of 75-71, and

WHEREAS, Sarasota's own Senior Guard Shantia Grace, a First-Team All-Big East performer during the regular season, was named the Most Valuable Player of the Women's National Invitation Tournament, and

WHEREAS, the USF Women's Basketball Team and their fine Bulls coaching staff stand tall as yet another reason for Bull Pride for the more than 4 million people in USF's 10-county Tampa Bay service area and in the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Florida Senate recognize the profound accomplishments of the University of South Florida Bulls Women's Basketball program, commend the 2008-2009 team and coaching staff for this championship run, and express gratitude for the honor that the team has brought to the state.

—**SR 2814** was introduced, read and adopted by publication.

At the request of Senator Dean—

By Senator Dean—

SR 2820—A resolution recognizing the value of animal agribusiness to the State of Florida.

WHEREAS, Florida's food production animal agribusiness is an important part of Florida agriculture and Florida's sustainable future, and

WHEREAS, farmers and ranchers have been caretakers of food production animals throughout Florida's history, and

WHEREAS, the market value of Florida poultry, beef, dairy, goat, and sheep animal agribusiness products sold in 2007 was approximately $1.3 billion, contributing significantly to Florida's food supply, consumer products, and its value-added impacts, and

WHEREAS, producing food locally for Florida's population contains food costs, reduces energy usage, promotes sustainability, and provides employment for Floridians, and

WHEREAS, the food production animal agribusiness sector is important to conserving Florida's green space, and

WHEREAS, Florida's food production animal agribusiness producers are committed to the safety of the food supply, and

WHEREAS, Florida agriculture is under extreme pressure from development, environmental regulations, production costs, taxation, drought, and urban encroachment, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Senate value the state's food production animal agribusiness, wish to protect the long-term viability and sustainability of the industry in Florida, are committed to food safety, and believe food production animal agribusiness has an important place in Florida's history and future.

—**SR 2820** was introduced, read and adopted by publication.

At the request of Senator Bennett—

By Senators Bennett and Aronberg—

SR 2824—A resolution urging the Congress of the United States to direct the Environmental Protection Agency to provide federal resources to the Florida Department of Health for the purpose of assessing the impact of imported drywall on human health and public safety.

WHEREAS, the Florida Senate specifically recognizes that Florida consumers should be protected from inferior building products, including imported drywall, containing potentially hazardous materials that may affect one's health resulting from exposure to chemicals or compounds found in imported drywall, and

WHEREAS, the Florida Department of Health is currently identifying and assessing potential human health hazards related to the rapid and recurring corrosion of metals inside homes, and

WHEREAS, this phenomenon is suspected to be associated with the presence of imported drywall in homes built since 2003, and

WHEREAS, at least one study found distinct differences between drywall manufactured in the United States and that manufactured in China, and that the imported drywall contained traces of strontium sulfide inclusions, contained more organic materials than the domestic drywall, and was found to release sulfur compounds and noticeable odor after exposure to moisture, and

WHEREAS, the Florida Senate encourages the Florida Department of Health to work with the Environmental Protection Agency in researching whether imported drywall may cause health hazard concerns, and

WHEREAS, it is the intent of the Florida Senate that the Florida Department of Health quantify the use of defective drywall in Florida homes and potential health and safety concerns for occupants and structures; determine whether public health and home safety issues are present through laboratory testing and health survey data; and develop a comprehensive response to address the full range of concerns raised by Florida residents living in homes constructed with this drywall, and

WHEREAS, the Florida Senate intends that the Florida Building Commission develop comprehensive consumer protection and mitigation strategies and provide guidance for the remediation and repair of homes containing imported drywall, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Congress of the United States is requested to direct the Environmental Protection Agency to provide assistance and support the Florida Department of Health in accessing federal resources to assess the impact of imported drywall on human health and public safety.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—**SR 2824** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2826—A resolution recognizing the tireless work of Paul Vásquez on behalf of the working people of Florida and expressing condolences to his family and friends on his untimely death.

WHEREAS, Paul Vásquez, was born in San Antonio, Texas, the son of Mexican immigrants, and grew up working in the migrant camps of Michigan beside his parents and siblings, and

WHEREAS, Paul Vásquez at an early age developed a strong work ethic and a great desire to speak out against discrimination and injustice anywhere he saw it, and

WHEREAS, prior to his service as Florida field director for the AFL-CIO, Paul Vásquez served as the first Hispanic city councilman elected in Flint, Michigan, where he sponsored a series of initiatives aimed at enhancing the lives of the state's Hispanic residents, and

WHEREAS, one of Paul Vásquez' proudest achievements was passage by the city council of a measure that won Flint the distinction of becoming the first city in the nation to name a street after labor leader César Chávez, and

WHEREAS, Paul Vásquez drew strength from his faith and from the words of his hero, Chávez, who said, "There is no turning back. We will win. We are winning because ours is a revolution of mind and heart." NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pays tribute to the tireless work of Paul Vásquez on behalf of the working people of Florida and expresses condolences to his family and friends on his untimely death.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mrs. Gloria Vásquez, widow of Paul Vásquez, as a tangible token of the sentiments of the Florida Senate.

—**SR 2826** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 414, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 414—A bill to be entitled An act relating to the conveyance of bodies into, within, or out of the state; amending s. 406.61, F.S.; authorizing an accredited entity to convey plastinated bodies or parts of bodies into, within, or out of the state for exhibition and educational purposes; requiring that the entity provide prior notification and documentation to the anatomical board; providing an effective date.

House Amendment 1 (023449) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 406.61, Florida Statutes, is amended to read:

406.61 Selling, buying, or conveying bodies outside state prohibited; exceptions, penalty.—

(1) Any person who *sells* ~~shall sell~~ or *buys* ~~buy~~ any body or parts of bodies as described in this chapter or any person except a recognized Florida medical or dental school who *transmits* ~~shall transmit~~ or *conveys* ~~convey~~ or *causes* ~~cause~~ to be transmitted or conveyed such body or parts of bodies to any place outside this state *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in ss. 775.082 and 775.083. However, ~~nothing in~~ this chapter *does not prohibit* ~~shall be construed as prohibiting~~ the anatomical board from transporting human specimens outside the state for educational or scientific purposes or *prohibit* ~~as prohibiting~~ the transport of bodies, parts of bodies, or tissue specimens in furtherance of lawful examination, investigation, or autopsy conducted pursuant to s. 406.11. Any person, institution, or organization that conveys bodies or parts of bodies into or out of the state for medical education or research purposes shall notify the anatomical board of such intent and receive approval from the board.

(2) Any entity accredited by the American Association of Museums may convey plastinated bodies or parts of bodies into or out of the state for exhibition and public educational purposes without the consent of the board if the accredited entity:

(a) Notifies the board of the conveyance and the duration and location of the exhibition at least 30 days before the intended conveyance.

(b) Submits to the board a description of the bodies or parts of bodies and the name and address of the company providing the bodies or parts of bodies.

(c) Submits to the board documentation that each body was donated by the decedent or his or her next of kin for purposes of plastination and public exhibition, or, in lieu of such documentation, an affidavit stating that each body was donated directly by the decedent or his or her next of kin for such purposes to the company providing the body and that such company has a donation form on file for the body.

(3) Notwithstanding paragraph (2)(c) and in lieu of the documentation or affidavit required under paragraph (2)(c), for a plastinated body that, before July 1, 2009, was exhibited in this state by any entity accredited by the American Association of Museums, such an accredited entity may submit an affidavit to the board stating that the body was legally acquired and that the company providing the body has acquisition documentation on file for the body. This subsection expires January 1, 2012.

Section 2. This act shall take effect July 1, 2009.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the conveyance of bodies into or out of the state; amending s. 406.61, F.S.; authorizing certain accredited entities to convey plastinated bodies or parts of bodies for certain purposes; requiring such accredited entities to provide prior notification to the anatomical board and submit certain information and documentation to the board; authorizing such accredited entities to submit an affidavit containing specified information in lieu of such documentation for certain plastinated bodies; providing for future expiration; providing an effective date.

On motion by Senator Crist, the Senate concurred in the House amendment.

CS for SB 414 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 926, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 926—A bill to be entitled An act relating to cemeteries; amending s. 497.260, F.S.; exempting from provisions governing cemeteries a columbarium consisting of 5 acres or less and located on the main campus of a state university; requiring a university or university direct-support organization that establishes the columbarium to ensure that it is constructed, kept, and maintained in a manner consistent with s. 497.260(2), F.S., and ch. 497, F.S.; providing an effective date.

House Amendment 1 (449951) (with title amendment)—Between lines 27 and 28, insert:

Section 2. Paragraph (a) of subsection (22) of section 497.005, Florida Statutes, is amended to read:

497.005 Definitions.—As used in this chapter:

(22) "Cremation container" means the casket or alternative container in which the human remains are transported to and placed in the cremation chamber for a cremation. A cremation container should meet substantially all of the following standards:

(a) Be composed of readily combustible *or consumable* materials suitable for cremation.

Section 3. Paragraph (h) of subsection (9) of section 497.606, Florida Statutes, is amended to read:

497.606 Cinerator facility, licensure required; licensing procedures and criteria; license renewal; regulation.—

(9) REGULATION OF CINERATOR FACILITIES.—

(h) Each cinerator facility shall ensure that all alternative containers, cremation containers, or caskets used for cremation contain no amount of chlorinated plastics not authorized by the Department of Environmental Protection, that they also are composed of readily combustible *or consumable* materials suitable for cremation, able to be closed to provide a complete covering for the human remains, resistant to leakage or spillage, rigid enough for handling with ease, and able to provide for the health, safety, and personal integrity of the public and crematory personnel.

And the title is amended as follows:

Remove line 10 and insert: F.S.; amending ss. 497.005 and 497.606, F.S.; revising requirements for the material composition of cremation containers; providing an effective date.

On motion by Senator Altman, the Senate concurred in the House amendment.

CS for CS for SB 926 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 2626, with Amendments 1 and 2, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the "Consumer Choice and Protection Act"; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing

the department to establish committees or workgroups; authorizing the department to adopt rules; amending s. 364.013, F.S.; providing for local interconnection rights regardless of technology; amending s. 364.02, F.S.; redefining the terms "basic local telecommunications service," "nonbasic service," and "telecommunications company"; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company's schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; providing that the price for any service that was treated as basic service before a specified date may not be increased by more than the amount allowed for basic service; deleting provisions relating to rate increases for nonbasic services; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; amending s. 364.10, F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; deleting the requirement that each local exchange telecommunications company submit to the Public Service Commission copies of the written notices and information concerning basic service for prior approval; amending s. 364.603, F.S.; providing procedures for resolving complaints regarding preferred carrier freezes on local exchange service; amending ss. 364.059 and 364.105, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (603747)—Remove line 419 and insert: *provided in paragraph (2)(c) and subsection (3).* ~~However, for purposes of this~~

House Amendment 2 (325079)—Remove lines 435-438 and insert: ~~therein.~~ There shall be a flat-rate pricing option for multi-line business local exchange service, and mandatory measured service for multi-line business local exchange service shall not be imposed. ~~Nothing contained in~~ This *chapter does not* ~~section~~

On motion by Senator Haridopolos, the Senate concurred in the House amendments.

CS for CS for SB 2626 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Oelrich
Alexander	Gaetz	Peaden
Altman	Gardiner	Pruitt
Aronberg	Gelber	Rich
Baker	Haridopolos	Richter
Bennett	Hill	Ring
Bullard	Jones	Siplin
Constantine	Joyner	Smith
Crist	Justice	Sobel
Dean	King	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise

Nays—2

Fasano	Storms

Vote after roll call:

Yea—Diaz de la Portilla, Garcia

Yea to Nay—Crist, Dean

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Wilson, by two-thirds vote **HB 807** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Wilson—

HB 807—A bill to be entitled An act relating to the Florida Kidcare program; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the outreach efforts of the Florida Kidcare program; providing requirements for the study; requiring a report to the Legislature by a specified date; providing an effective date.

—a companion measure, was substituted for **SB 338** and read the second time by title.

On motion by Senator Wilson, by two-thirds vote **HB 807** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Deutch

On motion by Senator Smith, by two-thirds vote **CS for CS for HB 293** was withdrawn from the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations.

On motion by Senator Smith, the rules were waived and by two-thirds vote—

CS for CS for HB 293—A bill to be entitled An act relating to motor vehicle and mobile home title transfer; amending s. 319.22, F.S.; revising provisions for limitation of liability for the operation of a motor vehicle that has been sold or transferred; providing requirements for notice of transfer to the Department of Highway Safety and Motor Vehicles; requiring an owner or coowner who has made a sale or transfer of a motor vehicle to notify the department; providing requirements for such notification; providing applicability; requiring the department to provide certain information to the motor vehicle owner or coowner when issuing a certificate of title; amending s. 319.33, F.S.; providing alternate dis-

position procedures for certain motor vehicles and mobile homes abandoned on private property; providing for issuance by the department of a replacement vehicle identification number; providing an effective date.

—a companion measure, was substituted for **CS for SB 906** and by two-thirds vote read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (708796) (with title amendment)—Delete lines 86-117.

And the title is amended as follows:

Delete lines 13-17 and insert: title; providing an effective date.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment which was adopted:

Amendment 2 (943960) (with title amendment)—Delete line 118 and insert:

Section 3. Subsection (17) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(17) If any applicant's name appears on a list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate after a written notice to surrender a vehicle was submitted to the department by a lienor as provided in s. 320.1316, the department may withhold renewal of registration or replacement registration of any motor vehicle owned by the applicant at the time the notice was submitted by the lienor. The lienor must maintain proof that written notice to surrender the vehicle was sent to each registered owner pursuant to s. 320.1316(1). A revalidation sticker or replacement license plate may not be issued until that person's name no longer appears on the list or until the person presents documentation from the lienor that the vehicle has been surrendered to the lienor. The department shall not withhold an initial registration in connection with an applicant's purchase or lease of a motor vehicle solely because the applicant's name is on the list created by s. 320.1316.

Section 4. Subsection (10) is added to section 320.03, Florida Statutes, to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(10) Jurisdiction over the outsourced electronic filing system for use by licensed motor vehicle dealers electronically to title and to register motor vehicles and to issue or to transfer registration license plates or decals is expressly preempted to the state. The department shall continue its current outsourcing of the existing electronic filing system, including its program standards. The electronic filing system is approved for use in all counties, shall apply uniformly to all tax collectors of the state, and no tax collector may add or detract from the program standards in his or her respective county. A motor vehicle dealer licensed under this chapter may charge a fee to the customer for use of the electronic filing system and such fee is not a component of the program standards. Final authority over disputes relating to program standards lies with the department. By January 1, 2010, the Office of Program Policy Analysis and Government Accountability, with input from the department and from affected parties, including tax collectors, service providers, and motor vehicle dealers, shall report to the President of the Senate and the Speaker of the House of Representatives on the status of the outsourced electronic filing system, including the program standards, and its compliance with this subsection. The report shall identify all public and private alternatives for continued operation of the electronic filing system and shall include any and all appropriate recommendations, including revisions to the program standards.

Section 5. Section 320.1316, Florida Statutes, is created to read:

320.1316 Failure to surrender vehicle or vessel.—

(1) Upon receipt from a lienor who claims a lien on a vehicle pursuant to s. 319.27 by the Department of Highway Safety and Motor Vehicles of written notice to surrender a vehicle or vessel that has been disposed of, concealed, removed, or destroyed by the lienee, the department shall place the name of the registered owner of that vehicle on the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate for any motor vehicle under s. 320.03(8) owned by the lienee at the time the notice was given by the lienor. If the vehicle is owned jointly by more than one person, the name of each registered owner shall be placed on the list.

(2) The notice to surrender the vehicle shall be submitted on forms developed by the department, which must include:

(a) The name, address, and telephone number of the lienor.

(b) The name of the registered owner of the vehicle and the address to which the lienor provided notice to surrender the vehicle to the registered owner.

(c) A general description of the vehicle, including its color, make, model, body style, and year.

(d) The vehicle identification number, registration license plate number, if known, or other identification number, as applicable.

(3) The registered owner of the vehicle may dispute a notice to surrender the vehicle by notifying the department of the dispute in writing on forms provided by the department and presenting proof that the vehicle was sold to a motor vehicle dealer licensed under s. 320.27, a mobile home dealer licensed under s. 320.77, or a recreational vehicle dealer licensed under s. 320.771.

Section 6. Subsection (8) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(8)(a) Upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver's license is suspended or revoked.

2. Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.

3. Whether the suspension or revocation was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.

4. Whether the driver is the registered owner or coowner of the vehicle.

(b) If the arresting officer finds in the affirmative as to all of the criteria in paragraph (a), the officer shall immediately impound or immobilize the vehicle.

(c) Within 7 business days after the date the arresting agency impounds or immobilizes the vehicle, either the arresting agency or the towing service, whichever is in possession of the vehicle, shall send notice by certified mail~~, return receipt requested,~~ to any coregistered owners of the vehicle other than the person arrested and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle.

(d) Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall determine whether any vehicle impounded or immobilized under this section has been leased or rented or if there are any persons of record with a lien upon the vehicle. Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall notify by express courier service with receipt or certified mail~~, return receipt requested,~~ within 7 business days after the date of the immobilization or impoundment of the vehicle, the registered owner and all persons having a recorded lien against the vehicle that the vehicle has been impounded or immobilized. A lessor, rental car company,

or lienholder may then obtain the vehicle, upon payment of any lawful towing or storage charges. If the vehicle is a rental vehicle subject to a written contract, the charges may be separately charged to the renter, in addition to the rental rate, along with other separate fees, charges, and recoupments disclosed on the rental agreement. If the storage facility fails to provide timely notice to a lessor, rental car company, or lienholder as required by this paragraph, the storage facility shall be responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor, rental car company, or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded or immobilized.

(e) Except as provided in paragraph (d), the vehicle shall remain impounded or immobilized for any period imposed by the court until:

1. The owner presents proof of insurance to the arresting agency; or

2. The owner presents proof of sale of the vehicle to the arresting agency and the buyer presents proof of insurance to the arresting agency.

If proof is not presented within 35 days after the impoundment or immobilization, a lien shall be placed upon such vehicle pursuant to s. 713.78.

(f) The owner of a vehicle that is impounded or immobilized under this subsection may, within 10 days after the date the owner has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld. Upon the filing of a complaint, the owner *or lienholder* may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner *or lienholder* does not prevail. When the vehicle owner *or lienholder* does not prevail on a complaint that the vehicle was wrongfully taken or withheld, he or she must pay the accrued charges for the immobilization or impoundment, including any towing and storage charges assessed against the vehicle. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

Section 7. Subsections (4), (5), (6), and (10) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the ~~applicable~~ law enforcement agency *of the jurisdiction where the vehicle or vessel is stored* shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail~~, return receipt requested,~~ shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction *where the vehicle or vessel is stored* in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a) The owner of a vehicle or vessel removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of the county in which the vehicle or vessel is stored ~~or in which the owner resides~~ to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims

she or he has for loss or damage to the vehicle or vessel or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public *sale* ~~auction~~ for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail~~, return receipt requested,~~ to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner *or lienholder* is absent, and the clerk shall hold such proceeds subject to the claim of the *owner or lienholder* ~~person~~ legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order. *The owner or lienholder may file a complaint after the vehicle or vessel has been sold in the county court of the county in which it is stored. Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party.*

(10) Persons who provide services pursuant to this section shall permit vehicle or vessel owners*, lienholders,* or their agents, which agency is evidenced by an original writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and shall release to the owner*, lienholder,* or agent the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the person providing such services.

Section 8. Effective October 1, 2009, paragraph (c) is added to subsection (2) of section 320.0609, Florida Statutes, to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.—

(2)

(c) If a retail sale by a licensed independent motor vehicle dealer results in the transfer of a registration license plate, a temporary tag shall be issued and displayed during the time that the application for transfer of such registration license plate is being processed unless the department's records reflect that the transfer has occurred. However, this paragraph shall not apply to independent motor vehicle dealers that are owned by principals that also hold a franchise motor vehicle dealer license in this state. This paragraph is repealed June 30, 2010.

Section 9. Effective July 1, 2010, subsection (8) is added to section 320.0609, Florida Statutes, to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.—

(8)(a) When the owner of a vehicle transfers a registration license plate to a replacement or substitute vehicle acquired from a motor vehicle dealer licensed under this chapter, the dealer shall timely provide to the department, via an electronic system administered by the department for this purpose, information regarding the transfer which is required by the department. The dealer shall also give the owner written notice documenting the transfer if the dealer cannot timely provide the required transfer information to the department due to system or connectivity problems. The dealer shall maintain all records required by the department which must be open to inspection by the department or its agents during reasonable business hours. The dealer may charge the vehicle owner a fee to comply with this subsection. The department may charge a fee of $2 to be deposited into the Highway Safety Operating Trust Fund for each transfer in addition to any other fee imposed by law.

(b) A dealer is not required to comply with paragraph (a) if the department's records are otherwise modified on the date of transfer to reflect that the transfer has occurred.

(c) The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this subsection.

Section 10. Effective October 1, 2009, paragraph (m) is added to subsection (1) of section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated "temporary tags" for use in the following cases:

(m) For a retail sale by a licensed independent motor vehicle dealer when an application for the transfer of a registration license plate is being processed. This paragraph is repealed June 30, 2010.

Further, the department is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.

Section 11. Paragraphs (d) and (i) of subsection (6) of section 316.193, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(d) The court must at the time of sentencing the defendant issue an order for the impoundment or immobilization of a vehicle. *The order of impoundment or immobilization must include the name and telephone numbers of all immobilization agencies meeting all of the conditions of subsection (13).* Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of each vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

(i) All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person leasing or renting the vehicle, unless the impoundment or immobilization order is dismissed. All provisions of s. 713.78 shall apply. *The costs and fees for the impoundment or immobilization must be paid directly to the person impounding or immobilizing the vehicle.*

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. However, in satisfaction of the fine imposed pursuant to this

section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

(13) If personnel of the circuit court or the sheriff do not immobilize vehicles, only immobilization agencies that meet the conditions of this subsection shall immobilize vehicles in that judicial circuit.

(a) The immobilization agency responsible for immobilizing vehicles in that judicial circuit shall be subject to strict compliance with all of the following conditions and restrictions:

1. Any immobilization agency engaged in the business of immobilizing vehicles shall:

a. Have a class "R" license issued pursuant to part IV of chapter 493;

b. Have at least 3 years of verifiable experience in immobilizing vehicles; and

c. Maintain accurate and complete records of all payments for the immobilization, copies of all documents pertaining to the court's order of impoundment or immobilization, and any other documents relevant to each immobilization. Such records must be maintained by the immobilization agency for at least 3 years.

2. The person who immobilizes a vehicle must never have been convicted of any felony or of driving or boating under the influence of alcohol or a controlled substance in the last 3 years.

(b) A person who violates paragraph (a) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any immobilization agency who is aggrieved by a person's violation of paragraph (a) may bring a civil action against the person who violated paragraph (a) seeking injunctive relief, damages, reasonable attorney's fees and costs, and any other remedy available at law or in equity as may be necessary to enforce this subsection. In any action to enforce this subsection, establishment of a violation of paragraph (a) shall conclusively establish a clear legal right to injunctive relief, that irreparable harm will be caused if an injunction does not issue, that no adequate remedy at law exists, and that public policy favors issuance of injunctive relief.

(14) As used in this chapter, the term:

(a) "Immobilization," "immobilizing," or "immobilize" means the act of installing a vehicle antitheft device on the steering wheel of a vehicle, the act of placing a tire lock or wheel clamp on a vehicle, or a governmental agency's act of taking physical possession of the license tag and vehicle registration rendering a vehicle legally inoperable to prevent any person from operating the vehicle pursuant to an order of impoundment or immobilization under subsection (6).

(b) "Immobilization agency" or "immobilization agencies" means any firm, company, agency, organization, partnership, corporation, association, trust, or other business entity of any kind whatsoever that meets all of the conditions of subsection (13).

(c) "Impoundment," "impounding," or "impound" means the act of storing a vehicle at a storage facility pursuant to an order of impoundment or immobilization under subsection (6) where the person impounding the vehicle exercises control, supervision, and responsibility over the vehicle.

(d) "Person" means any individual, firm, company, agency, organization, partnership, corporation, association, trust, or other business entity of any kind whatsoever.

Section 12. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 17 and insert: identification number; amending s. 320.02, F.S., requiring the application form for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to the Ronald McDonald Houses of Florida; revising provisions for distribution of such contributions; amending s. 320.02, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to withhold renewal of registration or replacement registration of specified motor vehicles under certain circumstances; amending s. 320.03, F.S.; preemption jurisdiction over the outsourced electronic filing system to the state; requiring the department to continue its current outsourcing of the existing electronic filing system; approving the system for use in all counties; authorizing motor vehicle dealers to charge certain fees; requiring a report from the Office of Program Policy Analysis and Government Accountability by a specified date; creating s. 320.1316, F.S.; providing responsibilities of the department relating to the issuance of a license plate, revalidation sticker, or replacement license plate for certain vehicles; requiring the department to create a notice to surrender form; providing procedures for the dispute of a notice to surrender; amending s. 559.903, F.S.; defining the terms "lienholder" and "owner" for purposes of the Florida Motor Vehicle Repair Act; amending s. 322.34, F.S.; creating certain rights for lienholders; deleting a return receipt mailing requirement; amending s. 713.78, F.S.; clarifying provisions; deleting a return receipt mailing requirement; creating certain rights for lienholders; deleting a provision that allows a complaint to be filed in the county where the owner resides; creating a cause of action to determine the rights of the parties after a vehicle or vessel has been sold; providing for attorney's fees and costs; providing a right of inspection to lienholders; amending s. 320.0609, F.S., relating to the transfer and exchange of registration license plates and transfer fees; requiring that a temporary tag be issued and displayed during the time that an application for a transfer of a registration license plate is being processed; providing exceptions; amending s. 320.131, F.S.; authorizing the department to issue temporary tags for the time that an application for a transfer of a registration license plate is being processed; amending s. 320.0609, F.S., relating to the transfer and exchange of registration license plates and transfer fees; requiring a licensed motor vehicle dealer to provide certain required information via an electronic system to the department when the owner of a vehicle transfers a registration license plate to a replacement or substitute vehicle acquired from the dealer; providing that the electronic system shall be administered by the department; requiring the dealer to give the owner written notice documenting the transfer if the dealer cannot provide the required transfer information to the department under certain circumstances; requiring the dealer to maintain certain records; providing for the dealer and the department to charge a fee; providing for exceptions; authorizing the department to adopt rules; amending s. 316.193, F.S.; requiring the court to include in the order of impoundment or immobilization the names and telephone numbers of immobilization agencies that meet specified requirements; requiring the person whose vehicle is ordered to be impounded or immobilized to pay the impoundment or immobilization fees and costs directly to the person impounding or immobilizing the vehicle; establishing conditions and restrictions for immobilization agencies who are engaged in the business of immobilizing vehicles in judicial circuits where personnel of the court or sheriff do not immobilize vehicles; providing penalties for violating such conditions and restrictions; authorizing aggrieved immobilization agency to initiate a civil action against a person who commits such violation; providing for attorney's fees and costs; defining the terms "immobilization," "immobilize," "immobilizing," "immobilization agency," "immobilization agencies," "impound," "impounding," "impoundment," and "person"; providing an effective dates.

On motion by Senator Smith, by two-thirds vote **CS for CS for HB 293** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dean	Gelber
Alexander	Detert	Haridopolos
Altman	Deutch	Hill
Aronberg	Diaz de la Portilla	Jones
Baker	Dockery	Joyner
Bennett	Fasano	Justice
Bullard	Gaetz	King
Constantine	Garcia	Lawson
Crist	Gardiner	Lynn

Oelrich	Ring	Villalobos
Peaden	Siplin	Wilson
Pruitt	Smith	Wise
Rich	Sobel	
Richter	Storms	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

On motion by Senator Gardiner, by unanimous consent—

HB 1021—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; requiring a report to the Governor, Legislature, and affected metropolitan planning organizations by a certain date; amending s. 125.42, F.S.; providing for counties to incur certain costs related to relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities are not developments of regional impact under certain circumstances; amending s. 163.3180, F.S.; defining the term "backlog"; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 287.055, F.S.; conforming a cross-reference; amending s. 334.044, F.S.; clarifying the department's authority to establish and collect variable rate tolls; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; providing that the department shall retain the right to use ideas from unsuccessful firms that accept the stipend; establishing a goal for the department to procure certain contracts as design-build contracts; authorizing the department to adopt rules; amending ss. 337.14 and 337.16, F.S.; conforming cross-references; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring a copy to be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies or construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; providing exceptions; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; authorizing the department to use excess toll revenues for public transit; exempting toll rates on high-occupancy toll lanes or express lanes from consumer price indexing provisions; removing specific identification of certain state-owned toll facilities in the department's authority to request issuance of bonds to fund transportation projects located within the county or counties in which the project is located; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the department to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; removing provisions for a short-range component and an annual performance report; amending s. 339.2816, F.S., relating to the Small County Road Assistance Program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; modifying provisions for local government control of the regulation of wall murals adjacent to certain federal highways; providing for notification to the Federal Highway Administration; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; creating a business partnership pilot program; authorizing the Palm Beach County School District to display names of business partners on district property in unincorporated areas; exempting the program from specified provisions; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; amending s. 120.52, F.S.; revising the definition of the term "agency"; providing effective dates.

—as amended April 30 was taken up out of order and read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Gardiner, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (728458)** by Senator Gardiner as amended was adopted.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendments to be considered:

Senator Constantine moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1C (392940) (with title amendment)—Between lines 1310 and 1311 insert:

Section 27. Paragraph (c) of subsection (4) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(4) Whenever a law enforcement officer determines that a person was engaged in a drag race or race, as described in subsection (1), the officer may immediately arrest and take such person into custody. The court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within 7 business days after the

date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle.

(c) Any motor vehicle used in violation of subsection (2) may be impounded for a period of *30* ~~10~~ business days if a law enforcement officer has arrested and taken a person into custody pursuant to this subsection and the person being arrested is the registered owner or coowner of the motor vehicle. If the arresting officer finds that the criteria of this paragraph are met, the officer may immediately impound the motor vehicle. The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any impoundment for violation of this subsection in accordance with procedures established by the department. The provisions of paragraphs (a) and (b) shall be applicable to such impoundment.

And the title is amended as follows:

Delete line 1428 and insert: Regional Transportation Authority; amending s. 316.191, F.S.; increasing the period for which a vehicle may be impounded for certain violations of state law relating to racing on highways; providing an effective date.

Amendment 1D (642228) (with title amendment)—Between lines 1310 and 1311 insert:

Section 27. Paragraph (c) of subsection (1) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(1) As used in this section, the term:

(c) *"Race"* ~~"Racing"~~ means the use of one or more motor vehicles in *competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts* ~~an attempt~~ to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle or motor vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. *A race may be prearranged or may occur through a competitive response to conduct on the part of one or more drivers which, under the totality of the circumstances, can reasonably be interpreted as a challenge to race.*

And the title is amended as follows:

Delete line 1428 and insert: Regional Transportation Authority; amending s. 316.191, F.S.; defining the term "race"; providing an effective date.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Gardiner, **HB 1021** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—1

Dockery

On motion by Senator Gardiner, by unanimous consent—

CS for HJR 833—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 31 of Article XII of the State Constitution to provide an additional homestead property tax exemption for members of the military who receive a homestead exemption and were deployed on active duty outside the United States during the preceding year and provide an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 3 of Article VII and the creation of Section 31 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e) By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including

real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

ARTICLE XII

SCHEDULE

SECTION 31. Additional ad valorem tax exemption for certain members of the armed forces deployed on active duty outside of the United States.—The amendment to Section 3 of Article VII providing for an additional ad valorem tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard deployed on active duty outside of the United States in support of military operations designated by the legislature and this section shall take effect January 1, 2011.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 3

ARTICLE XII, SECTION 31

HOMESTEAD AD VALOREM TAX CREDIT FOR DEPLOYED MILITARY PERSONNEL.—Proposing an amendment to the State Constitution to require the Legislature to provide an additional homestead property tax exemption by law for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The exempt amount will be based upon the number of days in the previous calendar year that the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The amendment is scheduled to take effect January 1, 2011.

—was taken up out of order and read the third time in full.

On motion by Senator Gardiner, **CS for HJR 833** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

On motion by Senator Gaetz, by unanimous consent—

CS for SB 1122—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception; providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing for the repeal of the amendments made by the act if the Office of Program Policy Analysis and Government Accountability finds that such amendments have caused the third-party administrator of the state group health plan to suffer a net loss of physicians and an increase in costs to the plan; providing an effective date.

—as amended April 29 was taken up out of order and read the third time by title.

On motion by Senator Gaetz, **CS for SB 1122** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Diaz de la Portilla	Pruitt
Alexander	Fasano	Rich
Altman	Gaetz	Richter
Aronberg	Garcia	Ring
Baker	Gelber	Siplin
Bennett	Haridopolos	Sobel
Constantine	Jones	Storms
Crist	Justice	Villalobos
Dean	Lynn	Wise
Detert	Oelrich	
Deutch	Peaden	

Nays—7

Bullard	King	Wilson
Hill	Lawson	
Joyner	Smith	

Vote after roll call:

Nay—Dockery

Nay to Yea—Wilson

Votes Recorded:

May 6, 2009: Yea—Gardiner

On motion by Senator Siplin, by unanimous consent—

CS for SB 254—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; providing legislative intent; requiring the department to work with the Department of Agriculture and Consumer Services to recommend policies and rules to the State Board of Education relating to school food services which encourage schools and school districts in this state to buy fresh and local food; requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; requiring the program to maintain compliance with the rules and regulations of the National School Lunch Program; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Siplin, **CS for SB 254** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 12:15 p.m.

The Senate resumed consideration of—

CS for CS for HB 1423—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; transferring authority from the Department of Revenue to the Fish and Wildlife Conservation Commission to allocate funds from the Invasive Plant Control Trust Fund for specified purposes; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain authority relating to aquatic and non-invasive plants to the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission; amending s. 253.04, F.S.; providing for the preservation and regeneration of seagrasses; providing definitions; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; revising the definition of the term "live-aboard vessel"; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising the age limitation for the operation of specified vessels; revising provisions relating to boating safety identification cards; providing exemptions and penalties; providing a short title; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; amending s. 327.41, F.S., relating to placement of markers by a county, municipality, or other governmental entity; revising terminology; providing for a county, municipality, or other governmental entity that has been granted or has adopted or established a boating-restricted area to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting local regulations relating to vessels operated upon the waters of this state; prohibiting specified county or municipality ordinances or regulations; amending s. 327.65, F.S.; conforming a cross-reference; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for the costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; providing an exemption; amending s. 327.70, F.S.; authorizing municipal police officers and specified law enforcement officers to enforce the provisions of chs. 327 and 328; providing for enforcement of noncriminal violations by citation mailed to the owner of a vessel; specifying responsibility for citations issued to livery vessels; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by counties and municipalities; providing civil penalties for seagrass scarring; amending s. 327.731, F.S.; conforming a cross-reference; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; amending ss. 369.20, 369.22, and 369.25, F.S.; authorizing the commission to enforce specified provisions relating to aquatic weeds and plants; granting certain activities a mixing zone for turbidity; amending s. 379.304, F.S.; revising cross-references for permitting and violation provisions relating to the exhibition or sale of wildlife; amending s. 379.338, F.S.; providing for confiscation and disposition of illegally taken wildlife, freshwater fish, or saltwater fish; providing for disposition of the proceeds from sales; providing for an agency that assists in the enforcement action to receive a portion or all of any forfeited property; creating s. 379.3381, F.S.; providing for photographs of wildlife, freshwater fish, and saltwater fish to be used as evidence in a prosecution in lieu of the wildlife, freshwater fish, or saltwater fish; amending s. 379.353, F.S.; revising eligibility criteria for exemption from certain recreational license and permit requirements; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; authorizing the commission to use proceeds of specified hunting, fishing, and recreational licenses for certain purposes; increasing the fee amounts for waterfowl, wild turkey, snook, spiny lobster, management area, special use, and recreational user permits; providing for a management area permit and fee for outdoor recreational activities other than hunting and fishing; providing for a deer permit and fee; requiring the commission to prepare an annual report and submit the report to the Governor and the Legislature; providing report requirements; amending s. 379.3671, F.S.; revising provisions for abandonment and reversion of lobster trap certificates under specified conditions; amending s. 379.3751, F.S.; specifying activities relating to the taking and possession of alligators that require a license and payment of the applicable fee; deleting provisions relating to the issuance, form, and content of such licenses; amending s. 379.3761, F.S.; providing penalties for violations relating to the exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising a cross-reference with respect to the penalties imposed for violations relating to the personal possession of wildlife; amending s. 379.401, F.S.; revising applicability of violation provisions relating to alligators and crocodiles; conforming references to wildlife; amending s. 379.4015, F.S.; specifying applicability of captive wildlife penalty provisions relating to the exhibition or sale of wildlife; creating s. 379.501, F.S.; providing penalties for violations relating to aquatic weeds and plants; providing legislative intent for civil

penalties and criminal fines imposed by a court; creating s. 379.502, F.S.; providing judicial and administrative procedures and remedies to enforce penalty provisions for violations relating to aquatic weeds and plants; providing for mediation; providing for recovery of costs and attorney's fees; requiring proceeds from related penalties to be credited to the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing civil penalties for violations relating to aquatic weeds and plants; authorizing a court to impose a civil penalty for each offense not to exceed a specified amount; providing for joint and several liability; providing for a methodology for assessing certain damages; amending s. 403.088, F.S.; requiring the commission to approve an aquatic weeds and algae control program; directing the commission, in consultation with the Department of Environmental Protection, to establish a pilot program to explore options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields; providing geographic locations for the pilot program; providing goals and procedures; providing duties of the commission; requiring a report to the Governor and the Legislature; providing for expiration of the pilot program and any ordinance enacted thereunder; providing for construction; providing for a type two transfer of the Bureau of Invasive Plant Management within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; ratifying actions taken pursuant to ch. 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; transferring the Invasive Plant Control Trust Fund within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing a continuing appropriation to the commission for the costs associated with the shoreline fishing license exemption; reenacting s. 379.209(2)(a), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32, F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; reenacting ss. 379.2213, 379.3501, and 379.3712, F.S., relating to management area permit revenues, expiration of licenses and permits, and commercial hunting preserve licenses, respectively, to incorporate the amendment made to s. 379.354, F.S., in references thereto; repealing s. 327.22, F.S., relating to regulation of vessels by municipalities or counties; repealing ss. 379.2211 and 379.2212, F.S., relating to Florida waterfowl permit revenues and Florida wild turkey permit revenues, respectively; repealing s. 379.366(7), F.S., to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—which was previously considered and amended April 29.

On motion by Senator Constantine, **CS for CS for HB 1423** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

On motion by Senator Ring, by unanimous consent—

SB 166—A bill to be entitled An act relating to public records; defining the term "publicly owned building or facility"; creating an exemption from public-records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility if the donor desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Ring, **SB 166** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

On motion by Senator Haridopolos, by unanimous consent—

SB 2656—A bill to be entitled An act relating to arboriculture; creating ch. 598, F.S.; providing a short title; providing a purpose statement; providing definitions; providing exceptions; providing powers and duties of the Department of Agriculture and Consumer Services; providing rulemaking authority; establishing a maximum annual fee for licensure; providing for deposit and use of fee proceeds; establishing licensure procedures and requirements to practice arboriculture and provide arboriculture services; providing for issuance of a license; providing grounds for denial of a license or refusal to renew a license; providing for license suspension or revocation; providing for license renewal; providing for reactivation of a license under certain conditions; providing for issuance of a duplicate license under certain circumstances; requiring a roster of licensed arborists; authorizing the department to enforce certain provisions of state law by specified means; amending s. 604.15, F.S.; revising a definition to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; providing an appropriation; providing an effective date.

—as amended April 23 was taken up out of order and read the third time by title.

Amendments were considered and adopted to conform **SB 2656** to **CS for CS for HB 1241**.

Pending further consideration of **SB 2656** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1241** was withdrawn from the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

On motion by Senator Haridopolos, the rules were waived and by two-thirds vote—

CS for CS for HB 1241—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations;

authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufactures, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that section; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the

insurer's gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county's powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the "Agricultural Land Acknowledgement Act"; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; providing an effective date.

—a companion measure, was substituted for **SB 2656** as amended and read the second time by title.

Senator Haridopolos moved the following amendment which was adopted:

Amendment 1 (679288) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (5) and (7) of section 482.021, Florida Statutes, are amended to read:

482.021 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the term:

(5) "Certified operator in charge" means a certified operator:

(a) Whose primary occupation is the pest control business;

(b) Who is employed full time by a licensee; and

(c) Whose principal duty is the ~~personal~~ supervision of the licensee's operation in a category or categories of pest control in which the operator is certified.

(7) "Employee" means a person who is employed by a licensee that provides that person with necessary training, supervision, pesticides, equipment, and insurance and who receives compensation from and is under the ~~personal~~ supervision ~~and direct control~~ of the licensee's certified operator in charge and from whose compensation the licensee regularly deducts and matches federal insurance contributions and federal income and Social Security taxes.

Section 2. Subsection (3) of section 482.051, Florida Statutes, is amended to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(3) That written contracts be required for providing termites and other wood-destroying organisms pest control, that provisions necessary to assure consumer protection as specified by the department be included in such contracts, *that licensees perform an inspection before issuing a contract on an existing structure,* and that ~~require~~ licensees ~~to~~ comply with the contracts issued.

Section 3. Subsection (4) of section 482.071, Florida Statutes, is amended to read:

482.071 Licenses.—

(4) A licensee may not operate a pest control business without carrying the required insurance coverage. Each person making application for a pest control business license or renewal thereof must furnish to the department a certificate of insurance that meets the requirements for minimum financial responsibility for bodily injury and property damage consisting of:

(a) Bodily injury: *$250,000* ~~$100,000~~ each person and *$500,000* ~~$300,000~~ each occurrence; and property damage: *$250,000* ~~$50,000~~ each occurrence and *$500,000* ~~$100,000~~ in the aggregate; or

(b) Combined single-limit coverage: *$500,000* ~~$400,000~~ in the aggregate.

Section 4. Section 482.072, Florida Statutes, is created to read:

482.072 Pest control service centers.—

(1) The department may issue a license to a qualified business to operate a pest control service center, to solicit pest control business, or to provide services to customers for one or more business locations licensed under s. 482.071. A person may not operate a centralized service center for a pest control business that is not licensed by the department.

(2)(a) Before operating a pest control service center, and biennially thereafter, on or before an anniversary date set by the department for the licensed pest control service center location, the pest control business must apply to the department for a license under this chapter, or a renewal thereof, for each pest control service center location. An application must be submitted in the format prescribed by the department.

(b) The department shall establish a fee for the issuance of a pest control service center license of at least $500, but not more than $1,000, and a fee for the renewal of a license of at least $500, but not more than $1,000; however, until rules setting the fees are adopted by the department, the initial license and renewal fees are each set at $500. The department shall establish a grace period, not to exceed 30 calendar days after a license's anniversary renewal date. The department shall assess a late renewal fee of $150, in addition to the renewal fee, to a business that renews its license after the grace period.

(c) A license automatically expires 60 calendar days after the anniversary renewal date unless the license is renewed before that date. Once a license expires, it may be reinstated only upon reapplication and payment of the license fee and late renewal fee.

(d) A license automatically expires when a licensee changes its pest control service center business location address. The department shall issue a new license upon payment of a $250 fee. The new license automatically expires 60 calendar days after the anniversary renewal date of the former license unless the license is renewed before that date.

(e) The department may not issue or renew a license to operate a centralized pest control service center unless the pest control business licensees for whom the centralized service center solicits business have one or more common owners.

(f) The department may deny the issuance of a pest control service center license, or refuse to renew a license, if the department finds that the applicant or licensee, or any of its directors, officers, owners, or general partners, are or were directors, officers, owners, or general partners of a pest control business described in s. 482.071(2)(g) or violated a rule adopted under s. 482.071(2)(f).

(g) Section 482.091 does not apply to a person who solicits pest control services or provides customer service in a licensed pest control service center unless the person performs the pest control work described in s. 482.021(21)(a)-(d), executes a pest control contract, or accepts remuneration for such work.

(3)(a) The department shall adopt rules establishing requirements and procedures for recordkeeping and monitoring of pest control service center operations to ensure compliance with this chapter and rules adopted under this chapter.

(b) Notwithstanding s. 482.163, whether an employee acts outside of the course and scope of his or her employment or whether the employee disobeys employer policies:

1. A pest control service center licensee may be subject to disciplinary action under s. 482.161 for a violation of this chapter or a rule adopted under this chapter committed by an employee of the service center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation committed by an employee of the service center if the business licensee benefits from the violation.

Section 5. Section 482.152, Florida Statutes, is amended to read:

482.152 Duties of certified operator in charge of pest control activities of licensee.—A certified operator in charge of the pest control activities of a licensee shall have her or his primary occupation with the licensee and shall be a full-time employee of the licensee. *The*~~, and her or his~~ principal *duties of the certified operator in charge* ~~duty~~ shall include*:*

(1) ~~The~~ Responsibility for the ~~personal~~ supervision of*,* and participation in*,* the pest control activities *of* ~~at~~ the business location of the licensee*. This chapter does not prevent a certified operator in charge from performing duties at other business locations owned by the licensee if:*

(a) The certified operator in charge performs her or his duties as provided in this section for the business location of the licensee.

(b) The certified operator in charge is a full-time employee of the licensee.

(c) The primary occupation of the certified operator in charge is the pest control business. ~~as the same relate to:~~

(2) ~~(1)~~ ~~The~~ Selection of proper and correct chemicals for the particular pest control work performed.

(3) ~~(2)~~ ~~The~~ Safe and proper use of the pesticides used.

(4) ~~(3)~~ ~~The~~ Correct concentration and formulation of pesticides used in all pest control work performed.

(5) ~~(4)~~ ~~The~~ Training of personnel in the proper and acceptable methods of pest control.

(6) ~~(5)~~ ~~The~~ Control measures and procedures used.

(7) ~~(6)~~ ~~The~~ Notification of the department of any accidental human poisoning or death connected with pest control work performed on a job she or he is supervising, within 24 hours after she or he has knowledge of the poisoning or death.

Section 6. Section 482.157, Florida Statutes, is created to read:

482.157 Limited certification for commercial wildlife management personnel.—

(1) The department shall establish a limited certification category for individual commercial wildlife management personnel which authorizes the personnel to use nonchemical methods for controlling pest birds or rodents, including, but not limited to, the use of traps, glue boards, mechanical or electronic devices, or exclusionary techniques.

(2) A person seeking limited certification under this section must pass an examination administered by the department. An application for examination must be accompanied by an examination fee set by rule of the department of at least $150 but not to exceed $300. The department shall provide the appropriate reference materials for the examination and make the examination readily available to applicants at least quarterly or as often as necessary in each county. Before the department issues a limited certification under this section, the person applying for certification must furnish proof that he or she holds a certificate of insurance stating that his or her employer meets the requirements for minimum financial responsibility in s. 482.071(4).

(3) An application for recertification under this section must be submitted biennially and must be accompanied by a recertification fee set by rule of the department of at least $150 but not to exceed $300. The application must also be accompanied by proof that:

(a) The applicant completed 4 classroom hours of acceptable continuing education.

(b) The applicant holds a certificate of insurance stating that his or her employer meets the requirements for minimum financial responsibility in s. 482.071(4).

(4) The department shall establish a grace period, not to exceed 30 calendar days after a biennial date established by the department on which recertification is due. The department shall assess a late charge of $50, in addition to the recertification fee, to commercial wildlife management personnel who are recertified after the grace period.

(5) A limited certification automatically expires 180 calendar days after the biennial date on which recertification is due unless the commercial wildlife personnel are recertified before the certification expires. Once a certification expires, certification may be issued only upon successful reexamination and payment of the examination fees.

(6) Certification under this section does not authorize:

(a) Use of any pesticide or chemical substance, other than adhesive materials, to control pest birds, rodents, or other nuisance wildlife in, on, or under a structure.

(b) Operation of a pest control business.

(c) Supervision of a certified person.

Section 7. Subsection (6) of section 482.226, Florida Statutes, is amended to read:

482.226 Wood-destroying organism inspection report; notice of inspection or treatment; financial responsibility.—

(6) Any licensee that performs wood-destroying organism inspections in accordance with subsection (1) must meet minimum financial responsibility in the form of errors and omissions (professional liability) insurance coverage or bond in an amount no less than *$250,000* ~~$50,000~~ in the aggregate ~~and $25,000 per occurrence,~~ or demonstrate that the licensee has equity or net worth of no less than *$500,000* ~~$100,000~~ as determined by generally accepted accounting principles substantiated by a certified public accountant's review or certified audit. The licensee must show proof of meeting this requirement at the time of license application or renewal thereof.

Section 8. Subsection (1) of section 493.6102, Florida Statutes, is amended to read:

493.6102 Inapplicability of this chapter.—This chapter shall not apply to:

(1) Any individual who is an "officer" as defined in s. 943.10(14)*,* or ~~is~~ a law enforcement officer of the United States Government, while *the* ~~such~~ local, state, or federal officer is engaged in her or his official duties or*, if approved by the officer's supervisors,* when performing off-duty *activities as a* security *officer* ~~activities approved by her or his superiors~~.

Section 9. Section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

(1) Each individual, partner, or principal officer in a corporation, shall file with the department a complete application accompanied by an application fee not to exceed $60, except that the applicant for a Class "D" or Class "G" license shall not be required to submit an application fee. The application fee shall not be refundable.

(a) The application submitted by any individual, partner, or corporate officer shall be approved by the department prior to that individual, partner, or corporate officer assuming his or her duties.

(b) Individuals who invest in the ownership of a licensed agency, but do not participate in, direct, or control the operations of the agency shall not be required to file an application.

(2) Each application shall be signed *and verified* by the individual under oath *as provided in s. 92.525* ~~and shall be notarized~~.

(3) The application shall contain the following information concerning the individual signing same:

(a) Name and any aliases.

(b) Age and date of birth.

(c) Place of birth.

(d) Social security number or alien registration number, whichever is applicable.

(e) Present residence address ~~and his or her residence addresses within the 5 years immediately preceding the submission of the application~~.

~~(f) Occupations held presently and within the 5 years immediately preceding the submission of the application.~~

(f) ~~(g)~~ A statement of all *criminal* convictions*, findings of guilt, and pleas of guilty or nolo contendere, regardless of adjudication of guilt*.

(g) One passport-type color photograph taken within the 6 months immediately preceding submission of the application.

(h) A statement whether he or she has ever been adjudicated incompetent under chapter 744.

(i) A statement whether he or she has ever been committed to a mental institution under chapter 394.

(j) A full set of fingerprints on a card provided by the department and a fingerprint fee to be established by rule of the department based upon costs determined by state and federal agency charges and department processing costs. An applicant who has, within the immediately preceding 6 months, submitted a fingerprint card and fee for licensing purposes under this chapter shall not be required to submit another fingerprint card or fee.

(k) A personal inquiry waiver which allows the department to conduct necessary investigations to satisfy the requirements of this chapter.

(l) Such further facts as may be required by the department to show that the individual signing the application is of good moral character and qualified by experience and training to satisfy the requirements of this chapter.

~~(4) In addition to the application requirements outlined in subsection (3), the applicant for a Class "C," Class "CC," Class "E," Class "EE," or Class "G" license shall submit two color photographs taken within the 6 months immediately preceding the submission of the application, which meet specifications prescribed by rule of the department. All other applicants shall submit one photograph taken within the 6 months immediately preceding the submission of the application.~~

(4) ~~(5)~~ In addition to the application requirements outlined under subsection (3), the applicant for a Class "C," Class "E," Class "M," Class "MA," Class "MB," or Class "MR" license shall include a statement on a form provided by the department of the experience which he or she believes will qualify him or her for such license.

(5) ~~(6)~~ In addition to the requirements outlined in subsection (3), an applicant for a Class "G" license shall satisfy minimum training criteria for firearms established by rule of the department, which training criteria shall include, but is not limited to, 28 hours of range and classroom training taught and administered by a Class "K" licensee; however, no more than 8 hours of such training shall consist of range training. If the applicant can show proof that he or she is an active law enforcement officer currently certified under the Criminal Justice Standards and Training Commission or has completed the training required for that certification within the last 12 months, or if the applicant submits one of the certificates specified in paragraph *(6)(a)* ~~(7)(a)~~, the department may waive the foregoing firearms training requirement.

(6) ~~(7)~~ In addition to the requirements under subsection (3), an applicant for a Class "K" license shall:

(a) Submit one of the following certificates:

1. The Florida Criminal Justice Standards and Training Commission ~~Firearms~~ Instructor's Certificate *and confirmation by the commission that the applicant is authorized to provide firearms instruction*.

2. The National Rifle Association *Law Enforcement* ~~Police~~ Firearms Instructor's Certificate.

~~3. The National Rifle Association Security Firearms Instructor's Certificate.~~

3. ~~4.~~ A firearms instructor's *training* certificate *issued by any branch of the United States Armed Forces,* ~~from~~ a federal *law enforcement academy or agency*~~, state, county,~~ or ~~municipal police~~ academy in this state recognized as such by the Criminal Justice Standards and Training Commission ~~or by the Department of Education~~.

(b) Pay the fee for and pass an examination administered by the department which shall be based upon, but is not necessarily limited to, a firearms instruction manual provided by the department.

(7) ~~(8)~~ In addition to the application requirements for individuals, partners, or officers outlined under subsection (3), the application for an agency license shall contain the following information:

(a) The proposed name under which the agency intends to operate.

(b) The street address, mailing address, and telephone numbers of the principal location at which business is to be conducted in this state.

(c) The street address, mailing address, and telephone numbers of all branch offices within this state.

(d) The names and titles of all partners or, in the case of a corporation, the names and titles of its principal officers.

(8) ~~(9)~~ Upon submission of a complete application, a Class "CC," Class "C," Class "D," Class "EE," Class "E," Class "M," Class "MA," Class "MB," or Class "MR" applicant may commence employment or appropriate duties for a licensed agency or branch office. However, the Class "C" or Class "E" applicant must work under the direction and control of a sponsoring licensee while his or her application is being processed. If the department denies application for licensure, the employment of the applicant must be terminated immediately, unless he or she performs only unregulated duties.

Section 10. Paragraph (f) of subsection (1) and paragraph (a) of subsection (2) of section 493.6106, Florida Statutes, are amended, and paragraph (g) is added to subsection (1) of that section, to read:

493.6106 License requirements; posting.—

(1) Each individual licensed by the department must:

(f) Be a citizen or *permanent* legal resident alien of the United States or have *appropriate* ~~been granted~~ authorization *issued* ~~to seek employment in this country~~ by the ~~United States~~ Bureau of Citizenship and Immigration Services *of the United States Department of Homeland Security*.

1. An applicant for a Class "C," Class "CC," Class "D," Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" license who is not a United States citizen must submit proof of current employment authorization issued by the United States Bureau of Citizenship and Immigration Services or proof that she or he is deemed a permanent legal resident alien by the United States Bureau of Citizenship and Immigration Services.

2. An applicant for a Class "G" or Class "K" license who is not a United States citizen must submit proof that she or he is deemed a permanent legal resident alien by the United States Bureau of Citizenship and Immigration Services, together with additional documentation establishing that she or he has resided in the state of residence shown on the application for at least 90 consecutive days before the date that the application is submitted.

3. An applicant for an agency or school license who is not a United States citizen or permanent legal resident alien must submit documentation issued by the United States Bureau of Citizenship and Immigration Services stating that she or he is lawfully in the United States and is authorized to own and operate the type of agency or school for

which she or he is applying. An employment authorization card issued by the United States Bureau of Citizenship and Immigration Services is not sufficient documentation.

(g) Not be prohibited from purchasing or possessing a firearm by state or federal law if the individual is applying for a Class "G" license or a Class "K" license.

(2) Each agency shall have a minimum of one physical location within this state from which the normal business of the agency is conducted, and this location shall be considered the primary office for that agency in this state.

(a) If an agency *or branch office* desires to change the physical location of the business, as it appears on the ~~agency~~ license, the department must be notified within 10 days of the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

Section 11. Subsection (3) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order ~~or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class "G" or Class "M" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 12. Paragraph (a) of subsection (1) and subsection (3) of section 493.6108, Florida Statutes, are amended to read:

493.6108 Investigation of applicants by Department of Agriculture and Consumer Services.—

(1) Except as otherwise provided, prior to the issuance of a license under this chapter, the department shall make an investigation of the applicant for a license. The investigation shall include:

(a)1. An examination of fingerprint records and police records. When a criminal history analysis of any applicant under this chapter is performed by means of fingerprint card identification, the time limitations prescribed by s. 120.60(1) shall be tolled during the time the applicant's fingerprint card is under review by the Department of Law Enforcement or the United States Department of Justice, Federal Bureau of Investigation.

2. If a legible set of fingerprints, as determined by the Department of Law Enforcement or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of Agriculture and Consumer Services may determine the applicant's eligibility based upon a criminal history record check under the applicant's name conducted by the Department of Law Enforcement *if the* ~~and the Federal Bureau of Investigation. A set of~~ fingerprints *are* taken by a law enforcement agency *or the department* and *the applicant submits* a written statement signed by the fingerprint technician or a licensed physician stating that there is a physical condition that precludes obtaining a legible set of fingerprints or that the fingerprints taken are the best that can be obtained ~~is sufficient to meet this requirement~~.

(3) The department shall also investigate the mental history and current mental and emotional fitness of any Class "G" *or Class "K"* applicant, and may deny a Class "G" *or Class "K"* license to anyone who has a history of mental illness or drug or alcohol abuse.

Section 13. Subsection (4) of section 493.6111, Florida Statutes, is amended to read:

493.6111 License; contents; identification card.—

(4) Notwithstanding the existence of a valid Florida corporate registration, *an* ~~no~~ agency *or school* licensee may *not* conduct activities regulated under this chapter under any fictitious name without prior written authorization from the department to use that name in the conduct of activities regulated under this chapter. The department may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. The authorization for the use of a fictitious name shall require, as a condition precedent to the use of such name, the filing of a certificate of engaging in business under a fictitious name under s. 865.09. *A* ~~No~~ licensee *may not* ~~shall be permitted to~~ conduct business under more than one *fictitious* name except as separately licensed nor shall the license be valid to protect any licensee who is engaged in ~~the~~ business under any name other than that specified in the license. An agency desiring to change its licensed name shall notify the department and, except upon renewal, pay a fee not to exceed $30 for each license requiring revision including those of all licensed employees except Class "D" or Class "G" licensees. Upon the return of such licenses to the department, revised licenses shall be provided.

Section 14. Subsection (2) and paragraph (a) of subsection (3) of section 493.6113, Florida Statutes, are amended to read:

493.6113 Renewal application for licensure.—

(2) *At least* ~~No less than~~ 90 days *before* ~~prior to~~ the expiration date of the license, the department shall mail a written notice to the last known *mailing* ~~residence~~ address *of the licensee* ~~for individual licensees and to the last known agency address for agencies~~.

(3) Each licensee shall be responsible for renewing his or her license on or before its expiration by filing with the department an application for renewal accompanied by payment of the prescribed license fee.

(a) Each *Class "B"* ~~Class "A," Class "B," or Class "R"~~ licensee shall additionally submit on a form prescribed by the department a certification of insurance which evidences that the licensee maintains coverage as required under s. 493.6110.

Section 15. Subsection (8), paragraph (d) of subsection (12), and subsection (16) of section 493.6115, Florida Statutes, are amended to read:

493.6115 Weapons and firearms.—

(8) A Class "G" applicant must satisfy the minimum training criteria as set forth in s. 493.6105*(5)* ~~(6)~~ and as established by rule of the department.

(12) The department may issue a temporary Class "G" license, on a case-by-case basis, if:

(d) The applicant has received approval from the department subsequent to its conduct of a criminal history record check as authorized in s. *493.6108(1)(a)1.* ~~493.6121(6).~~

(16) If the criminal history record check program referenced in s. *493.6108(1)(a)1.* ~~493.6121(6)~~ is inoperable, the department may issue a temporary "G" license on a case-by-case basis, provided that the applicant has met all statutory requirements for the issuance of a temporary "G" license as specified in subsection (12), excepting the criminal history record check stipulated there; provided, that the department requires that the licensed employer of the applicant conduct a criminal history record check of the applicant pursuant to standards set forth in rule by the department, and provide to the department an affidavit containing such information and statements as required by the department, including a statement that the criminal history record check did not indicate the existence of any criminal history that would prohibit licensure. Failure to properly conduct such a check, or knowingly providing incorrect or misleading information or statements in the affidavit shall constitute grounds for disciplinary action against the licensed agency, including revocation of license.

Section 16. Paragraph (u) of subsection (1) of section 493.6118, Florida Statutes, is redesignated as paragraph (v), and a new paragraph (u) is added to that subsection to read:

493.6118 Grounds for disciplinary action.—

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by the department against any licensee, agency, or applicant regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter.

(u) For a Class "G" or a Class "K" applicant or licensee, being prohibited from purchasing or possessing a firearm by state or federal law.

Section 17. Subsections (7) and (8) of section 493.6121, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and present subsection (6) of that section is amended, to read:

493.6121 Enforcement; investigation.—

~~(6) The department shall be provided access to the program that is operated by the Department of Law Enforcement, pursuant to s. 790.065, for providing criminal history record information to licensed gun dealers, manufacturers, and exporters. The department may make inquiries, and shall receive responses in the same fashion as provided under s. 790.065. The department shall be responsible for payment to the Department of Law Enforcement of the same fees as charged to others afforded access to the program.~~

Section 18. Subsection (3) of section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order ~~or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class "G," Class "C," Class "CC," Class "M," or Class "MA" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 19. Subsections (2), (4), and (6) of section 493.6203, Florida Statutes, are amended to read:

493.6203 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(2) An applicant for a Class "MA" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:

(a) Private investigative work or related fields of work that provided equivalent experience or training;

(b) Work as a Class "CC" licensed intern;

(c) Any combination of paragraphs (a) and (b);

(d) Experience described in paragraph (a) for 1 year and experience described in paragraph (e) for 1 year;

(e) No more than 1 year using:

1. College coursework related to criminal justice, criminology, or law enforcement administration; or

2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or

(f) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(4) An applicant for a Class "C" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the following:

(a) Private investigative work or related fields of work that provided equivalent experience or training.

(b) College coursework related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.

(c) Work as a Class "CC" licensed intern.

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(6)(a) A Class "CC" licensee shall serve an internship under the direction and control of a designated sponsor, who is a Class "C," Class "MA," or Class "M" licensee.

(b) Effective *July 1, 2009* ~~September 1, 2008~~, *before submission of an application to the department, the* ~~an~~ applicant for a Class "CC" license must have completed *a minimum of 40* ~~at least 24~~ hours of *professional training* ~~a 40-hour course~~ pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. *The training must be provided in two parts, one 24-hour course and one 16-hour course.* The certificate evidencing satisfactory completion of *the 40* ~~at least 24~~ hours of *professional training* ~~a 40-hour course~~ must be submitted with the application for a Class "CC" license. ~~The remaining 16 hours must be completed and an examination passed within 180 days. If documentation of completion of the required training is not submitted within the specified timeframe, the individual's license is automatically suspended or his or her authority to work as a Class "CC" pursuant to s. 493.6105(9) is rescinded until such time as proof of certificate of completion is provided to the department.~~ The training ~~course~~ specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

1. Upon an applicant's successful completion of each part of the approved *training* ~~course~~ and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.

2. The department shall establish by rule the general content of the *professional* training ~~course~~ and the examination criteria.

3. If the license of an applicant for relicensure *is* ~~has been~~ invalid for more than 1 year, the applicant must complete the required training and pass any required examination.

(c) An individual who submits an application for a Class "CC" license on or after September 1, 2008, through June 30, 2009, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual's license is automatically suspended until proof of the required training is submitted to the department. An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the required total amount of training, and within the timeframe, in effect at the time he or she was licensed.

Section 20. Subsection (3) of section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order ~~or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class "D," Class "G," Class "M," or Class "MB" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 21. Subsection (4) of section 493.6303, Florida Statutes, is amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(4)(a) *Effective July 1, 2009,* an applicant for a Class "D" license must *submit proof of successful completion of* ~~complete~~ a minimum of 40 hours of professional training at a school or training facility licensed by the department. *The training must be provided in two parts, one 24-hour course and one 16-hour course.* The department shall by rule establish the general content and number of hours of each subject area to be taught.

(b) *An individual who submits an application for a Class "D" license on or after January 1, 2007, through June 30, 2009, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual's license is automatically suspended until proof of the required training is submitted to the department. This section does not require a person licensed before January 1, 2007, to complete additional training hours in order to renew an active license beyond the required total amount of training within the timeframe prescribed by law at the time he or she was licensed.* ~~An applicant may fulfill the training requirement prescribed in paragraph (a) by submitting proof of:~~

~~1. Successful completion of the total number of required hours of training before initial application for a Class "D" license; or~~

~~2. Successful completion of 24 hours of training before initial application for a Class "D" license and successful completion of the remaining 16 hours of training within 180 days after the date that the application is submitted. If documentation of completion of the required training is not submitted within the specified timeframe, the individual's license is automatically suspended until such time as proof of the required training is provided to the department.~~

(c) An individual ~~However, any person~~ whose license *is suspended or* ~~has been~~ revoked~~, suspended~~ pursuant to *paragraph (b)* ~~subparagraph 2.~~, or *is* expired for *at least* 1 year*,* ~~or longer~~ is considered, upon reapplication for a license, an initial applicant and must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed by the department as *provided* ~~prescribed~~ in paragraph (a) before a license *is* ~~will be~~ issued. ~~Any person whose license was issued before January 1, 2007, and whose license has been expired for less than 1 year must, upon reapplication for a license, submit documentation of completion of the total number of hours of training prescribed by law at the time her or his initial license was issued before another license will be issued. This subsection does not require an individual licensed before January 1, 2007, to complete additional training hours in order to renew an active license, beyond the required total amount of training within the timeframe prescribed by law at the time she or he was licensed.~~

Section 22. Subsection (2) of section 493.6304, Florida Statutes, is amended to read:

493.6304 Security officer school or training facility.—

(2) The application shall be signed and *verified by the applicant under oath as provided in s. 92.525* ~~notarized~~ and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, her or his name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted.

(c) A copy of the training curriculum and final examination to be administered.

Section 23. Subsections (7) and (8) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

(7) Any person who operates a *recovery agent* ~~repossessor~~ school or training facility or who conducts an Internet-based training course or a correspondence training course must have a Class "RS" license.

(8) Any individual who teaches or instructs at a Class "RS" *recovery agent* ~~repossessor~~ school or training facility shall have a Class "RI" license.

Section 24. Paragraphs (f) and (g) of subsection (1) and subsection (3) of section 493.6402, Florida Statutes, are amended to read:

493.6402 Fees.—

(1) The department shall establish by rule biennial license fees which shall not exceed the following:

(f) Class "RS" *license recovery agent* ~~license—repossessor~~ school or training facility: $60.

(g) Class "RI" *license recovery agent* ~~license—repossessor~~ school or training facility instructor: $60.

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order~~, or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class "E," Class "EE," or Class "MR" license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee shall not be refunded.

Section 25. Subsections (1) and (2) of section 493.6406, Florida Statutes, are amended to read:

493.6406 *Recovery agent* ~~Repossession services~~ school or training facility.—

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for *Class "E" or* Class "EE" applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

(2) The application shall be signed and *verified by the applicant under oath as provided in s. 92.525* ~~notarized~~ and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, his or her name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted or the street address of the Class "RS" school offering Internet-based or correspondence training.

(c) A copy of the training curriculum and final examination to be administered.

Section 26. Paragraph (a) of subsection (2) of section 501.605, Florida Statutes, is amended to read:

501.605 Licensure of commercial telephone sellers.—

(2) An applicant for a license as a commercial telephone seller must submit to the department, in such form as it prescribes, a written application for the license. The application must set forth the following information:

(a) The true name, date of birth, driver's license number, ~~social security number,~~ and home address of the applicant, including each name under which he or she intends to do business.

The application shall be accompanied by a copy of any: Script, outline, or presentation the applicant will require or suggest a salesperson to use when soliciting, or, if no such document is used, a statement to that effect; sales information or literature to be provided by the applicant to a salesperson; and sales information or literature to be provided by the applicant to a purchaser in connection with any solicitation.

Section 27. Paragraph (a) of subsection (1) of section 501.607, Florida Statutes, is amended to read:

501.607 Licensure of salespersons.—

(1) An applicant for a license as a salesperson must submit to the department, in such form as it prescribes, a written application for a license. The application must set forth the following information:

(a) The true name, date of birth, driver's license number, ~~social security number,~~ and home address of the applicant.

Section 28. Subsection (2) of section 501.913, Florida Statutes, is amended to read:

501.913 Registration.—

(2) The completed application shall be accompanied by:

(a) Specimens or facsimiles of the label for each brand of antifreeze;

(b) An application fee of $200 for each brand; and

(c) A properly labeled sample of *at least 1 gallon, but not more than 2 gallons, of* each brand of antifreeze.

Section 29. Subsection (2) of section 525.01, Florida Statutes, is amended to read:

525.01 Gasoline and oil to be inspected.—

(2) All petroleum fuels *are* ~~shall be~~ subject to inspection and analysis by the department. Before selling or offering for sale in this state any petroleum fuel, all manufacturers, *terminal suppliers,* wholesalers, and *importers as defined in s. 206.01* ~~jobbers~~ shall file with the department:

(a) An affidavit that they desire to do business in this state, and the name and address of the manufacturer of the petroleum fuel.

(b) An affidavit stating that the petroleum fuel is in conformity with the standards prescribed by department rule.

Section 30. Subsections (1) and (3) of section 525.09, Florida Statutes, are amended to read:

525.09 Inspection fee.—

(1) For the purpose of defraying the expenses incident to inspecting, testing, and analyzing petroleum fuels in this state, there shall be paid to the department a charge of one-eighth cent per gallon on all gasoline, *alternative fuel containing alcohol as defined in s. 525.01(1)(c)1. or 2.,* kerosene (except when used as aviation turbine fuel), and #1 fuel oil for sale or use in this state. This inspection fee shall be imposed in the same manner as the motor fuel tax pursuant to s. 206.41. Payment shall be made on or before the 25th day of each month.

(3) All remittances to the department for the inspection tax herein provided shall be accompanied by a detailed report under oath showing the number of gallons of gasoline, *alternative fuel containing alcohol as defined in s. 525.01(1)(c)1. and 2.,* kerosene, or fuel oil sold and delivered in each county.

Section 31. Section 526.50, Florida Statutes, is amended to read:

526.50 Definition of terms.—As used in this part:

(1) "Brake fluid" means the fluid intended for use as the liquid medium through which force is transmitted in the hydraulic brake system of a vehicle operated upon the highways.

(2) "Brand" means the product name appearing on the label of a container of brake fluid.

(3) "Container" means any receptacle in which brake fluid is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.

(4) ~~(2)~~ "Department" means the Department of Agriculture and Consumer Services.

~~(3) "Sell" includes give, distribute, barter, exchange, trade, keep for sale, offer for sale or expose for sale, in any of their variant forms.~~

(5) "Formula" means the name of the chemical mixture or composition of the brake fluid product.

(6) ~~(4)~~ "Labeling" includes all written, printed or graphic representations, in any form whatsoever, imprinted upon or affixed to any container of brake fluid.

~~(5) "Container" means any receptacle in which brake fluid is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.~~

(7) ~~(6)~~ "Permit year" means a period of 12 months commencing July 1 and ending on the next succeeding June 30.

(8) ~~(7)~~ "Registrant" means any manufacturer, packer, distributor, seller, or other person who has registered a brake fluid with the department.

(9) "Sell" includes give, distribute, barter, exchange, trade, keep for sale, offer for sale or expose for sale, in any of their variant forms.

Section 32. Section 526.51, Florida Statutes, is amended to read:

526.51 Registration~~; renewal and~~ fees; departmental expenses; cancellation or refusal to issue or renew.—

(1)(a) Application for registration of each brand of brake fluid shall be made on forms to be supplied by the department. The applicant shall give his or her name and address and the brand name of the brake fluid, state that he or she owns the brand name and has complete control over the product sold thereunder in Florida, and provide the name and address of the resident agent in Florida. If the applicant does not own the brand name but wishes to register the product with the department, a notarized affidavit that gives the applicant full authorization to register the brand name and that is signed by the owner of the brand name must accompany the application for registration. The affidavit must include all affected brand names, the owner's company or corporate name and address, the applicant's company or corporate name and address, and a statement from the owner authorizing the applicant to register the product with the department. The owner of the brand name shall maintain complete control over each product sold under that brand name in this state. All *first-time brand-formula combination* ~~new product~~ applications must be accompanied by a certified report from an independent testing laboratory, setting forth the analysis of the brake fluid which shall show its quality to be not less than the specifications established by the department for brake fluids. A sample of not less than 24 fluid ounces of brake fluid shall be submitted, in a container or containers, with labels representing exactly how the containers of brake fluid will be labeled when sold, and the sample and container shall be analyzed and inspected by the Division of Standards in order that compliance with the department's specifications and labeling requirements may be verified. Upon approval of the application, the department shall register the brand name of the brake fluid and issue to the applicant a permit authorizing the registrant to sell the brake fluid in this state during the permit year specified in the permit.

(b) Each applicant shall pay a fee of $100 with each application. *An applicant seeking reregistration of a previously registered brand-formula combination must submit a completed application and all materials required under this subsection to the department before the first day of the permit year. A brand-formula combination for which a completed application and all materials required under this subsection are not received before the first day of the permit year ceases to be registered with the department until a completed application and all materials required under this subsection are received and approved. Any fee, application, or materials received after the first day of the permit year, if the brand-formula combination was previously registered with the department,* ~~A permit may be renewed by application to the department, accompanied by a renewal fee of $50 on or before the last day of the permit year immediately preceding the permit year for which application is made for renewal of registration. To any fee not paid when due, there~~ shall accrue a penalty of $25, which shall be added to the ~~renewal~~ fee. ~~Renewals will be accepted only on brake fluids that have no change in formula, composition, or brand name.~~ Any change in formula, composition, or brand name of any brake fluid constitutes a new product that must be registered in accordance with this part.

(2) All fees collected under the provisions of this section shall be credited to the General Inspection Trust Fund of the department and all expenses incurred in the enforcement of this part shall be paid from said fund.

(3) The department may cancel *or*~~,~~ refuse to issue ~~or refuse to renew~~ any registration and permit after due notice and opportunity to be heard if it finds that the brake fluid is adulterated or misbranded or that the registrant has failed to comply with the provisions of this part or the rules and regulations promulgated thereunder.

Section 33. Paragraph (a) of subsection (3) of section 526.52, Florida Statutes, is amended to read:

526.52 Specifications; adulteration and misbranding.—

(3) Brake fluid is deemed to be misbranded:

(a) If its container does not bear on its side or top a label on which is printed the name and place of business of the registrant of the product, the words "brake fluid," and a statement that the product therein equals or exceeds the minimum specification of the Society of Automotive Engineers for *heavy-duty-type* brake fluid *or equals or exceeds Federal Motor Vehicle Safety Standard No. 116 adopted by the United States Department of Transportation*~~, heavy duty type~~. By regulation the department may require that the duty-type classification appear on the label.

Section 34. Subsection (2) of section 526.53, Florida Statutes, is amended to read:

526.53 Enforcement; inspection and analysis, stop-sale and disposition, regulations.—

(2)(a) When any brake fluid is sold in violation of any of the provisions of this part, all such *affected* brake fluid of the same brand name ~~on the same premises on which the violation occurred~~ shall be placed under a stop-sale order by the department *by serving the owner of the brand name, distributor, or other entity responsible for selling or distributing the product in the state with the stop-sale order*. The department shall withdraw its stop-sale order upon the removal of the violation or upon voluntary destruction of the product, or other disposal approved by the department, under the supervision of the department.

(b) In addition to being subject to the stop-sale procedures above, unregistered brake fluid shall be held by the department or its representative, at a place to be designated in the stop-sale order, until properly registered and released in writing by the department or its representative. If application *is* ~~has~~ not ~~been~~ made for registration of *the* ~~such~~ product within 30 days after issue of the stop-sale order, such product shall be disposed of by the department*, or, with the department's consent, by the business,* to any tax-supported institution or agency of the state if the brake fluid meets legal specifications or by other disposal authorized by rule of the department if it fails to meet legal specifications.

Section 35. Subsections (2) and (5) of section 527.02, Florida Statutes, are amended to read:

527.02 License; penalty; fees.—

(2) Each business location of a person having multiple locations shall be separately licensed and must meet the requirements of this section. Such license shall be granted to any applicant determined by the department to be competent, qualified, and trustworthy who files with the department a surety bond, insurance affidavit, or other proof of insurance, as hereinafter specified, and pays for such license the following original application fee for new licenses and annual renewal fees for existing licenses:

License Category	Original Application Fee	Renewal Fee
Category I liquefied petroleum gas dealer	*$600* ~~$525~~	*$500* ~~$425~~
Category II liquefied petroleum gas dispenser	525	*425* ~~375~~
Category III liquefied petroleum gas cylinder exchange unit operator	*125* ~~100~~	*75* ~~65~~
Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	*425* ~~400~~
Category V liquefied petroleum petroleum gases dealer for industrial uses only	*350* ~~300~~	*275* ~~200~~
LP gas installer	*400* ~~300~~	*300* ~~200~~
Specialty installer	300	*250* ~~200~~
Dealer in appliances and equipment for use of liquefied petroleum gas	50	45
Manufacturer of liquefied petroleum gas appliances and equipment	525	*425* ~~375~~
Requalifier of cylinders	525	*425* ~~375~~
Fabricator, repairer, and tester of vehicles and cargo tanks	525	*425* ~~375~~

(5) The license fee for a pipeline system operator shall be *$350* ~~$100 per system owned or operated by the person, not to exceed $400 per license year~~. Such license fee applies only to a pipeline system operator who owns or operates a liquefied petroleum gas pipeline system that is used to transmit liquefied petroleum gas from a common source to the ultimate customer and that serves 10 or more customers. *The license shall be renewed each year at a fee of $275 per year.*

Section 36. Subsections (1) and (3) and paragraphs (a) and (c) of subsection (5) of section 527.0201, Florida Statutes, are amended to read:

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, any person applying for a license to engage in the activities of a pipeline system operator, category I liquefied petroleum gas dealer, category II liquefied petroleum gas dispenser, category IV liquefied petroleum gas dispenser and recreational vehicle servicer, category V liquefied petroleum gases dealer for industrial uses only, LP gas installer, specialty installer, *requalifier* ~~requalification~~ of cylinders, or fabricator, repairer, and tester of vehicles and cargo tanks must prove competency by passing a written examination administered by the department or its agent with a grade of *at least* 75 percent *in each area tested* ~~or above~~. Each applicant for examination shall submit a *$30* ~~$20~~ nonrefundable fee. The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(3) Qualifier cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers shall expire 3 years after the date of issuance. All category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers holding a valid qualifier card upon the effective date of this act shall retain their qualifier status until July 1, 2003, and may sit for the master qualifier examination at any time during that time period. All such category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers may renew their qualification on or before July 1, 2003, upon application to the department, payment of a $20 renewal fee, and documentation of the completion of a minimum of *16* ~~12~~ hours *of* approved continuing education courses, as defined by department rule, during the previous 3-year period. Applications for renewal must be made 30 calendar days prior to expiration. Persons failing to renew prior to the expiration date must reapply and take a qualifier competency examination in order to reestablish category I liquefied petroleum gas dealer qualifier and liquefied petroleum gas installer qualifier status. If a category I liquefied petroleum gas qualifier or liquefied petroleum gas installer qualifier becomes a master qualifier at any time during the effective date of the qualifier card, the card shall remain in effect until expiration of the master qualifier certification.

(5) In addition to all other licensing requirements, each category I liquefied petroleum gas dealer and liquefied petroleum gas installer must, at the time of application for licensure, identify to the department one master qualifier who is a full-time employee at the licensed location. This person shall be a manager, owner, or otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the department as provided by rule. The master qualifier requirement shall be in addition to the requirements of subsection (1).

(a) In order to apply for certification as a master qualifier, each applicant must be a category I liquefied petroleum gas dealer qualifier or liquefied petroleum gas installer qualifier, must be employed by a licensed category I liquefied petroleum gas dealer, liquefied petroleum gas installer, or applicant for such license, must provide documentation of a minimum of 1 year's work experience in the gas industry, and must pass a master qualifier competency examination. Master qualifier examinations shall be based on Florida's laws, rules, and adopted codes governing liquefied petroleum gas safety, general industry safety standards, and administrative procedures. The examination must be successfully *passed* ~~completed~~ by the applicant with a grade of *at least* 75 percent ~~or more~~. Each applicant for master qualifier status shall submit to the department a nonrefundable *$50* ~~$30~~ examination fee prior to the examination.

(c) Master qualifier status shall expire 3 years after the date of issuance of the certificate and may be renewed by submission to the department of documentation of completion of at least *16* ~~12~~ hours of approved continuing education courses during the 3-year period; proof of employment with a licensed category I liquefied petroleum gas dealer, liquefied petroleum gas installer, or applicant; and a $30 certificate renewal fee. The department shall define, by rule, approved courses of continuing education.

Section 37. Subsection (4) of section 527.021, Florida Statutes, is amended to read:

527.021 Registration of transport vehicles.—

(4) An inspection fee of *$75* ~~$50~~ shall be assessed for each registered vehicle inspected by the department pursuant to s. 527.061. *Registered vehicles shall be inspected annually.* All inspection fees collected in connection with this section shall be deposited in the General Inspection Trust Fund for the purpose of administering the provisions of this chapter.

Section 38. Section 527.12, Florida Statutes, is amended to read:

527.12 Cease and desist orders; *stop-use orders; stop-operation orders; stop-sale orders;* administrative fines.—

(1) Whenever the department *has* ~~shall have~~ reason to believe that any person is *violating* or has *violated* ~~been violating provisions of~~ this chapter or any rules adopted *under this chapter* ~~pursuant thereto~~, *the department* ~~it~~ may issue a cease and desist order*,* ~~or~~ impose a civil penalty*,* or *do both* ~~may issue such cease and desist order and impose a civil penalty~~.

(2) Whenever a person or liquefied petroleum gas system or storage facility, or any part or component thereof, fails to comply with this chapter or any rules adopted under this chapter, the department may issue a stop-use order, stop-operation order, or stop-sale order.

Section 39. Subsection (1) of section 559.805, Florida Statutes, is amended to read:

559.805 Filings with the department; disclosure of advertisement identification number.—

(1) Every seller of a business opportunity shall annually file with the department a copy of the disclosure statement required by s. 559.803 *before* ~~prior to~~ placing an advertisement or making any other representation designed to offer to, sell to, or solicit an offer to buy a business opportunity from a prospective purchaser in this state and shall update this filing by reporting any material change in the required information within 30 days after the material change occurs. An advertisement is not placed in the state merely because the publisher circulates, or there is circulated on his or her behalf in the state, any bona fide newspaper or other publication of general, regular, and paid circulation which has had more than two-thirds of its circulation during the past 12 months outside the state or because a radio or television program originating outside the state is received in the state. If the seller is required by s. 559.807 to provide a bond or establish a trust account or guaranteed letter of credit, he or she shall contemporaneously file with the department a copy of the bond, a copy of the formal notification by the depository that the trust account is established, or a copy of the guaranteed letter of credit. Every seller of a business opportunity shall file with the department a list of independent agents who will engage in the offer or sale of business opportunities on behalf of the seller in this state. This list must be kept current and shall include the following information: name, home and business address, telephone number, present employer, ~~social security number,~~ and birth date. *A* ~~No~~ person *may not* ~~shall be allowed to~~ offer or sell business opportunities unless the required information *is* ~~has been~~ provided to the department.

Section 40. Subsection (3) of section 559.928, Florida Statutes, is amended to read:

559.928 Registration.—

(3) Each independent agent shall annually file an affidavit with the department *before* ~~prior to~~ engaging in business in this state. This affidavit must include the independent agent's full name, legal business or trade name, mailing address, business address, telephone number, ~~social security number,~~ and the name or names and addresses of each seller of travel represented by the independent agent. A letter evidencing proof of filing must be issued by the department and must be prominently displayed in the independent agent's primary place of business. Each independent agent must also submit an annual registration fee of $50. All moneys collected pursuant to the imposition of the fee shall be deposited by the Chief Financial Officer into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services for the sole purpose of administrating this part. As used in this subsection, the term "independent agent" means a person who represents a seller of travel by soliciting persons on its behalf; who has a written contract with a seller of travel which is operating in compliance with this part and any rules adopted thereunder; who does not receive a fee, commission, or other valuable consideration directly from the purchaser for the seller of travel; who does not at any time have any unissued ticket stock or travel documents in his or her possession; and who does not have the ability to issue tickets, vacation certificates, or any other travel document. The term "independent agent" does not include an affiliate of the seller of travel, as that term is used in s. 559.935(3), or the employees of the seller of travel or of such affiliates.

Section 41. Subsection (7) of section 570.0725, Florida Statutes, is amended to read:

570.0725 Food recovery; legislative intent; department functions.—

(7) For public information purposes, the department *may* ~~shall~~ develop *and provide* ~~a~~ public information ~~brochure~~ detailing the need *for food banks and similar* ~~of~~ food recovery programs, the benefit of *such* ~~food recovery~~ programs, the manner in which ~~such~~ organizations may become involved in *such* ~~food recovery~~ programs, *and* the protection afforded to such programs under s. 768.136~~, and the food recovery entities or food banks that exist in the state~~. ~~This brochure must be updated annually.~~ *A food bank or similar food recovery organization seeking to be included on a list of such organizations must notify the department and provide the information required by rule of the department. Such organizations are responsible for updating the information and providing the updated information to the department. The department may adopt rules to implement this section.*

Section 42. Paragraph (e) of subsection (6) of section 570.53, Florida Statutes, is amended to read:

570.53 Division of Marketing and Development; powers and duties.—The powers and duties of the Division of Marketing and Development include, but are not limited to:

(6)

(e) Extending in every practicable way the distribution and sale of Florida agricultural products throughout the markets of the world as required of the department by *s.* ~~ss.~~ 570.07(7), (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

Section 43. Subsection (2) of section 570.54, Florida Statutes, is amended to read:

570.54 Director; duties.—

(2) It shall be the duty of the director of this division to supervise, direct, and coordinate the activities authorized by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and (20), ~~570.071,~~ 570.21, 534.47-534.53, and 604.15-604.34 and chapters 504, 571, 573, and 574 and to exercise other powers and authority as authorized by the department.

Section 44. Subsection (4) of section 570.55, Florida Statutes, is amended to read:

570.55 Identification of sellers or handlers of tropical or subtropical fruit and vegetables; containers specified; penalties.—

(4) IDENTIFICATION OF HANDLER.—At the time of each transaction involving the handling or sale of 55 pounds or more of tropical or subtropical fruit or vegetables in the primary channel of trade, the buyer or receiver of the tropical or subtropical fruit or vegetables shall demand a bill of sale, invoice, sales memorandum, or other document listing the date of the transaction, the quantity of the tropical or subtropical fruit or vegetables involved in the transaction, and the identification of the seller or handler as it appears on the driver's license of the seller or handler, including the driver's license number. If the seller or handler does not possess a driver's license, the buyer or receiver shall use any other acceptable means of identification, *which may include, but is not limited to,* ~~i.e.,~~ voter's registration card and number, draft card, ~~social security card,~~ or other identification. However, no less than two identification documents shall be used. The identification of the seller or handler shall be recorded on the bill of sale, sales memorandum, invoice, or voucher, which shall be retained by the buyer or receiver for a period of not less than 1 year from the date of the transaction.

Section 45. Subsection (3) of section 570.902, Florida Statutes, is amended to read:

570.902 Definitions; ss. 570.902 and 570.903.—For the purpose of ss. 570.902 and 570.903:

~~(3) "Museum" means the Florida Agricultural Museum which is designated as the museum for agriculture and rural history of the State of Florida.~~

Section 46. Section 570.903, Florida Statutes, is amended to read:

570.903 Direct-support organization.—

(1) When the Legislature authorizes the establishment of a direct-support organization to provide assistance for the ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the Florida State Collection of Arthropods,~~ the Friends of the Florida State Forests Program of the Division of Forestry, and the Forestry Arson Alert Program, and other programs of the department, the following provisions shall govern the creation, use, powers, and duties of the direct-support organization.

(a) The department shall enter into a memorandum or letter of agreement with the direct-support organization, which shall specify the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization shall comply.

(b) The department may permit, without charge, appropriate use of property, facilities, and personnel of the department by a direct-support organization, subject to the provisions of ss. 570.902 and 570.903. The use shall be directly in keeping with the approved purposes of the direct-support organization and shall not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities for established purposes.

(c) The department shall prescribe by contract or by rule conditions with which a direct-support organization shall comply in order to use property, facilities, or personnel of the department ~~or museum~~. Such rules shall provide for budget and audit review and oversight by the department.

(d) The department shall not permit the use of property, facilities, or personnel of the ~~museum,~~ department~~,~~ or designated program by a direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(2)(a) The direct-support organization shall be empowered to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the ~~museum or~~ designated program.

(b) Notwithstanding the provisions of s. 287.057, the direct-support organization may enter into contracts or agreements with or without competitive bidding for the ~~restoration of objects, historical buildings, and other historical materials or for the purchase of objects, historical buildings, and other historical materials which are to be added to the collections of the museum, or~~ benefit *of* the designated program. However, before the direct-support organization may enter into a contract or agreement without competitive bidding, the direct-support organization shall file a certification of conditions and circumstances with the internal auditor of the department justifying each contract or agreement.

(c) Notwithstanding the provisions of s. 287.025(1)(e), the direct-support organization may enter into contracts to insure property of the ~~museum or~~ designated programs ~~and may insure objects or collections on loan from others in satisfying security terms of the lender~~.

(3) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(4) Neither a designated program ~~or a museum~~, nor a nonprofit corporation trustee or employee may:

(a) Receive a commission, fee, or financial benefit in connection with the sale or exchange of *property* ~~historical objects or properties~~ to the direct-support organization~~, the museum,~~ or the designated program; or

(b) Be a business associate of any individual, firm, or organization involved in the sale or exchange of property to the direct-support organization~~, the museum,~~ or the designated program.

(5) All moneys received by the direct-support organization shall be deposited into an account of the direct-support organization and shall be used by the organization in a manner consistent with the goals of ~~the museum~~ or designated program.

(6) The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(7) The Commissioner of Agriculture, or the commissioner's designee, may serve on the board of trustees and the executive committee of any direct-support organization established to benefit the museum or any designated program.

~~(8) The department shall establish by rule archival procedures relating to museum artifacts and records. The rules shall provide procedures which protect the museum's artifacts and records equivalent to those procedures which have been established by the Department of State under chapters 257 and 267.~~

Section 47. Subsection (4) of section 573.118, Florida Statutes, is amended to read:

573.118 Assessment; funds; audit; loans.—

(4) In the event of levying and collecting of assessments, for each fiscal year in which assessment funds are received by the department, the department shall *maintain records of collections and expenditures for each marketing order separately within the state's accounting system. If requested by an advisory council, department staff shall* cause to be made a thorough ~~annual~~ audit of the ~~books and~~ accounts ~~by a certified public accountant~~, such audit to be completed within 60 days after the *request is received* ~~end of the fiscal year~~. The *advisory council* ~~department and all producers and handlers covered by the marketing order~~ shall be *provided a copy of the* ~~properly advised of the details of the annual official~~ audit of the accounts ~~as shown by the certified public accountant~~ within 30 days *after completion* of the audit.

Section 48. Subsections (18) through (30) of section 581.011, Florida Statutes, are renumbered as subsections (17) through (29), respectively, and present subsections (17) and (20) of that section are amended to read:

581.011 Definitions.—As used in this chapter:

~~(17) "Museum" means the Florida State Collection of Arthropods.~~

(19) ~~(20)~~ "Nursery" means any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, *including* ~~except where~~ aquatic plant species ~~are~~ tended for harvest in the natural environment.

Section 49. Paragraph (d) of subsection (14) of section 581.031, Florida Statutes, is amended to read:

581.031 Department; powers and duties.—The department has the following powers and duties:

(14)

(d) To prescribe a fee for these services, *if* ~~provided~~ the fee does not exceed the cost of the services rendered. Annual citrus source tree registration fees shall not exceed *$15* ~~$5~~ per tree. If the fee has not been paid within 30 days of billing, a penalty of $10 or 20 percent of the unpaid balance, whichever is greater, shall be assessed.

Section 50. Subsection (6) of section 581.131, Florida Statutes, is amended to read:

581.131 Certificate of registration.—

(6) Neither the certificate of registration fee nor the annual renewal fee shall exceed *$600* ~~$460~~. The department may exempt from the payment of a certificate fee those governmental agency nurseries whose nursery stock is used exclusively for planting on their own property.

Section 51. Paragraph (a) of subsection (3) of section 581.211, Florida Statutes, is amended to read:

581.211 Penalties for violations.—

(3)(a)1. In addition to any other provision of law, the department may, after notice and hearing, impose an administrative fine not exceeding *$10,000* ~~$5,000~~ for each violation of this chapter, upon any person, nurseryman, stock dealer, agent or plant broker. The fine, when paid, shall be deposited in the Plant Industry Trust Fund. In addition, the department may place the violator on probation for up to 1 year, with conditions.

2. The imposition of a fine or probation pursuant to this subsection may be in addition to or in lieu of the suspension or revocation of a certificate of registration or certificate of inspection.

Section 52. Section 583.13, Florida Statutes, is amended to read:

583.13 Labeling and advertising requirements for dressed poultry; unlawful acts.—

(1) It is unlawful for any dealer or broker to sell, offer for sale, or hold for the purpose of sale in the state any dressed or ready-to-cook poultry in bulk unless *the* ~~such~~ poultry is packed in a container clearly bearing a label, not less than 3 inches by 5 inches, on which shall be plainly and legibly printed, in letters *of* not less than *one-fourth inch* ~~1/4~~ in height, ~~the grade and~~ the part name or whole-bird statement of such poultry. ~~The grade may be expressed in the term "premium," "good," or "standard," or as the grade of another state or federal agency the standards of quality of which, by law, are equal to the standards of quality provided by this law and rules promulgated hereunder.~~

(2) It is unlawful to sell unpackaged dressed or ready-to-cook poultry at retail unless such poultry is labeled by a placard immediately adjacent to the poultry or unless each bird is individually labeled to show ~~the grade and~~ the part name or whole-bird statement. The placard shall be no smaller than 7 inches by 7 inches in size, and the required labeling information shall be legibly and plainly printed on the placard in letters not smaller than 1 inch in height.

(3) It is unlawful to sell packaged dressed or ready-to-cook poultry at retail unless such poultry is labeled to show ~~the grade,~~ the part name or whole-bird statement, the net weight of the poultry, and the name and address of the dealer. The size of the type on the label must be one-eighth inch or larger. A placard immediately adjacent to such poultry may be used to indicate ~~the grade and~~ the part name or whole-bird statement, but not the net weight of the poultry or the name and address of the dealer.

(4) It is unlawful to use dressed or ready-to-cook poultry in bulk in the preparation of food served to the public, or to hold such poultry for the purpose of such use, unless the poultry when received was packed in a container clearly bearing a label, not less than 3 inches by 5 inches, on which was plainly and legibly printed, in letters not less than one-fourth inch in height, ~~the grade and~~ the part name or whole-bird statement of such poultry. ~~The grade may be expressed in the term "premium," "good," or "standard," or as the grade of another state or federal agency the standards of quality of which, by law, are equal to the standards of quality provided by this law and rules promulgated hereunder.~~

(5) It is unlawful to offer dressed or ready-to-cook poultry for sale in any advertisement in a newspaper or circular, on radio or television, or in any other form of advertising without plainly designating in such advertisement ~~the grade and~~ the part name or whole-bird statement of such poultry.

Section 53. Subsections (4) and (5) of section 590.125, Florida Statutes, are renumbered as subsections (5) and (6), respectively, subsection (1), paragraph (b) of subsection (3), and paragraph (c) of present subsection (4) are amended, and new subsections (4) and (7) are added to that section, to read:

590.125 Open burning authorized by the division.—

(1) DEFINITIONS.—As used in this section, the term:

(a) *"Certified pile burner" means an individual who successfully completes the division's pile burning certification program and possesses a valid pile burner certification number.*

~~Prescribed burning" means the controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land management objectives.~~

(b) "Certified prescribed burn manager" means an individual who successfully completes the *certified prescribed burning* ~~certification~~ program of the division and possesses a valid certification number.

(c) ~~(d)~~ "Extinguished" means*:*

1. ~~that no spreading flame~~ For wild land burning or certified prescribed burning, *that no spreading flames exist.*

2. ~~and no visible flame, smoke, or emissions~~ For vegetative land-clearing debris burning *or pile burning*, *that no visible flames* exist.

3. For vegetative land-clearing debris burning or pile burning in an area designated as smoke sensitive by the division, that no visible flames, smoke, or emissions exist.

(d) "Land-clearing operation" means the uprooting or clearing of vegetation in connection with the construction of buildings and rights-of-way, land development, and mineral operations. The term does not include the clearing of yard trash.

(e) "Pile burning" means the burning of silvicultural, agricultural, or land-clearing and tree-cutting debris originating onsite, which is stacked together in a round or linear fashion, including, but not limited to, a windrow.

(f) "Prescribed burning" means the controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land-management objectives.

(g) ~~(e)~~ "Prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a prescribed burn.

(h) "Yard trash" means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. The term includes materials such as leaves, shrub trimmings, grass clippings, brush, and palm fronds.

(3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND PURPOSE.—

(b) Certified prescribed burning pertains only to broadcast burning *for purposes of silviculture, wildlife management, ecological maintenance and restoration, and range and pasture management*. It must be conducted in accordance with this subsection and:

1. May be accomplished only when a certified prescribed burn manager is present on site with a copy of the prescription from ignition of the burn to its completion.

2. Requires that a written prescription be prepared before receiving authorization to burn from the division.

3. Requires that the specific consent of the landowner or his or her designee be obtained before requesting an authorization.

4. Requires that an authorization to burn be obtained from the division before igniting the burn.

5. Requires that there be adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire.

6. Is considered to be in the public interest and does not constitute a public or private nuisance when conducted under applicable state air pollution statutes and rules.

7. Is considered to be a property right of the property owner if vegetative fuels are burned as required in this subsection.

(4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND PURPOSE.—

(a) Pile burning is a tool that benefits current and future generations in Florida by disposing of naturally occurring vegetative debris through burning rather than disposing of the debris in landfills.

(b) Certified pile burning pertains to the disposal of piled, naturally occurring debris from an agricultural, silvicultural, or temporary land-clearing operation. A land-clearing operation is temporary if it operates for 6 months or less. Certified pile burning must be conducted in accordance with this subsection, and:

1. A certified pile burner must ensure, before ignition, that the piles are properly placed and that the content of the piles is conducive to efficient burning.

2. A certified pile burner must ensure that the piles are properly extinguished no later than 1 hour after sunset. If the burn is conducted in an area designated by the division as smoke sensitive, a certified pile burner must ensure that the piles are properly extinguished at least 1 hour before sunset.

3. A written pile burn plan must be prepared before receiving authorization from the division to burn.

4. The specific consent of the landowner or his or her agent must be obtained before requesting authorization to burn.

5. An authorization to burn must be obtained from the division or its designated agent before igniting the burn.

6. There must be adequate firebreaks and sufficient personnel and firefighting equipment at the burn site to control the fire.

(c) If a burn is conducted in accordance with this subsection, the property owner and his or her agent are not liable under s. 590.13 for damage or injury caused by the fire or resulting smoke, and are not in violation of subsection (2), unless gross negligence is proven.

(d) A certified pile burner who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The division shall adopt rules regulating certified pile burning. The rules shall include procedures and criteria for certifying and decertifying certified pile burn managers based on past experience, training, and record of compliance with this section.

(5) ~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE DIVISION.—The division may conduct fuel reduction initiatives, including, but not limited to, burning and mechanical and chemical treatment, on any area of wild land within the state which is reasonably determined to be in danger of wildfire in accordance with the following procedures:

(c) Prepare~~,~~ and *send* ~~the county tax collector shall include with the annual tax statement,~~ a notice to ~~be sent to~~ all landowners in each *area* ~~township~~ designated by the division as a wildfire hazard area. The notice must describe particularly the area to be treated and the tentative date or dates of the treatment and must list the reasons for and the expected benefits from the wildfire hazard reduction.

(7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING AUTHORIZATION PROGRAMS.—

(a) A county or municipality may exercise the division's authority, if delegated by the division under this subsection, to issue authorizations for the burning of yard trash or debris from land-clearing operations. A county's or municipality's existing or proposed open burning authorization program must:

1. Be approved by the division. The division shall not approve a program if it fails to meet the requirements of subsections (2) and (4) and any rules adopted under those subsections.

2. Provide by ordinance or local law the requirements for obtaining and performing a burn authorization that comply with subsections (2) and (4) and any rules adopted under those subsections.

3. Provide for the enforcement of the program's requirements.

4. Provide financial, personnel, and other resources needed to carry out the program.

(b) If the division determines that a county's or municipality's open burning authorization program does not comply with subsections (2) and (4) and any rules adopted under those subsections, the division shall require the county or municipality to take necessary corrective actions within a reasonable period, not to exceed 90 days.

1. If the county or municipality fails to take the necessary corrective actions within the required period, the division shall resume administration of the open burning authorization program in the county or municipality and the county or municipality shall cease administration of its program.

2. Each county and municipality administering an open burning authorization program must cooperate with and assist the division in carrying out the division's powers, duties, and functions.

3. A person who violates the requirements of a county's or municipality's open burning authorization program, as provided by ordinance or local law enacted pursuant to this section, commits a violation of this chapter, punishable as provided in s. 590.14.

Section 54. Subsection (4) of section 590.14, Florida Statutes, is renumbered as subsection (7), subsections (1) and (3) are amended, and new subsections (4), (5), and (6) are added to that section, to read:

590.14 Notice of violation; penalties.—

(1) If a division employee determines that a person has violated chapter 589*,* ~~or~~ this chapter, *or any rule adopted by the division to administer provisions of law conferring duties upon the division, the division employee* ~~he or she~~ may issue a notice of violation indicating the statute violated. This notice will be filed with the division and a copy forwarded to the appropriate law enforcement entity for further action if necessary.

(3) The department may also impose an administrative fine, not to exceed $1,000 per violation of any section of chapter 589 or this chapter *or violation of any rule adopted by the division to administer provisions of law conferring duties upon the division*. The fine shall be based upon the

degree of damage, the prior violation record of the person, and whether the person knowingly provided false information to obtain an authorization. The fines shall be deposited in the Incidental Trust Fund of the division.

(4) A person may not:

(a) Fail to comply with any rule or order adopted by the division to administer provisions of law conferring duties upon the division; or

(b) Knowingly make any false statement or representation in any application, record, plan, or other document required by this chapter or any rules adopted under this chapter.

(5) A person who violates paragraph (4)(a) or paragraph (4)(b) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) It is the intent of the Legislature that a penalty imposed by a court under subsection (5) be of a severity that ensures immediate and continued compliance with this section.

Section 55. Paragraph (a) of subsection (1) of section 599.004, Florida Statutes, is amended to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(1) The Florida Farm Winery Program is established within the Department of Agriculture and Consumer Services. Under this program, a winery may qualify as a tourist attraction only if it is registered with and certified by the department as a Florida Farm Winery. A winery may not claim to be certified unless it has received written approval from the department.

(a) To qualify as a certified Florida Farm Winery, a winery shall meet the following standards:

1. Produce or sell less than 250,000 gallons of wine annually.

2. Maintain a minimum of 10 acres of owned or managed *land* ~~vineyards~~ in Florida *which produces commodities used in the production of wine*.

3. Be open to the public for tours, tastings, and sales at least 30 hours each week.

4. Make annual application to the department for recognition as a Florida Farm Winery, on forms provided by the department.

5. Pay an annual application and registration fee of $100.

Section 56. Subsection (11) is added to section 604.15, Florida Statutes, to read:

604.15 Dealers in agricultural products; definitions.—For the purpose of ss. 604.15-604.34, the following words and terms, when used, shall be construed to mean:

(11) "Responsible position" means a position within the business of a dealer in agricultural products that has the authority to negotiate or make the purchase of agricultural products on behalf of the dealer's business or has principal active management authority over the business decisions, actions, and activities of the dealer's business in this state.

Section 57. Section 604.19, Florida Statutes, is amended to read:

604.19 License; fee; bond; certificate of deposit; penalty.—Unless the department refuses the application on one or more of the grounds provided in this section, it shall issue to an applicant, upon the payment of required fees and the execution and delivery of a bond or certificate of deposit as provided in this section, a state license entitling the applicant to conduct business as a dealer in agricultural products for a 1-year period to coincide with the effective period of the bond or certificate of deposit furnished by the applicant. During the 1-year period covered by a license, if the supporting surety bond or certificate of deposit is canceled for any reason, the license shall automatically expire on the date the surety bond or certificate of deposit terminates, unless an acceptable replacement is in effect before the date of termination so that continual coverage occurs for the remaining period of the license. A surety company shall give the department a 30-day written notice of cancellation by certified mail in order to cancel a bond. Cancellation of a bond or certificate of deposit *does* ~~shall~~ not relieve a surety company or financial institution of liability for purchases or sales occurring while the bond or certificate of deposit was in effect. The license fee, which must be paid for the principal place of business for a dealer in agricultural products, shall be based upon the amount of the dealer's surety bond or certificate of deposit furnished by each dealer under the provisions of s. 604.20 and may not exceed $500. For each additional place in which the applicant desires to conduct business and which the applicant names in the application, the additional license fee must be paid but may not exceed $100 annually. *If a* ~~Should any~~ dealer in agricultural products *fails, refuses, or neglects* ~~fail, refuse, or neglect~~ to apply and qualify for the renewal of a license on or before *its* ~~the date of~~ expiration *date* ~~thereof~~, a penalty not to exceed $100 shall apply to and be added to the ~~original~~ license fee *for the principal place of business and to the license fee for each additional place of business named in the application* and shall be paid by the applicant before the renewal license may be issued. The department by rule shall prescribe fee amounts sufficient to fund ss. 604.15-604.34.

Section 58. Subsections (1) and (4) of section 604.20, Florida Statutes, are amended to read:

604.20 Bond or certificate of deposit prerequisite; amount; form.—

(1) Before any license is issued, the applicant therefor shall make and deliver to the department a surety bond or certificate of deposit in the amount of at least $5,000 or in such greater amount as the department may determine. No bond or certificate of deposit may be in an amount less than $5,000. The penal sum of the bond or certificate of deposit to be furnished to the department by an applicant for license as a dealer in agricultural products shall be in an amount equal to twice the *average of the monthly* dollar *amounts* ~~amount~~ of agricultural products handled for a Florida producer or a producer's agent or representative, by purchase or otherwise, ~~during the month of maximum transaction in such products~~ during the preceding 12-month period. *Only those months in which the applicant handled, by purchase or otherwise, amounts equal to or greater than $1,000 shall be used to calculate the penal sum of the required bond or certificate of deposit.* An applicant for license who has not handled agricultural products for a Florida producer or a producer's agent or representative, by purchase or otherwise, during the preceding 12-month period shall furnish a bond or certificate of deposit in an amount equal to twice the estimated *average of the monthly* dollar *amounts* ~~amount~~ of such agricultural products to be handled, by purchase or otherwise, ~~during the month of maximum transaction~~ during the next immediate 12 months. *Only those months in which the applicant anticipates handling, by purchase or otherwise, amounts equal to or greater than $1,000 shall be used to calculate the penal sum of the required bond or certificate of deposit.* Such bond or certificate of deposit shall be provided or assigned in the exact name in which the dealer will conduct business subject to the provisions of ss. 604.15-604.34. Such bond must be executed by a surety company authorized to transact business in the state. For the purposes of ss. 604.19-604.21, the term "certificate of deposit" means a certificate of deposit at any recognized financial institution doing business in the United States. No certificate of deposit may be accepted in connection with an application for a dealer's license unless the issuing institution is properly insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Such bond or any certificate of deposit assignment or agreement shall be upon a form prescribed or approved by the department and shall be conditioned to secure the faithful accounting for and payment, in the manner prescribed by s. 604.21(9), to producers or their agents or representatives of the proceeds of all agricultural products handled or purchased by such dealer*,* ~~and~~ to secure payment to dealers who sell agricultural products to such dealer*, and to pay any claims or costs ordered under s. 604.21 as the result of a complaint*. Such bond or certificate of deposit assignment or agreement shall include terms binding the instrument to the Commissioner of Agriculture. A certificate of deposit shall be presented with an assignment of applicant's rights in the certificate in favor of the Commissioner of Agriculture on a form prescribed by the department and with a letter from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution. Such assignment shall be irrevocable while the dealer's license is in effect and for an additional period of 6 months after the termination or expiration of the dealer's license, provided no complaint is pending against the licensee. If a complaint is pending, the assignment shall remain in effect until all actions on the

complaint have been finalized. The certificate of deposit may be released by the assignee of the financial institution to the licensee or the licensee's successors, assignee, or heirs if no claims are pending against the licensee before the department at the conclusion of 6 months after the last effective date of the license. No certificate of deposit shall be accepted that contains any provision that would give the issuing institution any prior rights or claim on the proceeds or principal of such certificate of deposit. The department shall determine by rule the maximum amount of bond or certificate of deposit required of a dealer and whether an annual bond or certificate of deposit will be required.

(4) The department may issue a conditional license to an applicant who is unable to provide a single bond or certificate of deposit in the full amount required by the calculation in subsection (1). The conditional license shall remain in effect for a 1-year period to coincide with the effective period of the bond or certificate of deposit furnished by the applicant. The applicant must provide at least the minimum $5,000 bond or certificate of deposit as provided in subsection (1) together with *documentation from each of three separate bonding companies denying the applicants request for a surety bond in the full amount required in subsection (1) and* one of the following:

(a) A notarized affidavit limiting the handling of agricultural products, by purchase or otherwise, during their largest month to a minimum of one-half the amount of the bond or certificate of deposit provided by the applicant;

(b) A notarized affidavit stating that any subject agricultural products, handled by purchase or otherwise, exceeding one-half of the amount of the bond or certificate of deposit will be handled under the exemption provisions set forth in s. 604.16(2); or

(c) A second bond or certificate of deposit in such an amount that, when the penal sum of the second bond or certificate of deposit is added to the penal sum of the first bond or certificate of deposit, the combined penal sum will equal twice the dollar amount of agricultural products handled for a Florida producer or a producer's agent or representative, by purchase or otherwise, during the month of maximum transaction in such products during the preceding 12-month period.

The department or its agents may require from any licensee who is issued a conditional license verified statements of the volume of the licensee's business or may review the licensee's records at the licensee's place of business during normal business hours to determine the licensee's adherence to the conditions of the license. The failure of a licensee to furnish such statement or to make such records available shall be cause for suspension of the licensee's conditional license. If the department finds such failure to be willful, the conditional license may be revoked.

Section 59. Section 604.25, Florida Statutes, is amended to read:

604.25 *Denial of,* refusal to *renew* ~~grant~~, or suspension or revocation of, license.—

~~(1)~~ The department may *deny, refuse to renew,* ~~decline to grant a license~~ or ~~may~~ suspend or revoke a license ~~already granted~~ if the applicant or licensee has:

(1) ~~(a)~~ Suffered a monetary judgment entered against the applicant or licensee ~~upon~~ which *is* ~~execution has been returned~~ unsatisfied;

(2) ~~(b)~~ Made false charges for handling or services rendered;

(3) ~~(c)~~ Failed to account promptly and properly or to make settlements with any producer;

(4) ~~(d)~~ Made any false statement or statements as to condition, quality, or quantity of goods received or held for sale when the true condition, quality, or quantity could have been ascertained by reasonable inspection;

(5) ~~(e)~~ Made any false or misleading statement or statements as to market conditions or service rendered;

(6) ~~(f)~~ Been guilty of a fraud in the attempt to procure, or the procurement of, a license;

(7) ~~(g)~~ Directly or indirectly sold agricultural products received on consignment or on a net return basis for her or his own account, without prior authority from the producer consigning the same, or without notifying such producer;

(8) ~~(h)~~ *Failed to prevent a person from holding a position as the applicant's or licensee's owner, officer, director, general or managing partner, or employee* ~~Employed~~ in a responsible position ~~a person~~, or *holding any other similarly situated position, if the person holds or has held a similar position with any entity that* ~~an officer of a corporation, who~~ has failed to fully comply with an order of the department*, has not satisfied a civil judgment held by the department, has pending any administrative or civil enforcement action by the department, or has pending any criminal charges pursuant to s. 604.30* ~~at any time within 1 year after issuance~~;

(9) ~~(i)~~ Violated any statute or rule relating to the purchase or sale of any agricultural product, whether or not such transaction is subject to the provisions of this chapter; ~~or~~

(10) ~~(j)~~ Failed to submit to the department an application, appropriate license fees, and an acceptable surety bond or certificate of deposit*; or*~~.~~

(11) ~~(2)~~ *Failed* ~~If a licensee fails~~ or *refused* ~~refuses~~ to comply ~~in full~~ with an order of the department *or failed to satisfy a civil judgment owed to the department*~~, her or his license may be suspended or revoked, in which case she or he shall not be eligible for license for a period of 1 year or until she or he has fully complied with the order of the department~~.

~~(3) No person, or officer of a corporation, whose license has been suspended or revoked for failure to comply with an order of the department may hold a responsible position with a licensee for a period of 1 year or until the order of the department has been fully complied with.~~

Section 60. Subsections (18) and (19) of section 616.242, Florida Statutes, are renumbered as subsections (19) and (20), respectively, and a new subsection (18) is added to that section to read:

616.242 Safety standards for amusement rides.—

(18) STOP-OPERATION ORDERS.—If an owner or amusement ride fails to comply with this chapter or any rule adopted under this chapter, the department may issue a stop-operation order.

Section 61. Subsection (4) of section 686.201, Florida Statutes, is amended to read:

686.201 Sales representative contracts involving commissions; requirements; termination of agreement; civil remedies.—

(4) This section does not apply to persons licensed pursuant to chapter 475 who are performing services within the scope of their license *or to contracts to which a seller of travel as defined in s. 559.927 is a party*.

Section 62. Paragraph (c) of subsection (5) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(5) The applicant shall submit to the Department of Agriculture and Consumer Services:

(c) A full set of fingerprints of the applicant administered by a law enforcement agency *or the Division of Licensing of the Department of Agriculture and Consumer Services*.

Section 63. *Sections 570.071 and 570.901, Florida Statutes, are repealed.*

Section 64. Subsection (1) of section 205.064, Florida Statutes, is amended to read:

205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.—

(1) A local business tax receipt is not required of any ~~natural~~ person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm

products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such ~~natural~~ person in the state.

Section 65. Subsection (20) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(20) "Farm tractor" means a motor vehicle *that is:*

(a) Operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated on the roads of this state only incidentally to transportation between the owner's or operator's headquarters and the farm, grove, or orchard or between one farm, grove, or orchard and another; or

(b) Designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Section 66. Paragraph (n) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(n) "Food establishment" means any factory, food outlet, or any other facility manufacturing, processing, packing, holding, or preparing food, or selling food at wholesale or retail. The term does not include any business or activity that is regulated under chapter 509 or chapter 601. The term includes tomato packinghouses *and repackers* but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

Section 67. Section 500.70, Florida Statutes, is created to read:

500.70 Tomato food safety standards; inspections; penalties; tomato good agricultural practices; tomato best management practices.—

(1) As used in this section, the term:

(a) "Field packing" means the packing of tomatoes on a tomato farm or in a tomato greenhouse into containers for sale for human consumption without transporting the tomatoes to a packinghouse.

(b) "Packing" or "repacking" means the packing of tomatoes into containers for sale for human consumption. The term includes the sorting or separating of tomatoes into grades and sizes. The term also includes field packing.

(c) "Producing" means the planting, growing, or cultivating of tomatoes on a tomato farm or in a tomato greenhouse for sale for human consumption.

(2) The department may adopt rules establishing food safety standards to safeguard the public health and promote the public welfare by protecting the consuming public from injury caused by the adulteration or the microbiological, chemical, or radiological contamination of tomatoes. The rules must be based on federal requirements, available scientific research, generally accepted industry practices, and recommendations of food safety professionals. The rules shall apply to the producing, harvesting, packing, and repacking of tomatoes for sale for human consumption by a tomato farm, tomato greenhouse, or tomato packinghouse or repacker in this state. The rules may include, but are not limited to, standards for:

(a) Registration with the department of a person who produces, harvests, packs, or repacks tomatoes in this state who does not hold a food permit issued under s. 500.12.

(b) Proximity of domestic animals and livestock to the production areas for tomatoes.

(c) Food safety related use of water for irrigation during production and washing of tomatoes after harvest.

(d) Use of fertilizers.

(e) Cleaning and sanitation of containers, materials, equipment, vehicles, and facilities, including storage and ripening areas.

(f) Health, hygiene, and sanitation of employees who handle tomatoes.

(g) Training and continuing education of a person who produces, harvests, packs, or repacks tomatoes in this state, and the person's employees who handle tomatoes.

(h) Labeling and recordkeeping, including standards for identifying and tracing tomatoes for sale for human consumption.

(3)(a) The department may inspect tomato farms, tomato greenhouses, tomato packinghouses, repacking locations, or any vehicle being used to transport or hold tomatoes to ensure compliance with the applicable provisions of this chapter, and the rules adopted under this chapter.

(b) The department may impose an administrative fine not to exceed $5,000 per violation, or issue a written notice or warning under s. 500.179, against a person who violates any applicable provision of this section, or any rule adopted under this section.

(4)(a) The department may adopt rules establishing tomato good agricultural practices and tomato best management practices for the state's tomato industry based on applicable federal requirements, available scientific research, generally accepted industry practices, and recommendations of food safety professionals.

(b) A person who documents compliance with the department's rules, tomato good agricultural practices, and tomato best management practices is presumed to introduce tomatoes into the stream of commerce that are safe for human consumption, unless the department identifies noncompliance through inspections.

(5) Subsections (2) and (4) do not apply to tomatoes sold by the grower on the premises at which the tomatoes are grown or at a local farmers' market, if the quantity of tomatoes sold does not exceed two 25-pound boxes per customer.

(6) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 68. Subsection (10) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(10) To act as adviser to producers and distributors, when requested, ~~and~~ to assist them in the economical and efficient distribution of their agricultural products*,* ~~and~~ to encourage cooperative effort among producers to gain economical and efficient production of agricultural products*, and to adopt rules establishing comprehensive best management practices for agricultural production and food safety*.

Section 69. Paragraph (e) of subsection (2) of section 570.48, Florida Statutes, is amended to read:

570.48 Division of Fruit and Vegetables; powers and duties; records.—The duties of the Division of Fruit and Vegetables include, but are not limited to:

(2)

(e) Performing tomato food safety inspections *under s. 500.70* on tomato farms, in tomato greenhouses, and in tomato packinghouses and repackers.

Section 70. Subsection (1) of section 604.15, Florida Statutes, is amended to read:

604.15 Dealers in agricultural products; definitions.—For the purpose of ss. 604.15-604.34, the following words and terms, when used, shall be construed to mean:

(1) "Agricultural products" means the natural products of the farm, nursery, grove, orchard, vineyard, garden, and apiary (raw or manufactured); sod; ~~tropical foliage;~~ horticulture; hay; livestock; milk and milk products; poultry and poultry products; the fruit of the saw palmetto

(meaning the fruit of the *Serenoa repens*); limes (meaning the fruit *Citrus aurantifolia*, variety Persian, Tahiti, Bearss, or Florida Key limes); and any other nonexempt agricultural products produced in the state, except tobacco, sugarcane, *tropical foliage,* timber and timber byproducts, forest products as defined in s. 591.17, and citrus other than limes.

Section 71. Subsection (7) is added to section 624.4095, Florida Statutes, to read:

624.4095 Premiums written; restrictions.—

(7) For purposes of this section and s. 624.407, with regard to capital and surplus required, gross written premiums for federal multi-peril crop insurance that is ceded to the Federal Crop Insurance Corporation and authorized reinsurers shall not be included when calculating the insurer's gross writing ratio. The liabilities for ceded reinsurance premiums payable for federal multi-peril crop insurance ceded to the Federal Crop Insurance Corporation and authorized reinsurers shall be netted against the asset for amounts recoverable from reinsurers. Each insurer that writes other insurance products together with federal multi-peril crop insurance shall disclose in the notes to the annual and quarterly financial statement, or file a supplement to the financial statement that discloses, a breakout of the gross written premiums for federal multi-peril crop insurance.

Section 72. Section 823.145, Florida Statutes, is amended to read:

823.145 Disposal by open burning of *certain materials* ~~mulch plastic~~ used in agricultural operations.—Polyethylene *agricultural* ~~mulch~~ plastic*; damaged, nonsalvageable, untreated wood pallets; and packing material that cannot be feasibly recycled, which are* used in *connection with* agricultural operations *related to the growing, harvesting, or maintenance of crops,* may be disposed of by open burning provided that no public nuisance or any condition *adversely* affecting the *environment or the* public health is created thereby and that state or federal national ambient air quality standards are not violated.

Section 73. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural Lands and Practices Act.—

(4) DUPLICATION OF REGULATION.—Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter, a county may not exercise any of its powers to adopt *or enforce* any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations *adopted as rules under chapter 120* ~~developed~~ by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district ~~and adopted under chapter 120~~ as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency. *A county may not charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if the farm operation has a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program. However, this subsection does not prohibit a county from charging an assessment or fee for stormwater management on a bona fide farm operation that does not have a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit, or has not implemented water quality and quantity best-management practices as described in this subsection. For those counties that, before March 1, 2009, adopted a stormwater utility ordinance, resolution, or municipal services benefit unit or, before March 1, 2009, adopted a resolution stating its intent to use the uniform method of collection pursuant to s. 197.3632 for such stormwater ordinances, the county may continue to charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural pursuant to s. 193.461 if the ordinance provides credits against the assessment or fee on a bona fide farm operation for the implementation of best-management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implementation of best-management practices or alternative measures which the landowner demonstrates to the county to be of equivalent or greater stormwater benefit than those provided by implementation of best-management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit.*

(a) When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a county, and the implemented best management practice, regulation, or interim measure does not specifically address wellfield protection, a county may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any county to address an emergency as provided for in chapter 252.

(b) This subsection may not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to traffic, noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

(c) This subsection does not limit the powers of a predominantly urbanized county with a population greater than 1,500,000 and more than 25 municipalities, not operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968, which has a delegated pollution control program under s. 403.182 and includes drainage basins that are part of the Everglades Stormwater Program, to enact ordinances, regulations, or other measures to comply with the provisions of s. 373.4592, or which are necessary to carrying out a county's duties pursuant to the terms and conditions of any environmental program delegated to the county by agreement with a state agency.

(d) For purposes of this subsection, a county ordinance that regulates the transportation or land application of domestic wastewater residuals or other forms of sewage sludge shall not be deemed to be duplication of regulation.

(e) This subsection does not limit a county's powers to:

1. Enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules adopted before January 15, 2009.

2. Enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules pertaining to the Wekiva River Protection Area.

3. Enforce ordinances, regulations, or rules as directed by law or implemented consistent with the requirements of a program operated under a delegation agreement from a state agency or water management district.

As used in this paragraph, the term "wetlands" has the same meaning as defined in s. 373.019.

(f) The provisions of this subsection that limit a county's authority to adopt or enforce any ordinance, regulation, rule, or policy, or to charge any assessment or fee for stormwater management, apply only to a bona fide farm operation as described in this subsection.

Section 74. Section 163.3163, Florida Statutes, is created to read:

163.3163 Applications for development permits; disclosure and acknowledgement of neighboring agricultural land.—

(1) This section may be cited as the "Agricultural Land Acknowledgement Act."

(2) The Legislature finds that nonagricultural land which neighbors agricultural land may adversely affect agricultural production and farm

operations on the agricultural land and may lead to the agricultural land's conversion to urban, suburban, or other nonagricultural uses. The Legislature intends to preserve and encourage agricultural land use and to reduce the occurrence of conflicts between agricultural and nonagricultural land uses. The purpose of this section is to ensure that generally accepted agricultural practices will not be subject to interference by residential use of land contiguous to agricultural land.

(3) As used in this section, the term:

(a) "Agricultural land" means land classified as agricultural land pursuant to s. 193.461.

(b) "Contiguous" means touching, bordering, or adjoining along a boundary. For purposes of this section, properties that would be contiguous if not separated by a roadway, railroad, or other public easement are considered contiguous.

(c) "Farm operation" has the same meaning as defined in s. 823.14.

(4)(a) Before a political subdivision issues a local land use permit, building permit, or certificate of occupancy for nonagricultural land contiguous to agricultural land, the political subdivision shall require that, as a condition of issuing the permit or certificate, the applicant for the permit or certificate sign and submit to the political subdivision, in a format that is recordable in the official records of the county in which the political subdivision is located, a written acknowledgement of contiguous agricultural land in the following form:

ACKNOWLEDGEMENT OF CONTIGUOUS AGRICULTURAL LAND

I, ...(name of applicant)..., understand that my property located at ...(address of nonagricultural land)..., as further described in the attached legal description, is contiguous to agricultural land located at ...(address of agricultural land)..., as further described in the attached legal description.

I acknowledge and understand that the farm operation on the contiguous agricultural land identified herein will be conducted according to generally accepted agricultural practices as provided in the Florida Right to Farm Act, s. 823.14, Florida Statutes.

Signature: ...(signature of applicant)....

Date: ...(date)....

(b) An acknowledgement submitted to a political subdivision under paragraph (a) shall be recorded in the official records of the county in which the political subdivision is located.

Section 75. Section 604.50, Florida Statutes, is amended to read:

604.50 Nonresidential farm buildings *and farm fences*.—Notwithstanding any other law to the contrary, any nonresidential farm building *or farm fence* is exempt from the Florida Building Code and any county or municipal ~~building~~ code *or fee, except for code provisions implementing local, state, or federal floodplain management regulations*. For purposes of this section, the term "nonresidential farm building" means any building or support structure that is used for agricultural purposes, is located on a farm that is not used as a residential dwelling, and is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461. The term "farm" is as defined in s. 823.14.

Section 76. Chapter 598, Florida Statutes, consisting of sections 598.001, 598.002, 598.003, 598.004, 598.005, 598.006, 598.007, 598.008, 598.009, 598.011, and 598.012, is created to read:

CHAPTER 598

ARBORICULTURE

598.001 Short title.—This chapter may be cited as the "Florida Arborist Licensing Law."

598.002 Purpose.—It is declared to be the public policy of the state that, in order to safeguard life, health, and property; the mitigation of property insurance; the cleanup of damage from hurricanes, tropical storms, and other severe storm events; and the public well-being of its citizens, any person practicing or offering to practice arboriculture in this state as a licensed arborist shall meet the requirements of this chapter.

598.003 Definitions.—As used in this chapter:

(1) "Arboriculture" or "arboriculture services" means:

(a) Any tree service, including, but not limited to, a written or oral report, a recommendation, an opinion, or a consultation done for compensation relating to the improvement of the condition of shade, ornamental, palm, or fruit trees by fertilizing, pruning, trimming, bracing, or other methods of improving, diagnosing, or protecting such trees from tree pests, excluding activities regulated under chapter 482 and the activities of a nursery as defined in s. 581.011(20) and (22), or diagnosing or protecting such trees from tree diseases and abiotic agents, or curing or repairing any damage to such trees, including, but not limited to, pruning, removal, preservation, repair, cabling and bracing, lightning protection, root pruning, root excavation, tree assessments, tree maintenance and care, trimming, cutting, sawing, or removal of trees that have been damaged to such an extent as to cause or threaten injury to life or property.

(b) A service performed in connection with post-storm cleanup of damage from hurricanes, tropical storms, and other storm events that involves substantial work hours. A post-storm cleanup service includes, but is not limited to, storm damage resulting in downed, damaged, or uprooted trees, or parts of trees, of substantial size and weight in excess of 50 pounds that threaten the structural integrity of residential or commercial structures; involve any type of power lines; impede traffic on streets, driveways, and other vehicular access roads; require extensive use of compression or chain saws; and involve any related skilled service.

(c) This chapter does not:

1. Prohibit any person from practicing arboriculture or providing arboriculture services as defined in this chapter if such person does not hold himself or herself out as a state-licensed arborist unless he or she is licensed in compliance with this chapter.

2. Require any person to be a member of the International Society of Arboriculture in order to be licensed under this chapter.

(d) A landscape architect licensed under part II of chapter 481 is authorized to practice arboriculture; however, as provided in s. 598.006(4), only a person licensed under this chapter may hold herself or himself out as a state-licensed arborist.

(e) To prevent injury to life or property after a disaster, state emergency response team members designated under the state comprehensive emergency management plan pursuant to chapter 252 are authorized to provide and conduct charitable arboriculture services and to train volunteers to provide such services; however, as provided in s. 598.006(4), only a person licensed under this chapter may hold herself or himself out as a state-licensed arborist.

(2) "Arborist of record" means a Florida-licensed arborist in good standing who is employed by or contracting with a firm, corporation, partnership, employer, or person; who supervises employees providing arboriculture services; and who issues authorization cards to persons performing services under her or his supervision.

(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "Landscape tree maintenance" means maintenance performed when standing on the ground or when performed on trees less than 4 inches in diameter at breast height as referenced in the Guide to Plant Appraisal.

(5) "Licensed arborist" means a person who has fulfilled the International Society of Arboriculture requirements for arborist certification or for certification as a Board Certified Master Arborist, whose certification is current, and who meets the requirements of s. 598.006.

(6) "Person" means a person as defined in s. 1.01(3).

(7) "Practice of arboriculture" means the performance of, or offer to perform, an arboriculture service, including, but not limited to, a written or oral report, consultation, investigation, evaluation, or planning, relating to arboriculture, excluding landscape tree maintenance as defined

in this section and as otherwise excluded by this chapter. A person shall be construed to be engaged in the practice of arboriculture if she or he:

(a) By verbal claim, sign, advertisement, letterhead, card, or any other means represents herself or himself to be an arborist;

(b) Through the use of some title implies that she or he is an arborist licensed under this chapter; or

(c) Holds herself or himself out as able to perform or does perform any arboriculture services or work recognized as an arborist.

598.004 Powers and duties of the Department of Agriculture and Consumer Services; rulemaking.—The department shall have all powers and duties necessary to implement the provisions of this chapter, including, but not limited to, the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the following:

(1) Organizational and operational guidance regarding the practice of arboriculture, arborists of record, and the requirements of the law regarding licensed arborists.

(2) Licensure process, including, but not limited to, requirements and procedures for licensure; insurance requirements and standards of the International Society of Arboriculture for licensed arborists; authorization cards; annual license renewal; language relating to licensure that may be used by licensed arborists for public information; duplicate licenses; lost, destroyed, or mutilated licenses; and inactive and reactivated licenses.

(3) Setting of fees for licensure and annual renewal and other license fees as provided in s. 598.005.

(4) Provision of a roster of licensed arborists.

598.005 Fees.—

(1) The department shall by rule set fees as provided in this section. The amount of the fees shall not exceed the cost of the implementing, reviewing, or administrative processing of the particular activity or process. Licensure fees are nonrefundable and shall not exceed $300 annually.

(2) Fees collected under this chapter shall be deposited into the Incidental Trust Fund of the Division of Forestry of the department and shall be used to defray expenses in the administration of this chapter.

598.006 Licensure procedures and requirements; issuance of licenses.—

(1) Each applicant for licensure shall:

(a) Submit to the department an application for licensure that has been reviewed by the Florida Chapter, Board of Directors, International Society of Arboriculture, Inc., for completeness and compliance with this section, together with the nonrefundable fee set by the department under s. 598.005;

(b) Furnish proof that she or he is at least 18 years of age;

(c) Disclose any information related to the provisions of subsection (2);

(d) Submit evidence of current certification by the International Society of Arboriculture as a Board Certified Arborist or as a Board Certified Master Arborist;

(e) Provide proof of liability, required workers' compensation, and errors and omissions insurance; however, an applicant employed by a statutorily recognized governmental entity shall not be required to carry errors and omissions insurance or liability insurance if the entity is self-insured. Within 30 days after the termination of the person's employment with the governmental entity, the person shall fully comply with the requirements of this subsection; and

(f) Submit a signed statement that the applicant will comply with arboriculture industry standards, including, but not limited to, the national standards for tree operations and safety approved by the American National Standards Institute, the standards of the International Society of Arboriculture, and best management practices adopted by rule by the department.

(2) The department may deny or refuse to renew the license of any applicant or state-licensed arborist upon a determination that the applicant or state-licensed arborist:

(a) Has failed to meet the requirements for licensure as provided in this chapter;

(b) Has been convicted of a crime involving fraud, dishonest dealing, or any other act of moral turpitude;

(c) Has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by any governmental agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of this act;

(d) Has pending against her or him any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude; or

(e) Has had a judgment entered against her or him in any action brought by the department or the Department of Legal Affairs pursuant to ss. 501.201-501.213 or this chapter.

(3) Any person licensed under this section who fails to maintain compliance with subsection (1) shall have her or his license suspended or revoked by the department.

(4) A person may not hold herself or himself out as a licensed Florida arborist unless the person has been issued a license pursuant to this chapter.

(5) All final arboriculture papers or documents involving the practice of the profession of arboriculture under the supervision of a Florida-licensed arborist of record that have been prepared or approved for use by a firm, corporation, partnership, or person, for delivery to any person for public record within the state, shall be dated and bear the signature and seal of the Florida-licensed arborist of record who prepared, supervised, or approved the documents and who was responsible for the supervision of persons performing arboricultural services.

598.007 Renewal of licenses; notice of address of primary place of business.—

(1) The department shall renew a license upon receipt of satisfactory evidence that the applicant's International Society of Arboriculture certification is current and that the applicant is otherwise in compliance with this chapter and department rules.

(2) The licensed arborist must have on file with the department the address of her or his primary place of practice. Within 30 days after changing the address of her or his primary place of practice, the licensed arborist must notify the department of the address of the new primary place of practice.

598.008 Inactive licenses; reactivated licenses; suspended or revoked licenses.—A licensed arborist whose license has become inactive, suspended, or revoked shall have her or his license reactivated only upon written request to the department and approval by the department to reactivate the license.

598.009 Lost, destroyed, stolen, or mutilated licenses.—A duplicate license for a licensed arborist may be issued to replace a license that has been lost, destroyed, stolen, or mutilated, subject to rules of the department. Licenses issued under this section shall be marked with the word "DUPLICATE."

598.011 Roster of licensed arborists.—The department shall maintain a roster showing the names and places of business of all licensed arborists in the state, based on requests for licensure.

598.012 The department may enforce the provisions of this chapter by the use of notices to desist, appropriate judicial proceedings, or administrative proceedings under chapter 120.

Section 77. Subsection (1) of section 604.15, Florida Statutes, is amended to read:

604.15 Dealers in agricultural products; definitions.—For the purpose of ss. 604.15-604.34, the following words and terms, when used, shall be construed to mean:

(1) "Agricultural products" means the natural products of the farm, nursery, grove, orchard, vineyard, garden, and apiary (raw or manufactured); sod; ~~tropical foliage;~~ horticulture; hay; livestock; milk and milk products; poultry and poultry products; the fruit of the saw palmetto (meaning the fruit of the *Serenoa repens*); limes (meaning the fruit *Citrus aurantifolia*, variety Persian, Tahiti, Bearss, or Florida Key limes); and any other nonexempt agricultural products produced in the state, except tobacco, sugarcane, *tropical foliage,* timber and timber byproducts, forest products as defined in s. 591.17, and citrus other than limes.

Section 78. *There is hereby appropriated to the Department of Agriculture and Consumer Services one position and associated rate and expenses of $72,280 from the Incidental Trust Fund in order to carry out the provisions of section 1 of this act.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to arboriculture; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufactures, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; providing an appropriation; creating ch. 598, F.S.; providing a short title; providing a purpose statement; providing definitions; providing exceptions; providing powers and duties of the Department of Agriculture and Consumer Services; providing rulemaking authority; establishing a maximum annual fee for licensure; providing for deposit and use of fee proceeds; establishing licensure procedures and requirements to practice arboriculture and provide arboriculture services; providing for issuance of a license; providing grounds for denial of a license or refusal to renew a license; providing for license suspension or revocation; providing for license renewal; providing for reactivation of a license under certain conditions; providing for issuance of a duplicate license under certain circumstances; requiring a roster of licensed arborists; authorizing the department to enforce certain provisions of state law by specified means; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in

agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that section; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer's gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county's powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the "Agricultural Land Acknowledgement Act"; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; amending s. 604.15, F.S.; revising a definition to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; providing an appropriation; providing an effective date.

On motion by Senator Haridopolos, further consideration of **CS for CS for HB 1241** as amended was deferred.

RECESS

On motion by Senator Villalobos, the Senate recessed at 12:05 p.m. to reconvene at 1:15 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:40 p.m. A quorum present—39:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

BILLS ON THIRD READING

Consideration of **HB 387** was deferred.

CS for CS for CS for HB 439—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Altman, **CS for CS for CS for HB 439** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Jones	Siplin
Crist	Joyner	Smith
Dean	Justice	Sobel
Detert	King	Storms
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—2

Garcia	Villalobos

Vote after roll call:

Yea—Alexander, Baker

CS for CS for SB 2276—A bill to be entitled An act relating to a DNA database; providing a short title; amending s. 943.325, F.S.; providing legislative intent; providing definitions; providing a phase-in schedule whereby persons arrested for specified felony offenses will be required to provide DNA samples to the Department of Law Enforcement; requiring reports; providing for a statewide automated personal identification system capable of classifying, matching, and storing analyses of DNA and other data; providing for access; specifying duties of the department; providing that the database may contain DNA for certain types of samples; specifying offenders from whom DNA is to be collected; authorizing the use of reasonable force to collect samples; providing an exemption from liability for use of such force; providing for collection of samples from specified offenders from out of state; requiring the department to provide sample containers; providing requirements for information to be submitted with each sample; providing for court orders for samples; authorizing prosecutors to seek court orders in certain circumstances; requiring that a convicted person pay the actual costs of collecting the approved DNA samples unless declared indigent; providing that certain failures to strictly comply with statute or protocol are not grounds for challenging the validity of the collection or the use of a DNA sample in court, and evidence based upon or derived from the collected DNA sample may not be excluded by a court; providing that the detention, arrest, or conviction of a person based upon a database match or database information may not be invalidated if it is later determined that the sample was obtained or placed in the database by mistake; providing for retention of samples; providing for analysis of samples; requiring that DNA analysis and the comparison of analytic results be released only to criminal justice agencies; continuing a public-records exemption for such information; prohibiting the willful refusal to provide a DNA sample; providing penalties; prohibiting specified offenses relating to disclosing DNA records, using records without authorization, or tampering with DNA samples or analysis results; providing penalties; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of a conviction for a qualifying offense; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of an arrest; authorizing the Department of Law Enforcement to adopt rules related to the implementation of the removal of DNA analyses and samples from the statewide DNA database; amending ss. 760.40 and 948.014, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Oelrich, **CS for CS for SB 2276** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Alexander	Altman
Aronberg	Gaetz	Peaden
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Smith
Detert	Justice	Sobel
Deutch	King	Storms
Diaz de la Portilla	Lawson	Villalobos
Dockery	Lynn	Wilson
Fasano	Oelrich	Wise

Nays—None

CS for SB 2198—A bill to be entitled An act relating to tobacco settlement agreements; expressing legislative intent to amend s. 569.23, F.S., relating to appeal bond requirements for certain cigarette manufacturers; expressing legislative intent relating to security necessary to stay execution of judgments in actions by certain former class action members, the form of the security, the level of appeals to which the security is applicable, the amount of the security based on the number of appeals, changes in the amount of security based on changes in the number of appeals, claims against the security, and maintenance of the security by the clerk of the Supreme Court; expressing legislative intent to authorize a court to increase the security if assets are dissipated; expressing the legislative intent to provide for the future expiration of s. 569.23, F.S.; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2198** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Alexander	Diaz de la Portilla	Lawson
Altman	Dockery	Lynn
Aronberg	Fasano	Peaden
Baker	Gaetz	Pruitt
Bennett	Garcia	Richter
Bullard	Gardiner	Siplin
Constantine	Haridopolos	Smith
Dean	Jones	Storms
Detert	King	Wise

Nays—10

Mr. President	Joyner	Sobel
Crist	Justice	Wilson
Deutch	Rich	
Gelber	Ring	

Vote after roll call:

Yea—Oelrich

Yea to Nay—Bullard

MOTION

On motion by Senator Haridopolos, the House was requested to pass **CS for SB 2198** as amended by the Senate or agree that it be included in the conference committee on appropriations as previously appointed.

CS for SJR 532—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and the creation of two new sections in Article XII of the State Constitution to generally limit the maximum annual increase in the assessed value of certain nonhomestead properties and to provide an additional homestead exemption to persons who have not owned a principal residence within the preceding 8 years.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Sections 4 and 6 of Article VII and the creation of two new sections in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent ~~(3%)~~ of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8)a. A person who establishes a new homestead as of January 1, 2009, or January 1 of any subsequent year and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of either of the two years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. If this revision is approved in January of 2008, a person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007. The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of $500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than $500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals $500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the Legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed *five* ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in

subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed *five* ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

(f)(1) By general law, and subject to conditions specified therein, the legislature shall provide an additional homestead exemption to the person or persons who:

a. Establish the right to receive the homestead exemption in subsection (a) within one year after purchasing the homestead property; and

b. Have not owned a principal residence during the eight-year period before the purchase. For married persons, neither the purchaser nor his or her spouse may have owned a principal residence during the preceding eight years.

(2) The additional homestead exemption shall equal 25 percent of the just value of the property on January 1 of the year in which the homestead exemption in subsection (a) is received, but not more than $100,000.

a. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to twenty percent of the amount of the initial additional exemption or by an amount equal to the difference between the just value of the property and the assessed value determined under subsection (d) of section 4 of this Article, whichever is greater.

b. The additional homestead exemption shall not apply after the fifth year after the initial additional exemption is granted.

(3) Only one additional exemption under this subsection may apply to a single homestead property.

ARTICLE XII

SCHEDULE

Property tax limit for nonhomestead property.—The amendment to Section 4 of Article VII reducing the limit on the maximum annual in-

crease in the assessed value of nonhomestead property to five percent from ten percent and this section shall take effect January 1, 20ll.

Additional homestead exemption for first-time homestead property owners.—The amendment to subsection (f) of Section 6 of Article VII providing for an additional homestead exemption for persons who have not owned a principal residence within an eight-year period and this section shall take effect January 1, 2011, and shall be available for properties purchased on or after January 1, 2010.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

ARTICLE VII, SECTIONS 4 and 6

ARTICLE XII

PROPERTY TAX LIMIT FOR NONHOMESTEAD PROPERTY; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD OWNERS.—The State Constitution generally limits the maximum annual increase in the assessed value of nonhomestead property to 10 percent annually. This proposed amendment reduces the maximum annual increase in the assessed values of those properties to 5 percent annually.

This amendment also requires the Legislature to provide an additional homestead exemption for persons who have not owned a principal residence during the preceding 8 years. Under the exemption, 25 percent of the just value of a first-time homestead, up to $100,000, will be exempt from property taxes. The amount of the additional exemption will decrease in each succeeding year for 5 years by the greater of 20 percent of the initial additional exemption or the difference between the just value and the assessed value of the property. The additional exemption will not be available in the 6th and subsequent years.

—as amended April 30 was read the third time in full.

On motion by Senator Lynn, **CS for SJR 532** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Diaz de la Portilla	King
Alexander	Dockery	Lynn
Altman	Fasano	Peaden
Aronberg	Gaetz	Pruitt
Baker	Garcia	Richter
Bennett	Gardiner	Ring
Bullard	Gelber	Storms
Detert	Haridopolos	Wise
Deutch	Justice	

Nays—11

Constantine	Lawson	Smith
Dean	Oelrich	Sobel
Jones	Rich	Wilson
Joyner	Siplin	

Vote after roll call:

Yea—Crist

CS for SB 784—A bill to be entitled An act relating to job opportunities for youth; providing legislative intent to support statewide vocational training and placement provided to at-risk youth through the Jobs for Florida's Graduates program; requiring that a proposal for funding a statewide summer program for youth employment be submitted to the Florida Endowment Foundation for Florida's Graduates; providing criteria concerning the proposal; requiring a report to the Legislature; providing for the Florida Endowment Foundation for Florida's Graduates to be the fiscal agent for the Jobs for Florida's Graduates program; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Siplin, **CS for SB 784** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Wilson
Detert	King	Wise
Deutch	Lawson	
Diaz de la Portilla	Lynn	

Nays—None

CS for CS for HB 479—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers' Class; revising the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to

purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Fasano, **CS for CS for HB 479** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Detert	Lynn
Alexander	Deutch	Peaden
Altman	Diaz de la Portilla	Pruitt
Aronberg	Dockery	Rich
Baker	Fasano	Richter
Bennett	Gaetz	Ring
Constantine	Gelber	Storms
Crist	Haridopolos	Villalobos
Dean	Justice	Wise

Nays—11

Bullard	King	Smith
Garcia	Lawson	Sobel
Jones	Oelrich	Wilson
Joyner	Siplin	

Vote after roll call:

Yea—Gardiner

Votes Recorded:

May 11, 2009: Yea—Joyner

CS for CS for HB 521—A bill to be entitled An act relating to ad valorem tax assessment challenges; amending s. 194.301, F.S.; revising burden of proof requirements in taxpayer challenges of ad valorem tax assessments of value; requiring property appraisers to prove compliance with certain laws and appraisal practices; providing a presumption of correctness under certain circumstances; providing taxpayer burden of proof requirements; deleting provisions relating to a presumption of correctness of an assessment by a property appraiser; authorizing value adjustment boards or courts to establish assessments under certain circumstances; specifying that a property appraiser's denial of exemption or assessment classification does not have a presumption of correctness in administrative or judicial actions; requiring a taxpayer to prove entitlement to an ad valorem tax exemption or classification by a preponderance of the evidence; providing legislative intent relating to taxpayer burden of proof; rejecting certain case law precedent; providing construction; providing for retroactive application; providing an effective date.

—as amended April 30 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (963610)** by Senator Fasano as amended was adopted.

Senator Lawson moved the following amendment to **Amendment 1**:

Amendment 1B (221228) (with title amendment)—Delete lines 3-60 and insert:

Delete lines 25 - 81 and insert:

Section 1. Subsection (4) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(4) All returns shall be completed by the taxpayer in such a way as to correctly reflect the owner's estimate of the value of property owned or otherwise taxable to him or her and covered by such return. *All returns shall include a statement by the taxpayer of the original installed cost of the property and the reproduction or replacement cost thereof and all data and analysis supporting the statement. The return also shall include a statement by the taxpayer of the condition of the property, including, but not limited to, depreciation and obsolescence and all data and analysis supporting the statement. Failure to comply with this requirement shall constitute a waiver of the right to challenge the assessment for that year as determined by the property appraiser in any subsequent administrative or judicial proceeding.* All forms used for returns shall be prescribed by the department and delivered to the property appraisers for distribution to the taxpayers.

Section 2. Paragraph (g) of subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the value adjustment board must be in substantially the form prescribed by the department. Notwithstanding s. 195.022, a county officer may not refuse to accept a form provided by the department for this purpose if the taxpayer chooses to use it. A petition to the value adjustment board shall describe the property by parcel number and shall be filed as follows:

(g) The individual, agent, or legal entity that signs the petition becomes an agent of the taxpayer for the purpose of serving process to obtain personal jurisdiction over the taxpayer for the entire value adjustment board proceedings, including any appeals of a board decision by the property appraiser pursuant to s. 194.036. *An individual, agent, or legal entity may not contract with a property owner to represent the property owner based on any agreement whereby the property owner agrees to pay the individual, agent, or legal entity a percentage of the amount of taxes saved based on any reduction in value made by the value adjustment board, and any such contract or agreement is declared null and void and contrary to the public policy of this state.*

Section 3. Section 194.301, Florida Statutes, is amended to read:

194.301 Presumption of correctness.—In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment shall be presumed correct. This presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser has failed to consider properly the criteria in s. 193.011 or if the property appraiser's assessment is arbitrarily based on appraisal practices which are different from the appraisal practices generally applied by the property appraiser to comparable property within the same class and within the same county. If the presumption of correctness is lost, the taxpayer shall have the burden of proving by a preponderance of the evidence that the appraiser's assessment is in excess of just value. ~~If the presumption of correctness is retained, the taxpayer shall have the burden of proving by clear and convincing evidence that the appraiser's assessment is in ex-~~

~~cess of just value.~~ In no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment. If the property appraiser's assessment is determined to be erroneous, the Value Adjustment Board or the court can establish the assessment if there exists competent, substantial evidence in the record, which cumulatively meets the requirements of s. 193.011. If the record lacks competent, substantial evidence meeting the just value criteria of s. 193.011, the matter shall be remanded to the property appraiser with appropriate directions from the Value Adjustment Board or the court.

And the title is amended as follows:

Delete lines 66-76 and insert: An act relating to ad valorem tax assessments; amending s. 193.052, F.S.; revising requirements for preparing and serving returns for property; amending s. 194.011, F.S.; revising filing procedures for petitions to a value adjustment board; amending s. 194.301, F.S.; deleting the provision relating to the retention of the presumption of correction of the property appraiser's assessment; providing legislative intent relating to

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following substitute amendment to **Amendment 1B** which failed to receive the required two-thirds vote:

Amendment 1C (814750) (with title amendment)—Delete lines 3-60 and insert:

Delete lines 25 - 93 and insert:

Section 1. Subsection (4) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(4) All returns shall be completed by the taxpayer in such a way as to correctly reflect the owner's estimate of the value of property owned or otherwise taxable to him or her and covered by such return. *All returns shall include a statement by the taxpayer of the original installed cost of the property and the reproduction or replacement cost thereof and all data and analysis supporting the statement. The return also shall include a statement by the taxpayer of the condition of the property, including, but not limited to, depreciation and obsolescence and all data and analysis supporting the statement. Failure to comply with this requirement constitutes a waiver of the right to challenge the assessment for that year as determined by the property appraiser in any subsequent administrative or judicial proceeding.* All forms used for returns shall be prescribed by the department and delivered to the property appraisers for distribution to the taxpayers.

Section 2. Paragraph (g) of subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the value adjustment board must be in substantially the form prescribed by the department. Notwithstanding s. 195.022, a county officer may not refuse to accept a form provided by the department for this purpose if the taxpayer chooses to use it. A petition to the value adjustment board shall describe the property by parcel number and shall be filed as follows:

(g) The individual, agent, or legal entity that signs the petition becomes an agent of the taxpayer for the purpose of serving process to obtain personal jurisdiction over the taxpayer for the entire value adjustment board proceedings, including any appeals of a board decision by the property appraiser pursuant to s. 194.036. *An individual, agent, or legal entity may not contract with a property owner to represent the property owner based on any agreement whereby the property owner agrees to pay the individual, agent, or legal entity a percentage of the amount of taxes saved based on any reduction in value made by the value adjustment board, and any such contract or agreement is declared null and void and contrary to the public policy of this state.*

Section 3. Section 194.301, Florida Statutes, is amended to read:

194.301 Presumption of correctness.—In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment shall be presumed correct. This presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser has failed to consider properly the criteria in s. 193.011 or if the property appraiser's assessment is arbitrarily based on appraisal practices which are different from the appraisal practices generally applied by the property appraiser to comparable property within the same class and within the same county. If the presumption of correctness is lost, the taxpayer shall have the burden of proving by a preponderance of the evidence that the appraiser's assessment is in excess of just value. ~~If the presumption of correctness is retained, the taxpayer shall have the burden of proving by clear and convincing evidence that the appraiser's assessment is in excess of just value.~~ In no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment. If the property appraiser's assessment is determined to be erroneous, the Value Adjustment Board or the court can establish the assessment if there exists competent, substantial evidence in the record, which cumulatively meets the requirements of s. 193.011. If the record lacks competent, substantial evidence meeting the just value criteria of s. 193.011, the matter shall be remanded to the property appraiser with appropriate directions from the Value Adjustment Board or the court.

And the title is amended as follows:

Delete lines 64-76 and insert:

Delete lines 2 - 20 and insert: An act relating to ad valorem tax assessments; amending s. 193.052, F.S.; revising requirements for preparing and serving returns for property; amending s. 194.011, F.S.; revising filing procedures for petitions to a value adjustment board; amending s. 194.301, F.S.; deleting a provision relating to the retention of the presumption of correctness of the property appraiser's assessment; providing for

The question recurred on **Amendment 1B (221228)** which was withdrawn.

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1D (599610) (with title amendment)—Delete lines 3-60 and insert:

Delete lines 27 - 95 and insert:

194.301 Presumption of correctness *and burden of proof in ad valorem tax assessment challenges*.—In any administrative or judicial action in which ~~a taxpayer challenges~~ an ad valorem tax assessment of value *is challenged, the burden of proof shall be on the party initiating the action and such party has the burden of proving by a preponderance of the evidence that the assessment, as established by the property appraiser or the Value Adjustment Board, is incorrect* ~~the property appraiser's assessment shall be presumed correct. This presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser has failed to consider properly the criteria in s. 193.011 or if the property appraiser's assessment is arbitrarily based on appraisal practices which are different from the appraisal practices generally applied by the property appraiser to comparable property within the same class and within the same county. If the presumption of correctness is lost, the taxpayer shall have the burden of proving by a preponderance of the evidence that the appraiser's assessment is in excess of just value. If the presumption of correctness is retained, the taxpayer shall have the burden of proving by clear and convincing evidence that the appraiser's assessment is in excess of just value. In no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment~~. If the ~~property appraiser's~~ assessment is determined to be *incorrect* ~~erroneous~~, the Value Adjustment Board or the court can establish the assessment if there exists competent, substantial evidence in the record, which cumulatively meets the requirements of s. 193.011. If the record lacks competent, substantial evidence meeting the just

value criteria of s. 193.011, the matter shall be remanded to the property appraiser with appropriate directions from the Value Adjustment Board or the court.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete lines 64-76 and insert:

Delete lines 2 - 21 and insert: An act relating to ad valorem tax assessments; amending s. 194.301, F.S.; revising criteria for a presumption of correctness of ad valorem tax assessments and the burden of proof in actions challenging such assessments; providing an effective date.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Fasano, **CS for CS for HB 521** as amended was passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Pruitt
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Aronberg	Gelber	Ring
Baker	Haridopolos	Siplin
Bennett	Jones	Smith
Bullard	Joyner	Sobel
Constantine	Justice	Storms
Crist	King	Villalobos
Dean	Lawson	Wilson
Detert	Lynn	Wise
Deutch	Oelrich	
Diaz de la Portilla	Peaden	

Nays—1

Dockery

Vote after roll call:

Yea—Gardiner

CS for HB 635—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; clarifying and updating references with respect to courts-martial; amending s. 250.482, F.S.; revising applicability of provisions with respect to immunity from penalization for National Guard members ordered into state active duty by employers; requiring National Guard members to notify employers of intent to return to work; providing exceptions under which employers are not required to allow such members to return to work; providing for entitlement to seniority and other rights and benefits for National Guard members returning to work following state active duty; providing that such members may not be discharged from employment except for cause; providing rights and requirements with respect to use of vacation and leave by such members; removing a limitation with respect to the right of an employee ordered into state active duty to bring a civil action for a specified violation by an employer; amending s. 250.82, F.S.; clarifying provisions; creating s. 250.905, F.S.; providing for the imposition of a civil penalty for specified noncompliance with specified provisions of ch. 250, F.S., or with other specified provisions of federal law; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **CS for HB 635** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Bennett
Altman	Baker	Bullard
Constantine	Gelber	Rich
Crist	Haridopolos	Richter
Dean	Jones	Ring
Detert	Joyner	Siplin
Deutch	Justice	Smith
Diaz de la Portilla	King	Sobel
Dockery	Lawson	Storms
Fasano	Lynn	Villalobos
Gaetz	Oelrich	Wilson
Garcia	Peaden	Wise
Gardiner	Pruitt	

Nays—None

The Senate resumed consideration of—

CS for CS for HB 1241—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufactures, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.;

requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that section; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer's gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county's powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the "Agricultural Land Acknowledgement Act"; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Haridopolos, the Senate reconsidered the vote by which **Amendment 1 (679288)** by Senator Haridopolos was adopted.

MOTION

On motion by Senator Haridopolos, the rules were waived to allow the following amendment to be considered:

Senator Haridopolos moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (118116) (with title amendment)—Between lines 1144 and 1145 insert:

Section 39. Subsection (1) of section 559.801, Florida Statutes, is amended to read:

559.801 Definitions.—For the purpose of ss. 559.80-559.815, the term:

(1)(a) "Business opportunity" means the sale or lease of any products, equipment, supplies, or services which are sold or leased to a purchaser to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money which exceeds $500 to the seller, and in which the seller represents:

1. That the seller or person or entity affiliated with or referred by the seller will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases, currency or card operated equipment, or other similar devices or currency-operated amusement machines or devices on premises neither owned nor leased by the purchaser or seller;

2. That the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser using in whole or in part the supplies, services, or chattels sold to the purchaser;

3. That the seller guarantees that the purchaser will derive income from the business opportunity which exceeds the price paid or rent charged for the business opportunity or that the seller will refund all or part of the price paid or rent charged for the business opportunity, or will repurchase any of the products, equipment, supplies, or chattels supplied by the seller, if the purchaser is unsatisfied with the business opportunity; or

4. That the seller will provide a sales program or marketing program that will enable the purchaser to derive income from the business opportunity, except that this paragraph does not apply to the sale of a sales program or marketing program made in conjunction with the licensing of a trademark or service mark that is registered under the laws of any state or of the United States if the seller requires use of the trademark or service mark in the sales agreement.

For the purpose of subparagraph 1., the term "assist the purchaser in finding locations" means, but is not limited to, supplying the purchaser with names of locator companies, contracting with the purchaser to provide assistance or supply names, or collecting a fee on behalf of or for a locator company.

(b) "Business opportunity" does not include:

1. The sale of ongoing businesses when the owner of those businesses sells and intends to sell only those business opportunities so long as those business opportunities to be sold are no more than five in number; *or*

2. The not-for-profit sale of sales demonstration equipment, materials, or samples for a price that does not exceed $500 or any sales training course offered by the seller the cost of which does not exceed $500.~~; or~~

~~3. The sale or lease of laundry and drycleaning equipment.~~

And the title is amended as follows:

Delete line 2689 and insert: providing for the issuance of certain stop orders; amending s. 559.801, F.S.; deleting the sale or lease of laundry and drycleaning equipment from exclusions to the definition of the term "business opportunity" for purposes of the Sale of Business Opportunities Act;

Amendment 1 as amended was adopted.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1241** as amended was read the third time by title, passed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Detert
Alexander	Bullard	Deutch
Altman	Constantine	Diaz de la Portilla
Aronberg	Crist	Dockery
Baker	Dean	Fasano
Gaetz	King	Ring
Garcia	Lawson	Siplin
Gardiner	Lynn	Smith
Gelber	Oelrich	Sobel
Haridopolos	Peaden	Storms
Jones	Pruitt	Villalobos
Joyner	Rich	Wilson
Justice	Richter	Wise

Nays—None

On motion by Senator Wilson, by unanimous consent—

CS for SB 910—A bill to be entitled An act relating to criminal justice; providing a short title; providing legislative intent; requiring state agencies and regulatory boards to prepare reports that identify and evaluate restrictions on licensing and employment; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based on a person's lack of civil rights; providing an exception; amending s. 768.096, F.S.; requiring an employer to review the results of a criminal background investigation; requiring an employer not to place an employee who has a criminal record in a position where conduct similar to the employee's past criminal conduct would be facilitated; requiring an employer to determine that the criminal background investigation does not demonstrate that the employee is unsuitable for the particular work to be performed or the context of the employment in general; amending s. 943.0585, F.S.; clarifying under what circumstances a person may legally deny the existence of an expunged criminal history record; authorizing the disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; requiring clerks of the court to post information relating to procedures to seal or expunge criminal history records on the clerk's website; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny the existence of a sealed criminal history record; authorizing a court to seal a criminal history record of a person who had a prior criminal history record sealed or expunged; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendments to be considered:

Senator Crist moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (938130) (with title amendment)—Delete line 731 and insert:

Section 7. Present subsections (39) through (57) of section 985.03, Florida Statutes, are renumbered as subsections (40) through (58), respectively, and a new subsection (39) is added to that section, to read:

985.03 Definitions.—As used in this chapter, the term:

(39) "Ordinary medical care in department facilities and programs" means medical procedures that are administered or performed on a routine basis and include, but are not limited to, inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventive services, medication management, chronic disease detection and treatment, and other medical procedures that are administered or performed on a routine basis and that do not involve hospitalization, surgery, or use of general anesthesia.

Section 8. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 32 and insert: criminal history record sealed or expunged; amending s. 985.03, F.S.; defining the term "ordinary medical care in department facilities and programs"; providing

Amendment 2 (594564) (with title amendment)—Between lines 730 and 731 insert:

Section 7. Paragraph (e) is added to subsection (1) of section 985.441, Florida Statutes, to read:

985.441 Commitment.—

(1) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

(e) Commit the child to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents. The department's mother-infant program must be licensed as a child care facility in accordance with s. 402.308, and must provide the services and support necessary to enable the committed juvenile mothers to provide for the needs of their infants who, upon agreement of the mother, may accompany them in the program. The department shall adopt rules to govern the operation of such programs.

Section 8. Subsection (2) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(2)*(a)* The department shall develop and implement an appropriate continuum of care that provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and that uses a system of case management to facilitate each child being appropriately assessed, provided with services, and placed in a program that meets the child's needs.

(b) The department shall adopt rules to ensure the effective delivery of services to children in the department's care and custody. The rules must address the delivery of:

1. Ordinary medical care in department facilities and programs;

2. Mental health services in department facilities and programs;

3. Substance abuse treatment services in department facilities and programs; and

4. Services to children with developmental disabilities in department facilities and programs.

The department shall coordinate its rulemaking with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the rules adopted under this section do not encroach upon the substantive jurisdiction of those agencies. The department shall include the above-mentioned entities in the rulemaking process, as appropriate.

And the title is amended as follows:

Delete line 32 and insert: criminal history record sealed or expunged; amending s. 985.441, F.S.; providing that a court may commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.601, F.S.; requiring that the department adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities; providing

On motion by Senator Wilson, **CS for SB 910** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bennett	Detert
Alexander	Bullard	Deutch
Altman	Constantine	Diaz de la Portilla
Aronberg	Crist	Dockery
Baker	Dean	Fasano
Gaetz	King	Ring
Garcia	Lawson	Siplin
Gardiner	Lynn	Smith
Gelber	Oelrich	Sobel
Haridopolos	Peaden	Villalobos
Jones	Pruitt	Wilson
Joyner	Rich	Wise
Justice	Richter	

Nays—None

Vote after roll call:

Yea—Storms

On motion by Senator Baker, by unanimous consent—

CS for CS for SB 2658—A bill to be entitled An act relating to fraud and abuse in state-funded programs; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; amending s. 68.086, F.S.; authorizing rather than requiring a court to award attorney's fees and expenses to a prevailing defendant in an action brought under the Florida False Claims Act under certain circumstances; providing applicability; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 400.471, F.S.; providing limitations on the licensure of home health agencies in certain counties; providing an exception; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

On motion by Senator Baker, **CS for CS for SB 2658** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Storms

On motion by Senator King, by unanimous consent—

CS for SB 1380—A bill to be entitled An act relating to energy; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; directing the Florida Building Commission to make all changes to the building and energy codes necessary to conform to this act; providing that if a specified commissioner of the Florida Energy and Climate Commission is not confirmed during the 2009 Regular Session or the 2010 Regular Session, the commissioner's appointment shall be extended until May 1, 2010, except for any member who, during that time, the Senate expressly refuses to confirm; requiring the Florida Energy and Climate Commission to obtain the approval of the joint

Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (344876) (with title amendment)—Between lines 88 and 89 insert:

Section 2. *(1)(a) The state land planning agency shall implement an Energy Economic Zone Pilot Program to develop a model to help communities encourage and attain renewable electric energy generation, the manufacture of products that contribute to energy conservation, green jobs, and energy-efficient land use and development patterns and building designs. The Office of Tourism, Trade, and Economic Development, within the Executive Office of the Governor, and the Florida Energy and Climate Commission shall provide technical assistance to the state land planning agency in developing and administering the program. The pilot program is intended to cultivate green economic development and further the implementation of 2008 – 191, Laws of Florida, that requires that future land use elements within local government comprehensive plans are to be based on the discouragement of urban sprawl, energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies.*

(b) Sarasota County is hereby authorized to apply to the state land planning agency to participate in the pilot program based on its record of promoting energy efficient policies and practices; and encouraging green economic development including adoption of a resolution with carbon neutral goals, an established green building and development incentive program, and a voter approved infrastructure surtax with a portion dedicated to economic development. The application shall identify the proposed location of the energy economic zone which shall be within an adopted urban service area and may include the county landfill outside the urban service boundary, present a proposed strategic plan for development and redevelopment in the energy economic zone, demonstrate consistency of the strategic plan with the local comprehensive plan or include proposed plan amendments necessary to achieve consistency, and identify comprehensive plan amendments that will be proposed to implement 2008 – 191, Laws of Florida. The strategic plan must include mixed use and form based standards that integrate multimodal transportation facilities with land use and development patterns to reduce reliance on automobiles encourage certified green building developments and renewable energy systems, encourage creating green jobs, and demonstrate how local financial and regulatory incentives will be used in the energy economic zone. The state land planning agency shall grant the application if it meets the requirements of this section.

(c) The state land planning agency and the Office of Tourism, Trade, and Economic Development, within the Executive Office of the Governor shall provide the pilot community including businesses within the energy economic zone with technical assistance in identifying and qualifying for eligible grants and credits in job creation, energy, and other areas.

(2) The state land planning agency shall:

(a) With the assistance of Office of Tourism, Trade, and Economic Development, submit an interim report by February 15, 2010 to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the status of the pilot program and any recommendations deemed appropriate by the agency for statutory changes to accomplish the goals of the pilot program community, including whether it would be beneficial to provide financial incentives similar to those offered an enterprise zone.

(b) After consultation with the Office of Tourism, Trade, and Economic Development, submit a final report to the same officers by February 15, 2012, evaluating whether the pilot program has demonstrated any success in development and redevelopment in the energy economic zone incorporating renewable energy generation systems, low-impact design, and energy-efficient land use and development patterns and building designs, and shall recommend whether the program should be expanded for use by other local governments and whether state policies should be revised to encourage the goals of the program.

And the title is amended as follows:

Delete line 9 and insert: directing the state land planning agency to implement an Energy Economic Zone Pilot Program to develop a model to help communities encourage and attain certain specified conservation goals; requiring the Office of Tourism, Trade, and Economic Development and the Florida Energy and Climate Commission to provide technical assistance to the state land planning agency; authorizing Sarasota County to apply to the state land planning agency to participate in the pilot program; requiring the state land planning agency, with the assistance of Office of Tourism, Trade, and Economic Development, to submit an interim report and later a final report, by specified dates; providing an effective date.

On motion by Senator King, **CS for SB 1380** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Fasano, by unanimous consent—

CS for CS for SB 682—A bill to be entitled An act relating to government reorganization; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; repealing s. 509.233(1) and (7), F.S., relating to a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments; abrogating the repeal of the program; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; amending s. 509.233, F.S.; providing a short title; nullifying a provision of another bill which increases the threshold value of certain equipment for construction projects below which a contractor working with such equipment need not be a licensed engineer; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (749232) (with title amendment)—Delete lines 34-55 and insert:

Section 1. Paragraph (k) is added to subsection (2) of

And the title is amended as follows:

Delete lines 3-5 and insert: amending s.

MOTION

On motion by Senator Detert, the rules were waived to allow the following amendment to be considered:

Senator Detert moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (390372) (with title amendment)—Between lines 106 and 107 insert:

Section 8. Paragraph (b) of subsection (3) of section 723.071, Florida Statutes, is amended to read:

723.071 Sale of mobile home parks.—

(3)

(b) As used in subsection (1), the term "offer" means any *solicited or unsolicited offer to buy the park* ~~solicitation by the park owner to the general public~~.

And the title is amended as follows:

Delete line 29 and insert: not be a licensed engineer; amending s. 723.071, F.S.; redefining the term "offer" for purposes of the sale of a mobile home park; providing an effective

MOTION

On motion by Senator Gaetz, the rules were waived to allow the following amendment to be considered:

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (443498) (with title amendment)—Between lines 106 and 107 insert:

Section 8. Paragraph (c) of subsection (12) of section 403.708, Florida Statutes, is amended to read:

403.708 Prohibition; penalty.—

(12) A person who knows or should know of the nature of the following types of solid waste may not dispose of such solid waste in landfills:

(c) Yard trash in lined landfills classified by department rule as Class I landfills *unless the landfill uses an active gas collection system to collect landfill gas generated at the disposal facility and provides or arranges for a beneficial reuse of the gas*. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where separate yard trash composting facilities are provided and maintained. The department recognizes that incidental amounts of yard trash may be disposed of in Class I landfills. In any enforcement action taken pursuant to this paragraph, the department shall consider the difficulty of removing incidental amounts of yard trash from a mixed solid waste stream.

And the title is amended as follows:

Delete line 29 and insert: not be a licensed engineer; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; providing an effective

On motion by Senator Fasano, **CS for CS for SB 682** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Oelrich	

Nays—1

Joyner

By the direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 1248, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

SB 1248—A bill to be entitled An act relating to public K-12 instructional materials; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; providing an effective date.

House Amendment 1 (727607) (with title amendment)—Between lines 35 and 36, insert:

Section 2. *Sections 3-5 of this act may be cited as the "Justice Sandra Day O'Connor Civics Education Act."*

Section 3. Paragraph (a) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) Beginning with students entering grade 6 in the 2006-2007 school year, promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. *Beginning with students entering grade 6 in the 2011-2012 school year, one of these courses must be a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Con-*

federation, the Declaration of Independence, and the Constitution of the United States.

4. Three middle school or higher courses in science.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using CHOICES for the 21st Century or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student; the student's instructor, guidance counselor, or academic advisor; and the student's parent. By January 1, 2007, the Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

Section 4. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program to measure a student's content knowledge and skills in reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10. Comprehensive assessments of writing and science shall be administered at least once at the elementary, middle, and high school levels. End-of-course assessments for a subject may be administered in addition to the comprehensive assessments required for that subject under this paragraph. An end-of-course assessment must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by comprehensive and end-of-course assessments must be aligned to the core curricular content established in the Sunshine State Standards. *During the 2011-2012 school year, an end-of-course assessment in civics education shall be administered as a field test at the middle school level. During the 2012-2013 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education shall constitute 30 percent of the student's final course grade. Beginning with the 2013-2014 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit.* The commissioner may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course or industry-approved examinations to earn national industry certifications as defined in s. 1003.492, for use as end-of-course assessments under this paragraph, if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards. The testing program must be designed as follows:

1. The tests shall measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology experts, and the public.

2. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the commissioner, include test items that require the student to produce information or perform tasks in such a way that the core content knowledge and skills he or she uses can be measured.

3. Beginning with the 2008-2009 school year, the commissioner shall discontinue administration of the selected-response test items on the comprehensive assessments of writing. Beginning with the 2012-2013 school year, the comprehensive assessments of writing shall be composed of a combination of selected-response test items, short-response performance tasks, and extended-response performance tasks, which shall measure a student's content knowledge of writing, including, but not limited to, paragraph and sentence structure, sentence construction, grammar and usage, punctuation, capitalization, spelling, parts of speech, verb tense, irregular verbs, subject-verb agreement, and noun-pronoun agreement.

4. A score shall be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or attain concordant scores as described in subsection (10) in reading, writing, and mathematics to qualify for a standard high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall apply only to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT may have the FCAT requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and mathematics. The commissioner shall conduct studies as necessary to verify that the required core curricular content is part of the district instructional programs.

9. District school boards must provide opportunities for students to demonstrate an acceptable level of performance on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

10. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the core curricular content established in the Sunshine State Standards.

11. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the core curricular content established in the Sunshine State Standards for students with disabilities under s. 1003.438.

12. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results must be made available no later than the final day of the regular school year for students.

b. Beginning with the 2010-2011 school year, a comprehensive statewide assessment of writing is not administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject is not administered earlier than the week of April 15.

c. A statewide standardized end-of-course assessment is administered within the last 2 weeks of the course.

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

Section 5. Paragraph (c) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT *and, beginning with the 2012-2013 school year, the statewide, standardized end-of-course assessment in civics education at the middle school level*.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and who have scored at or in the lowest 25th percentile of students in the school in reading, mathematics, or writing, unless these students are exhibiting satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this section and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of an industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

Section 6. Section 1003.497, Florida Statutes, is created to read:

1003.497 Service learning.—

(1) The Department of Education shall encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12. Service learning refers to a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their schools or communities. Service-learning activities are directly tied to academic curricula, standards, and course, district, or state assessments. Service-learning activities foster academic achievement, character development, civic engagement, and career exploration and enable students to apply curriculum content, skills, and behaviors taught in the classroom.

(2) Upon request of any school district that chooses to implement service-learning programs, activities, or policies, the department shall provide assistance in locating, leveraging, and utilizing available or alternative financial resources that will assist school districts or teachers desiring to receive training and other resources to develop and administer service-learning programs or activities. School districts are encouraged to include kindergarten through grade 12 service-learning programs and activities in proposals they submit to the department under federal entitlement grants and competitive state and federal grants administered through the department.

(3)(a) The department shall develop and adopt elective service-learning courses for inclusion in middle and high school course code directories, which will allow additional opportunities for students to engage in service learning. School districts are encouraged to provide support for the use of service learning at any grade level as an instructional strategy to address appropriate areas of state education standards for student knowledge and performance.

(b) The hours that high school students devote to course-based service-learning activities may be counted toward meeting community service requirements for high school graduation and community service requirements for participation in the Florida Bright Futures Scholarship Program. School districts are encouraged to include service learning as part of any course or activity required for high school graduation and to include and accept service-learning activities and hours in requirements for academic awards, especially those awards that currently include community service as a criterion or selection factor.

Section 7. Paragraph (a) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. *For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.*

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

And the title is amended as follows:

Remove lines 2-8 and insert: An act relating to public K-12 education; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; providing a short title; amending s. 1003.4156, F.S.; providing requirements for a civics education course that a student must successfully complete for middle grades promotion beginning with students entering grade 6 in the 2011-2012 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in civics education as a field test at the middle school level during the 2011-2012 school year; providing requirements for course grade and course credit for subsequent school years; amending s. 1008.34, F.S.; requiring the inclusion of civics education end-of-course assessment data in determining school grades beginning with the 2012-2013 school year; creating s. 1003.497, F.S.; requiring the Department of Education to encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12; defining service learning; providing for department assistance to a school district that chooses to implement service-learning activities; requiring development and adoption of service-learning courses; authorizing service-learning activities to count toward high school graduation or academic award requirements; encouraging school districts to include service learning as part of courses or activities required for high school graduation or receipt of academic awards; amending s. 1008.34, F.S.; revising provisions relating to schools receiving a school grade; providing an effective date.

Senator Wise moved the following amendment which was adopted:

Senate Amendment 1 (507100) (with title amendment) to House Amendment 1—Delete lines 5-362.

And the title is amended as follows:

Delete lines 447-458 and insert: textbook that has been in use for more than 1 year; creating

Senator Wise moved the following amendment:

Senate Amendment 2 (529256) (with title amendment) to House Amendment 1—After line 435 insert:

Section 8. Section 1012.985, Florida Statutes, is amended to read:

1012.985 *Regional* ~~Statewide system for inservice~~ professional development *academies*.—

(1) The intent of this section is to *facilitate* ~~establish~~ a ~~statewide~~ system of professional development that provides a wide range of ~~targeted~~ inservice training to teachers, managers, and administrative personnel *which is* designed to upgrade skills and knowledge needed to *attain* ~~reach~~ world class standards in education. The system shall consist of a network of professional development academies *that* ~~in each region of the state which~~ are operated in partnership with area business partners to develop and deliver high-quality training programs *for* ~~purchased by~~ school districts. *Each regional professional development academy must* ~~The academies shall be established to~~ meet the human resource development needs of professional educators, schools, and school districts *and shall*~~. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must~~:

(a) *Support* ~~Be established by~~ the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary educational institutions which may award college credits for courses taught at the academy.

~~(b) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face to face, distance learning, and individualized computer based delivery systems.~~

~~(c) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel, schools, and school districts relating to improving student achievement and meeting state and local education goals.~~

(b) ~~(d) Demonstrate the ability to~~ Provide high-quality trainers and training *and*~~,~~ appropriate followup and coaching for all participants~~,~~ and support school personnel *in increasing student achievement* ~~in positively impacting student performance~~.

(c) ~~(e)~~ Be operated under contract with its public partners. *Contracts between district school boards and each regional professional development academy must require:*

1. The academy's independent board of directors to be responsible for the prudent use of all public and private funds and to ensure that those funds are used in accordance with applicable laws, bylaws, and contractual agreements.

2. The academy to retain proper documentation evidencing that district school board funds provided to the academy are expended for authorized purposes as prescribed in the contract and that services to district school boards are commensurate with the funds paid to the academy for those services. The academy's records must be available for inspection by the district school board's internal auditor and the Auditor General.

3. Each district school board to approve any participation by the academy in the district's programs or services, including use of the district's facilities, furnishings, equipment, other chattels, personnel, or services.

4. The academy to provide an annual report of its activities and expenditures to its independent board of directors and each party to the contract.

5. The academy to be annually audited by an independent certified public accountant retained and paid for by the academy and to provide a copy of the audit report to each party to the contract.

(d) Be ~~and~~ governed by an independent board of directors, which should include at least one district school superintendent and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. Regional educational consortia as defined in s. 1001.451 satisfy the requirements of this paragraph.

~~(f) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. Regional educational consortia as defined in s. 1001.451 which serve rural areas of critical economic concern are exempt from the funding match required by this paragraph.~~

~~(g) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.~~

(e) ~~(h)~~ Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.

(2) ~~Upon compliance with the requirements for the first year of operation in paragraph (1)(f),~~ A regional professional development academy *may*:

(a) ~~May~~ Receive funds from the Department of Education or as provided in the General Appropriations Act for the purpose of developing programs, expanding services, assessing inservice training and professional development, or other programs that are consistent with the mission of the academy and the needs of the state and region; and

(b) Receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from activities of the academy, for the benefit of the academy and the fulfillment of its mission. Income generated by school district personnel at the academy from trademarks, copyrights, and patents shall be shared between the academy and the district school board as outlined in the contract.

~~(b) Is not, by virtue of providing services to one or more school districts, a component of any school district or any governmental unit to which the regional professional development academy provides services.~~

And the title is amended as follows:

Delete line 471 and insert: relating to schools receiving a school grade; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; amending s. 1012.985, F.S.; providing for regional academies rather than a statewide system of organization; providing duties of regional professional development academies; deleting provisions that require academies to meet certain criteria in order to receive start-up funds; specifying requirements for contracts between district school boards and academies; deleting requirements relating to first-year funding and academy financial self-sufficiency in future years; authorizing the academies to administer property and moneys received from various sources; requiring that income generated from certain activities be shared between the academy and the district school board; providing an

Senator Wise moved the following substitute amendment which was adopted:

Senate Amendment 3 (139928) (with title amendment) to House Amendment 1—After line 435 insert:

Section 8. Section 1012.985, Florida Statutes, is amended to read:

1012.985 *Regional* ~~Statewide system for inservice~~ professional development *academies*.—

(1) The intent of this section is to *facilitate* ~~establish~~ a ~~statewide~~ system of professional development that provides a wide range of ~~targeted~~ inservice training to teachers, managers, and administrative personnel *which is* designed to upgrade skills and knowledge needed to *attain* ~~reach~~ world class standards in education. The system shall consist of a network of professional development academies *that* ~~in each region of the state which~~ are operated in partnership with area business partners to develop and deliver high-quality training programs *for* ~~purchased by~~ school districts. *Each regional professional development academy must* ~~The academies shall be established to~~ meet the human resource development needs of professional educators, schools, and school districts *and shall*~~. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must~~:

(a) *Support* ~~Be established by~~ the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary educational institutions which may award college credits for courses taught at the academy.

~~(b) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face to face, distance learning, and individualized computer based delivery systems.~~

~~(c) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel, schools, and school districts relating to improving student achievement and meeting state and local education goals.~~

(b) ~~(d) Demonstrate the ability to~~ Provide high-quality trainers and training *and*~~,~~ appropriate followup and coaching for all participants~~,~~ and support school personnel *in increasing student achievement* ~~in positively impacting student performance~~.

(c) ~~(e)~~ Be operated under contract with its public partners. *Contracts between district school boards and each regional professional development academy must require:*

1. The academy's independent board of directors to be responsible for the prudent use of all public and private funds and to ensure that those funds are used in accordance with applicable laws, bylaws, and contractual agreements.

2. The academy to retain proper documentation evidencing that district school board funds provided to the academy are expended for authorized purposes as prescribed in the contract and that services to district school boards are commensurate with the funds paid to the academy for those services. The academy's records must be available for inspection by the district school board's internal auditor and the Auditor General.

3. Each district school board to approve any participation by the academy in the district's programs or services, including use of the district's facilities, furnishings, equipment, other chattels, personnel, or services.

4. The academy to provide an annual report of its activities and expenditures to its independent board of directors and each party to the contract.

5. The academy to be annually audited by an independent certified public accountant retained and paid for by the academy and to provide a copy of the audit report to each party to the contract.

(d) Be ~~and~~ governed by an independent board of directors, which should include at least one district school superintendent and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. Regional educational consortia as defined in s. 1001.451 satisfy the requirements of this paragraph.

~~(f) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. Regional educational consortia as defined in s. 1001.451 which serve rural areas of critical economic concern are exempt from the funding match required by this paragraph.~~

~~(g) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.~~

(e) ~~(h)~~ Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.

(2) ~~Upon compliance with the requirements for the first year of operation in paragraph (1)(f),~~ A regional professional development academy *may*:

(a) ~~May~~ Receive funds from the Department of Education or as provided in the General Appropriations Act for the purpose of developing programs, expanding services, assessing inservice training and professional development, or other programs that are consistent with the mission of the academy and the needs of the state and region; and

(b) Receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from activities of the academy, for the benefit of the academy and the fulfillment of its mission. Income generated by school district personnel at the academy from trademarks, copyrights, and patents shall be shared between the academy and the district school board as outlined in the contract.

~~(b) Is not, by virtue of providing services to one or more school districts, a component of any school district or any governmental unit to which the regional professional development academy provides services.~~

And the title is amended as follows:

Delete line 471 and insert: relating to schools receiving a school grade; amending s. 1012.985, F.S.; providing for regional academies rather than a statewide system of organization; providing duties of regional professional development academies; deleting provisions that require academies to meet certain criteria in order to receive start-up funds; specifying requirements for contracts between district school boards and academies; deleting requirements relating to first-year funding and academy financial self-sufficiency in future years; authorizing the academies to administer property and moneys received from various sources; requiring that income generated from certain activities be shared between the academy and the district school board; providing an

On motion by Senator Wise, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate Amendments to the House Amendment.

SB 1248 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB's 2430 and SB 1960, with Amendments 1, 2, 3, 4 and 5 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB's 2430 and SB 1960—A bill to be entitled An act relating to the taxation of documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a

continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers to a conduit entity; providing for the tax to be prorated when the interest transferred includes assets other than real property; exempting the transfer of shares or similar equity interests in a conduit entity from the tax; exempting certain transfers for purposes of estate planning; providing for liberal construction; providing for payment of the tax when no document is recorded; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt emergency rules relating to transfers of real property interest involving conduit entities and transfers of real property pursuant to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made by the act; providing for application of specified provisions of the act; providing effective dates.

House Amendment 1 (806389)—Remove line(s) 150-160 and insert: *discretion of the county. Any funds allocated for homeownership assistance or rental housing units that are not committed at the end of the fiscal year shall be reallocated in subsequent years consistent with the provisions of this subsection, in that no less than 35 percent shall be reallocated to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be reallocated for construction, rehabilitation, and purchase of rental housing units. The remaining amount of uncommitted funds may be reallocated at the discretion of the county within any of the categories established in this subsection.*

House Amendment 2 (015873) (with title amendment)—Remove line(s) 295-296 and insert:

3. When an ownership interest is transferred in a conduit entity that owns assets other than the real property

And the title is amended as follows:

Remove line(s) 32-33 and insert: of ownership interests in a conduit entity; providing for the tax to be prorated when the conduit entity owns assets

House Amendment 3 (935155) (with directory and title amendments)—Remove line(s) 325-345 and insert:

Section 5. The amendment to subsection (1) of s.

And the directory clause is amended as follows:

Remove lines 256-257 and insert: Statutes, is amended to read:

And the title is amended as follows:

Remove line(s) 39-45 and insert: document is recorded; authorizing the Department of Revenue to adopt

House Amendment 4 (444921) (with title amendment)—Remove lines 394-727

And the title is amended as follows:

Remove line(s) 52-66 and insert: requirements; providing for application of specified

House Amendment 5 (873989) (with title amendment)—Between lines 393 and 394, insert:

Section 8. Section 201.15, Florida Statutes, as amended by section 1 of chapter 2009-17, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. *After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before July 1, 2009, secured by revenues distributed pursuant to subsection (1).* All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund may not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds may not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but may not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) Moneys shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or $541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-sub-paragraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of the lesser of 5.64 percent of the remainder or $80 million in each fiscal year, to be used as required by s. 403.890.

3. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or $3.25 million in each fiscal year, with 92 percent to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and the remaining amount to be used to fund the Century Commission established in s. 163.3247.

4. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or $30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

5. The Marine Resources Conservation Trust Fund in the amount of the lesser of .14 percent of the remainder or $2 million in each fiscal year, to be used for marine mammal care as provided in s. 379.208(3).

6. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or $300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law.

(2) The lesser of 7.56 percent of the remaining taxes collected under this chapter or $84.9 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3)(a) Through the 2008-2009 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or $26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(b) Beginning with the 2009-2010 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or $26 million in each fiscal year shall be distributed in the following order:

1. Amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

3. The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(c) Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the trust fund.

(4) The lesser of 4.2 percent of the remaining taxes collected under this chapter or $60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5)(a) For the 2007-2008 fiscal year, 3.96 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Ten and five-hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(b) Beginning July 1, 2008, 3.52 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Eleven and fifteen hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) The lesser of 2.28 percent of the remaining taxes collected under this chapter or $34.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) The lesser of .5 percent of the remaining taxes collected under this chapter or $9.3 million in each fiscal year shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) The lesser of 7.53 percent of the remaining taxes collected under this chapter or $107 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) The lesser of 8.66 percent of the remaining taxes collected under this chapter or $136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), may not be used for land acquisition but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59.

(12) Amounts distributed pursuant to subsections (5), (6), (7), and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

(13) Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), (7), (9), and (10) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.

(14) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(10).

(15) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(16) If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before July 1, 2009, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.

(17) ~~(16)~~ The remaining taxes collected under this chapter, after the distributions provided in the preceding subsections, shall be paid into the State Treasury to the credit of the General Revenue Fund.

And the title is amended as follows:

Remove line 52 and insert: requirements; amending s. 201.15, F.S.; requiring certain costs to be available and transferred to the extent necessary to pay certain debt service and other amounts relating to certain bonds; providing for the availability of certain distributable moneys for certain obligations and transfer certain amounts to pay such obligations; providing exceptions;

On motion by Senator Lawson, the Senate concurred in the House Amendments.

CS for CS for CS for SB's 2430 and SB 1960 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

RECESS

The President declared the Senate in recess at 3:38 p.m.to reconvene at 4:08 p.m.

CALL TO ORDER

The Senate was called to order by President Atwater at 4:32 p.m. A quorum present—39:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 2630, with amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 2630—A bill to be entitledAn act relating to motor vehicle dealerships; amending s. 320.64, F.S.; revising provisions prohibiting certain acts by a motor vehicle manufacturer, factory branch, distributor, or importer licensed under specified provisions; revising conditions and procedures for certain audits; making rebuttable a presumption that a dealer had no actual knowledge and should not have known that a customer intended to export or resell a motor vehicle; clarifying a dealer's eligibility requirements for licensee-offered program bonuses, incentives, and other benefits; requiring certain payments if a termination, cancellation, or nonrenewal of a dealer's franchise is the result of cessation of manufacture or distribution of a line-make or a bankruptcy or reorganization; amending s. 320.642, F.S.; revising provisions for establishing an additional motor vehicle dealership in or relocating an existing dealer to a location within a community or territory

where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; revising requirements for protests; revising provisions for denial of an application for a motor vehicle dealer license in any community or territory; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles when evaluating the application; revising provisions under which a dealer has standing to protest a proposed additional or relocated motor vehicle dealer; amending s. 320.643, F.S.; revising provisions for a transfer, assignment, or sale of franchise agreements; prohibiting rejection of proposed transfer of interest in a motor vehicle dealer entity to a trust or other entity, or a beneficiary thereof, which is established for estate-planning purposes; prohibiting placing certain conditions on such transfer; revising provisions for a hearing by the department or a court relating to a proposed transfer; amending s. 320.696, F.S.; revising warranty responsibility provisions; providing for severability; amending s. 320.771, F.S.; conforming provisions relating to certificate of title requirements for recreational vehicle dealers; providing an effective date.

House Amendment 1 (752915) (with directory and title amendments)—Remove lines 415-436

And the directory clause is amended as follows:

Remove lines 380-381 and insert:

Section 2. Subsections (1) and (3) of section 320.642, Florida Statutes, are

And the title is amended as follows:

Remove lines 23-30 and insert: protests; amending s. 320.643,

On motion by Senator Haridopolos, the Senate concurred in the House amendment.

CS for CS for CS for SB 2630 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for CS for HB 1495 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for HB 1495—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.47, F.S.; authorizing the State Board of Administration to invest in certain revenue bonds under certain circumstances; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Florida Hurricane Catastrophe Fund; requiring the board to publish a statement of the estimated claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring a reimbursement premium formula to provide cash build-up factors for certain contract years; extending provisions relating to temporary increase in coverage limit operations for the fund; providing additional reimbursement requirements for temporary increase in coverage addenda for additional contract years; expanding the powers and duties of the board; specifying required increases in TICL reimbursement premiums for certain contract years; specifying nonapplication of cash build-up factors to TICL reimbursement premiums; deleting authority for the State Board of Administration to increase the claims-paying capacity of the fund; amending s. 215.5586, F.S., relating to the My Safe Florida Home Program; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval by the Legislative Budget Commission; requiring the Department of Financial Services to implement a condominium weatherization and mitigation loan program for certain purposes; specifying program requirements; specifying an administration requirement for the program; requiring the department to adopt rules; amending s. 624.4622, F.S.; prohibiting withdrawal notice requirements of longer than 30 days for members of a local government self-insurance fund; requiring local government self-insurance funds to submit an affidavit to specified entities; specifying affidavit contents; amending s. 624.605, F.S.; revising the definition of the term "casualty insurance" to include certain debt cancellation products sold or leased by certain business entities; amending s.626.753, F.S.; prohibiting certain uses of commissions derived from the sale of crop hail or multiple-peril crop insurance which are shared between certain agents and certain production credit associations or federal land bank associations; providing penalties; providing that patronage dividends and other payments to members of production credit associations or federal land bank associations are unlawful rebates under certain circumstances; providing penalties for an agent who shares commissions with a production credit association or federal land bank association under certain circumstances; amending s. 626.9541, F.S.; specifying that certain patronage dividends and other payments are unfair methods of competition and unfair or deceptive acts; providing penalties; amending s. 627.062, F.S.; extending application of file and use filing requirements for certain property insurance filings; prohibiting the Office of Insurance Regulation from interfering with an insurer's right to solicit, sell, promote, or otherwise acquire policyholders and implement coverage; specifying limited application to certain rates; specifying that certain rate filings are not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; specifying nonapplication to certain types of insurance; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the office relating to rate filings; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure discounts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing residential property insurers to include reinsurance costs without certain TICL adjustments; amending s. 627.0655, F.S.; discontinuing authorization for a premium discount for a policyholder having multiple policies from Citizens Property Insurance Corporation or a policy that has been removed from the corporation by another insurer; amending s. 627.351, F.S.; deleting application of certain personal lines residential property insurance requirements for wind-borne debris regions insured by the corporation; revising the basis of a surcharge to offset an account deficit; providing for members of the board of governors of the corporation to serve staggered terms; providing exceptions to actuarially sound rate requirements for the corporation; providing legislative findings; requiring the corporation to implement certain actuarially sound rates for certain lines of business; providing limitations; providing for cessation of certain rate increases upon implementation of actuarially sound rates; requiring the corporation to transfer certain funds from the rate increase to the Insurance Regulatory Trust Fund in the Department of Financial Services for a certain time; deleting certain wind-only coverage maximum loss

reporting requirements; amending s. 627.711, F.S.; revising eligible entities authorized to certify uniform mitigation inspection forms; authorizing insurers to contract with inspection firms to review certain verification forms and reinspect properties for certain purposes; providing for such contracts to be at the insurer's expense; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; providing an additional exception to residential property insurance windstorm coverage requirements for certain risks; expanding a requirement that insurers notify mortgageholders or lienholders of policyholder elections for coverage not covering wind; amending s. 631.65, F.S.; providing construction relating to certain prohibited advertisements or solicitations; requiring the My Safe Florida Home Program to use certain funds for certain mitigation grants; authorizing the department to establish a separate account in the trust fund for accounting purposes; amending s. 626.854, F.S.; prohibiting public adjusters from compensating, or agreeing to compensate, any person for referrals of business; providing an exception; amending s. 626.865, F.S.; revising qualifications for public adjuster's license; deleting requirement that applicant for public adjuster's license pass a written examination; amending s. 626.8651, F.S.; revising qualifications for public adjuster apprentice license; requiring that applicant for public adjuster apprentice license pass a written examination, complete certain training, and receive a specified designation; limiting the number of public adjuster apprentices that may appointed by a public adjusting firm or supervised by a supervising public adjuster; amending s. 627.7011, F.S.; specifying that provisions regulating homeowners' policies do not prohibit insurers from repairing damaged property; providing an effective date.

House Amendment 2 (257873) (with title amendment) to Senate Amendment 1—Remove lines 5-2187 and insert:

Section 1. Paragraph (e) of subsection (2), subsection (4), paragraph (b) of subsection (5), and subsections (7) and (17) of section 215.555, Florida Statutes, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2005, the retention multiple shall be equal to $4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2004, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level. *In 2010, the contract year begins June 1, 2010, and ends December 31, 2010. In 2011 and thereafter, the contract year begins January 1 and ends December 31.*

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions *on or* after January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

(4) REIMBURSEMENT CONTRACTS.—

(a) The board shall enter into a contract with each insurer writing covered policies in this state to provide to the insurer the reimbursement described in paragraphs (b) and (d), in exchange for the reimbursement premium paid into the fund under subsection (5). As a condition of doing business in this state, each such insurer shall enter into such a contract.

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in *2008* ~~2007~~, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to $10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of *December 31, 2008, for the 2009-2010 contract year; as of December 31, 2009, for the contract year beginning June 1, 2010, and ending December 31, 2010; and as of December 31, 2010, for the 2011 contract year* ~~December 31, 2007~~. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. *The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage.* ~~Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph~~. This subparagraph expires on *December 31, 2011* ~~May 31, 2009~~.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of $15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the balance of the fund as of December 31, less any

premiums or interest attributable to optional coverage, as defined by rule which occurred over the prior calendar year.

2. In May ~~before the start of the upcoming contract year~~ and ~~in~~ October *of* ~~during~~ the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity*, the fund's estimated claims-paying capacity,* and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity*, estimated claims-paying capacity,* and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year.

3. The board may reimburse insurers for amounts up to the published factors or multiples for determining each participating insurer's retention and projected payout derived as a result of the development of the premium formula in those situations in which the total reimbursement of losses to such insurers would not exceed the estimated claims-paying capacity of the fund. Otherwise, such factors or multiples shall be reduced uniformly among all insurers to reflect the estimated claims-paying capacity.

(e)1. Except as provided in subparagraphs 2. and 3., the contract shall provide that if an insurer demonstrates to the board that it is likely to qualify for reimbursement under the contract, and demonstrates to the board that the immediate receipt of moneys from the board is likely to prevent the insurer from becoming insolvent, the board shall advance the insurer, at market interest rates, the amounts necessary to maintain the solvency of the insurer, up to 50 percent of the board's estimate of the reimbursement due the insurer. The insurer's reimbursement shall be reduced by an amount equal to the amount of the advance and interest thereon.

2. With respect only to an entity created under s. 627.351, the contract shall also provide that the board may, upon application by such entity, advance to such entity, at market interest rates, up to 90 percent of the lesser of:

a. The board's estimate of the amount of reimbursement due to such entity; or

b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an advance has been made under this subparagraph must be reduced by an amount equal to the amount of the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.

3. The contract shall also provide specifically and solely with respect to any limited apportionment company under s. 627.351(2)(b)3. that the board may, upon application by such company, advance to such company the amount of the estimated reimbursement payable to such company as calculated pursuant to paragraph (d), at market interest rates, if the board determines that the fund's assets are sufficient and are sufficiently liquid to permit the board to make an advance to such company and at the same time fulfill its reimbursement obligations to the insurers that are participants in the fund. Such company's final reimbursement for any contract year in which an advance pursuant to this subparagraph has been made shall be reduced by an amount equal to the amount of the advance and interest thereon. In order to determine what amounts, if any, are due to such company, the board may require such company to report its exposure and its losses at such times as may be required to determine retention levels and loss reimbursements payable.

(f) In order to ensure that insurers have properly reported the insured values on which the reimbursement premium is based and to ensure that insurers have properly reported the losses for which reimbursements have been made, the board shall inspect, examine, and verify the records of each insurer's covered policies at such times as the board deems appropriate and according to standards established by rule for the specific purpose of validating the accuracy of exposures and losses required to be reported under the terms and conditions of the reimbursement contract. The costs of the examinations shall be borne by the board. However, in order to remove any incentive for an insurer to delay preparations for an examination, the board shall be reimbursed by the insurer for any examination expenses incurred in addition to the usual and customary costs of the examination, which additional expenses were incurred as a result of an insurer's failure, despite proper notice, to be prepared for the examination or as a result of an insurer's failure to provide requested information while the examination is in progress. If the board finds any insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the board may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the insurer being examined, if such insurer has failed to maintain, complete, or correct such records or deficiencies after the board has given the insurer notice and a reasonable opportunity to do so. Any information contained in an examination report, which information is described in s. 215.557, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, as provided in s. 215.557. Nothing in this paragraph expands the exemption in s. 215.557.

(g) The contract shall provide that in the event of the insolvency of an insurer, the fund shall pay directly to the Florida Insurance Guaranty Association for the benefit of Florida policyholders of the insurer the net amount of all reimbursement moneys owed to the insurer. As used in this paragraph, the term "net amount of all reimbursement moneys" means that amount which remains after reimbursement for:

1. Preliminary or duplicate payments owed to private reinsurers or other inuring reinsurance payments to private reinsurers that satisfy statutory or contractual obligations of the insolvent insurer attributable to covered events to such reinsurers; or

2. Funds owed to a bank or other financial institution to cover obligations of the insolvent insurer under a credit agreement that assists the insolvent insurer in paying claims attributable to covered events.

The private reinsurers, banks, or other financial institutions shall be reimbursed or otherwise paid prior to payment to the Florida Insurance Guaranty Association, notwithstanding any law to the contrary. The guaranty association shall pay all claims up to the maximum amount permitted by chapter 631; thereafter, any remaining moneys shall be paid pro rata to claims not fully satisfied. This paragraph does not apply to a joint underwriting association, risk apportionment plan, or other entity created under s. 627.351.

(5) REIMBURSEMENT PREMIUMS.—

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated

premium to be paid to the fund. The formula shall specify, for each zip code or other limited geographical area, the amount of premium to be paid by an insurer for each $1,000 of insured value under covered policies in that zip code or other area. In establishing premiums, the board shall consider the coverage elected under paragraph (4)(b) and any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, and other such factors deemed by the board to be appropriate. *The formula must provide for a cash build-up factor. For the 2009-2010 contract year, the factor is 5 percent. For the contract year beginning June 1, 2010, and ending December 31, 2010, the factor is 10 percent. For the 2011 contract year, the factor is 15 percent. For the 2012 contract year, the factor is 20 percent. For the 2013 contract year and thereafter, the factor is 25 percent.* The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed appropriate by the board. The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.

(7) ADDITIONAL POWERS AND DUTIES.—

(a) The board may procure reinsurance from reinsurers acceptable to the Office of Insurance Regulation for the purpose of maximizing the capacity of the fund and may enter into capital market transactions, including, but not limited to, industry loss warranties, catastrophe bonds, side-car arrangements, or financial contracts permissible for the board's usage under s. 215.47(10) and (11), consistent with prudent management of the fund.

(b) In addition to borrowing under subsection (6), the board may also borrow from, or enter into other financing arrangements with, any market sources at prevailing interest rates.

(c) Each fiscal year, the Legislature shall appropriate from the investment income of the Florida Hurricane Catastrophe Fund an amount no less than $10 million and no more than 35 percent of the investment income based upon the most recent fiscal year-end audited financial statements for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve hurricane preparedness, reduce potential losses in the event of a hurricane, provide research into means to reduce such losses, educate or inform the public as to means to reduce hurricane losses, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades, or protect local infrastructure from potential damage from a hurricane. Moneys shall first be available for appropriation under this paragraph in fiscal year 1997-1998. Moneys in excess of the $10 million specified in this paragraph shall not be available for appropriation under this paragraph if the State Board of Administration finds that an appropriation of investment income from the fund would jeopardize the actuarial soundness of the fund.

(d) The board may allow insurers to comply with reporting requirements and reporting format requirements by using alternative methods of reporting if the proper administration of the fund is not thereby impaired and if the alternative methods produce data which is consistent with the purposes of this section.

(e) In order to assure the equitable operation of the fund, the board may impose a reasonable fee on an insurer to recover costs involved in reprocessing inaccurate, incomplete, or untimely exposure data submitted by the insurer.

(f) The board may require insurers to notarize documents submitted to the board.

(17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.—

(a) Findings and intent.—

1. The Legislature finds that:

a. Because of temporary disruptions in the market for catastrophic reinsurance, many property insurers were unable to procure sufficient amounts of reinsurance for the 2006 hurricane season or were able to procure such reinsurance only by incurring substantially higher costs than in prior years.

b. The reinsurance market problems were responsible, at least in part, for substantial premium increases to many consumers and increases in the number of policies issued by Citizens Property Insurance Corporation.

c. It is likely that the reinsurance market disruptions will not significantly abate prior to the 2007 hurricane season.

2. It is the intent of the Legislature to create options for insurers to purchase a temporary increased coverage limit above the statutorily determined limit in subparagraph (4)(c)1., applicable for the 2007, 2008, ~~and~~ 2009*, 2010, 2011, 2012, and 2013* hurricane seasons, to address market disruptions and enable insurers, at their option, to procure additional coverage from the Florida Hurricane Catastrophe Fund.

(b) Applicability of other provisions of this section.—All provisions of this section and the rules adopted under this section apply to the coverage created by this subsection unless specifically superseded by provisions in this subsection.

(c) Optional coverage.—For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, ~~and~~ the contract year commencing June 1, 2009, and ending May 31, 2010, *the contract year commencing June 1, 2010, and ending December 31, 2010, the contract year commencing January 1, 2011, and ending December 31, 2011, the contract year commencing January 1, 2012, and ending December 31, 2012, and the contract year commencing January 1, 2013, and ending December 31, 2013,* the board shall offer, for each of such years, the optional coverage as provided in this subsection.

(d) Additional definitions.—As used in this subsection, the term:

1. "FHCF" means Florida Hurricane Catastrophe Fund.

2. "FHCF reimbursement premium" means the premium paid by an insurer for its coverage as a mandatory participant in the FHCF, but does not include additional premiums for optional coverages.

3. "Payout multiple" means the number or multiple created by dividing the statutorily defined claims-paying capacity as determined in subparagraph (4)(c)1. by the aggregate reimbursement premiums paid by all insurers estimated or projected as of calendar year-end.

4. "TICL" means the temporary increase in coverage limit.

5. "TICL options" means the temporary increase in coverage options created under this subsection.

6. "TICL insurer" means an insurer that has opted to obtain coverage under the TICL options addendum in addition to the coverage provided to the insurer under its FHCF reimbursement contract.

7. "TICL reimbursement premium" means the premium charged by the fund for coverage provided under the TICL option.

8. "TICL coverage multiple" means the coverage multiple when multiplied by an insurer's reimbursement premium that defines the temporary increase in coverage limit.

9. "TICL coverage" means the coverage for an insurer's losses above the insurer's statutorily determined claims-paying capacity based on the claims-paying limit in subparagraph (4)(c)1., which an insurer selects as its temporary increase in coverage from the fund under the TICL options selected. A TICL insurer's increased coverage limit options shall be calculated as follows:

a. The board shall calculate and report to each TICL insurer the TICL coverage multiples based on 12 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, $8 billion, $9 billion, $10 billion, $11 billion, or $12 billion by the total estimated aggregate FHCF reimbursement pre-

miums for the 2007-2008 contract year, *and* the 2008-2009 contract year~~, and the 2009-2010 contract year~~.

b. For the 2009-2010 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on 10 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, $8 billion, $9 billion, and $10 billion by the total estimated aggregate FHCF reimbursement premiums for the 2009-2010 contract year.

c. For the contract year beginning June 1, 2010, and ending December 31, 2010, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on eight options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, $6 billion, $7 billion, and $8 billion by the total estimated aggregate FHCF reimbursement premiums for the contract year.

d. For the 2011 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on six options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, $4 billion, $5 billion, and $6 billion by the total estimated aggregate FHCF reimbursement premiums for the 2011 contract year.

e. For the 2012 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on four options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion, $2 billion, $3 billion, and $4 billion by the total estimated aggregate FHCF reimbursement premiums for the 2012 contract year.

f. For the 2013 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on two options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing $1 billion and $2 billion by the total estimated aggregate FHCF reimbursement premiums for the 2013 contract year.

g. ~~b.~~ The TICL insurer's increased coverage shall be the FHCF reimbursement premium multiplied by the TICL coverage multiple. In order to determine an insurer's total limit of coverage, an insurer shall add its TICL coverage multiple to its payout multiple. The total shall represent a number that, when multiplied by an insurer's FHCF reimbursement premium for a given reimbursement contract year, defines an insurer's total limit of FHCF reimbursement coverage for that reimbursement contract year.

10. "TICL options addendum" means an addendum to the reimbursement contract reflecting the obligations of the fund and insurers selecting an option to increase an insurer's FHCF coverage limit.

(e) TICL options addendum.—

1. The TICL options addendum shall provide for reimbursement of TICL insurers for covered events occurring between June 1, 2007, and May 31, 2008, ~~and~~ between June 1, 2008, and May 31, 2009, ~~or~~ between June 1, 2009, and May 31, 2010, *between June 1, 2010, and December 31, 2010, between January 1, 2011, and December 31, 2011, between January 1, 2012, and December 31, 2012, or between January 1, 2013, and December 31, 2013,* in exchange for the TICL reimbursement premium paid into the fund under paragraph (f). Any insurer writing covered policies has the option of selecting an increased limit of coverage under the TICL options addendum and shall select such coverage at the time that it executes the FHCF reimbursement contract.

2. The TICL addendum shall contain a promise by the board to reimburse the TICL insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses. The percentage shall be the same as the coverage level selected by the insurer under paragraph (4)(b).

3. The TICL addendum shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. The priorities, schedule, and method of reimbursements under the TICL addendum shall be the same as provided under subsection (4).

(f) TICL reimbursement premiums.—Each TICL insurer shall pay to the fund, in the manner and at the time provided in the reimbursement contract for payment of reimbursement premiums, a TICL reimbursement premium determined as specified in subsection (5)*, except that a cash build-up factor does not apply to the TICL reimbursement premiums. However, the TICL reimbursement premium shall be increased in contract year 2009-2010 by a factor of two, in the contract year beginning June 1, 2010, and ending December 31, 2010, by a factor of three, in the 2011 contract year by a factor of four, in the 2012 contract year by a factor of five, and in the 2013 contract year by a factor of six.*

(g) Effect on claims-paying capacity of the fund.—For the contract terms commencing June 1, 2007, June 1, 2008, ~~and~~ June 1, 2009, *June 1, 2010, January 1, 2011, January 1, 2012, and January 1, 2013,* the program created by this subsection shall increase the claims-paying capacity of the fund as provided in subparagraph (4)(c)1. by an amount not to exceed $12 billion and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. The additional capacity shall apply only to the additional coverage provided under the TICL options and shall not otherwise affect any insurer's reimbursement from the fund if the insurer chooses not to select the temporary option to increase its limit of coverage under the FHCF.

~~(h) Increasing the claims paying capacity of the fund.—For the contract years commencing June 1, 2007, June 1, 2008, and June 1, 2009, the board may increase the claims paying capacity of the fund as provided in paragraph (g) by an amount not to exceed $4 billion in four $1 billion options and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. Each insurer's TICL premium shall be calculated based upon the additional limit of increased coverage that the insurer selects. Such limit is determined by multiplying the TICL multiple associated with one of the four options times the insurer's FHCF reimbursement premium. The reimbursement premium associated with the additional coverage provided in this paragraph shall be determined as specified in subsection (5).~~

Section 2. Section 215.5586, Florida Statutes, as amended by section 1 of chapter 2009-10, Laws of Florida, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide *trained and certified inspectors to perform* inspections *for owners of* ~~for at least 400,000~~ site-built, single-family, residential properties and ~~provide~~ grants to *eligible* ~~at least 35,000~~ applicants *as funding allows* ~~before June 30, 2009~~. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that *may* ~~shall~~ include the following:

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) *Certified inspectors to provide* ~~free~~ home-retrofit inspections of site-built, single-family, residential property *may* ~~shall~~ be offered ~~throughout the state~~ to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall contract with wind certification entities to provide ~~free~~ hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Insurer-specific information regarding premium discounts correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities. As soon as practical, the rating scale must be the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865.

(b) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity shall, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who:

a. Are certified as a building inspector under s. 468.607;

b. Are licensed as a general or residential contractor under s. 489.111;

c. Are licensed as a professional engineer under s. 471.015 and who have passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841;

d. Are licensed as a professional architect under s. 481.213; or

e. Have at least 2 years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures. Such training may be provided by a class offered online or in person.

2. Use hurricane mitigation inspectors who also:

a. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity; and

b. Have been certified, in a manner satisfactory to the department, to conduct the inspections.

3. Provide a quality assurance program including a reinspection component.

(c) The department shall implement a quality assurance program that includes a statistically valid number of reinspections.

(d) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.

(e) The owner of a site-built, single-family, residential property may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).

(2) MITIGATION GRANTS.—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) *For a homeowner* to be eligible for a grant*, the following criteria* ~~for persons who have obtained a completed inspection after May 1, 2007, a residential property~~ must *be met*:

1. *The homeowner must* have been granted a homestead exemption *on the home* under chapter 196.

2. *The home must* be a dwelling with an insured value of $300,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(10), are exempt from this requirement.

3. *The home must* have undergone an acceptable hurricane mitigation inspection *after May 1, 2007*.

4. *The home must* be located in the "wind-borne debris region" as that term is defined in s. 1609.2, International Building Code (2006)*, or as subsequently amended*.

5. ~~Be a home for which~~ The building permit application for initial construction *of the home must have been* ~~was~~ made before March 1, 2002.

An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application and must have attached documents demonstrating the applicant meets the requirements of this paragraph.

(b) All grants must be matched on a dollar-for-dollar basis *up to* ~~for~~ a total of $10,000 for the actual cost of the mitigation project with the state's contribution not to exceed $5,000.

(c) The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors. Mitigation projects are subject to random reinspection of up to at least 5 percent of all projects. Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

(e) When recommended by a hurricane mitigation inspection, grants may be used for the following improvements ~~only~~:

1. Opening protection.

2. Exterior doors, including garage doors.

3. Brace gable ends.

4. Reinforcing roof-to-wall connections.

5. Improving the strength of roof-deck attachments.

6. Upgrading roof covering from code to code plus.

7. Secondary water barrier for roof.

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of reimbursing a homeowner approved for a grant. *The department may adopt, by rule, the maximum grant allowances for any improvement allowable under this paragraph.*

(f) Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must be a low-income homeowner as defined in paragraph (g), must have had a homestead exemption for that home prior to the hurricane, and must be intending to rebuild the home as that homeowner's homestead.

(g) Low-income homeowners, as defined in s. 420.0004(10), who otherwise meet the requirements of paragraphs (a), (c), (e), and (f) are eligible for a grant of up to $5,000 and are not required to provide a matching amount to receive the grant. Additionally, for low-income homeowners, grant funding may be used for repair to existing structures leading to any of the mitigation improvements provided in paragraph (e), limited to 20 percent of the grant value. The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(10) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.

(h) The department shall establish objective, reasonable criteria for prioritizing grant applications, consistent with the requirements of this section.

(i) The department shall develop a process that ensures the most efficient means to collect and verify grant applications to determine eligibility and may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

(3) EDUCATION AND CONSUMER AWARENESS.—The department may undertake a statewide multimedia public outreach and advertising campaign to inform consumers of the availability and benefits of hurricane inspections and of the safety and financial benefits of residential hurricane damage mitigation. The department may seek out and use local, state, federal, and private funds to support the campaign.

(4) ADVISORY COUNCIL.—There is created an advisory council to provide advice and assistance to the department regarding administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the *Florida* Division of Emergency Management ~~of the Department of Community Affairs~~.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve *as* voting ex officio *members*. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(5) FUNDING.—The department may seek out and leverage local, state, federal, or private funds to enhance the financial resources of the program.

(6) RULES.—The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the program; implement the provisions of this section; including rules governing hurricane mitigation inspections *and grants*, mitigation contractors, and training of inspectors and contractors; and carry out the duties of the department under this section.

(7) HURRICANE MITIGATION INSPECTOR LIST.—The department shall develop and maintain as a public record a current list of hurricane mitigation inspectors authorized to conduct hurricane mitigation inspections pursuant to this section.

~~(8) NO INTEREST LOANS.—The department shall implement a no-interest loan program by October 1, 2008, contingent upon the selection of a qualified vendor and execution of a contract acceptable to the department and the vendor. The department shall enter into partnerships with the private sector to provide loans to owners of site built, single-family, residential property to pay for mitigation measures listed in subsection (2). A loan eligible for interest payments pursuant to this subsection may be for a term of up to 3 years and cover up to $5,000 in mitigation measures. The department shall pay the creditor the market rate of interest using funds appropriated for the My Safe Florida Home Program. In no case shall the department pay more than the interest rate set by s. 687.03. To be eligible for a loan, a loan applicant must first obtain a home inspection and report that specifies what improvements are needed to reduce the property's vulnerability to windstorm damage pursuant to this section and meet loan underwriting requirements set by the lender. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection which may include eligibility criteria.~~

(8) ~~(9)~~ PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS AND SALES ASSOCIATES.—The program shall develop brochures for distribution to general contractors, roofing contractors, and real estate brokers and sales associates licensed under part I of chapter 475 explaining the benefits to homeowners of residential hurricane damage mitigation. The program shall encourage contractors to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repairs or contracting for the construction of a new home. The program shall encourage real estate brokers and sales associates licensed under part I of chapter 475 to distribute the brochures to clients prior to the purchase of a home. The brochures may be made available electronically.

(9) ~~(10)~~ CONTRACT MANAGEMENT.—The department may contract with third parties for grants management, inspection services, contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts shall be considered direct costs of the program and shall not be subject to administrative cost limits, but contracts valued at *$1 million* ~~$500,000~~ or more shall be subject to review and approval by the Legislative Budget Commission. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(10) ~~(11)~~ INTENT.—It is the intent of the Legislature that grants made to residential property owners under this section shall be considered disaster-relief assistance within the meaning of s. 139 of the Internal Revenue Code of 1986, as amended.

(11) ~~(12)~~ REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, and the number and value of grants approved. The report shall be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 3. Subsection (13) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(13) A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

The provisions of *subsections (5)-(13)* ~~subsections (5)-(12)~~ apply only to residential property insurance policies and condominium association policies as defined in s. 718.111(11).

Section 4. Subsection (7) is added to section 627.7011, Florida Statutes, to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(7) This section does not prohibit an insurer from exercising its right to repair damaged property in compliance with its policy and s. 627.702(7).

Section 5. Subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster's qualifications, bond.—

(1) The department shall issue a license to an applicant for a public adjuster's license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

(a) Is a natural person at least 18 years of age.

(b) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and a bona fide resident of this state.

(c) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.

(d) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and effects of the provisions of those types of insurance contracts, and possesses adequate knowledge of the laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom the applicant may have business as a public adjuster.

~~(e) Has passed the required written examination.~~

Section 6. Section 626.8651, Florida Statutes, is amended to read:

626.8651 Public adjuster apprentice license; qualifications.—

(1) The department shall issue a license as a public adjuster apprentice to an applicant who is:

(a) A natural person at least 18 years of age.

(b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state.

(c) Trustworthy and has such business reputation as would reasonably ensure that the applicant will conduct business as a public adjuster apprentice fairly and in good faith and without detriment to the public.

(2) All applicable license fees, as prescribed in s. 624.501, must be paid in full before issuance of the license.

(3) *An applicant must pass the required written examination before a license may be issued.*

(4) An applicant must have received designation as an Accredited Claims Adjuster (ACA) after completion of training that qualifies the applicant to engage in the business of a public adjuster apprentice fairly and without injury to the public. Such training and instruction must address adjusting damages and losses under insurance contracts, the terms and effects of insurance contracts, and knowledge of the laws of this state relating to insurance contracts.

(5) At the time of application for license as a public adjuster apprentice, the applicant shall file with the department a bond executed and issued by a surety insurer authorized to transact such business in this state in the amount of $50,000, conditioned upon the faithful performance of his or her duties as a public adjuster apprentice under the license for which the applicant has applied, and thereafter maintain the bond unimpaired throughout the existence of the license and for at least 1 year after termination of the license. The bond shall be in favor of the department and shall specifically authorize recovery by the department of the damages sustained in case the licensee commits fraud or unfair practices in connection with his or her business as a public adjuster apprentice. The aggregate liability of the surety for all such damages may not exceed the amount of the bond, and the bond may not be terminated by the issuing insurer unless written notice of at least 30 days is given to the licensee and filed with the department.

(6) ~~(4)~~ A public adjuster apprentice shall complete at a minimum 100 hours of employment per month for 12 months of employment under the supervision of a licensed and appointed all-lines public adjuster in order to qualify for licensure as a public adjuster. The department may adopt rules that establish standards for such employment requirements.

(7) ~~(5)~~ *An appointing public adjusting firm may not maintain more than 12 public adjuster apprentices simultaneously. However,* a supervising public adjuster *may not* ~~shall~~ be responsible *for more than 3 public adjuster apprentices simultaneously* and *shall be* accountable for the acts of *all* ~~a~~ public adjuster *apprentices* ~~apprentice~~ which are related to transacting business as a public adjuster apprentice.

(8) ~~(6)~~ An apprentice license is effective for 18 months unless the license expires due to lack of maintaining an appointment; is surrendered by the licensee; is terminated, suspended, or revoked by the department; or is canceled by the department upon issuance of a public adjuster license. The department may not issue a public adjuster apprentice license to any individual who has held such a license in this state within 2 years after expiration, surrender, termination, revocation, or cancellation of the license.

(9) ~~(7)~~ After completing the requirements for employment as a public adjuster apprentice, the licensee may file an application for a public adjuster license. The applicant and supervising public adjuster or public adjusting firm must each file a sworn affidavit, on a form prescribed by the department, verifying that the employment of the public adjuster apprentice meets the requirements of this section.

(10) ~~(8)~~ In no event shall a public adjuster apprentice licensed under this section perform any of the functions for which a public adjuster's license is required after expiration of the public adjuster apprentice license without having obtained a public adjuster license.

(11) ~~(9)~~ A public adjuster apprentice has the same authority as the licensed public adjuster or public adjusting firm that employs the apprentice except that an apprentice may not execute contracts for the services of a public adjuster or public adjusting firm and may not solicit contracts for the services except under the direct supervision and guidance of the supervisory public adjuster. An individual may not be, act as, or hold himself or herself out to be a public adjuster apprentice unless the individual is licensed and holds a current appointment by a licensed public all-lines adjuster or a public adjusting firm that employs a licensed all-lines public adjuster.

Section 7. Paragraph (a) of subsection (2) and subsection (5) of section 627.062, Florida Statutes, are amended, and paragraph (k) is added to subsection (2) of that section, to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the office under one of the following procedures except as provided in subparagraph 3.:

1. If the filing is made at least 90 days before the proposed effective date and the filing is not implemented during the office's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the

office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the office to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

3. For all property insurance filings made or submitted after January 25, 2007, but before December 31, *2010* ~~2009~~, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a "file and use" filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered to be property coverages.

(k)1. An insurer may make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs incurred in the purchase of reinsurance or financing products to replace or finance the payment of the amount covered by the Temporary Increase in Coverage Limits (TICL) portion of the Florida Hurricane Catastrophe Fund including replacement reinsurance for the TICL reductions made pursuant to s. 215.555(17)(e); the actual cost paid due to the application of the TICL premium factor pursuant to s. 215.555 (17)(f); and the actual cost paid due to the application of the cash build-up factor pursuant to s. 215.555(5)(b) if the insurer:

a. *Elects to purchase financing products such as a liquidity instrument or line of credit, in which case the cost included in the filing for the liquidity instrument or line of credit may not result in a premium increase exceeding 3 percent for any individual policyholder. All costs contained in the filing may not result in an overall premium increase of more than 10 percent for any individual policyholder.*

b. *Includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculation upon which the proposed rate change is based demonstrates that the costs meet the criteria of this section and are not loaded for expenses or profit for the insurer making the filing.*

c. *Includes no other changes to its rates in the filing.*

d. Has not implemented a rate increase within the 6 months immediately preceding the filing.

e. Does not file for a rate increase under any other paragraph within 6 months after making a filing under this paragraph.

f. That purchases reinsurance or financing products from an affiliated company in compliance with this paragraph does so only if the costs for such reinsurance or financing products are charged at or below charges made for comparable coverage by nonaffiliated reinsurers or financial entities making such coverage or financing products available in this state.

2. *An insurer may only make one filing in any 12-month period under this paragraph.*

3. An insurer that elects to implement a rate change under this paragraph must file its rate filing with the office at least 45 days before the effective date of the rate change. After an insurer submits a complete filing that meets all of the requirements of this paragraph, the office has 45 days after the date of the filing to review the rate filing and determine if the rate is excessive, inadequate, or unfairly discriminatory.

The provisions of this subsection ~~shall~~ not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but *except as otherwise provided in this section,* may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.

Section 8. Section 627.0621, Florida Statutes, is amended to read:

627.0621 Transparency in rate regulation.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Rate filing" means any original or amended rate residential property insurance filing.

(b) "Recommendation" means any proposed, preliminary, or final recommendation from an office actuary reviewing a rate filing with respect to the issue of approval or disapproval of the rate filing or with respect to rate indications that the office would consider acceptable.

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.—

(a) With respect to any *residential property* rate filing ~~made on or after July 1, 2008~~, the office shall provide the following information on a publicly accessible Internet website:

1. ~~(a)~~ The overall rate change requested by the insurer.

2. The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.

3. Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.

(b) For any rate filing, whether or not the filing is subject to a public hearing, the office shall provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail regarding the proposed rate change. Such e-mail must be accessible to the actuary assigned to review the rate filing.

~~(b) All assumptions made by the office's actuaries.~~

~~(c) A statement describing any assumptions or methods that deviate from the actuarial standards of practice of the Casualty Actuarial Society or the American Academy of Actuaries, including an explanation of the nature, rationale, and effect of the deviation.~~

~~(d) All recommendations made by any office actuary who reviewed the rate filing.~~

~~(e) Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.~~

~~(f) The overall rate change approved by the office.~~

~~(3) ATTORNEY-CLIENT PRIVILEGE; WORK PRODUCT. It is the intent of the Legislature that the principles of the public records and open meetings laws apply to the assertion of attorney-client privilege and work product confidentiality by the office in connection with a challenge to its actions on a rate filing. Therefore, in any administrative or judicial proceeding relating to a rate filing, attorney-client privilege and work product exemptions from disclosure do not apply to communications with office attorneys or records prepared by or at the direction of an office attorney, except when the conditions of paragraphs (a) and (b) have been met:~~

~~(a) The communication or record reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or office that was prepared exclusively for civil or criminal litigation or adversarial administrative proceedings.~~

~~(b) The communication occurred or the record was prepared after the initiation of an action in a court of competent jurisdiction, after the issuance of a notice of intent to deny a rate filing, or after the filing of a request for a proceeding under ss. 120.569 and 120.57.~~

Section 9. Paragraph (b) of subsection (1) and subsection (5) of section 627.0629, Florida Statutes, are amended to read:

627.0629 Residential property insurance; rate filings.—

(1)

(b) By February 1, 2011, the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, shall develop and make publicly available a proposed method for insurers to establish discounts, credits, or other rate differentials for hurricane mitigation measures which directly correlate to the numerical rating assigned to a structure pursuant to the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865, including any proposed changes to the uniform home grading scale. By October 1, 2011, the commission shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers' discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. *Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).*

(5) In order to provide an appropriate transition period, an insurer may, in its sole discretion, implement an approved rate filing for residential property insurance over a period of years. An insurer electing to phase in its rate filing must provide an informational notice to the office setting out its schedule for implementation of the phased-in rate filing. *An insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. 215.555(17)(d)9. However, this cost for reinsurance may not include any expense or profit load or result in a total annual base rate increase in excess of 10 percent.*

Section 10. Paragraphs (a), (c), (m), and (x) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. It is the public purpose of this subsection to ensure the existence of an orderly market for property insurance for Floridians and Florida businesses. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, Citizens Property Insurance Corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that Citizens Property Insurance Corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. The corporation shall continue to operate pursuant to the plan of operation approved by the Office of Insurance Regulation until October 1, 2006. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. Effective January 1, 2009, a personal lines residential structure that has a dwelling replacement cost of $2 million or more, or a single condominium unit that has a combined dwelling and content replacement cost of $2 million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings that are insured by the corporation and become ineligible for coverage due to the provisions of this subparagraph may reapply and obtain coverage if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation prior to being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of $750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure shall be deemed to comply with the requirements of this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed. ~~Effective January 1, 2010, for personal lines residential property insured by the corporation that is located in the wind-borne debris region and has an insured value on the structure of $500,000 or more, a prospective purchaser of any such residential property must be provided by the seller a written disclosure that contains the structure's windstorm mitigation rating based on the uniform home grading scale adopted under s. 215.55865. Such rating shall be provided to the purchaser at or before the time the purchaser executes a contract for sale and purchase.~~

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. that contain more restrictive coverage.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (p)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.a. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of eight individuals who are residents of this state, from different geographical areas of this state. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the

appointing officer. All members of the board of governors are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. *However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term.* Any board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, with regard to a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, the policyholder remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, with regard to a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, the policyholder remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. For purposes of determining comparable coverage under sub-subparagraphs a. and b., the comparison shall be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the high-risk account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant shall be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the high-risk account in 2006 or thereafter may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds pursuant to s. 627.3512, but the regular assessment must be paid in full within 12 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (p)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

14. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide, by July 1, 2007, a premium payment plan option to its policyholders which allows at a minimum for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

18. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

(m)1. Rates for coverage provided by the corporation shall be actuarially sound and subject to the requirements of s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, that model shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or

allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The rate filings for the corporation which were approved by the office and which took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and shall provide refunds to policyholders who have paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, shall remain in effect for the 2007 and 2008 calendar years except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

5. Beginning on July 15, 2009, and each year thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.

6. Beginning on or after January 1, 2010, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall implement a rate increase each year which does not exceed 10 percent for any single policy issued by the corporation, excluding coverage changes and surcharges.

7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).

8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing for each commercial and personal line of business the corporation writes.

(x) It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time, reduce the probable maximum windstorm losses in the residual markets and should reduce the potential assessments to be levied on property insurers and policyholders statewide. In furtherance of this intent:

1. The board shall, on or before February 1 of each year, provide a report to the President of the Senate and the Speaker of the House of Representatives showing the reduction or increase in the 100-year probable maximum loss attributable to wind-only coverages and the quota share program under this subsection combined, as compared to the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association. For purposes of this paragraph, the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association shall be the calculation dated February 2001 and based on November 30, 2000, exposures. In order to ensure comparability of data, the board shall use the same methods for calculating its probable maximum loss as were used to calculate the benchmark probable maximum loss.

2. Beginning *December 1, 2010* ~~February 1, 2010~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, 2015, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

Section 11. Section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.—

(1) *The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by any residual market entity, including regular assessments levied on insurers by Citizens Property Insurance Corporation and any other assessments levied on insurers by an insurance risk apportionment plan or assigned risk plan under s. 627.311 or s. 627.351 constitute advances of funds from the insurer to the residual market entity, and that the insurer is entitled to fully recoup such advances.* An insurer or insurer group may recoup any assessments that have been paid during or after 1995 by the insurer or insurer group to defray deficits of an insurance risk apportionment plan or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer or insurer group by the association or plan for any year after 1993. A limited apportionment company as defined in s. 627.351(6)(c) may recoup any regular assessment that has been levied by, or paid to, Citizens Property Insurance Corporation.

(2) The recoupment shall be made by applying a separate *recoupment* ~~assessment~~ factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines. The separate assessment factor shall provide for full recoupment of the assessments over a period of 1 year, unless the insurer or insurer group, at its option, elects to recoup the assessments over a longer period. The assessment factor expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

(3) ~~(2)~~ The *recoupment* ~~assessment~~ factor *may* ~~must~~ not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group *does not* ~~fails to~~ collect the full amount of the deficit assessment *during one 12-month period*, the insurer or insurer group *may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12-month periods* ~~must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount~~.

(4) ~~(3)~~ The insurer or insurer group shall file with the office a statement *for informational purposes only* setting forth the amount of the *recoupment* ~~assessment~~ factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The *informational* statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the *recoupment* ~~assessment~~ factor. ~~The office shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations.~~ The insurer or insurer group may use the *recoupment* ~~assessment~~ factor at any time after the expiration of the 15-day period ~~unless the office has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect~~. *The recoupment factor shall apply to all policies described in subsection (3) that are issued or renewed by the insurer or insurer group during a 12-month period. If full recoupment requires the insurer or insurer group to apply a recoupment factor over a subsequent 12-month period, the insurer or insurer group must file a supplemental informational statement pursuant to this subsection.*

(5) No later than 90 days after the insurer or insurer group has completed the recoupment process, it shall file with the office a final accounting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year.

(6) ~~(4)~~ The commission may adopt rules to implement this section.

Section 12. Subsection (2) of section 627.711, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building

code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:

(a) A hurricane mitigation inspector *certified* ~~employed~~ by *the* ~~an approved~~ My Safe Florida Home *program* ~~wind certification entity~~;

(b) A building code inspector certified under s. 468.607;

(c) A general*, building,* or residential contractor licensed under s. 489.111;

(d) A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841; ~~or~~

(e) A professional architect licensed under s. 481.213*; or*

(f) Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.

(3) An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Subsections (1) and (2) of section 627.712, Florida Statutes, are amended to read:

627.712 Residential windstorm coverage required; availability of exclusions for windstorm or contents.—

(1) An insurer issuing a residential property insurance policy must provide windstorm coverage. Except as provided in paragraph (2)(c), this section does not apply with respect to risks that are eligible for wind-only coverage from Citizens Property Insurance Corporation under s. 627.351(6)*, and with respect to risks that are not eligible for coverage from Citizens Property Insurance Corporation under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. A risk ineligible for Citizens coverage under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. is exempt from the requirements of this section only if the risk is located within the boundaries of the high-risk account of the corporation.*

(2) A property insurer must make available, at the option of the policyholder, an exclusion of windstorm coverage.

(a) The coverage may be excluded only if:

1. When the policyholder is a natural person, the policyholder personally writes and provides to the insurer the following statement in his or her own handwriting and signs his or her name, which must also be signed by every other named insured on the policy, and dated: "I do not want the insurance on my (home/mobile home/condominium unit) to pay for damage from windstorms. I will pay those costs. My insurance will not."

2. When the policyholder is other than a natural person, the policyholder provides to the insurer on the policyholder's letterhead the following statement that must be signed by the policyholder's authorized representative and dated: "...(Name of entity)... does not want the insurance on its ...(type of structure)... to pay for damage from windstorms. ...(Name of entity)... will be responsible for these costs. ...(Name of entity's)... insurance will not."

(b) If the structure insured by the policy is subject to a mortgage or lien, the policyholder must provide the insurer with a written statement from the mortgageholder or lienholder indicating that the mortgageholder or lienholder approves the policyholder electing to exclude windstorm coverage or hurricane coverage from his or her or its property insurance policy.

(c) ~~If the residential structure is eligible for wind only coverage from Citizens Property Insurance Corporation,~~ An insurer nonrenewing a policy and issuing a replacement policy, or issuing a new policy, that does not provide wind coverage shall provide a notice to the mortgageholder or lienholder indicating the policyholder has elected coverage that does not cover wind.

Section 14. Section 631.65, Florida Statutes, is amended to read:

631.65 Prohibited advertisement or solicitation.—No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement which uses the existence of the insurance guaranty association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered under this part. *However, this section does not prohibit a duly licensed insurance agent from explaining the existence or function of the insurance guaranty association to policyholders, prospects, or applicants for coverage.*

Section 15. *By February 1, 2010, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Speaker of the House of Representatives, the President of the Senate, the Commissioner of Insurance, the Chief Financial Officer, and the Governor reviewing the laws governing public adjusters as defined in s. 626.854, Florida Statutes. The report shall include a review of relevant Citizens Property Insurance Corporation claims and statistics involving public adjusters, public adjuster claims submission practices, and a review of the laws of this state and rules governing public adjusters. The report shall also review state laws governing public adjusters throughout the United States. The review shall encompass a review of both catastrophe and noncatastrophe related claims, with a specific focus on new and supplemental or reopened catastrophe claims originated in 2009 which relate to hurricanes that occurred in 2004 and 2005. The study shall review the effects on consumers of the laws of this state relating to public adjusters.*

Section 16. Subsection (4) is added to section 627.0628, Florida Statutes, to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(4) Review of discounts, credits, other rate differentials, and reductions in deductibles relating to windstorm mitigation.—The commission shall hold public meetings for the purpose of receiving testimony and data regarding the implementation of windstorm mitigation discounts, credits, other rate differentials, and appropriate reductions in deductibles pursuant to s. 627.0629. After reviewing the testimony and data as well as any other information the commission deems appropriate, the commission shall present a report by February 1, 2010, to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives, including recommendations on improving the process of assessing, determining, and applying windstorm mitigation discounts, credits, other rate differentials, and appropriate reductions in deductibles pursuant to s. 627.0629.

Section 17. Subsection (7) is added to section 624.46226, Florida Statutes, to read:

624.46226 Public housing authorities self-insurance funds; exemption for taxation and assessments.—

(7) Reinsurance companies complying with s. 624.610 may issue coverage directly to a public housing authority self-insuring its liabilities under this section. A public housing authority purchasing reinsurance shall be considered an insurer for the sole purpose of entering into such reinsurance contracts. Contracts of reinsurance issued to public housing authorities self-insuring under this section shall receive the same tax treatment as reinsurance contracts issued to insurance companies. However, the purchase of reinsurance coverage by a public housing authority self-insuring under this section shall not be construed as authorization to otherwise act as an insurer.

Section 18. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove lines 2194-2334 and insert: An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage

during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 626.854, F.S.; prohibiting a public adjuster from accepting referrals for compensation from a person with whom the public adjuster conducts business; prohibiting a public adjuster from compensating a person other than a public adjuster for referrals; amending s. 627.7011, F.S.; providing that an insurer may repair damaged property in compliance with its policy; amending s. 626.865, F.S.; deleting a requirement that an applicant for a license as a public adjuster pass a written examination as a prerequisite to licensure; amending s. 626.8651, F.S.; requiring an applicant for a public adjuster apprentice license to pass a written exam and receive an Accredited Claims Adjuster designation and related training before licensure; limiting the number of public adjuster apprentices that may be maintained by a single public adjusting firm or supervised by a public adjuster; amending s. 627.062, F.S.; extending the period for which an insurer seeking a residential property insurance rate that is greater than the rate most recently approved by the Office of Insurance Regulation must make a "file and use" filing; authorizing insurers to make separate filings for certain rate adjustments and costs; specifying limitations; providing procedural requirements; requiring the office to review the filing within a specified time for certain purposes; amending s. 627.0621, F.S.; requiring that the Office of Insurance Regulation provide certain information regarding any residential property rate filing on a publicly accessible Internet website; requiring that the office provide a means on its website for certain persons to submit e-mail regarding any rate filing; requiring that such e-mail be accessible by the actuary assigned to review the subject rate filing; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure discounts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; revising the date after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; providing legislative findings; providing for the recoupment of residual market assessments paid by insurers or insurer groups; limiting the amount of a recoupment factor; authorizing an insurer to apply recalculated recoupment factors to policies issued or renewed during specified periods under certain circumstances; requiring that insurers or insurer groups file a statement setting forth certain information; providing for the application of recoupment factors to certain policies upon issuance or renewal; requiring that insurers or insurer groups file a supplemental statement under certain circumstances; requiring that such entities file a final accounting report documenting certain information within a specified period after the completion of the recoupment process; requiring that such report provide certain information; amending s. 627.711, F.S.; requiring that an insurer accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by certain individuals or entities; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature, Commissioner of Insurance, Chief Financial Officer, and Governor reviewing laws governing public adjuster; specifying review requirements; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 624.46226, F.S.; authorizing reinsurance companies to issue coverage directly to certain public housing authorities under certain circumstances; specifying that a public housing authority is considered an insurer under certain circumstances; requiring that certain reinsurance contracts issued to public housing authorities receive the same tax treatment as contracts issued to insurance companies; providing construction; providing an effective date.

On motion by Senator Richter, the Senate concurred in the House amendment to the Senate amendment.

CS for CS for CS for HB 1495 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Deutch	Oelrich
Alexander	Diaz de la Portilla	Peaden
Altman	Dockery	Pruitt
Aronberg	Fasano	Rich
Baker	Gaetz	Richter
Bennett	Gardiner	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	King	Wilson
Dean	Lawson	Wise
Detert	Lynn	

Nays—6

Garcia	Justice	Storms
Gelber	Sobel	Villalobos

Vote after roll call:

Yea—Joyner

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 7157 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

HB 7157—A bill to be entitled An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full or partial exemption for land dedicated in perpetuity for conservation purposes; exempting certain real property encumbered by a conservation easement purchased by the federal or state government or by a local government; providing circumstances under which land consisting of less than 40 acres qualifies for such exemption; providing for the assessment of buildings and structures on exempted lands; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts; creating the Board of Conserva-

tion for certain purposes; providing for appointment of members; amending s. 193.501, F.S.; revising a cross-reference; amending s. 704.06, F.S.; requiring owners of property encumbered by a conservation easement to comply with marketable record title requirements to preserve the easement in perpetuity; amending s. 195.073, F.S.; specifying an additional real property assessment classification; amending s. 196.011, F.S.; providing requirements and procedures for renewal applications for exemptions for real property dedicated in perpetuity for conservation purposes; requiring owners of such property to notify the property appraiser when use of the property no longer qualifies for the exemption; providing penalties for failure to notify; providing for application of certain lien provisions; amending s. 192.0105, F.S.; conforming a cross-reference; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties with a population not exceeding 25,000; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

House Amendment 1 (068061) (with title amendment) to Senate Amendment 1—Remove line(s) 5-797 and insert:

Section 1. Section 196.26, Florida Statutes, is created to read:

196.26 Exemption for real property dedicated in perpetuity for conservation purposes.—

(1) As used in this section:

(a) "Allowed commercial uses" means commercial uses that are allowed by the conservation easement encumbering the land exempt from taxation under this section.

(b) "Conservation easement" means the property right described in s. 704.06.

(c) "Conservation purposes" means:

1. Serving a conservation purpose, as defined in 26 U.S.C. s. 170(h)(4)(A)(i)-(iii), for land which serves as the basis of a qualified conservation contribution under 26 U.S.C. s. 170(h); or

2.a. Retention of the substantial natural value of land, including woodlands, wetlands, water courses, ponds, streams, and natural open spaces;

b. Retention of such lands as suitable habitat for fish, plants, or wildlife; or

c. Retention of such lands' natural value for water quality enhancement or water recharge.

(d) "Dedicated in perpetuity" means that the land is encumbered by an irrevocable, perpetual conservation easement.

(2) Land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes is exempt from ad valorem taxation. Such exclusive use does not preclude the receipt of income from activities that are consistent with a management plan when the income is used to implement, maintain, and manage the management plan.

(3) Land that is dedicated in perpetuity for conservation purposes and that is used for allowed commercial uses is exempt from ad valorem taxation to the extent of 50 percent of the assessed value of the land.

(4) Land that comprises less than 40 contiguous acres does not qualify for the exemption provided in this section unless, in addition to meeting the other requirements of this section, the use of the land for conservation purposes is determined by the Acquisition and Restoration Council created in s. 259.035 to fulfill a clearly delineated state conservation policy and yield a significant public benefit. In making its determination of public benefit, the Acquisition and Restoration Council must give particular consideration to land that:

(a) Contains a natural sinkhole or natural spring that serves a water recharge or production function;

(b) Contains a unique geological feature;

(c) Provides habitat for endangered or threatened species;

(d) Provides nursery habitat for marine and estuarine species;

(e) Provides protection or restoration of vulnerable coastal areas;

(f) Preserves natural shoreline habitat; or

(g) Provides retention of natural open space in otherwise densely built-up areas.

Any land approved by the Acquisition and Restoration Council under this subsection must have a management plan and a designated manager who will be responsible for implementing the management plan.

(5) The conservation easement that serves as the basis for the exemption granted by this section must include baseline documentation as to the natural values to be protected on the land and may include a management plan that details the management of the land so as to effectuate the conservation of natural resources on the land.

(6) Buildings, structures, and other improvements situated on land receiving the exemption provided in this section and the land area immediately surrounding the buildings, structures, and improvements must be assessed separately pursuant to chapter 193. However, structures and other improvements that are auxiliary to the use of the land for conservation purposes are exempt to the same extent as the underlying land.

(7) Land that qualifies for the exemption provided in this section the allowed commercial uses of which include agriculture must comply with the most recent best management practices if adopted by rule of the Department of Agriculture and Consumer Services.

(8) As provided in s. 704.06(8) and (9), water management districts with jurisdiction over lands receiving the exemption provided in this section have a third-party right of enforcement to enforce the terms of the applicable conservation easement for any easement that is not enforceable by a federal or state agency, county, municipality, or water management district when the holder of the easement is unable or unwilling to enforce the terms of the easement.

(9) The Acquisition and Restoration Council, created in s. 259.035, shall maintain a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement.

Section 2. Subsection (1) of section 193.501, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—

(1) The owner or owners in fee of any land subject to a conservation easement as described in s. 704.06~~(1)~~; land qualified as environmentally endangered pursuant to paragraph (6)(i) and so designated by formal resolution of the governing board of the municipality or county within which such land is located; land designated as conservation land in a comprehensive plan adopted by the appropriate municipal or county governing body; or any land which is utilized for outdoor recreational or park purposes may, by appropriate instrument, for a term of not less than 10 years:

(a) Convey the development right of such land to the governing board of any public agency in this state within which the land is located, or to the Board of Trustees of the Internal Improvement Trust Fund, or to a charitable corporation or trust as described in s. 704.06(3); or

(b) Covenant with the governing board of any public agency in this state within which the land is located, or with the Board of Trustees of the Internal Improvement Trust Fund, or with a charitable corporation or trust as described in s. 704.06(3), that such land be subject to one or more of the conservation restrictions provided in s. 704.06(1) or not be used by the owner for any purpose other than outdoor recreational or park purposes. If land is covenanted and used for an outdoor recreational

purpose, the normal use and maintenance of the land for that purpose, consistent with the covenant, shall not be restricted.

(8) A person or organization that, on January 1, has the legal title to land that is entitled by law to assessment under this section shall, on or before March 1 of each year, file an application for assessment under this section with the county property appraiser. The application must identify the property for which assessment under this section is claimed. The initial application for assessment for any property must include a copy of the instrument by which the development right is conveyed or which establishes a covenant that establishes the conservation purposes for which the land is used. The Department of Revenue shall prescribe the forms upon which the application is made. The failure to file an application on or before March 1 of any year constitutes a waiver of assessment under this section for that year. However, an applicant who is qualified to receive an assessment under this section but fails to file an application by March 1 may file an application for the assessment and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the assessment be granted. The petition must be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser pursuant to s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the assessment and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the assessment, the property appraiser or the value adjustment board may grant the assessment. The owner of land that was assessed under this section in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for assessment of property within the county. Such waiver may be revoked by a majority vote of the governing body of the county.

(9) A person or entity that owns land assessed pursuant to this section must notify the property appraiser promptly if the land becomes ineligible for assessment under this section. If any property owner fails to notify the property appraiser and the property appraiser determines that for any year within the preceding 10 years the land was not eligible for assessment under this section, the owner of the land is subject to taxes avoided as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes avoided. The property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. The property is subject to a lien in the amount of the unpaid taxes and penalties. The lien when filed shall attach to any property identified in the notice of tax lien which is owned by the person or entity and which was improperly assessed. If such person or entity no longer owns property in that county but owns property in some other county or counties of this state, the property appraiser shall record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity.

Section 3. Subsection (12) is added to section 704.06, Florida Statutes, to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(12) An owner of property encumbered by a conservation easement must abide by the requirements of chapter 712 or any other similar law or rule to preserve the conservation easement in perpetuity.

Section 4. Subsection (1) of section 195.073, Florida Statutes, is amended to read:

195.073 Classification of property.—All items required by law to be on the assessment rolls must receive a classification based upon the use of the property. The department shall promulgate uniform definitions for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.

(1) Real property must be classified according to the assessment basis of the land into the following classes:

(a) Residential, subclassified into categories, one category for homestead property and one for nonhomestead property:

1. Single family.

2. Mobile homes.

3. Multifamily.

4. Condominiums.

5. Cooperatives.

6. Retirement homes.

(b) Commercial and industrial.

(c) Agricultural.

(d) Nonagricultural acreage.

(e) High-water recharge.

(f) Historic property used for commercial or certain nonprofit purposes.

(g) Exempt, wholly or partially.

(h) Centrally assessed.

(i) Leasehold interests.

(j) Time-share property.

(k) Land assessed under s. 193.501.

(l) ~~(k)~~ Other.

Section 5. Subsections (6) and (9) of section 196.011, Florida Statutes, are amended to read:

196.011 Annual application required for exemption.—

(6)*(a)* Once an original application for tax exemption has been granted, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant, and the property appraiser shall accept from each such applicant a renewal application on a form ~~to be~~ prescribed by the Department of Revenue. Such renewal application shall be accepted as evidence of exemption by the property appraiser unless he or she denies the application. Upon denial, the property appraiser shall serve, on or before July 1 of each year, a notice setting forth the grounds for denial on the applicant by first-class mail. Any applicant objecting to such denial may file a petition as provided for in s. 194.011(3).

(b) Once an original application for tax exemption has been granted under s. 196.26, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant on a form prescribed by the Department of Revenue. The applicant must certify on the form that the use of the property complies with the restrictions and requirements of the conservation easement. The form shall include a statement that the exemption granted under s. 196.26 will not be renewed unless the application is returned to the property appraiser.

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refiling of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. ~~It is the duty of~~ The owner of any

property granted an exemption who is not required to file an annual application or statement *shall* ~~to~~ notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, the owner of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted. Except for homestead exemptions controlled by s. 196.161, ~~it is the duty of~~ the property appraiser making such determination *shall* ~~to~~ record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. *If* ~~Should~~ such person no longer *owns* ~~own~~ property in that county~~,~~ but *owns* ~~own~~ property in some other county or counties in the state, ~~it shall be the duty of~~ the property appraiser *shall* ~~to~~ record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

(b) The owner of any property granted an exemption under s. 196.26 shall notify the property appraiser promptly whenever the use of the property no longer complies with the restrictions and requirements of the conservation easement. If the property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the preceding 10 years the owner was not entitled to receive the exemption, the owner of the property is subject to taxes exempted as a result of the failure plus 18 percent interest per annum and a penalty of 100 percent of the taxes exempted. The provisions for tax liens in paragraph (a) apply to property granted an exemption under s. 196.26.

(c) ~~(b)~~ A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application be made for the veteran's disability discount granted pursuant to s. 6(g), Art. VII of the State Constitution after an initial application is made and the discount granted. ~~It is the duty of~~ The disabled veteran receiving a discount for which annual application has been waived *shall* ~~to~~ notify the property appraiser promptly whenever the use of the property or the percentage of disability to which the veteran is entitled changes. If a disabled veteran fails to notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the veteran was not entitled to receive all or a portion of such discount, the penalties and processes in paragraph (a) relating to the failure to notify the property appraiser of ineligibility for an exemption shall apply.

(d) ~~(c)~~ For any exemption under s. 196.101(2), the statement concerning gross income must be filed with the property appraiser not later than March 1 of every year.

(e) ~~(d)~~ If an exemption for which the annual application is waived pursuant to this subsection will be denied by the property appraiser in the absence of the refiling of the application, notification of an intent to deny the exemption shall be mailed to the owner of the property prior to February 1. If the property appraiser fails to timely mail such notice, the application deadline for such property owner pursuant to subsection (1) shall be extended to 28 days after the date on which the property appraiser mails such notice.

Section 6. Paragraph (c) of subsection (2) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are provided in s. 213.015. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(2) THE RIGHT TO DUE PROCESS.—

(c) The right to file a petition for exemption or agricultural classification with the value adjustment board when an application deadline is missed, upon demonstration of particular extenuating circumstances for filing late (see ss. 193.461(3)(a) and 196.011(1), (7), (8), and (9)*(e)* ~~(d)~~).

Section 7. Section 218.125, Florida Statutes, is created to read:

218.125 Offset for tax loss associated with certain constitutional amendments affecting fiscally constrained counties.—

(1) Beginning in the 2010-2011 fiscal year, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of revisions of ss. 3(f) and 4(b) of Art. VII of the State Constitution which were approved in the general election held in November 2008. The moneys appropriated for this purpose shall be distributed in January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revisions.

(2) On or before November 15 of each year, beginning in 2010, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue in the form and manner prescribed by the Department of Revenue. The documentation must include an estimate of the reduction in taxable value directly attributable to revisions of Art. VII of the State Constitution for all county taxing jurisdictions within the county and shall be prepared by the property appraiser in each fiscally constrained county. The documentation must also include the county millage rates applicable in all such jurisdictions for the current year and the prior year, rolled-back rates determined as provided in s. 200.065 for each county taxing jurisdiction, and maximum millage rates that could have been levied by majority vote pursuant to s. 200.185. For purposes of this section, each fiscally constrained county's reduction in ad valorem tax revenue shall be calculated as 95 percent of the estimated reduction in taxable value multiplied by the lesser of the 2010 applicable millage rate or the applicable millage rate for each county taxing jurisdiction in the prior year.

Section 8. *The Department of Revenue may adopt emergency rules to administer s. 196.26, Florida Statutes, as created by this act. The emergency rules shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.*

Section 9. This act shall take effect upon becoming a law and shall apply to property tax assessments made on or after January 1, 2010.

And the title is amended as follows:

Remove line(s) 804-889 and insert: An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full exemption for land dedicated in perpetuity and used exclusively for conservation purposes; providing a partial ad valorem tax exemption for conservation land that is used for commercial purposes; permitting land smaller than a certain size to qualify for the exemption upon approval by the Acquisition and Restoration Council; requiring the Acquisition and Restoration Council to consider whether the property will yield a significant public benefit; specifying criteria; requiring approved lands to have a management plan; specifying baseline documentation required for certain conservation easements; providing for the assessment of buildings and structures on exempted lands; exempting certain structures and improvements from certain assessments; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts under certain circumstances; requiring the Acquisition and Restoration Council to maintain a list of certain enforcement entities; amending s. 193.501, F.S.; revising a cross-reference; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the property appraiser or value adjustment

board to grant late applications for such assessments if extenuating circumstances are shown; providing application requirements; providing for a nonrefundable fee; providing for waiver of the annual filing requirement under certain circumstances; requiring a landowner to notify the property appraiser if the land becomes ineligible for the assessment benefit; imposing penalties for nonpayment of ad valorem taxes after a loss of eligibility for the assessment benefit; directing the property appraiser to record a notice of tax lien; amending s. 704.06, F.S.; requiring owners of property encumbered by a conservation easement to comply with marketable record title requirements to preserve the easement in perpetuity; amending s. 195.073, F.S.; specifying an additional real property assessment classification; amending s. 196.011, F.S.; providing requirements and procedures for renewal applications for exemptions for real property dedicated in perpetuity for conservation purposes; requiring owners of such property to notify the property appraiser when use of the property no longer qualifies for the exemption; providing penalties for failure to notify; providing for application of certain lien provisions; amending s. 192.0105, F.S.; conforming a cross-reference; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

On motion by Senator Altman, the Senate concurred in the House amendment to the Senate amendment.

HB 7157 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Sobel

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 903 and requests the Senate to recede.

Robert L. "Bob" Ward, Clerk

CS for HB 903—A bill to be entitled An act relating to attorney's fees in workers' compensation cases; amending s. 440.34, F.S.; clarifying requirements for the payment of fees and costs under a retainer agreement; specifying the amount of attorney's fees which a claimant is entitled to recover from a carrier or employer; providing an effective date.

On motion by Senator Richter, the Senate receded from **Senate Amendment 1 (383074)**. The vote was:

Yeas—21

Mr. President	Alexander	Altman
Baker	Diaz de la Portilla	Lynn
Bennett	Fasano	Oelrich
Bullard	Gaetz	Pruitt
Constantine	Gardiner	Richter
Dean	Haridopolos	Smith
Detert	King	Wise

Nays—17

Aronberg	Jones	Ring
Crist	Joyner	Siplin
Deutch	Justice	Sobel
Dockery	Lawson	Villalobos
Garcia	Peaden	Wilson
Gelber	Rich	

Vote after roll call:

Nay to Yea—Crist

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hill on **CS for HB 903**. If he were present he would vote "nay" and I would vote "yea".

Senator Ronda Storms, 10th District

On motion by Senator Richter, **CS for HB 903** passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—22

Mr. President	Detert	Oelrich
Alexander	Diaz de la Portilla	Pruitt
Altman	Fasano	Richter
Baker	Gaetz	Siplin
Bennett	Gardiner	Smith
Bullard	Haridopolos	Wise
Constantine	King	
Dean	Lynn	

Nays—16

Aronberg	Jones	Ring
Crist	Joyner	Sobel
Deutch	Justice	Villalobos
Dockery	Lawson	Wilson
Garcia	Peaden	
Gelber	Rich	

Vote after roll call:

Yea to Nay—Bullard

Nay to Yea—Crist

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hill on **CS for HB 903**. If he were present he would vote "nay" and I would vote "yea".

Senator Ronda Storms, 10th District

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 582, with amendment 2, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 582—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing funding for the commission through federal funds for metropolitan transportation planning; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 334.30, F.S.; authorizing the department to lease existing toll facilities through public-private partnerships, subject to approval by the Legislature; amending s. 339.2818, F.S.; relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; amending s. 316.1895, F.S., authorizing alternative installation of "Speeding Fines Doubled" signs in advance of school zones; amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor; creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week"; amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; amending s. 163.3180, F.S.; providing a definition for "backlog"; amending s. 348.0003, F.S.; providing that members of certain authorities are subject to specified financial disclosure requirements; amending s. 348.0004, F.S.; authorizing any expressway authority, transportation authority, bridge authority, or toll authority, subject to the approval of the Legislature, for any existing facility, to receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities; providing an effective date.

House Amendment 2 (797855) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2), paragraphs (b) and (c) of subsection (4), and subsection (12) of section 163.3180, Florida Statutes, are amended, and paragraph (i) is added to subsection (16) of that section, to read:

163.3180 Concurrency.—

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. *In evaluating whether such transportation facilities will be in place or under actual construction, the following shall be considered a committed facility:*

1. A project that is included in the first 3 years of a local government's adopted capital improvements plan;

2. A project that is included in the first 3 years of the Department of Transportation's adopted work program; or

3. A high-performance transit system that serves multiple municipalities, connects to an existing rail system, and is included in a county's or the Department of Transportation's long-range transportation plan.

(4)

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the *assembly, manufacture,* maintenance*,* or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas. *Affordable housing developments that serve residents who have incomes at or below 60 percent of the area median income and are proposed to be located on arterial roadways that have public transit available are exempt from transportation concurrency requirements.*

(12)*(a)* A development of regional impact *satisfies* ~~may satisfy~~ the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by *paying* ~~payment of~~ a proportionate-share contribution for local and regionally significant traffic impacts, if:

1. ~~(a)~~ The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

2. ~~(b)~~ The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more ~~required~~ mobility improvements that will benefit *the network of* ~~a~~ regionally significant transportation *facilities* ~~facility~~;

3. ~~(c)~~ The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution *to the local government having jurisdiction over the development of regional impact*; and

4. ~~(d)~~ If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03*(10)* ~~(12)~~, other than the local government with jurisdiction over the development of regional impact, the *local government having jurisdiction over the development of regional impact must* ~~developer is required to~~ enter into a binding and legally

enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of *a* ~~the~~ facility *reasonably related to the mobility demands created by the development*.

(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(c) The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. *The cost of any improvements made to a regionally significant transportation facility that is constructed by the owner or developer of the development of regional impact, including the costs associated with accommodating a transit facility within the development of regional impact which is in a county's or the Department of Transportation's long-range transportation plan, shall be credited against a development of regional impact's proportionate-share contribution.* Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).

(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

Section 2. Paragraphs (a) and (i) of subsection (1) of section 212.05, Florida Statutes, are amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase *or extension* or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt.

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. *The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but*

not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued*, except the extension decal shall cost $350*.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within *the maximum 180* ~~90~~ days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. The *maximum 180-day* ~~90-day~~ period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason. Notwithstanding other provisions of this paragraph to the contrary, an aircraft purchased in this state under the provisions of this paragraph may be returned to this state for repairs within 6 months after the date of its departure without being in violation of the law and without incurring liability for the payment of tax or penalty on the purchase price of the aircraft if the aircraft is removed from this state within 20 days after the completion of the repairs and if such removal can be demonstrated by invoices for fuel, tie-down, hangar charges issued by out-of-state vendors or suppliers, or similar documentation.

(i)1. At the rate of 6 percent on charges for all:

a. Detective, burglar protection, and other protection services (*NAICS National* ~~SIC Industry~~ Numbers *561611, 561612, 561613,* ~~7381~~ and *561621* ~~7382~~). Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his or her local law enforcement agency in his or her capacity as a law enforcement officer, and who is subject to the direct and immediate command of his or her law enforcement agency, and in the law enforcement officer's uniform as authorized by his or her law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his or her approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as "extra duty," "off-duty," or "secondary employment," and irrespective of whether the officer is paid directly or through the officer's agency by an outside source. The term "law enforcement officer" includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b. Nonresidential cleaning and nonresidential pest control services (*NAICS National Numbers 561710 and 561720* ~~SIC Industry Group Number 734~~).

2. As used in this paragraph, "*NAICS* ~~SIC~~" means those classifications contained in the *North American Industry* ~~Standard Industrial~~ Classification *System* ~~Manual, 1987~~, as published *in 2007* by the Office of Management and Budget, Executive Office of the President.

3. Charges for detective, burglar protection, and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection, and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this paragraph and the sale or use of a service or any other item not taxable under this chapter, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser's name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption, and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

Section 3. Subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY *TRANSPORTATION* ~~TRANSIT~~ SYSTEM SURTAX.—

(a) Each charter county *that has* ~~which~~ adopted a charter ~~prior to January 1, 1984~~, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:

1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system;

2. Remitted by the governing body of the county to an expressway*, transit,* or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

3. Used by the charter county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and

4. Used by the charter county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the charter county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph.

Section 4. Paragraph (b) of subsection (2) and subsection (4) of section 316.1001, Florida Statutes, are amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(2)

(b) A citation issued under this subsection may be issued by mailing the citation ~~by first-class mail, or~~ by certified mail, ~~return receipt requested,~~ to the address of the registered owner of the motor vehicle involved in the violation*, and verifiable receipt*~~. Mailing the citation to this address~~ constitutes notification. In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of issuance of the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying remedies available under ss. 318.14(12) and 318.18(7).

(4) Any governmental entity*, including, without limitation, a clerk of court,* may supply the department with data that is machine readable by the department's computer system, listing persons who have one or more outstanding violations of this section*, with reference to the person's driver's license number or license plate number in the case of a business entity*. Pursuant to s. 320.03(8), *the department and its authorized agents may not issue* ~~those persons may not be issued~~ a license plate or revalidation sticker for any motor vehicle *owned by a person whose name appears on the department's list of persons having any outstanding violations of this section until the person's name no longer appears on the list or until the person presents a receipt from the governmental entity or clerk showing that all applicable amounts owed on outstanding violations have been paid*.

Section 5. Subsection (6) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(6) Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive speed limit is enforced clearly designated thereon. Flashing beacons activated by a time clock, or other automatic device, or manually activated may be used as an alternative to posting the times during which the restrictive school speed limit is enforced. Beginning July 1, 2008, for any newly established school zone or any school zone in which the signing has been replaced, a sign stating "Speeding Fines Doubled" shall be installed within *or in advance of* the school zone. The Department of Transportation shall establish adequate standards for the signs and flashing beacons.

Section 6. Subsection (3) of section 316.29545, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

316.29545 Window sunscreening exclusions; medical exemption; certain law enforcement vehicles *and private investigative service vehicles* exempt.—

(3) The department shall exempt from the window sunscreening restrictions of ss. 316.2953, 316.2954, and 316.2956 vehicles owned or leased by private investigative agencies licensed under chapter 493 and used in homeland security functions on behalf of federal, state, or local authorities; executive protection activities; undercover, covert, or surveillance operations involving child abductions, convicted sex offenders, insurance fraud, or missing persons or property; or investigative activities in which evidence is being obtained for civil or criminal court proceedings.

Section 7. Subsection (14) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(14) MANUFACTURED BUILDINGS.—The Department of Transportation may, in its discretion and upon application and good cause shown therefor that the same is not contrary to the public interest, issue a special permit for truck tractor-semitrailer combinations *if* ~~where~~ the total number of overwidth deliveries of manufactured buildings, as defined in s. 553.36(13), may be reduced by permitting the use of *multiple sections or single units on* an overlength trailer of no more than *80* ~~54~~ feet.

Section 8. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles~~, including all enforcement tolerances,~~ shall be as determined by the following formula:

$$W = 500((LN \div (N-1)) + 12N + 36)$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. *The scale tolerance provided in s. 316.545(2) shall be applicable to all weight limitations of this subsection, except when a vehicle exceeds the posted weight limit on a road or bridge. The scale tolerance provided in s. 316.545(2) shall not apply to cranes. Fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).*

Section 9. Subsections (2) and (3) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. ~~However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator.~~ Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits. *Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in ss. 316.535(3), 316.535(4), or 316.535(6) over and beyond 6000 pounds shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in s. 316.535(5) shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at risk of such owner or operator.*

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this state by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is 200 pounds or less than the maximum herein provided, the penalty shall be $10;

(b) Five cents per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds 200 pounds. However, whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 600 pounds of unlawful axle weight shall be $10;

(c) For a vehicle equipped with fully functional idle-reduction technology, any penalty shall be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by 400 pounds, whichever is less. The vehicle operator must present written certification of the weight of the idle-reduction technology and must demonstrate or certify that the idle-reduction technology is fully functional at all times. This calculation is not allowed for vehicles described in s. 316.535(6);

(d) ~~(c)~~ An apportioned motor vehicle, as defined in s. 320.01, operating on the highways of this state without being properly licensed and registered shall be subject to the penalties as herein provided; and

(e) ~~(d)~~ Vehicles operating on the highways of this state from nonmember International Registration Plan jurisdictions which are not in compliance with the provisions of s. 316.605 shall be subject to the penalties as herein provided.

Section 10. Subsection (1) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors and s. 320.086(5) which exempts display of license plates on described former military vehicles, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle not higher than 60 inches and not lower than 12 inches from the ground and no more than 24 inches to the left or right of the centerline of the vehicle, and in such manner as to prevent the plates from swinging, and all letters, numerals, printing, writing, and other identification marks upon the plates regarding the word "Florida," the registration decal, and the alphanumeric designation shall be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. *Except for motorcycle license plates,* vehicle license plates shall be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground. No vehicle license plate may be displayed in an inverted or reversed position or in such a manner that the letters and numbers and their proper sequence are not readily identifiable. Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 11. Subsection (7) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(7) Mandatory $100 fine for each violation of s. 316.1001 plus the amount of the unpaid toll shown on the traffic citation for each citation issued. The clerk of the court shall forward $25 of the $100 fine received, plus the amount of the unpaid toll that is shown on the citation, to the governmental entity that issued the citation, or on whose behalf the citation was issued. If a plea arrangement is reached prior to the date set for a scheduled evidentiary hearing and adjudication is withheld, there shall be a mandatory fine assessed per citation of not less than $50 and not more than $100, plus the amount of the unpaid toll for each citation issued. The clerk of the court shall forward $25 of the fine imposed plus the amount of the unpaid toll that is shown on the citation to the governmental entity that issued the citation or on whose behalf the citation was issued. The court shall have specific authority to consolidate issued citations for the same defendant for the purpose of sentencing and aggregate jurisdiction. ~~In addition, the department shall suspend for 60 days the driver's license of a person who is convicted of 10 violations of s. 316.1001 within a 36 month period.~~ Any funds received by a governmental entity for this violation may be used for any lawful purpose related to the operation or maintenance of a toll facility.

Section 12. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license plate or revalida-

tion sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the *governmental entity that supplied the list or the* clerk *of court* showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 13. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed resulting in a crash—6 points.

4. Passing a stopped school bus—4 points.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741*, s. 316.1001,* or s. 316.2065(12).

8. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.

9. Any conviction under s. 403.413(6)(b)—3 points.

10. Any conviction under s. 316.0775(2)—4 points.

Section 14. Section 334.03, Florida Statutes, is amended to read:

334.03 Definitions.—When used in the Florida Transportation Code, the term:

~~(1) "Arterial road" means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.~~

(1) ~~(2)~~ "Bridge" means a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in chapter 316 or other moving loads.

(2) ~~(3)~~ "City street system" means all local roads within a municipality *which were under the jurisdiction of that municipality on June 10, 1995, roads constructed by a municipality for that municipality's street system, and roads transferred to the municipality's jurisdiction after that date by mutual consent with another governmental entity, but does not include roads so transferred from the municipality's jurisdiction* ~~, and all collector roads inside that municipality, which are not in the county road system~~.

~~(4) "Collector road" means a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.~~

(3) ~~(5)~~ "Commissioners" means the governing body of a county.

(4) ~~(6)~~ "Consolidated metropolitan statistical area" means two or more metropolitan statistical areas that are socially and economically interrelated as defined by the United States Bureau of the Census.

(5) ~~(7)~~ "Controlled access facility" means a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.

(6) ~~(8)~~ "County road system" means all *roads within a county which were under the jurisdiction of that county on June 10, 1995, roads constructed by a county for that county's road system, and roads transferred to the county's jurisdiction after that date by mutual consent with another governmental entity, but does not include roads so transferred from the county's jurisdiction* ~~collector roads in the unincorporated areas of a county and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterial roads not in the State Highway System~~.

(7) ~~(9)~~ "Department" means the Department of Transportation.

(8) ~~(10)~~ "Florida Intrastate Highway System" means a system of limited access and controlled access facilities on the State Highway System which have the capacity to provide high-speed and high-volume traffic movements in an efficient and safe manner.

(9) ~~(11)~~ "Functional classification" means the assignment of roads into systems according to the character of service they provide in relation to the total road network *using procedures developed by the Federal Highway Administration*. ~~Basic functional categories include arterial roads, collector roads, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.~~

(10) ~~(12)~~ "Governmental entity" means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, or maintenance or jurisdiction over transportation facilities; the term includes the Federal Government, the state government, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

(11) ~~(13)~~ "Limited access facility" means a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other com-

mercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

(12) ~~(14)~~ "Local governmental entity" means a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

~~(15) "Local road" means a route providing service which is of relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.~~

(13) ~~(16)~~ "Metropolitan area" means a geographic region comprising as a minimum the existing urbanized area and the contiguous area projected to become urbanized within a 20-year forecast period. The boundaries of a metropolitan area may be designated so as to encompass a metropolitan statistical area or a consolidated metropolitan statistical area. If a metropolitan area, or any part thereof, is located within a nonattainment area, the boundaries of the metropolitan area must be designated so as to include the boundaries of the entire nonattainment area, unless otherwise provided by agreement between the applicable metropolitan planning organization and the Governor.

(14) ~~(17)~~ "Metropolitan statistical area" means an area that includes a municipality of 50,000 persons or more, or an urbanized area of at least 50,000 persons as defined by the United States Bureau of the Census, provided that the component county or counties have a total population of at least 100,000.

(15) ~~(18)~~ "Nonattainment area" means an area designated by the United States Environmental Protection Agency, pursuant to federal law, as exceeding national primary or secondary ambient air quality standards for the pollutants carbon monoxide or ozone.

(16) ~~(19)~~ "Periodic maintenance" means activities that are large in scope and require a major work effort to restore deteriorated components of the transportation system to a safe and serviceable condition, including, but not limited to, the repair of large bridge structures, major repairs to bridges and bridge systems, and the mineral sealing of lengthy sections of roadway.

(17) ~~(20)~~ "Person" means any person described in s. 1.01 or any unit of government in or outside the state.

(18) ~~(21)~~ "Right of access" means the right of ingress to a highway from abutting land and egress from a highway to abutting land.

(19) ~~(22)~~ "Right-of-way" means land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

(20) ~~(23)~~ "Road" means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

(21) ~~(24)~~ "Routine maintenance" means minor repairs and associated tasks necessary to maintain a safe and efficient transportation system. The term includes: pavement patching; shoulder repair; cleaning and repair of drainage ditches, traffic signs, and structures; mowing; bridge inspection and maintenance; pavement striping; litter cleanup; and other similar activities.

(22) ~~(25)~~ "State Highway System" means the ~~following, which shall be facilities to which access is regulated:~~

~~(a) The~~ interstate system *and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, roads constructed by an agency of the state for the State Highway System, and roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but does not include roads so transferred from the state's jurisdiction. These facilities shall be facilities to which access is regulated.* ~~;~~

~~(b) All rural arterial routes and their extensions into and through urban areas;~~

~~(c) All urban principal arterial routes; and~~

~~(d) The urban minor arterial mileage on the existing State Highway System as of July 1, 1987, plus additional mileage to comply with the 2-percent requirement as described below.~~

~~However, not less than 2 percent of the public road mileage of each urbanized area on record as of June 30, 1986, shall be included as minor arterials in the State Highway System. Urbanized areas not meeting the foregoing minimum requirement shall have transferred to the State Highway System additional minor arterials of the highest significance in which case the total minor arterials in the State Highway System from any urbanized area shall not exceed 2.5 percent of that area's total public urban road mileage.~~

(23) ~~(26)~~ "State Park Road System" means roads embraced within the boundaries of state parks and state roads leading to state parks, other than roads of the State Highway System, the county road systems, or the city street systems.

(24) ~~(27)~~ "State road" means a street, road, highway, or other way open to travel by the public generally and dedicated to the public use according to law or by prescription and designated by the department, as provided by law, as part of the State Highway System.

(25) ~~(28)~~ "Structure" means a bridge, viaduct, tunnel, causeway, approach, ferry slip, culvert, toll plaza, gate, or other similar facility used in connection with a transportation facility.

(26) ~~(29)~~ "Sufficiency rating" means the objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.

(27) ~~(30)~~ "Transportation corridor" means any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation, including areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain, but are not limited to, the following:

(a) Existing publicly owned rights-of-way;

(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights-of-way, including, but not limited to, any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights-of-way for relocation of rail and utility facilities.

(28) ~~(31)~~ "Transportation facility" means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

(29) ~~(32)~~ "Urban area" means a geographic region comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of 5,000 or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations.

~~(33) "Urban minor arterial road" means a route that generally interconnects with and augments an urban principal arterial road and provides service to trips of shorter length and a lower level of travel mobility. The term includes all arterials not classified as "principal" and contain facilities that place more emphasis on land access than the higher system.~~

(30) ~~(34)~~ "Urban place" means a geographic region composed of one or more contiguous census tracts that have been found by the United States Bureau of the Census to contain a population density of at least 1,000 persons per square mile.

~~(35) "Urban principal arterial road" means a route that generally serves the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total urban area travel on a minimum of mileage. Such roads are integrated, both internally and between major rural connections.~~

(31) ~~(36)~~ "Urbanized area" means a geographic region comprising as a minimum the area inside an urban place of 50,000 or more persons, as designated by the United States Bureau of the Census, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations. Urban areas with a population of fewer than 50,000 persons which are located within the expanded boundary of an urbanized area are not separately recognized.

(32) ~~(37)~~ "511" or "511 services" means three-digit telecommunications dialing to access interactive voice response telephone traveler information services provided in the state as defined by the Federal Communications Commission in FCC Order No. 00-256, July 31, 2000.

(33) ~~(38)~~ "Interactive voice response" means a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.

Section 15. Subsections (11), (13), and (26) of section 334.044, Florida Statutes, are amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(11) To establish a numbering system for public roads *and* ~~,~~ to functionally classify such roads~~, and to assign jurisdictional responsibility~~.

(13) To ~~designate existing and to~~ plan proposed transportation facilities as part of the State Highway System, and to construct, maintain, and operate such facilities.

(26) To provide for the *enhancement of environmental benefits, including air and water quality, to prevent roadside erosion, to conserve the* ~~conservation of~~ natural roadside growth and scenery and for the implementation and maintenance of roadside *conservation, enhancement, and stabilization* ~~beautification~~ programs, and no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to *the purchase of plant materials* ~~beautification programs. Except where prohibited by federal law or federal regulation and to~~ the *greatest* extent practical, a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials. All such plant materials shall be purchased from ~~Florida based commercial nursery nurseryman~~ stock on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

Section 16. Section 334.047, Florida Statutes, is amended to read:

334.047 Prohibition.—Notwithstanding any other provision of law to the contrary, the Department of Transportation may not establish a cap on the number of miles in the State Highway System ~~or a maximum number of miles of urban principal arterial roads, as defined in s. 334.03, within a district or county~~.

Section 17. Paragraph (a) of subsection (1) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than $500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

(a) Is in the public's best interest*, as evidenced by a business case prepared under s. 287.0574 and submitted to the Council on Efficient Government*;

Section 18. Section 336.445, Florida Statutes, is created to read:

336.445 Public-private partnerships with counties.—

(1) Notwithstanding any other provision of law or ordinance, a county may enter into agreements with private entities, or a consortia thereof, for the building, operation, ownership, or financing of toll facilities as part of the county road system under the following circumstances:

(a) The county has publically declared at a properly noticed commission meeting the need for a toll facility and a desire to contract with a private entity for the building, operation, ownership, or financing of a toll facility; and

(b) The county establishes after a public hearing that the proposal includes unique benefits and that adoption of the project is not contrary to the interest of the public.

(2) Before awarding the project to a private entity, the county must determine that the proposed project:

(a) Is not contrary to the public's interest;

(b) Would not require state funds to be used;

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the travelling public in the event of default or cancellation of the agreement by the county; and

(d) Would have adequate safeguards in place to ensure that the county or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.

(3) Any agreement between a county and a private entity, or consortia thereof, must address the following:

(a) Regulations governing the future increase of toll or fare revenues; and

(b) That the private entity shall provide an investment grade traffic and revenue study prepared by an internationally recognized traffic and revenue expert that is accepted by the national bond rating agencies. The private entity shall also provide a finance plan than identifies the project cost, revenues by source, financing, major assumptions, internal rate of return on private investment, whether any government funds are assumed to deliver a cost-feasible project, and a total cash flow analysis beginning with the implementation of the project and extending for the term of the agreement.

Section 19. Subsection (2) of section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction aggregate materials.—

(2) LEGISLATIVE INTENT.—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state's construction industry,

transportation system, and overall health, safety, and welfare. *In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.*

Section 20. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)*(a)* The department and local governmental entities, referred to in ss. 337.401-337.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section as the "utility." ~~For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, where there is no other practicable alternative available for placement of the electric utility transmission lines on the department's rights of way, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right of way of any department controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the right of way is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right of way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate from the facility at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.~~ The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(b) For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the limited access right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.

Section 21. Subsection (3) and paragraphs (b) and (c) of subsection (4) of section 339.2816, Florida Statutes, are amended to read:

339.2816 Small County Road Assistance Program.—

(3) Beginning with fiscal year 1999-2000 until fiscal year 2009-2010*, and beginning again with fiscal year 2012-2013,* up to $25 million annually from the State Transportation Trust Fund may be used for the purposes of funding the Small County Road Assistance Program as described in this section.

(4)

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition, including the amount of local option fuel tax ~~and ad valorem millage rate~~ imposed by the county. The department may also consider the extent to which the county has offered to provide a match of local funds with state funds provided under the program. At a minimum, small counties shall be eligible only if~~:~~

~~1.~~ the county has enacted the maximum rate of the local option fuel tax authorized by s. 336.025(1)(a). ~~, and has imposed an ad valorem millage rate of at least 8 mills; or~~

~~2. The county has imposed an ad valorem millage rate of 10 mills.~~

(c) The following criteria shall be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Whether a road is located in a fiscally constrained county as defined in s. 218.67(1).

f. ~~e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 22. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in *repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage im-*

provements, resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.

(4)(a) Small counties shall be eligible to compete for funds that have been designated for the Small County Outreach Program for projects on county roads. The department shall fund 75 percent of the cost of projects on county roads funded under the program.

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition *which may be evidenced through an established pavement management plan*.

(c) The following criteria shall be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Information as evidenced to the department through an established pavement management plan.

f. ~~e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 23. Subsections (1), (2), and (5) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.—

(1) The department shall develop, in cooperation with metropolitan planning organizations, regional planning councils, local governments, ~~the Statewide Intermodal Transportation Advisory Council~~ and other transportation providers, a Strategic Intermodal System Plan. The plan shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155 and shall be updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan.

(2) In association with the continued development of the Strategic Intermodal System Plan, the Florida Transportation Commission, as part of its work program review process, shall conduct an annual assessment of the progress that the department and its transportation partners have made in realizing the goals of economic development, improved mobility, and increased intermodal connectivity of the Strategic Intermodal System. The Florida Transportation Commission shall coordinate with the department~~, the Statewide Intermodal Transportation Advisory Council,~~ and other appropriate entities when developing this assessment. The Florida Transportation Commission shall deliver a report to the Governor and Legislature no later than 14 days after the regular session begins, with recommendations as necessary to fully implement the Strategic Intermodal System.

~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—~~

~~(a) The Statewide Intermodal Transportation Advisory Council is created to advise and make recommendations to the Legislature and the department on policies, planning, and funding of intermodal transportation projects. The council's responsibilities shall include:~~

~~1. Advising the department on the policies, planning, and implementation of strategies related to intermodal transportation.~~

~~2. Providing advice and recommendations to the Legislature on funding for projects to move goods and people in the most efficient and effective manner for the State of Florida.~~

~~(b) MEMBERSHIP. Members of the Statewide Intermodal Transportation Advisory Council shall consist of the following:~~

~~1. Six intermodal industry representatives selected by the Governor as follows:~~

~~a. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.~~

~~b. One individual representing a fixed-route, local-government transit system.~~

~~c. One representative from an intercity bus company providing regularly scheduled bus travel as determined by federal regulations.~~

~~d. One representative from a spaceport.~~

~~e. One representative from intermodal trucking companies.~~

~~f. One representative having command responsibilities of a major military installation.~~

~~2. Three intermodal industry representatives selected by the President of the Senate as follows:~~

~~a. One representative from major line railroads.~~

~~b. One representative from seaports listed in s. 311.09(1) from the Atlantic Coast.~~

~~c. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.~~

~~3. Three intermodal industry representatives selected by the Speaker of the House of Representatives as follows:~~

~~a. One representative from short line railroads.~~

~~b. One representative from seaports listed in s. 311.09(1) from the Gulf Coast.~~

~~c. One representative from intermodal trucking companies. In no event may this representative be employed by the same company that employs the intermodal trucking company representative selected by the Governor.~~

~~(c) Initial appointments to the council must be made no later than 30 days after the effective date of this section.~~

~~1. The initial appointments made by the President of the Senate and the Speaker of the House of Representatives shall serve terms concurrent with those of the respective appointing officer. Beginning January 15, 2005, and for all subsequent appointments, council members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve 2-year terms, concurrent with the term of the respective appointing officer.~~

~~2. The initial appointees, and all subsequent appointees, made by the Governor shall serve 2-year terms.~~

~~3. Vacancies on the council shall be filled in the same manner as the initial appointments.~~

~~(d) Each member of the council shall be allowed one vote. The council shall select a chair from among its membership. Meetings shall be held at the call of the chair, but not less frequently than quarterly. The members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

~~(e) The department shall provide administrative staff support and shall ensure that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257.~~

Section 24. Subsection (2) of section 341.071, Florida Statutes, is amended to read:

341.071 Transit productivity and performance measures; reports.—

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall, by January 31 of each year, report to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. The report shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery ratio. *The report shall also specifically address the use and effectiveness of high-performance transit systems authorized in s. 163.3180 and included in a county's or the Department of Transportation's long-range plan.*

Section 25. Paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, is amended to read:

348.0003 ~~Expressway~~ Authority; formation *and* ~~;~~ membership.—

(4)

(c) Members of *each expressway* ~~an~~ authority*, transportation authority, bridge authority, or toll authority, created pursuant to this chapter, chapter 343, or chapter 349, or pursuant to any other legislative enactment,* shall be required to comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. *This paragraph does not subject a statutorily created expressway authority, transportation authority, bridge authority, or toll authority, other than one created under this part, to any of the requirements of this part other than those contained in this paragraph.*

Section 26. Subsections (3) and (7) of section 348.51, Florida Statutes, are amended to read:

348.51 Definitions.—The following terms whenever used or referred to in this part shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(3) "Bonds" means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, *which* ~~of~~ the authority *is authorized to issue* ~~issued~~ pursuant to this part.

(7) "Expressway system" or "system" means, generally, a modern highway system of roads, *managed lanes, and other transit supporting facilities,* bridges, causeways, and tunnels in the metropolitan area of the city, or within any area of the county, *including the Tampa Bay Region as defined by those counties set forth in s. 343.91(1)(a),* with access limited or unlimited as the authority may determine, and such buildings and structures and appurtenances and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system.

Section 27. Section 348.53, Florida Statutes, is amended to read:

348.53 Purposes of the authority.—The authority is created for the purposes and shall have power to construct, reconstruct, improve, extend, repair, maintain and operate the expressway system. It is hereby found and declared that such purposes are in all respects for the benefit of the people of the State of Florida, City of Tampa*,* ~~and the~~ County of Hillsborough, *and Tampa Bay Region,* for the increase of their pleasure, convenience and welfare, for the improvement of their health, to facilitate transportation*, including transit support facilities,* for their recreation and commerce and for the common defense. The authority shall be performing a public purpose and a governmental function in carrying out its corporate purpose and in exercising the powers granted herein.

Section 28. Subsections (7) and (8) of section 348.54, Florida Statutes, are amended to read:

348.54 Powers of the authority.—Except as otherwise limited herein, the authority shall have the power:

(7) To borrow money *and to make* and issue negotiable bonds, *notes, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter referred to as "bonds of the authority," for the purpose of financing all or part of the improvement or extension of the expressway system, and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for the expressway system and for any other purpose authorized by this part* and to provide for the rights of the holders thereof.

(8) To secure the payment of bonds by a pledge of all or any portion of the revenues or such other moneys legally available therefor and of all or any portion of the Hillsborough County gasoline tax funds in the manner provided by this part; and in general to provide for the security of the bonds and the rights and remedies of the holders thereof. Interest upon the amount of gasoline tax funds to be repaid to the county pursuant to s. 348.60 shall be payable, at the highest rate applicable to any outstanding bonds of the authority, out of revenues and other available moneys not required to meet the authority's obligations to its bondholders. *The authority shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency, including the city and the county, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency, nor shall the state or any political subdivision or agency, except the authority, be liable for the payment of the principal of or interest on such obligations.*

Section 29. Section 348.545, Florida Statutes, is amended to read:

348.545 Facility improvement; bond financing authority.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Tampa-Hillsborough County Expressway Authority improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such *costs* ~~financing~~ may be *financed* in whole or in part by revenue bonds *issued pursuant to s. 348.56(1)(a) or (b) whether* currently issued or issued in the future, or by a combination of such bonds.

Section 30. Subsections (1) and (2) of section 348.56, Florida Statutes, are amended to read:

348.56 Bonds of the authority.—

(1)*(a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.*

(b) Alternatively, the authority shall have the power and is hereby authorized from time to time to issue bonds in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient moneys for achieving its corporate purposes, including construction, reconstruction, improvement, extension, repair, maintenance and operation of the expressway system, the cost of acquisition of all real property, interest on bonds during construction and for a reasonable period thereafter, establishment of reserves to secure bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2)(a) Bonds *issued by the authority pursuant to paragraph (1)(a) or paragraph (1)(b)* shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, not exceeding the maximum rate fixed by general law for authorities, be in such denominations, be in such form, either coupon or fully registered, carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities of lien on the revenues, other available moneys, and the Hillsborough County gasoline tax funds as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon. The coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority. Such bonds shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon.

(b) The bonds *issued pursuant to paragraph (1)(a) or paragraph (1)(b)* shall be sold at public sale *in the same manner provided in the State Bond Act* ~~, and the net interest cost to the authority on such bonds shall not exceed the maximum rate fixed by general law for authorities. If all bids received on the public sale are rejected, the authority may then proceed to negotiate for the sale of the bonds at a net interest cost which shall be less than the lowest net interest cost stated in the bids rejected~~

~~at the public sale~~. *However, if the authority determines, by official action at a public meeting, that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to paragraph (1)(a) or solely by the authority with respect to bonds issued pursuant to paragraph (1)(b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser.* Pending the preparation of definitive bonds, temporary bonds or interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

Section 31. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by ~~the issuance of~~ revenue bonds *issued* by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution *and the State Bond Act, or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b)*. In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds *in accordance with this part and* ~~pursuant to~~ s. 11(f), Art. VII of the State Constitution:

(1) Brandon area feeder roads.

(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.

(3) Lee Roy Selmon Crosstown Expressway System widening.

(4) The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.

(5) Managed lanes and other transit support facilities.

Section 32. Subsection (1) of section 348.57, Florida Statutes, is amended to read:

348.57 Refunding bonds.—

(1) Subject to public notice as provided in s. 348.54, the authority is authorized to provide by resolution for the issuance from time to time of bonds *pursuant to s. 348.56(1)(b)* for the purpose of refunding any bonds then outstanding *regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act*. The authority is further authorized to provide by resolution for the issuance of bonds for the combined purpose of:

(a) Paying the cost of constructing, reconstructing, improving, extending, repairing, maintaining and operating the expressway system.

(b) Refunding bonds then outstanding. The authorization, sale and issuance of such obligations, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the authority with respect to the same shall be governed by the foregoing provisions of this part insofar as the same may be applicable.

Section 33. Section 348.70, Florida Statutes, is amended to read:

348.70 This part complete and additional authority.—

(1) The powers conferred by this part shall be in addition and supplemental to the existing respective powers of the authority, the department, the county, and the city, if any, and this part shall not be construed as repealing any of the provisions of any other law, general, special, or local, but shall be deemed to supersede such other law or laws in the exercise of the powers provided in this part insofar as such other law or laws are inconsistent with the provisions of this part and to provide a complete method for the exercise of the powers granted herein. The construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, *including, but not limited to, s. 215.821,* and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in the county or in the city or in any other political subdivision of the state shall be required for the issuance of such bonds.

(2) This part does not repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but shall supersede such other law or laws as are inconsistent with the provisions of this part, including, but not limited to, s. 215.821.

Section 34. Subsection (6) of section 369.317, Florida Statutes, is amended to read:

369.317 Wekiva Parkway.—

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. *If any of the lands identified in this subsection are used as environmental mitigation for road-construction-related impacts incurred by the Department of Transportation or the Orlando-Orange County Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva Parkway alignment corridor and, if the mitigation offsets such impacts, the St. Johns River Water Management District and the Department of Environmental Protection shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).*

(a) Acquisition of the land described in this section is required to provide right of way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth, and satisfy critical transportation requirements caused by increased traffic volume growth and travel demands.

(b) Acquisition of the lands described in this section is also required to protect the surface water and groundwater resources of Lake, Orange, and Seminole counties, otherwise known as the Wekiva Study Area, including recharge within the springshed that provides for the Wekiva River system. Protection of this area is crucial to the long term viability of the Wekiva River and springs and the central Florida region's water supply. Acquisition of the lands described in this section is also necessary to alleviate pressure from growth and development affecting the surface and groundwater resources within the recharge area.

(c) Lands acquired pursuant to this section that are needed for transportation facilities for the Wekiva Parkway shall be determined not

necessary for conservation purposes pursuant to ss. 253.034(6) and 373.089(5) and shall be transferred to or retained by the Orlando-Orange County Expressway Authority or the Department of Transportation upon reimbursement of the full purchase price and acquisition costs.

Section 35. Paragraph (a) of subsection (7) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(7) PREAPPLICATION PROCEDURES.—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. *The level-of-service standards required in the transportation methodology must be the same level-of-service standards used to evaluate concurrency in accordance with s. 163.3180.* The regional planning agency shall provide ~~the developer~~ information *to the developer* about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If *an* agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate.

Section 36. *Sections 479.01, 479.015, 479.02, 479.03, 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106, 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155, 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes, are designated as part I of chapter 479, Florida Statutes.*

Section 37. *Sections 479.261, 479.262, 479.27, 479.28, and 479.30, Florida Statutes, are designated as part II of chapter 479, Florida Statutes.*

Section 38. Part III of chapter 479, Florida Statutes, consisting of sections 479.310, 479.311, 479.312, 479.313, and 479.314, is created to read:

PART III

SIGN REMOVAL

479.310 Legislative intent.—It is the intent of this part to relieve the department from the financial burden incurred in the removal of unpermitted and illegal signs located within the controlled areas adjacent to the State Highway System, interstate, or federal-aid primary system; to place the financial responsibility for the cost of such removal directly upon those benefiting from the location and operation of such unpermitted and illegal signs; and to provide clear authority to the department for the recovery of cost incurred by the department in the removal of such unpermitted and illegal signs.

479.311 Jurisdiction; venue.—The county court shall have jurisdiction concurrent with the circuit court to consider claims filed by the department in amounts that are within their jurisdictional limitations. Venue shall be the Leon County for the purpose of a claim filed by the department to recover its costs as provided in this section.

479.312 Unpermitted signs; cost of removal.—All costs incurred by the department in connection with the removal of a sign located within a controlled area adjacent to the interstate highway system, the federal-aid primary highway system, or the State Highway System shall be assessed against and collected from the following persons if they have not been issued a permit under part I of this chapter:

(1) The owner of the sign;

(2) The advertiser displayed on the sign; or

(3) The owner of the property upon which the sign is located.

For the purpose of this subsection, a sign that does not display the name of the owner of the sign shall be presumed to be owned by the owner of the property upon which the sign is located.

479.313 Permit revocation; cost of removal.—All costs incurred by the department in connection with the removal of a sign located within a controlled area adjacent to the interstate highway system, the federal-aid primary highway system, or the State Highway System following the revocation of the permit for such sign shall be assessed against and collected from the permittee.

479.314 Highway rights-of-way; cost of sign removal.—All costs incurred by the department in connection with the removal of a sign located within a right-of-way of the interstate highway system, the federal-aid primary highway system, or the State Highway System shall be assessed against and collected from the owner of the sign or the advertiser displayed on the sign.

Section 39. Section 705.18, Florida Statutes, is amended to read:

705.18 Disposal of personal property lost or abandoned on university or community college campuses ~~or certain public-use airports~~; disposition of proceeds from sale thereof.—

(1) Whenever any lost or abandoned personal property shall be found on a campus of an institution in the State University System or a campus of a state-supported community college~~, or on premises owned or controlled by the operator of a public-use airport having regularly scheduled international passenger service~~, the president of the institution or the president's designee ~~or the director of the airport or the director's designee~~ shall take charge thereof and make a record of the date such property was found. If, within 30 days after such property is found, or a longer period of time as may be deemed appropriate by the president ~~or the director~~ under the circumstances, *the property* ~~it~~ is not claimed by the owner, the president ~~or director~~ shall order it sold at public outcry after giving notice of the time and place of sale in a publication of general circulation on the campus of such institution ~~or within the county where the airport is located~~ and written notice to the owner if known. The rightful owner of such property may reclaim *the* same at any time prior to sale.

(2) All moneys realized from such institution's sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes. ~~All moneys realized from such sale by an airport, less its costs of storage, transportation, and publication of notice, shall, unless another use is required by federal law, be deposited into the state school fund.~~

Section 40. Section 705.182, Florida Statutes, is created to read:

705.182 Disposal of personal property found on the premises of public-use airports.—

(1) Whenever any personal property, other than an aircraft or motor vehicle, is found on premises owned or controlled by the operator of a public-use airport, the director of the airport or the director's designee shall take charge thereof and make a record of the date such property was found.

(2) If, within 30 calendar days after such property is found or for a longer period of time as may be deemed appropriate by the director or the director's designee under the circumstances, the property is not claimed by the owner, the director or the director's designee may:

(a) Retain any or all of the property for use by the airport or for use by the state or the unit of local government owning or operating the airport;

(b) Trade such property to another unit of local government or a state agency;

(c) Donate the property to a charitable organization;

(d) Sell the property; or

(e) Dispose of the property through an appropriate refuse removal company or a company that provides salvage services for the type of personal property found or located on the airport premises.

(3) The airport shall notify the owner, if known, of the property found on the airport premises and that the airport intends to dispose of the property as provided in subsection (2).

(4) If the airport elects to sell the property under paragraph (2)(d), the property must be sold at a public auction either on the Internet or at a specified physical location after giving notice of the time and place of sale, at least 10 calendar days prior to the date of sale, in a publication of general circulation within the county where the airport is located and after written notice, via certified mail, return receipt requested, is provided to the owner, if known. Any such notice shall be sufficient if the notice refers to the airport's intention to sell all then-accumulated found property, and there is no requirement that the notice identify each item to be sold. The rightful owner of such property may reclaim the property at any time prior to sale by presenting acceptable evidence of ownership to the airport director or the director's designee. All proceeds from the sale of the property shall be retained by the airport for use by the airport in any lawfully authorized manner.

(5) Nothing in this section shall preclude the airport from allowing a domestic or international air carrier or other tenant, on premises owned or controlled by the operator of a public-use airport, to establish its own lost and found procedures for personal property and to dispose of such personal property.

(6) A purchaser or recipient in good faith of personal property sold or obtained under this section shall take the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

Section 41. Section 705.183, Florida Statutes, is created to read:

705.183 Disposal of derelict or abandoned aircraft on the premises of public-use airports.—

(1)(a) Whenever any derelict or abandoned aircraft is found or located on premises owned or controlled by the operator of a public-use airport, whether or not such premises are under a lease or license to a third party, the director of the airport or the director's designee shall make a record of the date the aircraft was found or determined to be present on the airport premises.

(b) For purposes of this section, the term:

1. "Abandoned aircraft" means an aircraft that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.

2. "Derelict aircraft" means any aircraft that is not in a flyable condition, does not have a current certificate of air worthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired.

(2) The director or the director's designee shall contact the Federal Aviation Administration, Aircraft Registration Branch, to determine the name and address of the last registered owner of the aircraft and shall make a diligent personal search of the appropriate records, or contact an aircraft title search company, to determine the name and address of any person having an equitable or legal interest in the aircraft. Within 10 business days after receipt of the information, the director or the director's designee shall notify the owner and all persons having an equitable or legal interest in the aircraft by certified mail, return receipt requested, of the location of the derelict or abandoned aircraft on the airport premises, that fees and charges for the use of the airport by the aircraft have accrued and the amount thereof, that the aircraft is subject to a lien under subsection (5) for the accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, that the lien is subject to enforcement pursuant to law, and that the airport may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days after the date of receipt of such notice, the aircraft has not been removed from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft. Such notice may require removal of the aircraft in less than 30 calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the director or the director's designee.

(3) If the owner of the aircraft is unknown or cannot be found, the director or the director's designee shall cause a laminated notice to be placed upon such aircraft in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and has accrued fees and charges for the use of the (same description of location as above) and for the transportation, storage, and removal of the property. These accrued fees and charges must be paid in full and the property must be removed within 30 calendar days after the date of this notice; otherwise, the property will be removed and disposed of pursuant to chapter 705, Florida Statutes. The property is subject to a lien for all accrued fees and charges for the use of the public property known as (same description of location as above) by such property and for all fees and charges incurred by the public property known as (same description of location as above) for the transportation, storage, and removal of the property. This lien is subject to enforcement pursuant to law. The owner will be liable for such fees and charges, as well as the cost for publication of this notice. Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of law enforcement officer).

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the weather. If, at the end of 30 calendar days after posting the notice, the owner or any person interested in the described derelict or abandoned aircraft has not removed the aircraft from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for failure to do so, the director or the director's designee may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e).

(4) Such aircraft shall be removed within the time period specified in the notice provided under subsection (2) or subsection (3). If, at the end of such period of time, the owner or any person interested in the described derelict or abandoned aircraft has not removed the aircraft from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so, the director or the director's designee may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e).

(a) If the airport elects to sell the aircraft in accordance with s. 705.182(2)(d), the aircraft must be sold at public auction after giving notice of the time and place of sale, at least 10 calendar days prior to the date of sale, in a publication of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft.

(b) If the airport elects to dispose of the aircraft in accordance with s. 705.182(2)(e), the airport shall be entitled to negotiate with the company for a price to be received from such company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to such company by the airport for the costs of disposing of the aircraft. All information pertaining to the establishment of such price and the justification for the amount of such price shall be prepared and maintained by the airport, and such negotiated price shall be deemed to be a commercially reasonable price.

(c) If the sale price or the negotiated price is less than the airport's then current charges and costs against the aircraft, or if the airport is required to pay the salvage company for its services, the owner of the aircraft shall remain liable to the airport for the airport's costs that are not offset by the sale price or negotiated price, in addition to the owner's liability for payment to the airport of the price the airport was required to pay any salvage company. All costs incurred by the airport in the removal, storage, and sale of any aircraft shall be recoverable against the owner thereof.

(5) The airport shall have a lien on a derelict or abandoned aircraft for all fees and charges for the use of the airport by such aircraft and for all fees and charges incurred by the airport for the transportation, storage, and removal of the aircraft. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the last registered owner and all persons having an equitable or legal interest in the aircraft. Serving the notice does not dispense with recording the claim of lien.

(6)(a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which shall state:

1. The name and address of the airport.

2. The name of the last registered owner of the aircraft and all persons having a legal or equitable interest in the aircraft.

3. The fees and charges incurred by the aircraft for the use of the airport and the fees and charges for the transportation, storage, and removal of the aircraft.

4. A description of the aircraft sufficient for identification.

(b) The claim of lien shall be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared _____, who was duly sworn and says that he/she is the _____of _____, whose address is_____; and that the following described aircraft:

(Description of aircraft)

owned by _____, whose address is _____, has accrued $_____in fees and charges for the use by the aircraft of _____ and for the transportation, storage, and removal of the aircraft from _____; that the lienor served its notice to the last registered owner and all persons having a legal or equitable interest in the aircraft on ____, (year), by_____.

(Signature)

Sworn to (or affirmed) and subscribed before me this _____day of___, (year), by (name of person making statement).

(Signature of Notary Public)(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known___OR Produced_____as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the last registered owner does not constitute a default that operates to defeat an otherwise valid lien.

(d) The claim of lien shall be served on the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft. The claim of lien shall be so served before recordation.

(e) The claim of lien shall be recorded with the clerk of court in the county where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of recordation and shall take priority as of that time.

(7) A purchaser or recipient in good faith of an aircraft sold or obtained under this section takes the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded. The purchaser or recipient is required to notify the appropriate Federal Aviation Administration office of such change in the registered owner of the aircraft.

(8) If the aircraft is sold at public sale, the airport shall deduct from the proceeds of sale the costs of transportation, storage, publication of notice, and all other costs reasonably incurred by the airport, and any balance of the proceeds shall be deposited into an interest-bearing account not later than 30 calendar days after the airport's receipt of the proceeds and held there for 1 year. The rightful owner of the aircraft may claim the balance of the proceeds within 1 year after the date of the deposit by making application to the airport and presenting acceptable written evidence of ownership to the airport's director or the director's designee. If no rightful owner claims the proceeds within the 1-year time period, the balance of the proceeds shall be retained by the airport to be used in any manner authorized by law.

(9) Any person acquiring a legal interest in an aircraft that is sold by an airport under this section or s. 705.182 shall be the lawful owner of such aircraft and all other legal or equitable interests in such aircraft shall be divested and of no further force and effect, provided that the holder of any such legal or equitable interests was notified of the intended disposal of the aircraft to the extent required in this section. The airport may issue documents of disposition to the purchaser or recipient of an aircraft disposed of under this section.

Section 42. Section 705.184, Florida Statutes, is created to read:

705.184 Derelict or abandoned motor vehicles on the premises of public-use airports.—

(1)(a) Whenever any derelict or abandoned motor vehicle is found on premises owned or controlled by the operator of a public-use airport, including airport premises leased to a third party, the director of the airport or the director's designee may take charge thereof and make a record of the date such motor vehicle was found.

(b) For purposes of this section, the term:

1. "Abandoned motor vehicle" means a motor vehicle that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or a motor vehicle that has remained in an idle state on the premises of a public-use airport for 45 consecutive calendar days.

2. "Derelict motor vehicle" means any motor vehicle that is not in a drivable condition.

(c) After the information relating to the abandoned or derelict motor vehicle is recorded in the airport's records, the director or the director's designee may cause the motor vehicle to be removed from airport premises by the airport's wrecker or by a licensed independent wrecker company to be stored at a suitable location on or off the airport premises. If the motor vehicle is to be removed from airport premises by the airport's wrecker, the airport must follow the procedures in subsections (2)-(8). The procedures in subsections (2)-(8) do not apply if the motor vehicle is removed from the airport premises by a licensed independent wrecker company.

(2) The airport director or the director's designee shall contact the Department of Highway Safety and Motor Vehicles to notify that department that the airport has possession of the abandoned or derelict motor vehicle and to determine the name and address of the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and any person who has filed a lien on the motor vehicle. Within 7 business days after receipt of the information, the director or the director's designee shall send notice by certified mail, return receipt requested, to the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. The notice shall state the fact of possession of the motor vehicle, that charges for reasonable towing, storage, and parking fees, if any, have accrued and the amount thereof, that a lien as provided in subsection (6) will be claimed, that the lien is subject to enforcement pursuant to law, that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, may be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(3) If attempts to notify the owner or lienholder pursuant to subsection (2) are not successful, the requirement of notice by mail shall be considered met and the director or the director's designee, in accordance with subsection (5), may cause the motor vehicle to be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor

vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(4)(a) The owner of, or any person with a lien on, a motor vehicle removed pursuant to subsection (1), may, within 10 calendar days after the time he or she has knowledge of the location of the motor vehicle, file a complaint in the county court of the county in which the motor vehicle is stored to determine if his or her property was wrongfully taken or withheld.

(b) Upon filing a complaint, an owner or lienholder may have his or her motor vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the fees for towing, storage, and accrued parking, if any, to ensure the payment of such fees in the event he or she does not prevail. Upon the posting of the bond or other adequate security and the payment of any applicable fee, the clerk of the court shall issue a certificate notifying the airport of the posting of the bond or other adequate security and directing the airport to release the motor vehicle. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the airport reciting any claims he or she has for loss or damage to the motor vehicle or the contents thereof.

(5) If, after 30 calendar days after receipt of the notice, the owner or any person claiming a lien has not removed the motor vehicle from its storage location upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, or shown reasonable cause for the failure to do so, the airport director or the director's designee may dispose of the motor vehicle as provided in s. 705.182(2)(a), (b), (d), or (e). If the airport elects to sell the motor vehicle pursuant to s. 705.182(2)(d), the motor vehicle may be sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less. The sale shall be a public auction either on the Internet or at a specified physical location. If the date of the sale was not included in the notice required in subsection (2), notice of the sale, sent by certified mail, return receipt requested, shall be given to the owner of the motor vehicle and to all persons claiming a lien on the motor vehicle. Such notice shall be mailed not less than 10 calendar days before the date of the sale. In addition to the notice by mail, public notice of the time and place of the sale at auction shall be made by publishing a notice thereof one time, at least 10 calendar days prior to the date of sale, in a newspaper of general circulation in the county in which the sale is to be held. All costs incurred by the airport for the towing, storage, and sale of the motor vehicle, as well as all accrued parking fees, if any, shall be recovered by the airport from the proceeds of the sale, and any proceeds of the sale in excess of such costs shall be retained by the airport for use by the airport in any manner authorized by law.

(6) The airport pursuant to this section or, if used, a licensed independent wrecker company pursuant to s. 713.78 shall have a lien on an abandoned or derelict motor vehicle for all reasonable towing, storage, and accrued parking fees, if any, except that no storage fee shall be charged if the motor vehicle is stored less than 6 hours. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, or lienholders are not successful, the requirement of notice by mail shall be considered met. Serving of the notice does not dispense with recording the claim of lien.

(7)(a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which shall state:

1. The name and address of the airport.

2. The name of the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle.

3. The costs incurred from reasonable towing, storage, and parking fees, if any.

4. A description of the motor vehicle sufficient for identification.

(b) The claim of lien shall be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared _____, who was duly sworn and says that he/she is the _____of _____, whose address is_____; and that the following described motor vehicle:

(Description of motor vehicle)

owned by _____, whose address is _____, has accrued $_____in fees for a reasonable tow, for storage, and for parking, if applicable; that the lienor served its notice to the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, Florida Statutes, and all persons of record claiming a lien against the motor vehicle on ____, (year), by_____.

(Signature)

Sworn to (or affirmed) and subscribed before me this _____day of___, (year), by (name of person making statement).

(Signature of Notary Public)(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known___OR Produced_____as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the owner does not constitute a default that operates to defeat an otherwise valid lien.

(d) The claim of lien shall be served on the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, or lienholders are not successful, the requirement of notice by mail shall be considered met. The claim of lien shall be so served before recordation.

(e) The claim of lien shall be recorded with the clerk of court in the county where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of recordation and shall take priority as of that time.

(8) A purchaser or recipient in good faith of a motor vehicle sold or obtained under this section takes the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

Section 43. Subsection (3) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03*(28)* ~~(31)~~ which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases

specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than $10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

Section 44. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03*(28)* ~~(31)~~ which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

Section 45. Subsection (7) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(7) The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03*(28)* ~~(31)~~ which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The Department of Transportation shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent.

Section 46. Section 316.2122, Florida Statutes, is amended to read:

316.2122 Operation of a low-speed vehicle on certain roadways.—The operation of a low-speed vehicle, as defined in s. 320.01(42), on any road *under the jurisdiction of a county or municipality or on an urban minor arterial road under the jurisdiction of the Department of Transportation* ~~as defined in s. 334.03(15) or (33),~~ is authorized with the following restrictions:

(1) A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low-speed vehicle must be registered and insured in accordance with s. 320.02.

(4) Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.

(5) A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Section 47. Paragraph (c) of subsection (5) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT; AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

(c) The width and height limitations of this section do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours upon a public road that is not a limited access facility as defined in s. 334.03*(11)* ~~(13)~~, and the width and height limitations may be exceeded by such equipment without a permit. To be eligible for this exemption, the equipment shall be operated within a radius of 50 miles of the real property owned, rented, or leased by the equipment owner. However, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width must have one warning lamp mounted on each side of the equipment to denote the width and must have a slow-moving vehicle sign. Warning lamps required by this paragraph must be visible from the front and rear of the vehicle and must be visible from a distance of at least 1,000 feet.

Section 48. Paragraph (b) of subsection (7) of section 332.14, Florida Statutes, is amended to read:

332.14 Secure Airports for Florida's Economy Council.—

(7) The SAFE council may utilize, as appropriate and with legislative spending authorization, any federal, state, and local government contributions as well as private donations to fund SAFE Master Plan projects.

(b) The council shall review and approve or disapprove each project eligible to be funded pursuant to this act. The council shall annually submit a list of projects which have been approved by the council to the Secretary of Transportation, the Secretary of Community Affairs, the executive director of the Department of Law Enforcement, and the director of the Office of Tourism, Trade, and Economic Development. The list shall specify the recommended funding level for each project, and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

1. The Department of Community Affairs shall review the list of projects approved by the council to determine consistency with approved local government comprehensive plans of the units of local government in which the airport is located and consistency with the airport master plan. The Department of Community Affairs shall identify and notify the council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and airport master plans.

2. The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03*(28)* ~~(31)~~ which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the airport to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The department shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent.

3. The Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the SAFE Master Plan. The Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to paragraph (a). The Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the SAFE Master Plan and shall notify the council of its findings.

4. The Department of Law Enforcement shall review the list of projects approved by the council for consistency with domestic security provisions of ss. 943.03101, 943.0311, and 943.0312. The Department of Law Enforcement shall identify those projects that it has determined are inconsistent with the state's strategic plan for domestic security and shall notify the council of its findings.

Section 49. Section 336.01, Florida Statutes, is amended to read:

336.01 Designation of county road system.—The county road system shall be as defined in s. 334.03*(6)* ~~(8)~~.

Section 50. Subsection (2) of section 338.222, Florida Statutes, is amended to read:

338.222 Department of Transportation sole governmental entity to acquire, construct, or operate turnpike projects; exception.—

(2) The department may contract with any local governmental entity as defined in s. 334.03*(12)* ~~(14)~~ for the design, right-of-way acquisition, or construction of any turnpike project which the Legislature has approved. Local governmental entities may negotiate with the department for the design, right-of-way acquisition, and construction of any section of the turnpike project within areas of their respective jurisdictions or within counties with which they have interlocal agreements.

Section 51. Paragraph (a) of subsection (2) of section 403.7211, Florida Statutes, is amended to read:

403.7211 Hazardous waste facilities managing hazardous wastes generated offsite; federal facilities managing hazardous waste.—

(2) The department shall not issue any permit under s. 403.722 for the construction, initial operation, or substantial modification of a facility for the disposal, storage, or treatment of hazardous waste generated offsite which is proposed to be located in any of the following locations:

(a) Any area where life-threatening concentrations of hazardous substances could accumulate at any residence or residential subdivision as the result of a catastrophic event at the proposed facility, unless each such residence or residential subdivision is served by at least one arterial road or urban minor arterial road *that* ~~, as defined in s. 334.03, which~~ provides safe and direct egress by land to an area where such life-threatening concentrations of hazardous substances could not accumulate in a catastrophic event. Egress by any road leading from any residence or residential subdivision to any point located within 1,000 yards of the proposed facility is unsafe for the purposes of this paragraph. In determining whether egress proposed by the applicant is safe and direct, the department shall also consider, at a minimum, the following factors:

1. Natural barriers such as water bodies, and whether any road in the proposed evacuation route is impaired by a natural barrier such as a water body;

2. Potential exposure during egress and potential increases in the duration of exposure;

3. Whether any road in a proposed evacuation route passes in close proximity to the facility; and

4. Whether any portion of the evacuation route is inherently directed toward the facility.

For the purposes of this subsection, all distances shall be measured from the outer limit of the active hazardous waste management area. "Substantial modification" includes: any physical change in, change in the operations of, or addition to a facility which could increase the potential offsite impact, or risk of impact, from a release at that facility; and any change in permit conditions which is reasonably expected to lead to greater potential impacts or risks of impacts, from a release at that facility. "Substantial modification" does not include a change in operations, structures, or permit conditions which does not substantially increase either the potential impact from, or the risk of, a release. Physical or operational changes to a facility related solely to the management of nonhazardous waste at the facility shall not be considered a substantial modification. The department shall, by rule, adopt criteria to determine whether a facility has been substantially modified. "Initial operation" means the initial commencement of operations at the facility.

Section 52. Subsection (24) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:

(24) "Urban area" has the same meaning as defined in s. 334.03*(29)*~~(32)~~.

Section 53. *Ronshay Dugans Act.—The first week of September is designated as "Drowsy Driving Prevention Week" in this state. During Drowsy Driving Prevention Week, the Department of Highway Safety and Motor Vehicles and the Department of Transportation are encouraged to educate the law enforcement community and the public about the relationship between fatigue and performance and the research showing fatigue to be as much of an impairment as alcohol and as dangerous behind the wheel. This section may be cited as the "Ronshay Dugans Act."*

Section 54. *(1) The Northwest Florida Regional Transportation Planning Organization, an interlocal agency under part I of chapter 163, Florida Statutes, is authorized to study the feasibility of advance-funding the costs of capacity projects in its member counties and making recommendations to the Legislature by February 1, 2010. The Department of Transportation may assist the organization in conducting the study.*

(2) Results of any study authorized by this section shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the department, any metropolitan planning organization

in any county served by the organization, and the counties served by the organization and shall discuss the financial feasibility of advance-funding the costs of capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties. The study must be based on the following assumptions:

(a) Any advanced projects must be consistent with the Northwest Florida Regional Transportation Planning Organization's 5-year plan and the department's work program.

(b) Any bonds shall have a maturity not to exceed 30 years.

(c) A maximum of 25 percent of the department's capacity funds allocated annually to the counties served by the Northwest Florida Regional Transportation Planning Organization may be used to pay debt service on the bonds.

(d) Bond proceeds may only be used for the following components of a construction project on a state road: planning, engineering, design, right-of-way acquisition, and construction.

(e) The cost of the projects must be balanced with the proceeds available from the bonds.

(f) The department shall have final approval of the projects financed through the sale of bonds.

(3) The study shall contain:

(a) An analysis of the financial feasibility of advancing capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties.

(b) A long-range, cost-feasible finance plan that identifies the project cost, revenues by source, financing, major assumptions, and a total cash flow analysis beginning with implementation of the project and extending through final completion of the project.

(c) A tentative list of capacity projects and the priority in which they would be advanced. These projects must be consistent with the criteria in s. 339.135(2)(b), Florida Statutes.

(d) A 5-year work program of the projects to be advanced. This program must be consistent with chapter 339, Florida Statutes.

(e) A report of any statutory changes, including a draft bill, needed to give the Northwest Florida Regional Transportation Planning Organization the ability to advance construction projects. The draft bill language shall address, at a minimum:

1. Developing a list of road projects to be advanced, consistent with the organization's 5-year plan.

2. Giving the department the authority to review projects to determine consistency with its current work program.

3. Giving the organization the authority to issue bonds with a maturity of not greater than 30 years.

4. Requiring proceeds of the bonds to be delivered to the department to pay the cost of completing the projects.

5. Requiring the road projects to be consistent with the organization's 5-year plan.

6. Permitting any participating county to elect to undertake responsibility for the payment of a portion of the cost of any project in the county pursuant to an agreement with the organization and the department.

7. Providing that, in each year that the bonds are outstanding, no more than 25 percent of the state transportation funds appropriated for capacity projects advanced pursuant to the terms of this section and within the area of operation of the organization shall be paid over to the organization for the purpose of paying debt service on bonds the organization issued for such capacity projects. Such payments shall be made in lieu of programming any new projects in the work program.

8. In the event that the capacity funds allocated to the member counties of the organization are less than the amount needed to satisfy the payment requirements under the contract, the department shall defer the funded capacity on any other projects in the member counties of the organization to the extent necessary to make up such deficiency, so as to enable the organization to make the required debt service payments on the bonds or to replenish the reserves established for the bonds which may have been used to make up such deficiency. Under no circumstances shall the department provide any funds for these capacity projects in excess of the amount that would be allocated to the member counties pursuant to statutory formula and legislative appropriation.

9. Providing that the bonds shall state on their face that they do not constitute a pledge of the full faith or taxing power of the state, and no holder of any bond shall have the right to compel payment of the bonds from any funds of the state, other than amounts required to be paid to the organization under the contract. The bonds shall be limited and special obligations payable solely from the sources described herein.

10. Establishing such other terms and provisions as may be deemed reasonable and necessary to enable the organization to market the bonds at the most advantageous rates possible.

(4) The Legislature may authorize the implementation of the Northwest Florida Regional Transportation Planning Organization's study after a satisfactory showing that these prerequisites have been met and that any source of funding for any bonds to be issued has been approved by the Department of Transportation.

Section 55. *The Department of Transportation shall direct a study to be conducted and funded by the authority created in chapter 349, Florida Statutes, for the purpose of recommending to the Legislature the framework for a regional transportation authority for the northeast region of Florida, composed of the following counties and each of the municipalities located therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns. The study shall include, at a minimum, the existing powers and duties of the authority, as well as the additional powers and duties necessary for the agency to plan, design, finance, construct, operate, and maintain transportation facilities providing a safe, adequate, and efficient surface transportation network for the region, consistent with the statewide transportation network. In addition, the study shall address agency revenue sources, governance, coordination of work plans, and coordination with local comprehensive plans for all transportation facilities of the agency. Recommendations shall be delivered to the President of the Senate and Speaker of the House of Representatives no later than February 1, 2010.*

Section 56. *Florida Transportation Revenue Study Commission.—*

(1) The Legislature finds and declares that the costs of preserving investments in transportation infrastructure and eliminating or reducing congestion in the movement of people and goods is expected to substantially increase, and those costs will have a commensurate effect on the state's economy, environment, and quality of life.

(2) The Florida Transportation Revenue Study Commission is created for the purpose of studying state, regional, and local transportation needs and developing new and innovative funding options and recommendations that address this state's future transportation needs. The commission shall submit a written report to the Legislature containing its findings and recommendations by January 1, 2011. The report presented by the commission shall, at a minimum, include findings and recommendations regarding:

(a) The stability of existing transportation revenue sources, taking into account energy-efficient vehicles, emerging technologies, alternative fuels, and other state and federal initiatives.

(b) The funding needs of state, regional, and local transportation facilities and services and the ability to address those needs.

(c) New and innovative funding options that can be used by the state, metropolitan planning organizations, local governments, and other major transportation providers to fund transportation facilities and services.

(3) The commission shall consist of 13 members. Three members shall be appointed by the Governor, three members shall be appointed by the President of the Senate, and three members shall be appointed by the Speaker of the House of Representatives. One member shall be the Secretary of Transportation, or the secretary's designee, one member shall be appointed by the Metropolitan Planning Organization Advisory Council, one member shall be appointed by the Florida Association of Counties,

Inc., from among its members, and one member shall be appointed by the Florida League of Cities, Inc., from among its members. The membership of the commission must represent transportation organizations, local governments, developers and homebuilders, the business community, the environmental community, transportation labor organizations, and other appropriate stakeholders in the transportation system. One member shall be designated by the Governor as chair of the commission. Members shall be appointed to a term that ends July 1, 2011. Any vacancy that occurs on the commission shall be filled in the same manner as the original appointment. Members of the commission shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, Florida Statutes, while in performance of their duties.

(4) The first meeting of the commission shall be held by October 1, 2009, and thereafter the commission shall meet at the call of the chair but not less frequently than three times per year. Each member of the commission is entitled to one vote, and actions of the commission are not binding unless taken by a majority vote of the members present. A majority of the membership constitutes a quorum at any meeting of the commission. The commission may adopt its own rules of procedure and has such other powers as are necessary to complete its responsibilities.

(5) The Center for Urban Transportation Research at the University of South Florida shall provide staff and other resources necessary to assist the commission in accomplishing its goals. All agencies under the control of the Governor are directed, and all other federal, state, and local agencies are requested, to render assistance to, and cooperate with, the commission.

Section 57. *Funding for the Florida Transportation Revenue Study Commission.—The sum of $225,000 in federal metropolitan planning funds is appropriated from the State Transportation Trust Fund to the Center for Urban Transportation Research at the University of South Florida for each of the 2009-2010 and 2010-2011 fiscal years for the purpose of paying the expenses of staff services and providing other related assistance to the Florida Transportation Revenue Study Commission.*

Section 58. This act shall take effect July 1, 2009.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to transportation; amending s. 163.3180, F.S., relating to transportation concurrency; providing for evaluating whether certain necessary transportation facilities will be in place or under actual construction within a required timeframe; providing that certain projects or high-performance transit systems be considered as committed facilities; revising an exception to transportation concurrency requirements to provide for hangars used for assembly and manufacture of aircraft; exempting certain housing developments from concurrency requirements; revising provisions for a development of regional impact to satisfy specified concurrency requirements by paying a proportionate-share contribution for traffic impacts; providing that the cost of certain improvements shall be credited against a development of regional impact's proportionate-share contribution; requiring local government agreements relating to funding regional transportation impacts under certain circumstances; defining the term "backlog" as it applies to the impacts of development on transportation facilities; conforming a cross-reference; amending s. 212.05, F.S.; extending the time nonresident purchasers have to remove a boat from the state after purchase; providing for an extension decal to be issued by a dealer; imposing a decal cost; revising industry code designations; amending s. 212.055, F.S.; renaming the charter county transit system surtax; expanding the eligibility to levy the surtax to all charter counties; amending s. 316.1001; revising notification requirements for toll violation citations; clarifying conditions for issuance of a license plate; amending s. 316.1895, F.S.; authorizing alternative installation of Speeding Fines Doubled signs in advance of school zones; amending s. 316.29545, F.S.; excluding vehicles owned or leased by private investigative services from specified provisions restricting window sunscreening when such vehicle is used in specified activities; amending s. 316.515, F.S.; revising a limitation on the length of certain trailers issued a special permit by the department to deliver manufactured buildings; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 316.605, F.S.; removing a requirement that motorcycle license plates be affixed and displayed in such a manner that the letters and numerals are legible from left to right parallel to the ground; amending s. 318.18; deleting authorization to suspend the driver's license of persons convicted of toll violations; amending 320.03; clarifying the entities that can verify payment of a fine; amending s. 322.27; prohibiting the assignment of points against a driver's license for toll violations; amending s. 334.03, F.S.; revising definitions relating to the Florida Transportation Code; amending s. 334.044, F.S.; revising powers and duties of the Department of Transportation; removing duty to assign jurisdictional responsibility and to designate existing facilities as part of the State Highway System; revising requirements related to conservation of roadside growth; amending s. 334.047, F.S.; removing a provision prohibiting the department from establishing a maximum number of miles of urban principal arterial roads within a district or county; amending s. 334.30, F.S.; providing for public-private partnership's business case to be submitted to the Council on Efficient Government; creating s. 336.445, F.S.; authorizing counties to enter into agreements with private entities for the building, operation, ownership, or financing of toll facilities; requiring public declaration; requiring a public hearing; requiring county to make certain determinations prior to awarding a project; providing requirements for an agreement; amending s. 337.0261, F.S.; providing legislative intent recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s. 337.401, F.S.; revising provisions for rules of the department that provide for the placement of and access to certain electrical transmission lines on the right-of-way of department-controlled roads; authorizing the rules to include that the use of the limited access right-of-way for longitudinal placement of such transmission lines is reasonable based upon consideration of certain economic and environmental factors; defining the term "base-load generating facilities"; amending s. 339.2816, F.S., relating to the Small County Road Assistance Program; providing for resumption of certain funding for the program; revising criteria for program eligibility; revising criteria for prioritization of projects; amending s. 339.2818, F.S., relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; amending s. 339.64, F.S., relating to the Strategic Intermodal System Plan; removing provisions for the Statewide Intermodal Transportation Advisory Council; amending s. 341.071, F.S.; revising requirements for a report by transit providers relating to productivity and performance measures; requiring the report to address the use and effectiveness of high-performance transit systems; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.51, F.S.; revising the definition of the terms "bonds" and "expressway system" in reference to the Tampa-Hillsborough County Expressway Authority Law; amending s. 348.53, F.S.; providing that the authority is to benefit the Tampa Bay Region; providing that the purpose of the authority includes transit support facilities; amending s. 348.54, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to make and issue notes, refunding bonds, and other evidences of indebtedness or obligations for specified purposes relating to the expressway system; prohibiting the authority from pledging the credit or taxing power of the state, a political subdivision, or agency; providing that the authority's obligations are not obligations of the state, a political subdivision, or an agency; providing that the state, a political subdivision, or an agency is not liable for the payment of the principal or interest on the authority's obligations; amending s. 348.545, F.S.; authorizing costs of authority improvements to be financed by bonds issued on behalf of the authority pursuant to the State Bond Act or bonds issued by the authority under specified provisions; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority under specified provisions; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds; providing an additional project type where the authority may use revenue bonds; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of

certain bonds for the refunding of bonds outstanding regardless of whether the bonds being refunded were issued by the authority or on behalf of the authority; amending s. 348.70, F.S.; providing that the Tampa-Hillsborough County Expressway Authority Law does not repeal, rescind, or modify any other laws; providing that such law supersedes laws that are inconsistent with the provisions of that law; amending s. 369.317, F.S., relating to Wekiva Parkway; providing that the use of certain lands as environmental mitigation for road-construction-related impacts incurred by certain entities satisfies specified cumulative impact requirements; amending s. 380.06, F.S., relating to developments of regional impact; revising provisions for preapplication procedures for development approval; requiring the level-of-service standards in the transportation methodology applied to a development of regional impact to be the same level-of-service standards used to evaluate concurrency under specified provisions; designating parts I and II of ch. 479, F.S.; creating part III of ch. 479, F.S.; providing legislative intent; providing that the county court and circuit court have concurrent jurisdiction; requiring that all costs incurred by the department to remove signs in certain locations on the interstate highway system, the federal-aid primary highway system, or the State Highway System to be assessed and collected from certain persons under certain conditions; amending s. 705.18, F.S.; removing provisions for disposal of personal property lost or abandoned at certain public-use airports; creating s. 705.182, F.S.; providing for disposal of personal property found on premises owned or controlled by the operator of a public-use airport; providing a timeframe for the property to be claimed; providing options for disposing of such personal property; providing procedures for selling abandoned personal property; providing for notice of sale; permitting airport tenants to establish lost and found procedures; providing that purchaser holds title to the property free of the rights of persons then holding any legal or equitable interest thereto; creating s. 705.183, F.S.; providing for disposition of derelict or abandoned aircraft on the premises of public-use airports; providing procedures for such disposition; requiring a record of when the aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; providing for notification of aircraft owner and all persons having an equitable or legal interest in the aircraft; providing for notice if the owner of the aircraft is unknown or cannot be found; providing for disposition if the aircraft is not removed upon payment of required fees; requiring any sale of the aircraft to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the aircraft; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport for fees and charges; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring purchaser or recipient to notify the Federal Aviation Administration of change in ownership; providing for disposition of moneys received for an aircraft sold at public sale; authorizing the airport to issue documents relating to the aircraft's disposal; creating s. 705.184, F.S.; providing for disposition of derelict or abandoned motor vehicles on the premises of public-use airports; providing procedures; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; providing for removal of such motor vehicle from airport premises; providing for notice to the owner, the company insuring the motor vehicle, and any lienholder; providing for disposition if the motor vehicle is not removed upon payment of required fees; requiring any sale of the motor vehicle to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the motor vehicle; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport or a licensed independent wrecker for fees and charges; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of the rights of persons holding legal or equitable interest in the motor vehicle; amending ss. 288.063, 311.07, 311.09, 316.2122, 316.515, 332.14, 336.01, 338.222, 403.7211, and 479.01, F.S.; correcting cross-references; conforming provisions to changes made by the act; creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week"; encouraging the Department of Highway Safety and Motor Vehicles and the Department of Transportation to educate the law enforcement community and the public about the relationship between fatigue and driving performance; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; providing funding for the commission through federal funds for metropolitan transportation planning; providing an effective date.

Senators Baker, Constantine, Ring, and Gardiner offered the following amendment which was moved by Senator Constantine:

Senate Amendment 1 (367414) (with title amendment) to House Amendment 2—Delete lines 6-142 and insert:

Section 1. Effective upon this act becoming a law, section 341.301, Florida Statutes, is amended to read:

341.301 Definitions; *ss. 341.302-341.303* ~~ss. 341.302 and 341.303~~.—As used in *ss. 341.302-341.303* ~~ss. 341.302 and 341.303~~, the term:

(1) "Branch line continuance project" means a project that involves branch line rehabilitation, new connecting track, rail banking, and other similar types of projects, including those specifically identified in the federal Railroad Revitalization and Regulatory Reform Act of 1976, and subsequent amendments to that act.

(2) "Intercity rail transportation system" means the network of railroad facilities used or available for interstate and intrastate passenger and freight operations by railroads, whether or not on a schedule or whether or not restricted.

(3) "Rail programs" means those programs administered by the state or other governmental entities which involve projects affecting the movement of people or goods by rail lines that have been or will be constructed to serve freight or passenger markets within a city or between cities.

(4) "Rail service development project" means a project undertaken by a public agency to determine whether a new or innovative technique or measure can be utilized to improve or expand rail service. The duration of the project funding shall be limited according to the type of project and in no case shall exceed 3 years. Rail service development projects include those projects and other actions undertaken to enhance railroad operating efficiency or increased rail service, including measures that result in improved speed profiles, operations, or technological applications that lead to reductions in operating costs and increases in productivity or service.

(5) "Railroad" or "rail system" means any common carrier fixed-guideway transportation system such as the conventional steel rail-supported, steel-wheeled system. The term does not include a high-speed rail line developed by the Department of Transportation pursuant to ss. 341.8201-341.842.

(6) "Railroad capital improvement project" means a project identified by the rail component of the Florida Transportation Plan, which project involves the leasing, acquisition, design, construction, reconstruction, or improvement to the existing intercity rail transportation system or future segments thereof, including such items as locomotives and other rolling stock, tracks, terminals, and rights-of-way for the continuance or expansion of rail service as necessary to ensure the continued effectiveness of the state's rail facilities and systems in meeting mobility and industrial development needs.

(7) "Train" means any locomotive engine that is powered by diesel fuel, electricity, or other means, with or without cars coupled thereto, and operated upon a railroad track or any other form of fixed guideway,

except that the term does not include a light rail vehicle such as a streetcar or people mover.

(8) "Commuter rail passenger" or "passengers" means all persons, ticketed or unticketed, using the commuter rail service on a department-owned rail corridor:

(a) On board trains, locomotives, rail cars, or rail equipment employed in commuter rail service or entraining and detraining therefrom;

(b) On or about the rail corridor for any purpose related to the commuter rail service, including, parking, inquiring about commuter rail service, or purchasing tickets therefor, and coming to, waiting for, leaving from, or observing trains, locomotives, rail cars, or rail equipment; or

(c) Meeting, assisting, or in the company of any person described in paragraph (a) or paragraph (b).

(9) "Commuter rail service" means the transportation of commuter rail passengers and other passengers by rail pursuant to a rail program provided by the department or any other governmental entities.

(10) "Rail corridor invitee" means all persons who are on or about a department-owned rail corridor:

(a) For any purpose related to any ancillary development thereon; or

(b) Meeting, assisting, or in the company of any person described in paragraph (a).

(11) "Rail corridor" means a linear contiguous strip of real property that is used for rail service. The term includes the corridor and structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, ancillary development, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

(12) "Railroad operations" means the use of the rail corridor to conduct commuter rail service, intercity rail passenger service, or freight rail service.

(13) "Ancillary development" includes any lessee or licensee of the department, including other governmental entities, vendors, retailers, restaurateurs, or contract service providers, within a department-owned rail corridor, except for providers of commuter rail service, intercity rail passenger service, or freight rail service.

(14) "Governmental entity" or "entities" has the same meaning as provided in s. 11.45, including a "public agency" as defined in s. 163.01.

Section 2. Effective upon this act becoming a law, section 341.302, Florida Statutes, is amended to read:

341.302 Rail program, duties and responsibilities of the department.—The department, in conjunction with other governmental *entities* ~~units~~ and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under *federal law* ~~Title 49 C.F.R. part 212~~, the department shall:

(1) Provide the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state's rail system to current and anticipated mobility needs.

(2) Promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems.

(3) Develop and periodically update the rail system plan, on the basis of an analysis of statewide transportation needs.

(a) The plan *may contain detailed regional components, consistent with regional transportation plans, as needed to ensure connectivity within the state's regions, and it* shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155. The rail system plan shall include an identification of priorities, programs, and funding levels required to meet statewide *and regional* needs. The rail system plan shall be developed in a manner that will assure the maximum use of existing facilities and the optimum integration and coordination of the various modes of transportation, public and private, in the most cost-effective manner possible. The rail system plan shall be updated at least every *5* ~~2~~ years and include plans for both passenger rail service and freight rail service*, accompanied by a report to the Legislature regarding the status of the plan*.

(b) In recognition of the department's role in the enhancement of the state's rail system to improve freight and passenger mobility, the department shall:

1. Continue to work closely with all affected communities, including, but not limited to, the City of Lakeland, the City of Plant City, and Polk County, to identify and address anticipated impacts associated with an increase in freight rail traffic;

2. In coordination with the affected local governments and CSX Transportation, Inc., finalize all viable alternatives from the department's Rail Traffic Evaluation Study to identify and develop an alternative route for through-freight rail traffic moving through Central Florida, including Polk and Hillsborough Counties. Following the completion of the department's alternative rail traffic evaluation, the department shall begin a project development and environmental study that must be reviewed and approved by appropriate federal agencies so that a preferred alternative can be identified which minimizes the impacts associated with freight rail movements along the corridor. This preferred alternative shall become the basis for future development of this freight rail corridor and, with a priority ranking from the Polk Transportation Planning Organization, or its successor, shall be programmed for funding in the department's work program in a fiscal year no later than 10 years from commencement of construction of the CSX Integrated Logistics Center; and

3. Provide technical assistance to a coalition of local governments in Central Florida, including the counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole, Sumter, and Volusia, and the municipalities within those counties, to develop a regional rail system plan that addresses passenger and freight opportunities in the region, is consistent with the Florida Rail System Plan, and incorporates appropriate elements of the Tampa Bay Area Regional Authority Master Plan, the Metroplan Orlando Regional Transit System Concept Plan, including the Sunrail project, and the Florida Department of Transportation Alternate Rail Traffic Evaluation.

(4) As part of the work program of the department, formulate a specific program of projects and financing to respond to identified railroad needs.

(5) Provide technical and financial assistance to units of local government to address identified rail transportation needs.

(6) Secure and administer federal grants, loans, and apportionments for rail projects within this state when necessary to further the statewide program.

(7) Develop and administer state standards concerning the safety and performance of rail systems, hazardous material handling, and operations. Such standards shall be developed jointly with representatives of affected rail systems, with full consideration given to nationwide industry norms, and shall define the minimum acceptable standards for safety and performance.

(8) Conduct, at a minimum, inspections of track and rolling stock; train signals and related equipment; hazardous materials transportation, including the loading, unloading, and labeling of hazardous materials at shippers', receivers', and transfer points; and train operating practices to determine adherence to state and federal standards. Department personnel may enforce any safety regulation issued under the Federal Government's preemptive authority over interstate commerce.

(9) Assess penalties, in accordance with the applicable federal regulations, for the failure to adhere to the state standards.

(10) Administer rail operating and construction programs, which programs shall include the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of

traffic control devices at public grade crossings, the administering of the programs by the department including participation in the cost of the programs.

(11) Coordinate and facilitate the relocation of railroads from congested urban areas to nonurban areas when relocation has been determined feasible and desirable from the standpoint of safety, operational efficiency, and economics.

(12) Implement a program of branch line continuance projects when an analysis of the industrial and economic potential of the line indicates that public involvement is required to preserve essential rail service and facilities.

(13) Provide new rail service and equipment when:

(a) Pursuant to the transportation planning process, a public need has been determined to exist;

(b) The cost of providing such service does not exceed the sum of revenues from fares charged to users, services purchased by other public agencies, local fund participation, and specific legislative appropriation for this purpose; and

(c) Service cannot be reasonably provided by other governmental or privately owned rail systems.

The department may own, lease, and otherwise encumber facilities, equipment, and appurtenances thereto, as necessary to provide new rail services; or the department may provide such service by contracts with privately owned service providers.

(14) Furnish required emergency rail transportation service if no other private or public rail transportation operation is available to supply the required service and such service is clearly in the best interest of the people in the communities being served. Such emergency service may be furnished through contractual arrangement, actual operation of state-owned equipment and facilities, or any other means determined appropriate by the secretary.

(15) Assist in the development and implementation of marketing programs for rail services and of information systems directed toward assisting rail systems users.

(16) Conduct research into innovative or potentially effective rail technologies and methods and maintain expertise in state-of-the-art rail developments.

(17) In conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor, have the authority to:

(a) Assume the obligation by contract to forever protect, defend, indemnify, and hold harmless the freight rail operator, or its successors, from whom the department has acquired a real property interest in the rail corridor, and that freight rail operator's officers, agents, and employees, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers, rail corridor invitees, and trespassers in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or its officers, agents, and employees, or any other person or persons whomsoever, provided that such assumption of liability of the department by contract shall not in any instance exceed the following parameters of allocation of risk:

1. The department may be solely responsible for any loss, injury, or damage to commuter rail passengers, rail corridor invitees, or trespassers, regardless of circumstances or cause, subject to subparagraphs 2., 3., and 4.

2. When only one train is involved in an incident, the department may be solely responsible for any loss, injury, or damage if the train is a department train or other train pursuant to subparagraph 3., but only if in an instance when only a freight rail operator train is involved, the freight rail operator is solely responsible for any loss, injury, or damage, except for commuter rail passengers, rail corridor invitees, and trespassers, and the freight rail operator is solely responsible for its property and all of its people in any instance when its train is involved in an incident.

3. For the purposes of this subsection, any train involved in an incident that is neither the department's train nor the freight rail operator's train, hereinafter referred to in this subsection as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and the freight rail operator only, but only if the department and the freight rail operator share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a freight rail operator train, and the allocation as between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

4. When more than one train is involved in an incident:

a. If only a department train and freight rail operator's train, or only another train as described in subparagraph 3. and a freight rail operator's train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, rail corridor invitees, and trespassers, but only if the freight rail operator is responsible for its property and all of its people, and the department and the freight rail operator each share one-half responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

b. If a department train, a freight rail operator train, and any other train are involved in an incident, the allocation of liability between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and the freight rail operator as to such payment shall not in any case reduce the freight rail operator's third-party-sharing allocation of one-half under this paragraph to less than one-third of the total third-party liability.

5. Any such contractual duty to protect, defend, indemnify, and hold harmless such a freight rail operator shall expressly include a specific cap on the amount of the contractual duty, which amount shall not exceed $200 million without prior legislative approval, and the department shall purchase liability insurance and establish a self-insurance retention fund in the amount of the specific cap established under this subparagraph, provided that:

a. No such contractual duty shall in any case be effective or otherwise extend the department's liability in scope and effect beyond the contractual liability insurance and self-insurance retention fund required pursuant to this paragraph; and

b. The freight rail operator's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of the freight rail operator.

(b) Purchase liability insurance, which amount shall not exceed $200 million, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for the department, any freight rail operator as described in paragraph (a), commuter rail service providers, governmental entities, or ancillary development. The insureds shall pay a reasonable monetary contribution to the cost of such liability coverage for the sole benefit of the insured. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of a rail corridor.

(c) Incur expenses for the purchase of advertisements, marketing, and promotional items.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s. 768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance hereunder. The provisions of this subsection shall apply and inure fully as to any other governmental entity providing commuter rail service and constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental entity under contract with the department, or a governmental entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

(18) ~~(17)~~ Exercise such other functions, powers, and duties in connection with the rail system plan as are necessary to develop a safe, efficient, and effective statewide transportation system.

Section 3. *Effective upon this act becoming a law, the Department of Transportation may complete an escrowed closing on the pending Central Florida Rail Corridor acquisition; however, the drawdown of such escrowed closing shall not occur unless and until final Federal Transit Administration full-funding grant agreement approval is obtained for the proposed Central Florida Commuter Rail Transit Project Initial Operating Segment.*

Section 4. Effective upon this act becoming a law, subsection (1) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(1)*(a)* A surcharge of $2.00 per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers regardless of whether such motor vehicle is licensed in Florida. The surcharge applies to only the first 30 days of the term of any lease or rental. The surcharge is subject to all applicable taxes imposed by this chapter.

(b) A county with a population of at least 1,250,000 and at least 25 municipalities may impose a county surcharge of $2 per day or any part of a day upon the lease or rental of a motor vehicle licensed for hire and designed to carry fewer than nine passengers, regardless of whether such motor vehicle is licensed in Florida. The county surcharge applies to only the first 30 days of the term of any lease or rental. The county surcharge is subject to all applicable taxes imposed by this chapter. The county surcharge is subject to the following conditions:

1. The county surcharge may be used solely to fund the transportation needs of the county as determined by the county commission.

2. The county surcharge may be imposed only by a super majority vote of the county commission.

3. The county commission shall, by a super majority vote at the same meeting at which the county surcharge was authorized, also designate the account or fund into which the proceeds from the county surcharge shall be deposited.

4. All funds collected from the county surcharge shall be deposited into the designated account or fund, subject to the applicable taxes imposed by this chapter.

5. Funds deposited into the account or fund must be used solely for the purpose of funding transportation needs as determined by the county commission.

6. After the county commission votes to impose a county surcharge, the county surcharge shall be applied on the first day of the month following the vote.

7. The authority to impose the county surcharge approved by the county commission is effective immediately after the vote and is valid until the next business day following the 2014 general election.

8. The county commission that approved the county surcharge shall cause the question to be placed on the ballot for a vote by the electors of that county on or before the 2014 general election.

9. If a majority of the voters of the county vote in favor of the referendum approving the continuation of the county surcharge, the surcharge continues to be valid.

10. If a majority of the voters of the county vote against the referendum approving the continuation of the county surcharge, the county surcharge shall cease to be effective on the next business day following the election.

And the title is amended as follows:

Delete lines 2872-2892 and insert: An act relating to transportation; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation; amending s. 341.302, F.S.; revising certain citations; revising the time period within which the department must revise the rail system plan and requiring a report; providing additional duties for the department relating to a regional rail system plan; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; prescribing procurement requirements and criteria related to a rail corridor; authorizing an escrowed closing of the pending Central Florida Rail Corridor acquisition; amending s. 212.0606, F.S.; authorizing certain counties to impose a county surcharge upon the lease or rental of a motor vehicle licensed for hire; requiring that the county surcharge be used solely to fund the transportation needs of the county as determined by the county commission; requiring the county commission to place the county surcharge on the ballot for a vote by the electors; amending s.

On motion by Senator Baker, further consideration of **CS for SB 582** with pending **Senate Amendment 1 to House Amendment 2** was deferred.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 8005 by the required constitutional three-fifths vote of the members present and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative Galvano—

HCR 8005—House Concurrent Resolution A concurrent resolution extending the 2009 Regular Session of the Florida Legislature under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the 60 days of the 2009 Regular Session of the Florida Legislature will expire on May 1, 2009, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the 2009 Regular Session of the Florida Legislature is extended until 6:00 p.m., Friday, May 8, 2009, under the authority of Article III, Section 3(d) of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) Senate Bill 2600, the general appropriations bill, or any Senate and House Conference Committee Report thereon.

(2) Senate Bill 2602, the appropriations implementing bill, or any Senate and House Conference Committee Report thereon.

(3) Any bill, or any Senate and House Conference Committee Report thereon, under consideration before Saturday, May 2, 2009, by a Conference Committee appointed by each house.

BE IT FURTHER RESOLVED that all other measures in both houses are indefinitely postponed and withdrawn from consideration of the respective house as of 12:00 a.m., Saturday, May 2, 2009.

BE IT FURTHER RESOLVED that upon recess or adjournment Friday, May 1, 2009, either house may reconvene upon the call of its presiding officer.

On motion by Senator Villalobos, **HCR 8005** was read the first time by title. On motion by Senator Villalobos, by two-thirds vote **HCR 8005** was read the second time in full, adopted by the required constitutional three-fifths vote of the members present and voting and certified to the House. The vote on adoption was:

Yeas—38

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Jones	Smith
Constantine	Joyner	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 8:00 p.m.

The Senate resumed consideration of the returning message on—

CS for SB 582—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing funding for the commission through federal funds for metropolitan transportation planning; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 334.30, F.S.; authorizing the department to lease existing toll facilities through public-private partnerships, subject to approval by the Legislature; amending s. 339.2818, F.S.; relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; amending s. 316.1895, F.S., authorizing alternative installation of "Speeding Fines Doubled" signs in advance of school zones; amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor; creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week"; amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; amending s. 163.3180, F.S.; providing a definition for "backlog"; amending s. 348.0003, F.S.; providing that members of certain authorities are subject to specified financial disclosure requirements; amending s. 348.0004, F.S.; authorizing any expressway authority, transportation authority, bridge authority, or toll authority, subject to the approval of the Legislature, for any existing facility, to receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities; providing an effective date.

—which was previously considered this day with pending **Senate Amendment 1 (367414)** to **House Amendment 2 (797855)** by Senator Constantine.

Senate Amendment 1 to House Amendment 2 failed. The vote was:

Yeas—16

Mr. President	Diaz de la Portilla	Pruitt
Alexander	Fasano	Richter
Altman	Gaetz	Ring
Baker	Garcia	Smith
Bullard	Gardiner	
Constantine	Haridopolos	

Nays—23

Aronberg	Jones	Rich
Bennett	Joyner	Siplin
Crist	Justice	Sobel
Dean	King	Storms
Detert	Lawson	Villalobos
Deutch	Lynn	Wilson
Dockery	Oelrich	Wise
Gelber	Peaden	

Senator Baker moved the following amendment which was adopted:

Senate Amendment 2 (559858) (with title amendment) to House Amendment 2—Delete lines 461-497.

And the title is amended as follows:

Delete lines 2900-2902 and insert: Amending 316.1895, F.S.;

Senator Aronberg moved the following amendment which was adopted:

Senate Amendment 3 (284386) to House Amendment 2—Delete line 1104 and insert:

(a) Is in the public's best interest. *If the project includes an existing toll facility, the best interest of the public must be evidenced by a*

Senator Baker moved the following amendment which was adopted:

Senate Amendment 4 (517962) (with title amendment) to House Amendment 2—Delete lines 1688-1690 and insert:

Section 34. Subsections (4) and (6) of section 369.317, Florida Statutes, are amended to read:

369.317 Wekiva Parkway.—

(4) Access to properties adjacent to SR 46 shall be maintained through appropriate neighborhood streets or frontage roads integrated into the parkway design. *Neither the construction of a new toll facility nor the imposition of a toll on an existing state highway system facility may eliminate a nontolled alternative within the corridor serving similar origins and destinations.*

And the title is amended as follows:

Delete line 3025 and insert: relating to Wekiva Parkway; providing that an nontolled, alternative route within the Wekiva Parkway does not become a tolled route under certain conditions; providing that the use of

On motion by Senator Baker, the Senate concurred in **House Amendment 2** as amended and requested the House to concur in the Senate Amendments to the House Amendment.

CS for SB 582 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Gaetz	Richter
Aronberg	Garcia	Ring
Baker	Gelber	Smith
Bennett	Joyner	Sobel
Bullard	Justice	Storms
Dean	Lawson	Wilson
Detert	Oelrich	Wise
Deutch	Peaden	
Fasano	Rich	

Nays—7

Constantine	Jones	Villalobos
Crist	Lynn	
Dockery	Siplin	

Vote after roll call:

Yea—Alexander, Altman, Gardiner, King

Nay to Yea—Crist

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2, 3, 4, 5 and 6 to House Amendment 1 to CS for CS for SB 360 and requests the Senate to recede.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 360—A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the state land planning agency to issue a notice to a school board or local government to show cause for not imposing sanctions; requiring that the state land planning agency submit its findings to the Administration Commission within the Executive Office of the Governor if the agency finds insufficient cause to impose sanctions; authorizing the Administration Commission to impose certain sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; limiting the adoption of certain amendments to the text of a plan to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research within the Legislature; amending s. 186.509, F.S.; revising provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; providing that the act fulfills an important state interest; providing an effective date.

Senator Bennett moved the following amendment which was adopted:

Senate Amendment 7 (478902) (with title amendment) to House Amendment 1—Between lines 1201 and 1202 insert:

Section 16. Subsection (4) of section 159.807, Florida Statutes, is amended to read:

159.807 State allocation pool.—

(4)(a) The state allocation pool shall also be used to provide written confirmations for private activity bonds that are to be issued by state agencies, which bonds, notwithstanding any other provisions of this part, shall receive priority in the use of the pool available at the time the notice of intent to issue such bonds is filed with the division.

(b) *Notwithstanding the provisions of paragraph (a), on or before November 15 of each year, the Florida Housing Finance Corporation's access to the state allocation pool is limited to the amount of the corporation's initial allocation under s. 159.804. Thereafter, the corporation may not receive more than 80 percent of the amount in the state allocation pool on November 16 of each year, and may not receive more than 80 percent of any additional amounts that become available during each year. The limitations of this paragraph do not apply to the distribution of the unused allocation of the state volume limitation to the Florida Housing Finance Corporation under s. 159.81(2)(b), (c), and (d).* ~~This subsection does not apply to the Florida Housing Finance Corporation:~~

~~1. Until its allocation pursuant to s. 159.804(3) has been exhausted, is unavailable, or is inadequate to provide an allocation pursuant to s. 159.804(3) and any carryforwards of volume limitation from prior years for the same carryforward purpose, as that term is defined in s. 146 of the Code, as the bonds it intends to issue have been completely utilized or have expired.~~

~~2. Prior to July 1 of any year, when housing bonds for which the Florida Housing Finance Corporation has made an assignment of its allocation permitted by s. 159.804(3)(c) have not been issued.~~

Section 17. Section 193.018, Florida Statutes, is created to read:

193.018 Land owned by a community land trust used to provide affordable housing; assessment; structural improvements, condominium parcels, and cooperative parcels.—

(1) As used in this section, the term "community land trust" means a nonprofit entity that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and has as one of its purposes the acquisition of land to be held in perpetuity for the primary purpose of providing affordable homeownership.

(2) A community land trust may convey structural improvements, condominium parcels, or cooperative parcels, that are located on specific parcels of land that are identified by a legal description contained in and subject to a ground lease having a term of at least 99 years, for the purpose of providing affordable housing to natural persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, or the income limits for workforce housing, as defined in s. 420.5095(3). A community land trust shall retain a preemptive option to purchase any structural improvements, condominium parcels, or cooperative parcels on the land at a price determined by a formula specified in the ground lease which is designed to ensure that the structural improvements, condominium parcels, or cooperative parcels remain affordable.

(3) In arriving at just valuation under s. 193.011, a structural improvement, condominium parcel, or cooperative parcel providing affordable housing on land owned by a community land trust, and the land owned by a community land trust that is subject to a 99-year or longer ground lease, shall be assessed using the following criteria:

(a) The amount a willing purchaser would pay a willing seller for the land is limited to an amount commensurate with the terms of the ground lease that restricts the use of the land to the provision of affordable housing in perpetuity.

(b) The amount a willing purchaser would pay a willing seller for resale-restricted improvements, condominium parcels, or cooperative parcels is limited to the amount determined by the formula in the ground lease.

(c) If the ground lease and all amendments and supplements thereto, or a memorandum documenting how such lease and amendments or supplements restrict the price at which the improvements, condominium parcels, or cooperative parcels may be sold, is recorded in the official public records of the county in which the leased land is located, the recorded lease and any amendments and supplements, or the recorded memorandum, shall be deemed a land use regulation during the term of the lease as amended or supplemented.

Section 18. Subsection (5) is added to section 196.196, Florida Statutes, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(5)(a) Property owned by an exempt organization qualified as charitable under s. 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004. The term "affirmative steps" means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

(b)1. If property owned by an organization granted an exemption under this subsection is transferred for a purpose other than directly providing affordable homeownership or rental housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004, or is not in actual use to provide such affordable housing within 5 years after the date the organization is granted the exemption, the property appraiser making such determination shall serve upon the organization that illegally or improperly received the exemption a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that organization in the county, and such property shall be identified in the notice of tax lien. The organization owning such property is subject to the taxes otherwise due and owing as a result of the failure to use the property to provide affordable housing plus 15 percent interest per annum and a penalty of 50 percent of the taxes owed.

2. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the organization that illegally or improperly received the exemption. If such organization no longer owns property in the county but owns property in any other county in the state, the property appraiser shall record in each such other county a notice of tax lien identifying the property owned by such organization in such county which shall become a lien against the identified property. Before any such lien may be filed, the organization so notified must be given 30 days to pay the taxes, penalties, and interest.

3. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the organization improperly receiving the exemption shall not be assessed a penalty or interest.

4. The 5-year limitation specified in this subsection may be extended if the holder of the exemption continues to take affirmative steps to develop the property for the purposes specified in this subsection.

Section 19. Section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—Property used to provide affordable housing serving eligible persons as defined by s. 159.603(7) and *natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income* ~~persons meeting income~~ limits specified in *s. 420.0004* ~~s. 420.0004(8), (10), (11), and (15)~~, which property is owned entirely by a nonprofit entity *that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited partnership, the sole general partner of which is a corporation not for profit* which is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property which provide housing to *natural persons or families classified as extremely low income, very low income, low income, or moderate income under s. 420.0004* ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~ shall be exempt from ad valorem taxation to the extent authorized in s. 196.196. All property identified in this section shall comply with the criteria for determination of exempt status to be applied by property appraisers on an annual basis as defined in s. 196.195. The Legislature intends that any property owned by a limited liability company *or limited partnership* which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by its sole member *or sole general partner*.

Section 20. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d)~~1.~~ The proceeds of the surtax authorized by this subsection and any *accrued* interest ~~accrued thereto~~ shall be expended by the school district*,* ~~or~~ within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure*;* ~~and~~ to acquire land for

public recreation*,* ~~or~~ conservation*,* or protection of natural resources*; or* ~~and~~ to finance the closure of county-owned or municipally owned solid waste landfills that *have been* ~~are already~~ closed or are required to *be closed* ~~close~~ by order of the Department of Environmental Protection. Any use of *the* ~~such~~ proceeds or interest for purposes of landfill closure *before* ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds *and* ~~nor~~ any interest *may not* ~~accrued thereto shall~~ be used for *the* operational expenses of ~~any~~ infrastructure, except that *a* ~~any~~ county *that has* ~~with~~ a population of *fewer* ~~less~~ than 75,000 *and* that is required to close a landfill ~~by order of the Department of Environmental Protection~~ may use the proceeds or ~~any~~ interest ~~accrued thereto~~ for long-term maintenance costs associated with landfill closure. Counties, as defined in *s. 125.011* ~~s. 125.011(1)~~, and charter counties may, in addition, use the proceeds *or* ~~and any~~ interest ~~accrued thereto~~ to retire or service indebtedness incurred for bonds issued *before* ~~prior to~~ July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of *the* ~~such~~ proceeds or interest for purposes of retiring or servicing indebtedness incurred for ~~such~~ refunding bonds *before* ~~prior to~~ July 1, 1999, is ratified.

1. ~~2.~~ For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any *related* land acquisition, land improvement, design, and engineering costs ~~related thereto~~.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and *the* ~~such~~ equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities*,* as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements ~~under this sub-subparagraph~~ are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner *must* ~~shall~~ enter into a written contract with the local government providing the improvement funding to make *the* ~~such~~ private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum ~~period~~ of 10 years after completion of the improvement, with the provision that *the* ~~such~~ obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land-acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

2. ~~3.~~ Notwithstanding any other provision of this subsection, a *local government infrastructure* ~~discretionary sales~~ surtax imposed or extended after *July 1, 1998,* ~~the effective date of this act~~ may *allocate up to* ~~provide for an amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax proceeds ~~to be allocated~~ for deposit *in* ~~to~~ a trust fund within the county's accounts created for the purpose of funding economic development projects *having* ~~of~~ a general public purpose *of improving* ~~targeted to improve~~ local economies, including the funding of operational costs and incentives related to ~~such~~ economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 21. Subsection (2) of section 163.3202, Florida Statutes, is amended to read:

163.3202 Land development regulations.—

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:

(a) Regulate the subdivision of land. ~~;~~

(b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.~~;~~

(c) Provide for protection of potable water wellfields. ~~;~~

(d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management. ~~;~~

(e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan. ~~;~~

(f) Regulate signage. ~~;~~

(g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.

(h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.

(i) Maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area under s. 163.3178.

Section 22. Present subsections (25) through (41) of section 420.503, Florida Statutes, are redesignated as subsections (26) through (42), respectively, and a new subsection (25) is added to that section to read:

420.503 Definitions.—As used in this part, the term:

(25) "Moderate rehabilitation" means repair or restoration of a dwelling unit when the value of such repair or restoration is 40 percent or less of the value of the dwelling unit but not less than $10,000.

Section 23. Subsection (47) is added to section 420.507, Florida Statutes, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(47) To provide by rule in connection with any corporation competitive program, criteria establishing a preference for developers and general contractors domiciled in this state and for developers and general contractors, regardless of domicile, who have substantial experience in developing or building affordable housing through the corporation's programs.

(a) In evaluating whether a developer or general contractor is domiciled in this state, the corporation shall consider whether the developer's or general contractor's principal office is located in this state and whether a majority of the developer's or general contractor's principals and financial beneficiaries reside in Florida.

(b) In evaluating whether a developer or general contractor has substantial experience, the corporation shall consider whether the developer or general contractor has completed at least five developments using funds either provided by or administered by the corporation.

Section 24. Paragraphs (c) and (l) of subsection (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost except that the share of the loan attributable to units serving extremely-low-income persons shall be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience*, including whether the developer and general contractor have substantial experience, as provided in s. 420.507(47)*.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

17. Domicile of the developer and general contractor, as provided in s. 420.507(47).

(l) The proceeds of all loans shall be used for new construction*, moderate rehabilitation,* or substantial rehabilitation which creates *or preserves* affordable, safe, and sanitary housing units.

Section 25. Subsection (5) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(5) The State Office on Homelessness, with the concurrence of the Council on Homelessness, may administer moneys appropriated to it to provide homeless housing assistance grants annually to lead agencies for local homeless assistance continuum of care, as recognized by the State Office on Homelessness, to *acquire,* construct*,* or rehabilitate transitional or permanent housing units for homeless persons. These moneys shall consist of any sums that the state may appropriate, as well as money received from donations, gifts, bequests, or otherwise from any public or private source, which *are* ~~money is~~ intended to *acquire,* construct*,* or rehabilitate transitional or permanent housing units for homeless persons.

(a) Grant applicants shall be ranked competitively. Preference must be given to applicants who leverage additional private funds and public funds, particularly federal funds designated for the *acquisition,* construction*, or* ~~and~~ rehabilitation of transitional or permanent housing for homeless persons*;* ~~,~~ who *acquire,* build*,* or rehabilitate the greatest number of units*;* ~~,~~ and who *acquire,* build*,* or rehabilitate in catchment areas having the greatest need for housing for the homeless relative to the population of the catchment area.

(b) Funding for any particular project may not exceed $750,000.

(c) Projects must reserve, for a minimum of 10 years, the number of units *acquired,* constructed*,* or rehabilitated through homeless housing assistance grant funding to serve persons who are homeless at the time they assume tenancy.

(d) No more than two grants may be awarded annually in any given local homeless assistance continuum of care catchment area.

(e) A project may not be funded which is not included in the local homeless assistance continuum of care plan, as recognized by the State Office on Homelessness, for the catchment area in which the project is located.

(f) The maximum percentage of funds that the State Office on Homelessness and each applicant may spend on administrative costs is 5 percent.

Section 26. Section 420.628, Florida Statutes, is created to read:

420.628 Affordable housing for children and young adults leaving foster care; legislative findings and intent.—

(1)(a) The Legislature finds that there are many young adults who, through no fault of their own, live in foster families, group homes, and institutions, and face numerous barriers to a successful transition to adulthood. Young adults who are leaving the child welfare system may enter adulthood lacking the knowledge, skills, attitudes, habits, and relationships that will enable them to become productive members of society.

(b) The Legislature further finds that the main barriers to safe and affordable housing for such young adults are cost, lack of availability, the unwillingness of landlords to rent to such youth due to perceived regulatory barriers, and a lack of knowledge about how to be a good tenant. These barriers cause young adults to be at risk of becoming homeless.

(c) The Legislature also finds that young adults who leave the child welfare system are disproportionately represented in the homeless population. Without the stability of safe and affordable housing, all other services, training, and opportunities provided to such young adults may not be effective. Making affordable housing available will decrease the chance of homelessness and may increase the ability of such young adults to live independently.

(d) The Legislature intends that the Florida Housing Finance Corporation, agencies within the State Housing Initiative Partnership Program, local housing finance agencies, public housing authorities, and their agents, and other providers of affordable housing coordinate with

the Department of Children and Family Services, their agents, and community-based care providers who provide services under s. 409.1671 to develop and implement strategies and procedures designed to make affordable housing available whenever and wherever possible to young adults who leave the child welfare system.

(2) Young adults who leave the child welfare system meet the definition of eligible persons under ss. 420.503(7) and 420.907(10) for affordable housing, and are encouraged to participate in federal, state, and local affordable housing programs. Students deemed to be eligible occupants under 26 U.S.C. 42(i)(3)(d) shall be considered eligible persons for purposes of all projects funded under this chapter.

Section 27. Subsections (4), (8), (16), and (25) of section 420.9071, Florida Statutes, are amended, and subsections (29) and (30) are added to that section, to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(4) "Annual gross income" means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes *or as defined by standard practices used in the lending industry as detailed in the local housing assistance plan and approved by the corporation*. Counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

(8) "Eligible housing" means any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of *the Florida Building Code or previous building codes adopted under* chapter 553*, or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles,* for home ownership or rental for eligible persons as designated by each county or eligible municipality participating in the State Housing Initiatives Partnership Program.

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 *or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives,* and adopted by the local governing body.

(25) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)*(h)* ~~(g)~~ from eligible persons or eligible sponsors*, which funds were not used for assistance to an eligible household for an eligible activity, when there is a* ~~who~~ default on the terms of a grant award or loan award.

(29) "Assisted housing" or "assisted housing development" means a rental housing development, including rental housing in a mixed-use development, that received or currently receives funding from any federal or state housing program.

(30) "Preservation" means actions taken to keep rents in existing assisted housing affordable for extremely-low-income, very-low-income, low-income, and moderate-income households while ensuring that the property stays in good physical and financial condition for an extended period.

Section 28. Subsections (6) and (7) of section 420.9072, Florida Statutes, are amended to read:

420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(6) The moneys that otherwise would be distributed pursuant to s. 420.9073 to a local government that does not meet the program's requirements for receipts of such distributions shall remain in the Local Government Housing Trust Fund to be administered by the corporation ~~pursuant to s. 420.9078~~.

(7) A county or an eligible municipality must expend its portion of the local housing distribution only to implement a local housing assistance plan *or as provided in this subsection*.

(a) A county or an eligible municipality may not expend its portion of the local housing distribution to provide rent subsidies; however, this does not prohibit the use of funds for security and utility deposit assistance.

(b) A county or an eligible municipality may expend a portion of the local housing distribution to provide a one-time relocation grant to persons who meet the income requirements of the State Housing Initiatives Partnership Program and who are subject to eviction from rental property located in the county or eligible municipality due to the foreclosure of the rental property. In order to receive a grant under this paragraph, a person must provide the county or eligible municipality with proof of meeting the income requirements of a very-low-income household, a low-income household, or a moderate-income household; a notice of eviction; and proof that the rent has been paid for at least 3 months before the date of eviction, including the month that the notice of eviction was served. Relocation assistance under this paragraph is limited to a one-time grant of not more than $5,000 and is not limited to persons who are subject to eviction from projects funded under the State Housing Initiatives Partnership Program. This paragraph expires July 1, 2010.

Section 29. Subsections (1) and (2) of section 420.9073, Florida Statutes, are amended, and subsections (5), (6), and (7) are added to that section, to read:

420.9073 Local housing distributions.—

(1) Distributions calculated in this section shall be disbursed on a *quarterly or more frequent* ~~monthly~~ basis by the corporation ~~beginning the first day of the month after program approval~~ pursuant to s. 420.9072*, subject to availability of funds*. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(9) shall be calculated by the corporation for each fiscal year as follows:

(a) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population excluding the population of any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount as determined in subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to such percentage multiplied by the total funds received by the Local Government Housing

Trust Fund pursuant to s. 201.15(9) reduced by the guaranteed amount paid to all counties.

(2) ~~Effective July 1, 1995,~~ Distributions calculated in this section shall be disbursed on a *quarterly or more frequent* ~~monthly~~ basis by the corporation ~~beginning the first day of the month after program approval~~ pursuant to s. 420.9072*, subject to availability of funds*. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(10) shall be calculated by the corporation for each fiscal year as follows:

(a) Each county shall receive the guaranteed amount for each fiscal year.

(b) Each county may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount, the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(10) as reduced by the guaranteed amount paid to all counties.

(5) Notwithstanding subsections (1)-(4), the corporation may withhold up to $5 million of the total amount distributed each fiscal year from the Local Government Housing Trust Fund to provide additional funding to counties and eligible municipalities where a state of emergency has been declared by the Governor pursuant to chapter 252. Any portion of the withheld funds not distributed by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).

(6) Notwithstanding subsections (1)-(4), the corporation may withhold up to $5 million from the total amount distributed each fiscal year from the Local Government Housing Trust Fund to provide funding to counties and eligible municipalities to purchase properties subject to a State Housing Initiative Partnership Program lien and on which foreclosure proceedings have been initiated by any mortgagee. Each county and eligible municipality that receives funds under this subsection shall repay such funds to the corporation not later than the expenditure deadline for the fiscal year in which the funds were awarded. Amounts not repaid shall be withheld from the subsequent year's distribution. Any portion of such funds not distributed under this subsection by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).

(7) A county receiving local housing distributions under this section or an eligible municipality that receives local housing distributions under an interlocal agreement shall expend those funds in accordance with the provisions of ss. 420.907-420.9079, rules of the corporation, and the county's local housing assistance plan.

Section 30. Subsections (1), (3), (5), and (8), paragraphs (a) and (h) of subsection (10), and paragraph (b) of subsection (13) of section 420.9075, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

420.9075 Local housing assistance plans; partnerships.—

(1)(a) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program shall develop and implement a local housing assistance plan created to make affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs, including, but not limited to, homeless people, the elderly, ~~and~~ migrant farmworkers*, and persons with disabilities. Counties or eligible municipalities may include strategies to assist persons and households having annual incomes of not more than 140 percent of area median income.* The plans are intended to increase the availability of affordable residential units by combining local resources and cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing.

(b) Local housing assistance plans may allocate funds to:

1. Implement local housing assistance strategies for the provision of affordable housing.

2. Supplement funds available to the corporation to provide enhanced funding of state housing programs within the county or the eligible municipality.

3. Provide the local matching share of federal affordable housing grants or programs.

4. Fund emergency repairs, including, but not limited to, repairs performed by existing service providers under weatherization assistance programs under ss. 409.509-409.5093.

5. Further the housing element of the local government comprehensive plan adopted pursuant to s. 163.3184, specific to affordable housing.

(3)(a) Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories.

(b) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of essential service personnel. The local government is encouraged to involve public and private sector employers. Compliance with the eligibility criteria established under this strategy shall be verified by the county or eligible municipality.

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park or the conversion of affordable rental units to condominiums.

(d) Each county and each eligible municipality shall describe initiatives in the local housing assistance plan to encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

(e) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan which provides program funds for the preservation of assisted housing.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons.

(b) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing.

(c) Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.

(d) ~~(c)~~ The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

(e) ~~(d)~~1. All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund

must be occupied by very-low-income persons, low-income persons, and moderate-income persons *except as otherwise provided in this section*.

2. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons. This subparagraph does not apply to a county or an eligible municipality that includes, or has included within the previous 5 years, an area of critical state concern designated or ratified by the Legislature for which the Legislature has declared its intent to provide affordable housing. The exemption created by this act expires on July 1, *2013, and shall apply retroactively* ~~2008~~.

(f) ~~(e)~~ Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

(g) ~~(f)~~ Loans or grants for eligible rental housing constructed, rehabilitated, or otherwise assisted from the local housing assistance trust fund must be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan unless reserved for eligible persons for 15 years or the term of the assistance, whichever period is longer. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

(h) ~~(g)~~ Loans or grants for eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance trust fund shall be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan.

(i) ~~(h)~~ The total amount of monthly mortgage payments or the amount of monthly rent charged by the eligible sponsor or her or his designee must be made affordable.

(j) ~~(i)~~ The maximum sales price or value per unit and the maximum award per unit for eligible housing benefiting from awards made pursuant to this section must be established in the local housing assistance plan.

(k) ~~(j)~~ The benefit of assistance provided through the State Housing Initiatives Partnership Program must accrue to eligible persons occupying eligible housing. This provision shall not be construed to prohibit use of the local housing distribution funds for a mixed income rental development.

(l) ~~(k)~~ Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (b) or not used for the administration of a local housing assistance plan must be used for housing production and finance activities, including, but not limited to, financing *preconstruction activities or* the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding the provisions of paragraphs (a) and (b), program income as defined in s. 420.9071(24) may also be used to fund activities described in this paragraph.

2. When preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing distribution.

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and *(e)* ~~(d)~~ of this subsection.

4. Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

(8) Pursuant to s. 420.531, the corporation shall provide *training and* technical assistance to local governments regarding the creation of partnerships, the design of local housing assistance strategies, the implementation of local housing incentive strategies, and the provision of support services.

(10) Each county or eligible municipality shall submit to the corporation by September 15 of each year a report of its affordable housing programs and accomplishments through June 30 immediately preceding submittal of the report. The report shall be certified as accurate and complete by the local government's chief elected official or his or her designee. Transmittal of the annual report by a county's or eligible municipality's chief elected official, or his or her designee, certifies that the local housing incentive strategies, or, if applicable, the local housing incentive plan, have been implemented or are in the process of being implemented pursuant to the adopted schedule for implementation. The report must include, but is not limited to:

(a) The number of households served by income category, age, family size, and race, and data regarding any special needs populations such as farmworkers, homeless persons, *persons with disabilities,* and the elderly. Counties shall report this information separately for households served in the unincorporated area and each municipality within the county.

(h) Such other data or affordable housing accomplishments considered significant by the reporting county or eligible municipality *or by the corporation*.

(13)

(b) If, as a result of its review of the annual report, the corporation determines that a county or eligible municipality has failed to implement a local housing incentive strategy, or, if applicable, a local housing incentive plan, it shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected county or eligible municipality.

1. The notice must specify a date of termination of the funding if the affected county or eligible municipality does not implement the plan or strategy and provide for a local response. A county or eligible municipality shall respond to the corporation within 30 days after receipt of the notice of termination.

2. The corporation shall consider the local response that extenuating circumstances precluded implementation and grant an extension to the timeframe for implementation. Such an extension shall be made in the form of an extension agreement that provides a timeframe for implementation. The chief elected official of a county or eligible municipality or his or her designee shall have the authority to enter into the agreement on behalf of the local government.

3. If the county or the eligible municipality has not implemented the incentive strategy or entered into an extension agreement by the termination date specified in the notice, the local housing distribution share terminates, and any uncommitted local housing distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer ~~pursuant to s. 420.9078~~.

4.a. If the affected local government fails to meet the timeframes specified in the agreement, the corporation shall terminate funds. The corporation shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected local government. The notice shall specify the termination date, and any uncommitted funds held by the affected local government shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer ~~pursuant to s. 420.9078~~.

b. If the corporation terminates funds to a county, but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement maintains compliance with program requirements, the corporation shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in s. 420.9072.

c. Any county or eligible municipality whose local distribution share has been terminated may subsequently elect to receive directly its local distribution share by adopting the ordinance, resolution, and local housing assistance plan in the manner and according to the procedures provided in ss. 420.907-420.9079.

(14) If the corporation determines that a county or eligible municipality has expended program funds for an ineligible activity, the corporation shall require such funds to be repaid to the local housing assistance trust fund. Such repayment may not be made with funds from the State Housing Initiatives Partnership Program.

Section 31. Paragraph (h) of subsection (2), subsections (5) and (6), and paragraph (a) of subsection (7) of section 420.9076, Florida Statutes, are amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee by resolution. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee to prepare a joint plan. The ordinance adopted pursuant to s. 420.9072 which creates the advisory committee or the resolution appointing the advisory committee members must provide for 11 committee members and their terms. The committee must include:

(h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174. *If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.*

If a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program may elect to appoint an affordable housing advisory committee with fewer than 11 representatives if they are unable to find representatives who meet the criteria of paragraphs (a)-(k).

(5) The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt *its evaluation and* final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the *evaluation and* local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the *evaluation and* tentative advisory committee recommendations can be obtained by interested persons. *The final report, evaluation, and recommendations shall be submitted to the corporation.*

(6) Within 90 days after the date of receipt of the *evaluation and* local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under s. 420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee.

(7) The governing board of the county or the eligible municipality shall notify the corporation by certified mail of its adoption of an amendment of its local housing assistance plan to incorporate local housing incentive strategies. The notice must include a copy of the approved amended plan.

(a) If the corporation fails to receive timely the approved amended local housing assistance plan to incorporate local housing incentive strategies, a notice of termination of its share of the local housing distribution shall be sent by certified mail by the corporation to the affected county or eligible municipality. The notice of termination must specify a date of termination of the funding if the affected county or eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies. If the county or the eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies by the termination date specified in the notice of termination, the local distribution share terminates; and any uncommitted local distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer the local government housing program ~~pursuant to s. 420.9078~~.

Section 32. *Section 420.9078, Florida Statutes, is repealed.*

Section 33. Section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(1) There is created in the State Treasury the Local Government Housing Trust Fund, which shall be administered by the corporation on behalf of the department according to the provisions of ss. *420.907-420.9076* ~~420.907-420.9078~~ and this section. There shall be deposited into the fund a portion of the documentary stamp tax revenues as provided in s. 201.15, moneys received from any other source for the purposes of ss. *420.907-420.9076* ~~420.907-420.9078~~ and this section, and all proceeds derived from the investment of such moneys. Moneys in the fund that are not currently needed for the purposes of the programs administered pursuant to ss. *420.907-420.9076* ~~420.907-420.9078~~ and this section shall be deposited to the credit of the fund and may be invested as provided by law. The interest received on any such investment shall be credited to the fund.

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. *420.907-420.9076* ~~420.907-420.9078~~ and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 34. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.—A district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel *and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements,* independently or in conjunction with other agencies as described in subsection (5).

And the title is amended as follows:

Delete lines 1298-1299 and insert: use the extension; amending s. 159.807, F.S.; providing limitations on the Florida Housing Finance Corporation's access to the state allocation pool; deleting a provision exempting the corporation from the applicability of certain uses of the state allocation pool; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining

the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 196.196, F.S.; providing additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to an exemption from ad valorem taxation; providing a definition; subjecting organizations owning certain property to ad valorem taxation under certain circumstances; providing for tax liens; providing for penalties and interest; providing an exception; providing notice requirements; amending s. 196.1978, F.S.; providing that property owned by certain nonprofit entities or Florida-based limited partnerships and used or held for the purpose of providing affordable housing to certain income-qualified persons is exempt from ad valorem taxation; revising legislative intent; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 420.503, F.S.; defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.507, F.S.; providing the corporation with the power to provide by rule the criteria for developer and contractor preference; providing criteria for the valuation of domicile and experience of developers and general contractors; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; amending s. 420.622, F.S.; authorizing the agencies that provide a local homeless assistance continuum of care to use homeless housing assistance grants, provided by the State Office of Homelessness within the Department of Children and Family Services, to acquire transitional or permanent housing units for homeless persons; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions; amending s. 420.9072, F.S.; conforming a cross-reference; authorizing counties and eligible municipalities to use funds from the State Housing Initiatives Partnership Program to provide relocation grants for persons who are evicted from rental properties that are in foreclosure; providing eligibility requirements for receiving a grant; providing that authorization for the relocation grants expires July 1, 2010; amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution which may be used for manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; providing for retroactive application; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by the local housing assistance trust fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; revising notice requirements for public hearings of the advisory committee; requiring the committee's final report, evaluation, and recommendations to be submitted to the corporation; deleting cross-references to conform to changes made by the act; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; providing a legislative declaration of important state interest; providing an effective date.

On motion by Senator Bennett, the Senate receded from **Senate Amendments 1, 2, 5** and **6**; and refused to recede from **Senate Amendments 3** and **4**. On motion by Senator Bennett, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate Amendments to the House Amendment.

CS for CS for SB 360 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Deutch	Lynn
Alexander	Diaz de la Portilla	Oelrich
Altman	Fasano	Peaden
Aronberg	Gaetz	Rich
Baker	Garcia	Ring
Bennett	Gardiner	Siplin
Bullard	Haridopolos	Smith
Crist	Jones	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise

Nays—7

Constantine	Joyner	Storms
Dockery	Justice	
Gelber	Sobel	

Vote after roll call:

Yea—Richter

Yea to Nay—Crist

Votes Recorded:

May 7, 2009: Yea to Nay—Rich

BILLS ON THIRD READING

HB 387—A bill to be entitled An act relating to medical faculty certificates; amending s. 458.3145, F.S.; increasing the maximum number of medical faculty certificates issued to faculty at certain institutions; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **HB 387** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

CS for CS for HB 685—A bill to be entitled An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the

Florida National Guard who enroll in an authorized course of study at a specified public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for HB 685** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

CS for CS for HB 1171—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; requiring written notice of nonrenewal, cancellation, or termination; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for CS for HB 1171** was passed and certified to the House. The vote on passage was:

Yeas—27

Alexander	Constantine	Gaetz
Altman	Dean	Gardiner
Aronberg	Detert	Haridopolos
Baker	Deutch	Jones
Bennett	Diaz de la Portilla	Joyner
Bullard	Dockery	King
Lawson	Peaden	Siplin
Lynn	Rich	Smith
Oelrich	Richter	Wise

Nays—9

Mr. President	Gelber	Sobel
Crist	Justice	Storms
Fasano	Ring	Villalobos

Vote after roll call:

Nay—Garcia

CS for CS for CS for SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire state land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.7829, F.S.; conforming a cross-reference; amending s. 253.783, F.S.; revising provisions relating to the disposition of surplus lands; authorizing the Department of Environmental Protection to extend the second right of refusal to the current owner of adjacent lands affected by acquired surplus lands under certain circumstances; authorizing the department to extend the third right of refusal to the original owner or the original owner's heirs of lands acquired by the Canal Authority of the State of Florida or the United States Army Corps of Engineers; authorizing the department to extend the fourth right of refusal to any person having a leasehold interest in the land from the canal authority; conforming cross-references; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring an affirmative vote of six members of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; requiring that certain proceeds from the Florida Forever Trust Fund be spent on capital projects within a year after acquisition rather than only at the time of acquisition; requiring an affirmative vote of six members of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; requiring the department to recover notification costs from responsible parties; providing an exception; amending s. 403.0876, F.S.; providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be as-

sessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9325, F.S.; revising the definition of "riparian mangrove fringe"; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; amending s. 6, ch. 99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; amending s. 403.503, F.S.; revising definitions; amending s. 403.506, F.S.; revising provisions of power plants using wind or solar energy; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Constantine, further consideration of **CS for CS for CS for SB 2104** as amended was deferred.

CS for HB 1405—A bill to be entitled An act relating to the influenza vaccine; amending ss. 402.305, 402.313, and 402.3131, F.S.; requiring child care facilities, family day care homes, and large family child care homes to provide parents with certain information regarding the causes, symptoms, and transmission of the influenza virus; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for HB 1405** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Peaden
Alexander	Fasano	Rich
Altman	Gaetz	Richter
Aronberg	Gardiner	Ring
Baker	Gelber	Siplin
Bennett	Haridopolos	Smith
Bullard	Jones	Sobel
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Oelrich	

Nays—None

Vote after roll call:

Yea—Garcia

Consideration of **CS for CS for SB 1978** was deferred.

CS for CS for SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; providing for the nonapplication of certain provisions of state law to surplus lines insurance authorized under the Surplus Lines Law; providing an exception; amending s. 626.924, F.S.; requiring that surplus lines policies issued on or after a specified date have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for the retroactive applicability of certain provisions; providing an effective date.

—as amended April 24 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1894** to **CS for HB 853**.

Pending further consideration of **CS for CS for SB 1894** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 853** was withdrawn from the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Bennett, by two-thirds vote—

CS for HB 853—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; specifying nonapplication of certain provisions of law to surplus lines insurance; providing an exception; amending s. 626.924, F.S.; requiring surplus lines policies issued on or after a specified date to have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a

claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for the retroactive applicability of certain provisions; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1894** as amended and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for HB 853** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Consideration of **CS for SB 642** and **CS for CS for SB 274** was deferred.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR, continued

On motion by Senator Bennett, by unanimous consent, the Senate resumed consideration of—

CS for CS for HB 55—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on the consideration for short sale transfers of real property; excluding certain unpaid indebtedness from such consideration; defining the term "short sale"; authorizing the Department of Revenue to adopt rules establishing arm's length criteria for short sale purposes; providing an effective date.

—which was taken up out of order, as previously considered April 27.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senators Baker, Alexander, Bennett, and Gelber offered the following amendment which was moved by Senator Baker and adopted:

Amendment 1 (338060) (with title amendment)—Delete lines 34-40 and insert: *dealing with each other at arm's length.*

Section 2. *The Department of Revenue may adopt rules establishing criteria that indicate when the parties to a short sale are not dealing with each other at arm's length.*

Section 3. *Pursuant to s. 201.15(1)(a), Florida Statutes, the issuance of $50 million of Florida Forever bonds is authorized, in addition to any previously authorized bonds. For the 2009-2010 fiscal year, the sum of $3,502,005 is appropriated from the Land Acquisition Trust Fund to the Department of Environmental Protection for debt service on the new bonds. The proceeds of such bonds shall be distributed in accordance with s. 259.105(3), Florida Statutes. The Department of Environmental Protection and the agencies receiving such bond proceeds are appropriated budget authority necessary to transfer and expend the respective amounts of the distributed bond proceeds.*

Section 4. *(1) Pursuant to s. 215.619(1), Florida Statutes, the issuance of $50 million of Everglades Restoration bonds is authorized, in addition to any previously authorized bonds. For the 2009-2010 fiscal year, the sum of $4,991,600 is appropriated from the Save Our Everglades Trust Fund to the Department of Environmental Protection for debt service on the new bonds.*

(2) The sum of $47 million is appropriated from the Save Our Everglades Trust Fund to the Department of Environmental Protection for the design and construction of Comprehensive Everglades Restoration Plan components, Lake Okeechobee Protection Plan components, and Caloosahatchee and St. Lucie River Watershed Protection Plan components, and for the acquisition of lands needed for these project components. The sum of $3 million is appropriated from the Save Our Everglades Trust Fund to the Department of Environmental Protection for transfer to the Department of Agriculture and Consumer Services into the General Inspection Trust Fund to fund activities authorized in subsection (3).

(3) The sum of $3 million is appropriated from the General Inspections Trust Fund to the Department of Agriculture and Consumer Services for the purpose of implementing agricultural nonpoint source controls in the Okeechobee, Caloosahatchee, and St. Lucie River watersheds.

Section 5. Section 201.15, Florida Statutes, as amended by section 1 of chapter 2009-17, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. *After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1).* All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund may not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds may not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but may not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this

paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) Moneys shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or $541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of the lesser of 5.64 percent of the remainder or $80 million in each fiscal year, to be used as required by s. 403.890.

3. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or $3.25 million in each fiscal year, with 92 percent to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and the remaining amount to be used to fund the Century Commission established in s. 163.3247.

4. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or $30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

5. The Marine Resources Conservation Trust Fund in the amount of the lesser of .14 percent of the remainder or $2 million in each fiscal year, to be used for marine mammal care as provided in s. 379.208(3).

6. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or $300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law.

(2) The lesser of 7.56 percent of the remaining taxes collected under this chapter or $84.9 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3)(a) Through the 2008-2009 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or $26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(b) Beginning with the 2009-2010 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or $26 million in each fiscal year shall be distributed in the following order:

1. Amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

3. The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(c) Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the trust fund.

(4) The lesser of 4.2 percent of the remaining taxes collected under this chapter or $60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5)(a) For the 2007-2008 fiscal year, 3.96 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Ten and five-hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(b) Beginning July 1, 2008, 3.52 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Eleven and fifteen hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) The lesser of 2.28 percent of the remaining taxes collected under this chapter or $34.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) The lesser of .5 percent of the remaining taxes collected under this chapter or $9.3 million in each fiscal year shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with

nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) The lesser of 7.53 percent of the remaining taxes collected under this chapter or $107 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) The lesser of 8.66 percent of the remaining taxes collected under this chapter or $136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), may not be used for land acquisition but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59.

(12) Amounts distributed pursuant to subsections (5), (6), (7), and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

(13) Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), (7), (9), and (10) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.

(14) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(10).

(15) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(16) If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before January 1, 2010, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.

(17) ~~(16)~~ The remaining taxes collected under this chapter, after the distributions provided in the preceding subsections, shall be paid into the State Treasury to the credit of the General Revenue Fund.

And the title is amended as follows:

Delete line 8 and insert: short sale purposes; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Bennett, by two-thirds vote **CS for CS for HB 55** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for CS for SB 1978—A bill to be entitled An act relating to classroom expenditures; creating s. 1010.2155, F.S.; requiring that school districts spend a minimum percentage of the district general fund on expenditures in the classroom; requiring that the Department of Education develop a uniform calculation and a common format for district reporting; requiring that school districts publish information regarding classroom expenditures; requiring that the department analyze the expenditures of school districts that fail to meet required classroom expenditure levels; authorizing the department to provide technical as-

sistance upon request by a school district; requiring that the Commissioner of Education make written recommendations to the superintendent of schools and the school board; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, further consideration of **CS for CS for SB 1978** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 904, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 904—A bill to be entitled An act relating to parental responsibility and time-sharing; amending s. 61.046, F.S.; redefining the terms "parenting plan," "parenting plan recommendations," and "time-sharing schedule"; creating s. 61.125, F.S.; providing for parenting coordination as an alternative dispute resolution process to resolve parenting plan disputes; providing for court referral; providing for domestic violence situations; providing the qualifications required for a parenting coordinator and for the disqualification of a coordinator; providing for the payment of parenting coordination fees and costs; providing for confidentiality; providing for emergency reporting to the court by the coordinator; providing a limitation on the coordinator's liability; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that shared parental responsibility is detrimental to a child when a parent is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of substantially changed circumstances; requiring a court to make explicit written findings if, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms "other person," "parent," and "relocation"; substituting the term "access to" for "visitation"; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, and 61.21, F.S.; conforming provisions to changes made by the act; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

House Amendment 1 (917475)—Remove lines 295-328 and insert:

(d)1. ~~Unless the provisions of subparagraph 3. apply, all child support orders entered on or after January 1, 1985, shall direct that the payments of child support be made as provided in s. 61.181 through the depository in the county where the court is located.~~ All child support orders shall provide the full name and date of birth of each minor child who is the subject of the child support order.

~~2. Unless the provisions of subparagraph 3. apply, all child support orders entered before January 1, 1985, shall be modified by the court to direct that payments of child support shall be made through the depository in the county where the court is located upon the subsequent appearance of either or both parents to modify or enforce the order, or in any related proceeding.~~

2. ~~3.~~ If both parties request and the court finds that it is in the best interest of the child, support payments need not be *subject to immediate income deduction. Support orders that are not subject to immediate income deduction may be* directed through the depository *under s. 61.181. Payments for all support orders that provide for immediate income deduction shall be made to the State Disbursement Unit*. ~~The order of support shall provide, or shall be deemed to provide, that either party may subsequently apply to the depository to require direction of the payments through the depository.~~ The court shall provide a copy of the order to the depository.

3. ~~4.~~ *For support orders that do not provide for immediate income deduction* ~~if the parties elect not to require that support payments be made through the depository~~, any party*, or the IV-D agency in a IV-D case,* may subsequently file an affidavit with the *State Disbursement Unit* ~~depository~~ alleging a default in payment of child support and stating that the party wishes to require that payments be made through the *State Disbursement Unit* ~~depository~~. The party shall provide copies of the affidavit to the court and to each other party. Fifteen days after receipt of the affidavit, the *State Disbursement Unit* ~~depository~~ shall notify *all* ~~both~~ parties that future payments shall be paid through the *State Disbursement Unit* ~~depository~~.

~~5. In IV-D cases, the IV-D agency shall have the same rights as the obligee in requesting that payments be made through the depository.~~

On motion by Senator Deutch, the Senate concurred in the House Amendment.

CS for CS for CS for SB 904 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments 1, 1A, 1C and 1D to CS for CS for CS for HB 439 and requests the Senate to recede.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for HB 439—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the

violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

On motion by Senator Altman, the Senate refused to recede from the Senate Amendments to **CS for CS for CS for HB 439** and again requested that the House concur. The action of the Senate was certified to the House.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1468, with Amendments 1 and 2, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 1468—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; providing an appeal process for an application that has been denied; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 259.105, F.S.; renaming the "Stan Mayfield Working Waterfronts Program" within the Florida Communities Trust as the "Stan Mayfield Commercial Waterfronts Restoration and Preservation Program"; amending s. 380.502, F.S.; conforming provisions to changes made by the act; amending s. 380.503, F.S.; deleting a definition for the term "working waterfronts" for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; providing a cross-reference; clarifying provisions relating to the authority of the Florida Communities Trust to provide grants or loans for certain projects; clarifying the trust's rulemaking authority; deleting obsolete provisions; amending s. 380.508, F.S.; deleting provisions relating to the purpose of working waterfront projects; amending s. 380.5105, F.S.; conforming provisions to changes made by the act; providing a definition for the term "commercial waterfront"; providing that certain property does not qualify as commercial waterfront property; providing for water-dependent commercial activities; limiting the uses of acquired property in perpetuity; requiring that the Florida Communities Trust adopt rules establishing procedures and an application process; providing an effective date.

House Amendment 1 (375013)—Remove lines 129-150 and insert:

(b)1. Property classified as working waterfront property under this section shall be assessed on the basis of the property's current use. The property appraiser shall consider only the following use factors:

a. The condition of the property.

b. The present market value of the property in its current use for the foreseeable future.

c. The income produced by the property.

2. In no event shall the assessed value of the property exceed just value.

House Amendment 2 (315799) (with title amendment)—Remove lines 329-561

And the title is amended as follows:

Remove lines 31-54

On motion by Senator Dean, the Senate refused to concur in the House Amendments to **CS for CS for SB 1468** and the House was requested to recede. The action of the Senate was certified to the House.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

Mr. R. Philip Twogood May 1, 2009
Secretary of the Florida Senate

Dear Mr. Secretary:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Borders-Byrd, Cynthia	10/31/2011
	Caldwell, Maria E.	10/31/2011
	Riggs, Stephen C. III	10/31/2012
Greater Orlando Aviation Authority		
Appointees:	Calvet, Cesar E.	04/16/2012
	Colon, Joseph L.	04/16/2012
	Palmer, James "Jim" R.	04/16/2012
Florida State Boxing Commission		
Appointees:	Jurado, Melody "Mel"	09/30/2011
	Williams, Mark M.	09/30/2010
Interim Secretary, Department of Business and Professional Regulation		
Appointee:	Drago, Charles W.	Pleasure of Governor
Interim Secretary, Department of Children and Family Services		
Appointee:	Sheldon, George H.	Pleasure of Governor
Regulatory Council of Community Association Managers		
Appointees:	Brennan, Terence	10/31/2010
	Clifton, Ronald D., Jr.	10/31/2012
	Moran, Kelly A.	10/31/2012
	Rogers, Margaret A.	10/31/2011
	Rogers, Patricia	10/31/2011
Florida Communities Trust		
Appointees:	Alfonso, Albert E.	01/31/2013

Office and Appointment		For Term Ending
	Lindblad, A. Erick	01/31/2013
Board of Trustees of Edison College		
Appointees:	Helphenstine, JoAnn P.	05/31/2010
	Parrish, Randall T., Jr.	05/31/2012
	Perry, Julia G.	05/31/2012
Board of Trustees of Gulf Coast Community College		
Appointee:	Butler, Denise D.	05/31/2012
Board of Trustees of Manatee Community College		
Appointees:	Beruff, Carlos	05/31/2012
	Miller, Joseph C., Jr.	05/31/2009
Board of Trustees of North Florida Community College		
Appointees:	Brothers, William L.	05/31/2010
	Williams, Michael R.	05/31/2009
Board of Trustees of Pensacola Community College		
Appointee:	Snider, Paul R.	05/31/2010
Board of Trustees of Valencia Community College		
Appointee:	Quittschreiber, Jo	05/31/2012
Construction Industry Licensing Board		
Appointee:	Malphus, Wilbert	10/31/2010
State of Florida Correctional Medical Authority		
Appointees:	Abercrombie, David Earl	09/30/2012
	Littles, Alma B.	09/30/2009
	Tedder, Deborah A.	09/30/2010
Board of Cosmetology		
Appointees:	Ritenbaugh, Laurel K.	10/31/2012
	Smith, Monica Schuloff	10/31/2011
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointees:	McCaul, Owen B.	12/10/2012
	Wagner, Christopher D.	11/19/2012
Board of Dentistry		
Appointees:	Baker, Tamara "Tammy" S.	10/31/2012
	Melzer, Carl J.	10/31/2011
	Morgan, J. Thaddeus	10/31/2011
	Perdomo, Robert L. III	10/31/2012
Interim Director, Agency for Persons with Disabilities		
Appointee:	DeBeaugrine, James "Jim"	Pleasure of Governor
Education Practices Commission		
Appointee:	Walker, Cindi	01/20/2013
Electrical Contractors' Licensing Board		
Appointee:	Thomas, Noel H.	10/31/2012
Board of Employee Leasing Companies		
Appointees:	Dockery, Celeste	10/31/2011
	Finkelstein, Abram	10/31/2011
	Jones, John L.	10/31/2012
Board of Professional Engineers		
Appointees:	Halyard, Paul J.	10/31/2009
	Panigrahi, Bijay K.	10/31/2011
	Wallis, H. Dann	10/31/2011
	Young, Mary Martin	10/31/2011
Board of Professional Geologists		
Appointees:	Caspary, Jorge R.	10/31/2012
	Harmon, James J.	10/31/2011
	Poppell, Robert R.	10/31/2012
Higher Educational Facilities Financing Authority		
Appointees:	Czerniec, Timothy H.	01/17/2013
	Nguyen, Luong V.	01/17/2011

Office and Appointment		For Term Ending
Citrus County Hospital Board		
Appointees:	Collins, Robert F.	07/07/2012
	Rogers, Ralph W. III	07/08/2010
Board of Trustees of South Lake County Hospital District		
Appointees:	Jones, JoAnn	07/05/2012
	Smith, Linda J.	07/05/2011
Florida Housing Finance Corporation		
Appointee:	Fairman, Kenneth J.	11/13/2010
Florida Commission on Human Relations		
Appointees:	Flom, Elena M.	09/30/2011
	Haynes, Watson L. II	09/30/2011
	Singer, Gilbert M.	09/30/2010
	Thomas, Patty Ball	09/30/2010
	Valle, Mario	09/30/2011
Board of Landscape Architecture		
Appointees:	Delate, Joseph F.	10/31/2011
	Graham, Philip H., Jr.	10/31/2009
	Marshall-Beasley, Elizabeth	10/31/2009
	Paskey, Ernest L.	10/31/2010
Governor's Mansion Commission		
Appointees:	Aurell, Jane C.	09/30/2009
	Glover, Marla G.	09/30/2012
	Graham, Adele K.	09/30/2009
Atlantic States Marine Fisheries Commission		
Appointee:	Orndorf, William "Bill" R.	09/04/2010
Gulf States Marine Fisheries Commission		
Appointee:	Dempsey, Hayden R.	01/05/2010
Board of Massage Therapy		
Appointees:	Burke-Wammack, Bridget K.	10/31/2012
	Ford, Karen Goff	10/31/2011
	Smallwood, Robert	10/31/2011
	Stoehs, William F.	10/31/2010
Board of Medicine		
Appointees:	Levine, Bradley M.	10/31/2012
	Mullins, Donald E.	10/31/2012
	Nuss, Robert C.	10/31/2012
	Tucker, Elisabeth D.	10/31/2012
Board of Nursing		
Appointees:	Colin, Jessie M.	10/31/2012
	Denker, Ann-Lynn	10/31/2012
	McDonough, John P.	10/31/2010
	Newman, Jody Bryant	10/31/2009
Board of Nursing Home Administrators		
Appointees:	Francoeur, Jeri H.	10/31/2010
	Sarvis, Linda	10/31/2011
	Wishna, Harold	10/31/2009
Board of Opticianry		
Appointees:	Goodman, Barney F.	10/31/2011
	Slattery, Margaret E.	10/31/2010
Board of Orthotists and Prosthetists		
Appointee:	Panton, Hugh J.	10/31/2010
Board of Osteopathic Medicine		
Appointees:	Escher, Allan R., Jr.	10/31/2011
	Palladino, Rina	10/31/2011
Board of Pharmacy		
Appointees:	Griffin, Cynthia R.	10/31/2012
	Hayes, Carl "Fritz"	10/31/2011
	Melvin, Stephen E.	10/31/2010
	Risch, Lorena	10/31/2010
	Salem, Ronald B.	10/31/2011
	Weizer, Michele	10/31/2012

Office and Appointment		*For Term Ending*
Pilotage Rate Review Board		
Appointees:	Johnson, Clarence T., Jr.	10/31/2009
	Weston, Evan L.	10/31/2011
Board of Podiatric Medicine		
Appointee:	Frisch, Dennis R.	10/31/2011
Tampa Port Authority		
Appointees:	Brown, William A.	11/15/2011
	Swindal, Stephen W.	02/06/2012
Florida Prepaid College Board		
Appointee:	Stephany, Pamela	06/30/2010
Board of Psychology		
Appointees:	Moore, Patrice	10/31/2010
	Orta, Luis E.	10/31/2010
	Reiff, Harry J.	10/31/2011
Public Employees Relations Commission		
Appointee:	Delgado, John M.	01/01/2013
Chair, Public Employees Relations Commission		
Appointee:	Ray, Stephanie Williams	01/01/2012
Florida Real Estate Appraisal Board		
Appointee:	Oreto, Evalyn F.	10/31/2011
North Central Florida Regional Planning Council, Region 3		
Appointee:	Maultsby, Charles	10/01/2009
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Garcia, Julian, Jr.	10/01/2010
	Kersteen, Robert "Bob" A.	10/01/2010
	Kinnan, Harry G.	10/01/2010
	Todd, Barbara Sheen	10/01/2010
	Woodard, Laura D.	10/01/2009
	Young, Earl H.	10/01/2009
South Florida Regional Planning Council, Region 11		
Appointees:	Asseff, Patricia T.	10/01/2010
	Perez, Marta	10/01/2010
	Riesco, Jose	10/01/2010
	Wallace, Paul R.	10/01/2009
Space Florida		
Appointees:	Baker, Silas K., Jr.	06/30/2012
	Ford, Kenneth M.	06/30/2012
	Haiko, Kenneth J.	06/30/2012
	Kompothecras, Gary	06/30/2012
Board of Professional Surveyors and Mappers		
Appointees:	Greer, Sidney H.	10/31/2010
	Mastronicola, Arthur A., Jr.	10/31/2011
	Poppell, Frances C.	10/31/2009
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointee:	Rice, Kelly S.	03/01/2011

The following executive appointments were referred to the Senate Committee on Commerce and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Commerce considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Florida Commission on Tourism		
Appointees:	Hertz, Andrew P.	06/30/2010
	Mares, Charles "Sonny" F.	06/30/2010
	McQueen, Carol J.	06/30/2010
	Stork, Thom	06/30/2010

The following executive appointment was referred to the Senate Committee on Communications, Energy, and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Communications, Energy, and Public Utilities and the Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Florida Energy and Climate Commission		
Appointees:	Baughman McLeod, Kathy	09/30/2010
	Clark, John "J.B." Boston	09/30/2011
	Diaz, Nils J.	09/30/2010
	Ferguson, Howell L.	09/30/2011
	Gladding, Nicholas C.	09/30/2009
	Harrison, Debra "Debbie" S.	09/30/2011
	Jackson, Timothy T.	09/30/2011
	Murley, James F.	09/30/2011
	Poindexter, Christian H.	09/30/2011

The following executive appointments were referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Criminal Justice considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Lukis, Vicki L.	09/30/2010
	Matza, Rochelle S.	09/30/2011
	Medina, John A.	09/30/2012
	Mehta, Radhika "Radha" V.	09/30/2012

The following executive appointments were referred to the Senate Committee on Education Pre-K - 12 and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Education Pre-K - 12 and the Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
State Board of Education		
Appointees:	Boulware, Peter	12/31/2009
	Martinez, Roberto	12/31/2012

The following executive appointments were referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Environmental Preservation considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Glasco-Foderingham, Rhoda	07/01/2009
	Miklos, John	07/01/2011
	Parks, Paul C.	07/01/2011
	Ross, Donald H.	07/01/2011

Office and Appointment		*For Term Ending*
Governing Board of the Northwest Florida Water Management District		
Appointee:	Rodriguez, Jose Luis	03/01/2012
Governing Board of the St. Johns River Water Management District		
Appointees:	Bournique, Douglas C.	03/01/2012
	Tanzler, Hans G. III	03/01/2012

The following executive appointments were referred to the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on on Governmental Operations and Accountability and the Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Executive Director, Agency for Enterprise Information Technology		
Appointee:	Taylor, David W.	Pleasure of Governor and Cabinet
Participant Local Government Advisory Council		
Appointees:	Elia, MaryEllen	01/12/2013
	Heffner, Patsy	01/12/2013
	Nicolai, Karen	01/12/2013
	Peterson, John Mark	01/12/2013
	Wishner, Roger B.	01/12/2013
	Wolfson, Daniel R.	01/12/2013

The following executive appointment was referred to the Senate Committee on Higher Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Higher Education considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Board of Trustees, University of Central Florida		
Appointee:	Grindstaff, Michael J.	01/06/2013
Board of Trustees, Florida International University		
Appointee:	Alvarez, Cesar L.	01/06/2013
Board of Trustees, New College of Florida		
Appointees:	Ruiz, Mary	01/06/2010
	Saputo, John W.	01/06/2013

The following executive appointments were referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Transportation considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Tampa-Hillsborough County Expressway Authority		
Appointees:	Philips, Donald E.	07/01/2012
	Truax, Gregory	07/01/2011
Florida Transportation Commission		
Appointees:	Conrecode, Thomas E.	09/30/2011
	Mazurkiewicz, Joseph "Joe" M.,	09/30/2011
	Rose, Manuel "Manny"	09/30/2011
	Walton, Garrett W.	09/30/2011

Respectfully submitted,
JD Alexander, Chair

Mr. R. Philip Twogood May 1, 2009
Secretary of the Florida Senate

Dear Mr. President:

Please be advised that the following executive appointments were not acted on by the full Senate upon adjournment of the 2009 Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Board of Acupuncture		
Appointee:	Rezmer, Barbara	10/31/2008
Board of Athletic Training		
Appointee:	Brunett, Marisa A.	10/31/2011
Florida Commission on Community Service		
Appointee:	Clemons, Scott Wells	09/14/2008
Board of Trustees of Santa Fe College		
Appointee:	Weingart, Breck A.	05/31/2011
State of Florida Correctional Medical Authority		
Appointee:	Maya, Victor J.	09/30/2011
Florida Elections Commission		
Appointees:	Rhodes, Donald W.	12/31/2008
	Rossin, Thomas "Tom" E.	12/31/2008
	Unger, Karen	12/31/2011
Board of Employee Leasing Companies		
Appointee:	Schoenfisch, Warren H.	10/31/2008
Board of Professional Geologists		
Appointee:	Poppell, Robert R.	10/31/2008
Juvenile Welfare Board of Pinellas County		
Appointee:	Minkoff, Elise B.	07/18/2008
Board of Landscape Architecture		
Appointees:	Bowden, Robert E.	10/31/2009
	Walker, Brian	10/31/2010
Board of Orthotists and Prosthetists		
Appointee:	Lees, Ralph C.	10/31/2011
Pilotage Rate Review Board		
Appointees:	Corn, Daniel W.	10/31/2011
	Elliott, Erica	10/31/2008

The Senate Committee on Ethics and Elections did not consider the following appointees because the terms of the appointments expired:

Scott Wells Clemons; Erica Elliott; Elise B. Minkoff; Robert R. Poppell; Barbara Rezmer; Donald W. Rhodes; Thomas "Tom" E. Rossin; Warren H. Schoenfisch

The Senate Committee on Ethics and Elections did not consider the following appointments because the appointee resigned:

Robert E. Bowden; Marisa A. Brunett; Daniel W. Corn; Victor J. Maya; Karen Unger; Brian Walker; Breck A. Weingart

The Senate Committee on Ethics and Elections did not consider the following appointment because the appointee is deceased:

Ralph C. Lees

Respectfully submitted,
JD Alexander, Chair

Mr. R. Philip Twogood May 1, 2009

Secretary of the Florida Senate

Dear Mr. Secretary:

Please be advised that the following appointments were not received by the Florida Senate for consideration in the 2009 Regular Session. Therefore, pursuant to s. 114.05(1)(e), F.S., the Senate took no action on these appointments during the regular session immediately following the effective date of the appointment.

Office and Appointment		*For Term Ending*
Board of Athletic Training		
Appointee:	Gomez, Gerardo	06/24/2008
Board of Trustees of Manatee Community College		
Appointee:	Lumpkin, Kelvin L.	08/15/2008
Council on Efficient Government		
Appointee:	Yandell, Tim	10/13/2008
Board of Trustees of South Lake County Hospital District		
Appointee:	Solis, Carlos	06/16/2008
Florida Commission on Tourism		
Appointee:	Christian, Ty	04/28/2009

Respectfully submitted,
JD Alexander, Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The following Executive Order was filed with the Secretary:

EXECUTIVE ORDER NUMBER 09-97
(Executive Order of Suspension)

WHEREAS, James Robert Richburg is presently serving as a member of the Board of Dirctors of Workforce Florida, Inc.; and

WHEREAS, on April 17, 2009, the Grand Jury for the Second Judicial Circuit, Leon County, Florida, issued an Indictment charging James Robert Richburg with one count of falsifying an official record contrary to Section 838.022(1)(a), Florida Statutes; one count of unlawfully making a false statement contrary to Section 837.02, Florida Statutes; and

WHEREAS, a violation of Section 838.022(1)(a), Florida Statutes, constitues a felony of the third degree; a violation of Section 837.02, Florida Statutes, constitutes a felony of the third degree; and

WHEREAS, it is in the best interest of the residents of and the citizens of the State of Florida that James Robert Richburg be immediately suspended from the public office which he now holds, upon the grounds set forth in this Executive Order;

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to Section 445.004, Florida Statutes, find and state as follows:

A. James Robert Richburg is, and at all times material was, a member of the Board of Dirctors of Workforce Florida, Inc.

B. The office of Board of Dirctors of Workforce Florida, Inc., is within the purview of the suspension powers of the Governor, pursuant to Section 445.004, Florida Statutes.

C. The attached Indictment alleges that James Robert Richburg committed acts in violation of the Laws of the State of Florida. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this Executive Order.

BEING FULLY ADVISED, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. James Robert Richburg is suspended from the Board of Dirctors of Workforce, Florida, Inc.

Section 2. James Robert Richburg is prohibited from performing any official act, duty, or function of his position; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of his position during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 22nd day of April, 2009.
Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 293 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Full Appropriations Council on Education & Economic Development, Economic Development & Community Affairs Policy Council and Representative(s) Rogers, Clarke-Reed, Fetterman, Soto, Steinberg—

CS for CS for HB 293—A bill to be entitled An act relating to motor vehicle and mobile home title transfer; amending s. 319.22, F.S.; revising provisions for limitation of liability for the operation of a motor vehicle that has been sold or transferred; providing requirements for notice of transfer to the Department of Highway Safety and Motor Vehicles; requiring an owner or coowner who has made a sale or transfer of a motor vehicle to notify the department; providing requirements for such notification; providing applicability; requiring the department to provide certain information to the motor vehicle owner or coowner when issuing a certificate of title; amending s. 319.33, F.S.; providing alternate disposition procedures for certain motor vehicles and mobile homes abandoned on private property; providing for issuance by the department of a replacement vehicle identification number; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2198 as amended and that the Senate be asked to concur with the bill as passed as amended by the House, or failing to concur, the House agrees to conference.

CONFEREES APPOINTED

The Speaker of the House appointed the following conferees on **CS for SB 2198**: Chairs: Rivera and Llorente; Members At Large: Bogdanoff, Cannon, Galvano, Hasner, Lopez-Cantera, Reagan, Thurston, Saunders,

Skidmore; Criminal & Civil Justice Appropriations: Chair: Adams; Members At Large: Thompson, N., Rouson, Eisnaugle, Planas, Snyder, Soto, Taylor, P.; Government Operations Appropriations: Chair: Hays; Members At Large: Hooper, Braynon, Ford, McBurney, Nelson, Schultz, Williams, A.; Health Care Appropriations: Chair: Ambler; Members At Large: Patronis, Brandenburg, Frishe, Grimsley, Homan, Jones, Kreegel, Renuart; Healthy Seniors Appropriations: Chair: Domino; Members At Large: Anderson, Schwartz, Hudson, Nehr, Pafford; Human Services Appropriations: Chair: Zapata; Members At Large: Holder, Roberson, Y., Roberson, K., Van Zant, Rader, Rogers; Natural Resources Appropriations: Chair: Poppell; Members At Large: Williams, T., Boyd, Bembry, Crisafulli, Fetterman, Mayfield, Plakon, Troutman; PreK-12 Appropriations: Chair: Flores; Members At Large: Legg, Kiar, Adkins, Bullard, Coley, Clarke-Reed, Culp, Fresen, Stargel, Weinstein; State Universities & Private Colleges Appropriations: Chair: Proctor; Members At Large: Precourt, Heller, Burgin, Dorworth, O'Toole, Patterson, Reed, Taylor, D.; State & Community Colleges & Workforce Appropriations: Chair: Weatherford; Members At Large: McKeel, Brise, Kelly, Thompson G., Tobia; Transportation & Economic Development Appropriations: Chair: Glorioso; Members At Large: Evers, Gibbons, Aubuchon, Bovo, Carroll, Drake, Gibson, Horner, Hukill, Long, Murzin, Ray, Sachs, Schenck, Steinberg, Fitzgerald.

Robert L. "Bob" Ward, Clerk

CONFEREES APPOINTED

The President appointed the following conferees on **CS for SB 2198**: Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Haridopolos and Lawson, Members at Large; Appropriations Conference Committee on Criminal and Civil Justice: Senator Crist, Chair; Senators Jones, Joyner, Villalobos and Wilson; Appropriations Conference Committee on Education Pre-K - 12: Senator Wise, Chair; Senators Bullard, Detert, Garcia, Richter and Siplin; Appropriations Conference Committee on Finance and Tax: Senator Altman, Chair; Senators Bennett, Justice, Pruitt and Ring; Appropriations Conference Committee on General Government: Senator Baker, Chair; Senators Aronberg, Dean, Lawson and Oelrich; Appropriations Conference Committee on Health and Human Services: Senator Peaden, Chair; Senators Gaetz, Haridopolos, Rich and Sobel; Appropriations Conference Committee on Higher Education: Senator Lynn, Chair; Senators Constantine, Deutch, Gelber and King; and Appropriations Conference Committee on Transportation and Economic Development: Senator Fasano, Chair; Senators Diaz de la Portilla, Dockery, Gardiner, Hill, Smith and Storms.

The action of the Senate was certified to the House.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 126, CS for SB 538, CS for SB 746, CS for CS for SB 918, CS for CS for SB 1078, CS for SB 1122, CS for SB 1312, CS for CS for CS for CS for SB 1540, SB 2080, CS for CS for SB 2226, CS for CS for SB 2276, and CS for CS for SB 2658; passed SB 166, CS for SB 2158, and CS for SB 2282 by the required constitutional two-thirds vote of the membership of the House; passed CS for SJR 532 by the required constitutional three-fifths vote of the membership of the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment(s) to House Amendment(s) and passed SB 1248 as further amended; concurred in Senate Amendments 3, 4 and 7 to House Amendment 1 and passed CS for CS for SB 360 as further amended.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing message were ordered engrossed and then enrolled.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 2 and passed CS for CS for HB 293 as amended; concurred in Senate Amendments 3 and 4 and passed CS for CS for HB 479 as amended; concurred in Senate Amendments 1 and 1A and passed CS for CS for HB 521 as amended; concurred in Senate Amendment 1 and passed CS for HB 597 as amended; concurred in Senate Amendment 1 as amended and passed HB 1021 as amended; concurred in Senate Amendments 1 and 2 and passed CS for HB 1213 as amended; concurred in Senate Amendments 1, 2 and 3 and passed CS for CS for HB 1423 as amended; and concurred in Senate Amendment 1 and passed CS for CS for HB 7031 as amended.

Robert L. "Bob" Ward, Clerk

ENROLLING REPORTS

CS for SB 344 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 1, 2009.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for SJR 532, CS for CS for CS for SB 904, CS for CS for SB 1468; Aronberg—CS for SB 2374; Crist—SB 1848; Detert—CS for SB 1380; Gaetz—CS for SB 1006; Joyner—CS for SB 344, CS for CS for SB 918, CS for CS for CS for SB 1128, CS for SB 2240; Lynn—CS for CS for SB 1616, CS for SB 1682, SB 1848, CS for SB 1880, SB 1896, CS for SB 2240, CS for CS for SB 2276, CS for SB 2426, CS for CS for SB 2538, CS for CS for SB 2572, CS for CS for SB 2614, CS for CS for CS for SB 2684; Siplin—CS for SB 910; Storms—CS for SB 2408

RECESS

On motion by Senator Villalobos, the Senate recessed at 7:25 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, May 8 or upon call of the President.

Journal of the Senate

Number 19—Regular Session **Friday, May 8, 2009**

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:46 a.m. A quorum present—40:

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Excused: Senator Gelber at 2 p.m.

PRAYER

The following prayer was offered by Rev. Joseph J. Pierce, Sr., First Institutional Missionary Baptist Church, Lake Wales:

"O Lord, our Lord, how excellent is thy name in all the earth! Open thy hand to every living thing, and satisfy their desires! Therefore, the eyes of all, do wait upon thee, knowing that you will give them their meat, in due season!"

O, eternal and everlasting God, our Father; the God of the universe; the Creator of all mankind; the Sustainer of all men's souls; and the forgiver of all men's sins. We come to thee, as empty pitchers before a full fountain; knowing that you are able to fill, and to supply all of our needs!

We thank you for the privilege and the purpose for which I stand. We thank you for the sunshine, and we thank you for the rain. We thank you for the bountifulness, which only comes of thee. I ask your blessings upon the very young, that cry from abandonment; I ask your blessings upon the elderly, that cry for relief; I ask your blessings upon the middle agers, that cry for employment.

Bless those, I pray, who are serving in the medical field, with the wisdom to head off threatening diseases, like the "H1N1" virus, which knows no bounds, and give comfort to those that have lost loved ones, to this or any disease.

And O how we thank thee for these "bridge-builders," these "trail-blazers," these legislators of the law, men and women in government, who have the awesome responsibility of making monumental decisions that affect our world on a daily basis. I ask that your divine wisdom, knowledge and understanding be upon them that they may make the best decisions for the common good - and help navigate us through an "economic ocean" of "uncharted waters."

May you give them, yet again, the wisdom to argue respectfully, the issues that will come before them today - and make good sound judgments as to the disposition of those issues. God, we acknowledge the nearness of your presence; for you are closer than the hair on our heads; you are closer than the breath that we breathe; you are even closer than the blood that's running warm in our veins. Therefore, we call upon thee to bless this Senate Assembly. Ingratiate them with the wisdom only you can give. We acknowledge our frailty and our finiteness. Without your help, we are hopeless. So send forth thy blessings upon us.

And, as the Senate comes to the final day of this historic session - as they end, to begin again: bless them with traveling graces, over the highways and the airways - and "Let the words of our mouths, and the meditation of our hearts, be acceptable in thy sight, O Lord, our strength, and our redeemer." It is in thy name we pray. Amen.

PLEDGE

Midshipman Steven W. Pruitt, son of Senator Pruitt, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Senators Peaden and Jones, as doctors of the day.

ADOPTION OF RESOLUTIONS

At the request of Senator Gaetz—

By Senator Gaetz—

SR 2830—A resolution expressing profound gratitude to Okaloosa County Sheriff Deputies Anthony Forgione, Burt Lopez, and Warren "Skip" York for their service, sacrifice, and devotion to duty, which cost them their lives, and extending heartfelt prayers and condolences to their families as they grieve this overwhelming loss.

WHEREAS, the right of the people of the United States of America to raise their children, to gain an education, to build and maintain their homes, to maintain their safety, and to otherwise exercise the freedoms on which this country is based is protected daily by the members of law enforcement agencies, and

WHEREAS, this solemn duty borne by law enforcement officers is fraught with peril and performed at great risk to those who protect the public, and

WHEREAS, the safety of the people of the State of Florida has been guarded with honor in Okaloosa County by Deputy Sheriff Anthony Forgione, Deputy Sheriff Burt Lopez, and Deputy Sheriff Warren "Skip" York, and

WHEREAS, in the discharge of their duties, Deputy Forgione, Deputy Lopez, and Deputy York dedicated themselves to the safety and protection of the people of the State of Florida, and

WHEREAS, when called upon to sacrifice their own safety for the protection of the people he served, Deputy Forgione selflessly sacrificed himself in the discharge of his duty in that he gave his life on July 22, 2008, in Fort Walton Beach, and

WHEREAS, when called upon to sacrifice their own safety for the protection of the people they served, Deputy Lopez and Deputy York selflessly sacrificed themselves in the discharge of their duties in that each gave his life on April 25, 2009, in Crestview, Okaloosa County, and

WHEREAS, the families of Deputy Forgione, Deputy Lopez, and Deputy York have selflessly assumed the burden of lending their loved ones to the cause of justice and freedom, and

WHEREAS, the enormous cost of this sacrifice has been shouldered by the families of these brave public servants, and

WHEREAS, the residents of the State of Florida owe a debt to these men and to their loved ones which mere words can never convey, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That on behalf of all Floridians, the Senate expresses its profound gratitude to Deputies Forgione, Lopez, and York for their service, sacrifice, and devotion to duty.

BE IT FURTHER RESOLVED that the State of Florida extends its heartfelt prayers and condolences to the families of Deputies Forgione, Lopez, and York and prays that they find solace in the respect and honor that the people of Florida hold for their loved ones.

BE IT FURTHER RESOLVED that this last full measure of devotion given by Deputy Anthony Forgione, Deputy Burt Lopez, and Deputy Warren "Skip" York will not be soon forgotten, and that their costly sacrifice for the people of the community they loved will be long cherished.

BE IT FURTHER RESOLVED that May 15, 2009, be set aside as a day of solemn remembrance of the bravery of these resolute public servants.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be delivered to the families of Deputy Anthony Forgione, Deputy Burt Lopez, and Deputy Warren "Skip" York in conjunction with National Police Week as a tangible token of the sentiments of the Florida Senate.

—**SR 2830** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 2832—A resolution encouraging the use of eye safety devices in youth sports.

WHEREAS, according to the American Optometric Association and other sources, eye injuries are the leading cause of blindness in children in the United States, and most of those occurring in school-aged children are sports-related, and

WHEREAS, of the 1.6 million to 2.4 million Americans who sustain eye injuries each year, an estimated 40,000 will be legally blinded in the injured eye, with about one-third of these injuries resulting from sports, and

WHEREAS, more than 100,000 eye injuries in the United States each year are estimated to be sports-related, and

WHEREAS, sports-related eye injuries in the United States account for more than 100,000 physician visits yearly at a cost of $175 million, and

WHEREAS, more than 42,000 of these sports-related eye injuries require a visit to an emergency room, and

WHEREAS, every 13 minutes an emergency room in the United States treats a sports-related eye injury, and

WHEREAS, an estimated 27 percent of all eye injuries in children aged 11 to 14 are sports-related, and

WHEREAS, children younger than 15 years of age account for 43 percent of sports and recreational eye injuries overall, and

WHEREAS, the sports responsible for the greatest number of injuries are baseball, ice hockey, and racquet sports, and

WHEREAS, baseball is the leading cause of sports-related eye injury among children aged 14 and younger, and

WHEREAS, basketball is the leading cause of sports-related eye injury in athletes aged 15 to 24, and

WHEREAS, the odds of an eye injury for basketball players are 1 in 10, and

WHEREAS, soccer ball-related ocular injuries disproportionately affect young players, are more frequent in females, and have severe visual consequences, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That school districts, park and recreation departments, and other local, county, and state entities sponsoring organized sports activities are encouraged to make participants and legal guardians aware of the dangers to children's eyes.

BE IT FURTHER RESOLVED that school districts, park and recreation departments, and other local, county, and state entities sponsoring organized sports activities provide information to participants and legal guardians about the use of protective eyewear as a means to reduce the risk of significant eye injury.

—**SR 2832** was introduced, read and adopted by publication.

COMMUNICATION

The Honorable Jeff Atwater May 5, 2009
President, The Florida Senate

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Report on **SB 2600** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court and each member of the Cabinet.

Delivery was completed May 5, 2009 at 8:40 a.m., EDT.

Respectfully submitted,
R. Philip Twogood
Secretary of the Senate

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2600

The Honorable Jeff Atwater May 5, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2600, same being:

An act relating to appropriations

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (899894) to SB 2600 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson

Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (899894)—Delete everything before and after the enacting clause and insert:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 2009, and ending June 30, 2010, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

The moneys contained herein are appropriated from the named funds for Fiscal Year 2009-2010 to the State agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF

Funds provided in sections 1 and 2 of this act as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts, and allocation conference documents. Of the funds provided in Specific Appropriations 3, 4, 5, 55, 60, 63 through 69, and 140 for student financial assistance, 60 percent shall be released at the beginning of the first quarter and the balance at the beginning of the third quarter.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

1 FIXED CAPITAL OUTLAY
CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL
OUTLAY BOND PROGRAMS - OPERATING FUNDS AND
DEBT SERVICE
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 166,957,717

Funds in Specific Appropriation 1 are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond programs established in Chapter 97-384, Laws of Florida.

Funds in Specific Appropriation 1 shall be transferred using nonoperating budget authority into the Lottery Capital Outlay and Debt Service Trust Fund, pursuant to section 1013.71, Florida Statutes, for the payment of debt service and projects. There is appropriated from the Lottery Capital Outlay and Debt Service Trust Fund, an amount sufficient to enable the payment of debt service resulting from these transfers.

2 FIXED CAPITAL OUTLAY
DEBT SERVICE - CLASS SIZE REDUCTION
LOTTERY CAPITAL OUTLAY PROGRAM

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 151,922,482

Funds provided in Specific Appropriation 2 shall be transferred using nonoperating budget authority to the Lottery Capital Outlay and Debt Service Trust Fund, pursuant to section 1013.71, Florida Statutes, for the payment of debt service. There is appropriated from the Lottery Capital Outlay and Debt Service Trust Fund, an amount sufficient to enable the payment of debt service resulting from these transfers.

Funds provided in Specific Appropriation 2 are for Fiscal Year 2009-2010 debt service on all bonds authorized pursuant to section 1013.737, Florida Statutes, including any other continuing payments necessary or incidental to the repayment of the bonds. These funds may be used to refinance any or all bond series if it is in the best interest of the state as determined by the Division of Bond Finance.

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM TRUST FUNDS 318,880,199

TOTAL ALL FUNDS 318,880,199

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

3 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES
SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 418,878,452

From the funds in Specific Appropriation 3, the award per credit hour or credit hour equivalent for the 2009-2010 academic year shall be as follows:

Four-Year Institutions
Academic Scholars Award..... $126
Medallion Scholars Award..... $95
Gold Seal Vocational Scholars Award..... $95

Two-Year Institutions
Academic Scholars Award..... $78
Medallion Scholars Award..... $78
Gold Seal Vocational Scholars Award..... $59

The additional stipend for Top Scholars shall be $54 per credit hour.

4 SPECIAL CATEGORIES
FIRST GENERATION IN COLLEGE MATCHING GRANT
PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 6,848,120

From the funds provided in Specific Appropriation 4, $1,700,000 shall be allocated to First Generation in College Matching Grant Programs at community colleges. If required matching funds are not raised by participating community colleges by December 1, 2009, the remaining funds shall be reallocated to First Generation in College Matching Grant Programs at state universities which have remaining unmatched private contributions.

5 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 28,500,696

The funds in Specific Appropriation 5 are provided for the Florida Student Assistance Grant (FSAG) public full-time and part-time program and are allocated in Specific Appropriation 67.

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM TRUST FUNDS 454,227,268

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS 454,227,268

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

5A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 9,036,490

Funds provided in Specific Appropriation 5A are allocated in Specific Appropriation 76.

6 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 189,849,480

Funds in Specific Appropriations 6 and 77 are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades pre-kindergarten to 3 shall be $1,311.73, for grades 4 to 8 shall be $894.73, and for grades 9 to 12 shall be $896.89. The class size reduction allocation shall be recalculated based on enrollment through the October 2009 FTE survey. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 6 and 77, funds shall be prorated to the level of the appropriation based on each district's calculated amount.

Funds in Specific Appropriations 6 and 77 shall be distributed to school districts that have provided sufficient information for the Commissioner of Education to set annual district class size reduction goals. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

7 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT LOTTERY AND
SCHOOL RECOGNITION PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 129,914,030

Funds in Specific Appropriation 7 are provided for the Florida School Recognition Program to be allocated as awards of up to $75 per student to qualified schools pursuant to section 1008.36, Florida Statutes.

If there are funds remaining after payment to qualified schools, up to $5 per unweighted student shall be allocated to be used at the discretion of the school advisory council pursuant to sections 24.121 (5) and 1001.452, Florida Statutes. If funds are insufficient to provide $5 per student, the available funds shall be prorated.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM TRUST FUNDS 328,800,000

TOTAL ALL FUNDS 328,800,000

PROGRAM: WORKFORCE EDUCATION

9 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 3,828,526

Funds in Specific Appropriation 9 are provided for school district workforce education programs as defined in section 1004.02 (26), Florida Statutes, and are allocated in Specific Appropriation 111.

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION

10 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 116,959,158

Funds provided in Specific Appropriation 10 shall be allocated as follows:

Brevard Community College	4,350,428
Broward College	8,268,508
Central Florida Community College	2,308,614
Chipola College	1,085,813
Daytona State College	5,626,890
Edison State College	2,705,885
Florida State College at Jacksonville	8,637,290
Florida Keys Community College	678,715
Gulf Coast Community College	2,083,578
Hillsborough Community College	5,642,881
Indian River State College	5,129,165
Lake City Community College	1,447,364
Lake-Sumter Community College	1,254,437
State College of Florida, Manatee-Sarasota	2,456,661
Miami Dade College	19,248,371
North Florida Community College	736,499
Northwest Florida State College	2,005,836
Palm Beach Community College	5,897,712
Pasco-Hernando Community College	2,192,288
Pensacola Junior College	3,920,481
Polk State College	2,148,571
St. Johns River Community College	1,924,868
St. Petersburg College	6,777,857
Santa Fe College	4,049,217
Seminole Community College	4,071,129
South Florida Community College	1,811,091
Tallahassee Community College	3,370,451
Valencia Community College	7,128,558

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 11 through 12C shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

11 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL
ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 173,816,968

Funds in Specific Appropriation 11 shall be allocated as follows:

University of Florida	30,696,528
Florida State University	26,539,058
Florida A&M University	10,188,211
University of South Florida	24,269,747
University of South Florida, St. Petersburg	1,156,995
University of South Florida, Sarasota/Manatee	1,005,093
University of South Florida, Polytechnic	341,913
Florida Atlantic University	14,001,547
University of West Florida	5,532,667
University of Central Florida	24,474,865
Florida International University	21,082,081
University of North Florida	8,968,320
Florida Gulf Coast University	4,945,119
New College of Florida	614,824

Each university board of trustees may allocate the institution's Educational Enhancement Trust Funds across the Education and General Activities category and other program categories. Each board of trustees shall provide to the Board of Governors the allocation by grants and aids category prior to October 1, 2009.

SECTION 1 - EDUCATION ENHANCEMENT
SPECIFIC
APPROPRIATION

12 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD
AND AGRICULTURAL SCIENCE)
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 12,533,877

12A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH
FLORIDA MEDICAL CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 8,436,061

From the funds provided in Specific Appropriation 12A, $5,000,000 is provided to increase the base funding for the instructional costs of the Doctor of Medicine Degree Program. The funds are contingent upon the university submitting an expenditure plan detailing how the funds will be used to support medical education. The plan must be submitted to the Board of Governors prior to the disbursement of the funds.

12B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA
HEALTH CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 5,796,416

12C AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY
MEDICAL SCHOOL
FROM EDUCATIONAL ENHANCEMENT TRUST
FUND 589,410

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM TRUST FUNDS 201,172,732

TOTAL ALL FUNDS 201,172,732

TOTAL OF SECTION 1

FROM TRUST FUNDS 1,423,867,883

TOTAL ALL FUNDS 1,423,867,883

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF

Funding provided in Specific Appropriations 24 through 149 from State Fiscal Stabilization Funds authorized in the American Recovery and Reinvestment Act of 2009 is contingent upon the approval of the State's application and request for any necessary waivers of maintenance of effort requirements by the United States Department of Education. The Department of Education, or Board of Governors as appropriate, shall provide guidance to school districts and institutions of higher education regarding the inclusion or exclusion of State Fiscal Stabilization Funds with general fund revenues for the purpose of required state and federal reporting.

If it is determined that any entity designated to receive an appropriation from State Fiscal Stabilization Funds is ineligible to receive such funds in accordance with the American Recovery and Reinvestment Act of 2009, the Executive Office of the Governor may adjust allocations from state funds and State Fiscal Stabilization Funds among eligible recipients, based upon the recommendation of the Department of Education or Board of Governors as appropriate, in a manner that ensures the combined total of state funds and State Fiscal Stabilization Funds remains consistent with the intent of the General Appropriations Act. Any such adjustments shall be subject to the notice and objection requirements of section 216.17, Florida Statutes.

The receipt of funds provided in Specific Appropriations 24 through 149

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
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from federal stimulus grants authorized in the American Recovery and Reinvestment Act of 2009 by an eligible recipient are contingent upon the recipient's agreement to fully comply with the application and reporting requirements established by the Department of Education or the Board of Governors, as applicable.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 13 through 23 shall constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under section 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as a result of fund transfers pursuant to section 216.292 (4)(c), Florida Statutes. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of section 216.301 (2), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 2009-2010 appropriation, and shall also apply to the funds appropriated in Specific Appropriations 13 through 23.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within appropriate accounts to enable expenditure of funds appropriated for the state universities, the Florida School for the Deaf and the Blind, public school districts, community colleges, public broadcasting, and the Division of Blind Services.

13 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONSTRUCTION
PROJECTS
FROM ANCILLARY FACILITIES
CONSTRUCTION TRUST FUND 141,000,000

13A FIXED CAPITAL OUTLAY
LAKE WALES CHARTER SCHOOLS
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 500,000

14 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND
REMODELING
FROM GENERAL REVENUE FUND 6,868,403
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 132,676,401

Funds in Specific Appropriation 14 shall be allocated in accordance with section 1013.64(1), Florida Statutes, as follows:

Public Schools..... 41,734,698
Community Colleges..... 15,988,860
State University System..... 25,708,780
Charter Schools..... 56,112,466

Funds in Specific Appropriation 14 for Charter Schools shall be distributed pursuant to section 1013.62, Florida Statutes.

15 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
OUTLAY AND DEBT SERVICE TRUST FUND 6,254,738

From the funds in Specific Appropriation 15, up to $6,254,738 shall be distributed to university developmental research schools and allocated in accordance with section 1002.32(9)(e), Florida Statutes. The remaining funds shall be allocated to school districts and university developmental research schools in accordance with section 1013.64(1), Florida Statutes.

16 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 84,221,380

Funds in Specific Appropriation 16 shall be allocated as follows:

BREVARD COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 2,518,760
BROWARD COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 2,167,116
Rem/ren Bldgs 6 & 22 w/ Adds - Central (ce)..... 1,791,922
Health Science Simulation Center, Central (ce)..... 3,420,967
CENTRAL FLORIDA COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 748,292
Rem/ren Instructional Ctr Ph2 w/mat-Citrus (ce)..... 2,003,763
CHIPOLA COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 565,197
Replace WF Dev Bldg-life safe&struc, Chiller-Main (pc)..... 250,000
DAYTONA STATE COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 900,000
Curb Arts Education Center w/match-Daytona (pc)..... 137,886
EDISON STATE COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 857,402
Rem/ren Clsrms/Lab Bldgs & LRC-Lee & Collier (pc)..... 375,000
Allied Health Sci & Clsrm Bldg w/mat-Collier (pc)..... 1,375,000
Health Sciences Annex addition-Main (ce)..... 1,640,176
FLORIDA STATE COLLEGE AT JACKSONVILLE
Gen ren/rem, Infrastructure and Site Improvements..... 2,411,088
Rem/ren Clsrms/Labs Bldgs N,P,Q,R,U & W1w/addn-South (ce).. 1,129,601
FLORIDA KEYS COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 245,608
Marine Propulsion Bldg-Main (pc)..... 1,394,013
GULF COAST COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 464,780
Corporate & Tech Training Ctr w/match-Main (ce)..... 700,000
HILLSBOROUGH COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 949,018
Rem/ren Clsrms/Labs Bldg 601 & 602-Brandon (ce)..... 533,400
INDIAN RIVER STATE COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 854,060
LAKE CITY COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 544,565
Library/Audio-Visual Facility - Main (ce)..... 500,000
LAKE-SUMTER COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 417,772
Telecom/Utilities Infrastructure-Collegewide (pc)..... 750,000
STATE COLLEGE OF FLORIDA, MANATEE-SARASOTA
Gen ren/rem, Infrastructure and Site Improvements..... 858,231
Clsrm/Lab MedTech Bldg w/mat-Lakewd Rch (ce)..... 1,045,586
MIAMI DADE COLLEGE
Ren ren/rem, Infrastructure and Site Improvements..... 4,906,359
Rem/ren New space/Clsrms/Labs/Sup Svcs-West (pc)..... 1,725,000
Rem/ren Cls/Labs/Sup Svcs Bldg 1,2,3,5,7&13-N (pc)..... 525,000
Clsrm,Lab,Student Union,Supp Svcs Fac-Wolfson (ce)..... 5,750,000
NORTH FLORIDA COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 258,686
NORTHWEST FLORIDA STATE COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 576,709
PALM BEACH COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 1,634,162
Rem/ren Clsrms/Labs-110,111,205&230-Lk Worth (ce)..... 750,000
Public Safety Training Center, LW (ce)..... 1,500,000
PASCO-HERNANDO COMMUNITY COLLEGE
Gen ren/rem, Infrastructure and Site Improvements..... 1,088,709

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Clsrms/Labs/Sup Svcs - Wesley Chapel Center (c)	1,640,853
Clsrms/Labs/Sup Svcs - Spring Hill (ce)	3,000,000
PENSACOLA JUNIOR COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	1,385,735
POLK STATE COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	859,981
Rem/Ren Learning Resource Center-Main (pc)	1,300,000
ST. JOHNS RIVER COMMUNITY COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	506,778
Health/Sci Prototype Building-St. Augustine (ce)	600,000
St. Augustine Site Development (pc)	900,000
ST. PETERSBURG COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	1,875,773
Ren/Rem, Em repl Chill water loop, infra-CL (c)	1,500,000
Rem/ren Soc Sci Bldg,Nat Sci w/addn & Bus Tech-CL (pc)	522,371
Rem/ren Cls/Labs/Inst Supp Ph 2 w/addn-DT (c)	1,163,227
SANTA FE COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	921,630
Alachua Center Construction, Phase I (ce)	1,500,000
SEMINOLE COMMUNITY COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	509,490
SCC/UCF Joint Use Facility (ce)	1,245,335
Student Service Building (partial)	250,000
Rem/ren Bldg L & F to Cls/Lab/Off-Main (c)	651,942
SOUTH FLORIDA COMMUNITY COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	530,425
Rem/ren/add Fine Arts Facility-Main (ce)	4,885,531
TALLAHASSEE COMMUNITY COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	766,061
Allied Health Education Ctr w/match - Main (ce)	2,355,460
VALENCIA COMMUNITY COLLEGE	
Gen ren/rem, Infrastructure and Site Improvements	1,368,476
Maj Ren/Rem,Emg repl-Chill w/loop,infrastr-East (pc)	2,718,484
Library & High Tech Bldg 4 - Osceola (spc)	1,000,000

17 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM GENERAL REVENUE FUND 4,000,000
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 100,855,904

Funds in Specific Appropriation 17 shall be allocated as follows:

UF	Util/Infras/Capital Renewal/Roofs (P,C,E)	11,837,733
FSU	Util/Infras/Capital Renewal/Roofs (P,C,E)	4,653,726
FSU	Academic Support Building (P)	2,000,000
FSU	Library Information Commons (P)	1,000,000
FSU	FAMU-FSU College of Engineering III-Joint Use (P)	985,665
FSU	College of Law Remodeling & Expansion (P,C)	600,000
FSU	Applied Sciences Building (P,C,E)	1,000,000
FSU	Dittmer Building Remodeling (P,C,E)	2,000,000
FAMU	Util/Infras/Capital Renew/Roofs (P,C,E)	1,692,775
FAMU	FAMU-FSU College of Engineering III-Joint Use (P)	985,665
FAMU	Gore Education Complex Remodeling (P,C)	5,614,099
USF	Util/Infras/Capital Renewal/Roofs (P,C,E)	5,000,000
USF	Sarasota/Manatee Util/Infras/Capital Renew/Roofs(P,C,E)	375,000
USF	USF St. Pete. Util/Infras/Capital Renew/Roofs (P,C,E)	400,000
USF	Interdisciplinary Science Teaching & Research Fac (C,E)	4,944,801
USF	USF Polytechnic New Campus Phase I (C,E)	11,417,200
USF	SUS FIO Research Vessel	2,093,830
FAU	Util/Infras/Capital Renew/Roofs (P,C,E)	2,429,132
FAU	FAU/UF Joint Use Facility - Davie (E)	1,452,239
FAU	General Classroom/Engineering Building (E)	2,315,443
FAU	General Classroom Facility-Phase I (E)	942,661
FAU	FAU/SCRIPPS Joint Use Facility Exp. - Jupiter (P,C,E)	2,000,000
UWF	Util/Infras/Capital Renewal/Roofs (P,C,E)	3,992,660
UCF	Util/Infras/Capital Renewal/Roofs (P,C,E)	5,251,319
UCF	Physical Sciences Building Phase II (E)	3,285,500
UCF	Partnership III Building (C,E)	1,205,554
FIU	Util/Infras/Capital Renewal/Roofs (P,C,E)	5,142,603
FIU	Student Academic Support Center - UP (C,E)	1,686,722
UNF	Util/Infras/Capital Renewal/Roofs (P,C,E)	2,021,330
UNF	Science & Humanities Building Ph. II (P,C,E)	5,585,435
FGCU	Util/Infras/Capital Renewal/Roofs (P,C,E)	5,263,875

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FGCU	Classrooms/Offices/Labs Academic 8 (P,C)	3,000,000
NEWC	Util/Infras/Capital Renewal/Roofs (P,C,E)	2,680,937

18 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 12,762,458

Funds in Specific Appropriation 18 shall be allocated in accordance with section 1013.64(2), Florida Statutes, to the following projects:

Calhoun County - New High School	12,274,731
Wakulla County - New PreK-5 School	487,727

Funds in Specific Appropriation 18 for a new high school in Calhoun County may be used to pay for prior years' professional design services rendered and site acquisition directly related to this project.

19 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE
TRUST FUND 28,500,000
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 963,300,000
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY
AND DEBT SERVICE TRUST FUND 98,185,025

Funds in Specific Appropriation 19 from the School District and Community College District Capital Outlay and Debt Service Trust Fund are for Fiscal Year 2009-2010 debt service on bonds authorized pursuant to the School Capital Outlay Amendment, subsection (d), section 9, Article XII of the Constitution of Florida, and any other continuing payments necessary or incidental to the repayment of the bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service appropriated for this program in Specific Appropriation 19 is insufficient due to interest rate changes, issuance timing, or other circumstances, the amount of the insufficiency is appropriated from the School District and Community College District Capital Outlay and Debt Service Trust Fund.

20 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND
COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY
AND DEBT SERVICE TRUST FUND 28,000,000

21 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND -
CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 13,160,619

Funds in Specific Appropriation 21 are for the following projects:

Major Renovations and New Construction	9,600,000
Building Maintenance	3,233,290
Campus-wide Site Infrastructure	323,329
Facilities Master Plan	4,000

22 FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL
PROJECTS
FROM PUBLIC EDUCATION CAPITAL
OUTLAY AND DEBT SERVICE TRUST FUND 4,062,500

Funds in Specific Appropriation 22 are to construct, renovate, or replace several buildings at the Daytona Beach Rehabilitation Center.

23 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
OUTLAY AND DEBT SERVICE TRUST FUND 4,806,000

Funds in Specific Appropriation 23 are for the following projects:

WUFT-TV/FM Expansion..... 4,000,000
WEDU-TV/FM Facility Renovation..... 581,000
WFIT/FM Relocation and Renovation Planning..... 225,000

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,868,403
FROM TRUST FUNDS 1,618,285,025

TOTAL ALL FUNDS 1,629,153,428

VOCATIONAL REHABILITATION

Funds in Specific Appropriations 25, 26, 29 through 32, and 35 from the Federal Rehabilitation Trust Fund include $19,885,106 from the American Recovery and Reinvestment Act of 2009.

APPROVED SALARY RATE 35,823,228

24 SALARIES AND BENEFITS POSITIONS 1,007.00
FROM GENERAL REVENUE FUND 9,255,992
FROM ADMINISTRATIVE TRUST FUND . . . 196,452
FROM FEDERAL REHABILITATION TRUST FUND 35,849,326
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 4,531,717

For funds in Specific Appropriations 24 through 37 for the Vocational Rehabilitation Program, the Department of Education is the designated state agency for purposes of compliance with the Federal Rehabilitation Act of 1973, as amended.

If the department identifies additional resources that may be used to maximize federal matching funds for the Vocational Rehabilitation Program, the department shall submit a budget amendment prior to the expenditure of the funds, in accordance with the provisions of chapter 216, Florida Statutes.

25 OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST FUND 2,994,763
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 125,742

26 EXPENSES
FROM FEDERAL REHABILITATION TRUST FUND 10,490,022
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 941,142

27 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULTS WITH DISABILITIES FUNDS
FROM GENERAL REVENUE FUND 14,556,949

Funds provided in Specific Appropriation 27 shall be distributed to community colleges and school districts for programs serving adults with disabilities. Programs that were funded in Fiscal Year 2008-2009 will be eligible for continuation funding if the program has made satisfactory progress and the application reflects effective use of resources as defined by the Department of Education. The department has the authority to redistribute any funds due to unsatisfactory progress, ineffective use of resources, or discontinued programs.

From the funds in Specific Appropriation 27, provided that satisfactory progress was made during the 2008-2009 fiscal year, $13,468,204 is provided for school district adult handicapped programs and shall be allocated as follows:

Alachua..... 38,657
Baker..... 169,749

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
Bay..... 151,712
Bradford..... 55,079
Brevard..... 472,441
Broward..... 1,437,615
Charlotte..... 54,704
Citrus..... 118,111
Collier..... 40,731
Columbia..... 40,600
De Soto..... 252,723
Escambia..... 230,654
Flagler..... 836,114
Gadsden..... 424,459
Gulf..... 33,218
Hardee..... 47,050
Hernando..... 79,076
Hillsborough..... 447,603
Jackson..... 1,590,258
Jefferson..... 60,095
Lake..... 27,964
Leon..... 897,931
Martin..... 321,997
Miami-Dade..... 1,755,584
Monroe..... 81,542
Orange..... 436,160
Osceola..... 34,414
Palm Beach..... 1,186,525
Pasco..... 14,642
Pinellas..... 584,050
Polk..... 255,267
St. Johns..... 106,480
Santa Rosa..... 38,621
Sarasota..... 683,204
Sumter..... 13,549
Suwannee..... 74,550
Taylor..... 73,704
Union..... 81,186
Wakulla..... 35,848
Washington..... 184,337

From the funds provided in Specific Appropriation 27, provided that satisfactory progress was made during the 2008-2009 fiscal year, $1,088,745 is provided for community college adult handicapped programs and shall be allocated as follows:

Central Florida Community College..... 30,756
Daytona State College..... 262,120
Florida State College at Jacksonville..... 226,644
Indian River State College..... 120,021
Pensacola Junior College..... 33,218
St. Johns River Community College..... 39,861
Santa Fe College..... 65,330
Seminole Community College..... 57,580
South Florida Community College..... 217,394
Tallahassee Community College..... 35,821

28 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 328,292

29 OPERATING CAPITAL OUTLAY
FROM FEDERAL REHABILITATION TRUST FUND 616,986
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 49,601

30 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 444,415
FROM FEDERAL REHABILITATION TRUST FUND 8,072,039
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 3,213,708

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31 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM GENERAL REVENUE FUND 1,283,337
FROM FEDERAL REHABILITATION TRUST
FUND 5,255,005

Funds provided in Specific Appropriation 31 shall be allocated to the Centers for Independent Living and shall be distributed according to the formula in the State Plan for Independent Living. From the Federal Rehabilitation Trust Fund allocation, $3,382,359 shall be funded from Social Security reimbursements (program income) provided that the Social Security reimbursements are available.

32 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 26,018,630
FROM FEDERAL REHABILITATION TRUST
FUND 96,987,847

33 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL REHABILITATION TRUST
FUND 386,922
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 34,330

34 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 74,883
FROM FEDERAL REHABILITATION TRUST
FUND 281,690
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 33,259

35 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 154,316
FROM FEDERAL REHABILITATION TRUST
FUND 765,762

36 DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION
SERVICES
FROM FEDERAL REHABILITATION TRUST
FUND 314,544
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,610

37 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 240,474

TOTAL: VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 52,116,814
FROM TRUST FUNDS 171,384,941

TOTAL POSITIONS 1,007.00
TOTAL ALL FUNDS 223,501,755

BLIND SERVICES, DIVISION OF

APPROVED SALARY RATE 10,002,503

38 SALARIES AND BENEFITS POSITIONS 300.00
FROM GENERAL REVENUE FUND 4,013,127
FROM ADMINISTRATIVE TRUST FUND . . . 355,713
FROM FEDERAL REHABILITATION TRUST
FUND 9,070,767

39 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,801

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FROM FEDERAL REHABILITATION TRUST
FUND 290,354
FROM GRANTS AND DONATIONS TRUST
FUND 10,047

40 EXPENSES
FROM GENERAL REVENUE FUND 422,055
FROM ADMINISTRATIVE TRUST FUND . . . 16,091
FROM FEDERAL REHABILITATION TRUST
FUND 2,672,588
FROM GRANTS AND DONATIONS TRUST
FUND 44,395

41 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY REHABILITATION
FACILITIES
FROM GENERAL REVENUE FUND 846,220
FROM FEDERAL REHABILITATION TRUST
FUND 4,522,207

42 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 54,294
FROM FEDERAL REHABILITATION TRUST
FUND 235,198

43 FOOD PRODUCTS
FROM FEDERAL REHABILITATION TRUST
FUND 200,000

44 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL REHABILITATION TRUST
FUND 100,000

45 SPECIAL CATEGORIES
GRANTS AND AIDS - CLIENT SERVICES
FROM GENERAL REVENUE FUND 8,522,011
FROM FEDERAL REHABILITATION TRUST
FUND 24,660,806
FROM GRANTS AND DONATIONS TRUST
FUND 252,746

Funds in Specific Appropriation 45 from the Federal Rehabilitation Trust Fund include $8,154,310 from the American Recovery and Reinvestment Act of 2009.

From the funds in Specific Appropriation 45, clients formerly served by the Radio Reading Service shall be transitioned to the Newsline Program under the purview of the Division of Blind Services. The Department of Education shall request that the public radio stations providing the Radio Reading Service inform Radio Reading Service clients of the transition.

46 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 56,140
FROM FEDERAL REHABILITATION TRUST
FUND 375,000

47 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,228
FROM FEDERAL REHABILITATION TRUST
FUND 282,940

48 SPECIAL CATEGORIES
LIBRARY SERVICES
FROM GENERAL REVENUE FUND 89,735
FROM GRANTS AND DONATIONS TRUST
FUND 100,000

49 SPECIAL CATEGORIES
VENDING STANDS - EQUIPMENT AND SUPPLIES
FROM FEDERAL REHABILITATION TRUST

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FUND		1,500,000
FROM GRANTS AND DONATIONS TRUST FUND		595,000
50 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	4,336	
FROM ADMINISTRATIVE TRUST FUND . . .		3,364
FROM FEDERAL REHABILITATION TRUST FUND		110,000
51 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM FEDERAL REHABILITATION TRUST FUND		923,280
52 DATA PROCESSING SERVICES		
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
FROM GENERAL REVENUE FUND	1,127	
FROM FEDERAL REHABILITATION TRUST FUND		15,838
53 DATA PROCESSING SERVICES		
EDUCATION TECHNOLOGY AND INFORMATION SERVICES		
FROM FEDERAL REHABILITATION TRUST FUND		162,503
TOTAL: BLIND SERVICES, DIVISION OF		
FROM GENERAL REVENUE FUND	14,162,074	
FROM TRUST FUNDS		46,498,837
TOTAL POSITIONS	300.00	
TOTAL ALL FUNDS		60,660,911

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

Prior to the disbursement of funds in Specific Appropriations 54, 56 through 59, 61, and 62, each institution shall submit a proposed expenditure plan to the Department of Education pursuant to the requirements of section 1011.521, Florida Statutes.

Funds appropriated in Specific Appropriations 54 through 57 and 60 through 62 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary).

54 SPECIAL CATEGORIES		
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY		
FROM GENERAL REVENUE FUND	1,644,493	
FROM FEDERAL GRANTS TRUST FUND . . .		633,000
55 SPECIAL CATEGORIES		
ABLE GRANTS (ACCESS TO BETTER LEARNING AND EDUCATION)		
FROM GENERAL REVENUE FUND	2,552,287	
FROM FEDERAL GRANTS TRUST FUND . . .		1,394,750

Funds in Specific Appropriation 55 are provided to support 4,001 students at $986 per student and shall be administered pursuant to section 1009.891, Florida Statutes. The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term if the funds appropriated are insufficient to provide a full award to all eligible students.

56 SPECIAL CATEGORIES		
HISTORICALLY BLACK PRIVATE COLLEGES		
FROM GENERAL REVENUE FUND	6,816,514	
FROM FEDERAL GRANTS TRUST FUND . . .		3,016,000

Funds in Specific Appropriation 56 from the General Revenue Fund shall be allocated as follows:

Bethune-Cookman University	2,543,065
Edward Waters College	1,976,680
Florida Memorial University	2,202,103
Library Resources	94,666

Funds in Specific Appropriation 56 from the Federal Grants Trust Fund shall be allocated as follows:

Bethune-Cookman University	1,125,191
Edward Waters College	874,592
Florida Memorial University	974,331
Library Resources	41,886

Funds provided in Specific Appropriation 56 shall not be expended on promotional materials or on staff development. Each institution shall provide an exact accounting of expenditures to the Department of Education.

Funds in Specific Appropriation 56 for Library Resources shall be used for the purchase of books and other related library materials pursuant to section 1006.59, Florida Statutes. Funds shall be allocated equally to Bethune-Cookman University, Edward Waters College, and Florida Memorial University.

57 SPECIAL CATEGORIES		
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL UNIVERSITY OF MIAMI		
FROM GENERAL REVENUE FUND	4,946,237	
FROM FEDERAL GRANTS TRUST FUND . . .		2,205,000

Funds in Specific Appropriation 57 from the General Revenue Fund shall be allocated as follows:

Cancer Research	1,030,386
PhD Program in Biomedical Science	591,351
College of Medicine	3,324,500

Funds in Specific Appropriation 57 from the Federal Grants Trust Fund shall be allocated as follows:

Cancer Research	459,339
PhD Program in Biomedical Science	263,621
College of Medicine	1,482,040

Funds provided in Specific Appropriation 57 for the University of Miami, College of Medicine, are to support a minimum of 500 Florida residents enrolled in the College of Medicine. The University shall submit enrollment information to the Department of Education prior to January 1, 2010.

58 SPECIAL CATEGORIES		
ACADEMIC PROGRAM CONTRACTS		
FROM GENERAL REVENUE FUND	781,832	

Funds in Specific Appropriation 58 shall be allocated by the Department of Education to the following private colleges and universities:

University of Miami - Rosenstiel Marine Science	143,896
University of Miami - BS and MFA in Motion Pictures	255,814
Florida Institute of Technology - BS Engineering and Science Education	206,841
Barry University - BS Nursing and MSW Social Work	112,286
Nova/Southeastern University - MS Speech Pathology	62,995

Each institution shall submit enrollment information, by program, to the Department of Education prior to January 1, 2010.

59 SPECIAL CATEGORIES		
GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI		
FROM GENERAL REVENUE FUND	416,685	

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60 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT
FROM GENERAL REVENUE FUND 58,301,709
FROM FEDERAL GRANTS TRUST FUND . . . 25,870,000

Funds in Specific Appropriation 60 shall be used for tuition assistance for qualified Florida residents. Funds are provided to support 33,271 students at $2,529 per student. The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term if the funds appropriated are insufficient to provide a full award to all eligible students.

61 SPECIAL CATEGORIES
NOVA SOUTHEASTERN UNIVERSITY - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 3,466,492
FROM FEDERAL GRANTS TRUST FUND . . . 1,675,000

From the funds provided in Specific Appropriation 61, $3,364,305 from the General Revenue Fund and $1,675,000 from the Federal Grants Trust Fund is provided to support Florida residents enrolled in the Osteopathic Medicine, Optometry, Pharmacy, or Nursing programs. The university shall submit student enrollment information, by program, to the Department of Education prior to January 1, 2010. The amount of $102,187 from the General Revenue Fund is to support rural and unmet needs in these programs.

62 SPECIAL CATEGORIES
LECOM / FLORIDA - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 785,106
FROM FEDERAL GRANTS TRUST FUND . . . 332,000

Funds in Specific Appropriation 62 shall be used to support Florida residents who are enrolled in the Osteopathic Medicine or Pharmacy Program at the Lake Erie College of Osteopathic Medicine/Bradenton. The college shall submit enrollment information for Florida residents to the Department of Education prior to January 1, 2010.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND 79,711,355
FROM TRUST FUNDS 35,125,750

TOTAL ALL FUNDS 114,837,105

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

Funds appropriated in Specific Appropriations 63, 64 and 67 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary).

63 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 3,275,611
FROM FEDERAL GRANTS TRUST FUND . . . 912,500

64 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 1,263,442
FROM FEDERAL GRANTS TRUST FUND . . . 344,500

66 FINANCIAL ASSISTANCE PAYMENTS
MARY MCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 372,309
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 226,442

67 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND 78,870,830
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 4,867,420

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FROM FEDERAL GRANTS TRUST FUND . . . 20,110,000
FROM STUDENT LOAN OPERATING TRUST FUND 1,419,414

The funds in Specific Appropriations 5 and 67 are provided pursuant to the following guidelines:

Florida Student Assistance Grant - Public Full & Part Time.	98,546,590
Florida Student Assistance Grant - Private.....	15,875,417
Florida Student Assistance Grant - Postsecondary.....	11,066,226
Florida Student Assistance Grant - Career Education.....	2,152,840
Children/Spouses of Deceased/Disabled Veterans.....	1,997,365
Florida Work Experience.....	1,569,922
Critical Teacher Shortage Program.....	2,500,000
Rosewood Family Scholarships.....	60,000

From the funds provided in Specific Appropriations 5 and 67, the maximum grant to any student from the Florida Public, Private, Career Education, and Postsecondary Assistance Grant Programs shall be $2,069.

Any institution that participates in the Florida Student Assistance Grant Program shall report to the Department of Education prior to February 1, 2010, the following loan information for each Stafford and PLUS loan: guarantor, lender, number, amount, and overall total of loans to date for the 2009-2010 fiscal year in the format specified by the Department of Education.

68 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 61,431
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 98,667

69 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 1,987,181

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM GENERAL REVENUE FUND 85,830,804
FROM TRUST FUNDS 27,978,943

TOTAL ALL FUNDS 113,809,747

PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL

70 SPECIAL CATEGORIES
GRANT AND AIDS - COLLEGE ACCESS CHALLENGE GRANT PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 3,116,708

71 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM FEDERAL GRANTS TRUST FUND . . . 2,563,089

72 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER DEFAULT FEES TO THE STUDENT LOAN GUARANTY RESERVE TRUST FUND
FROM STUDENT LOAN OPERATING TRUST FUND 6,080,000

73 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM FEDERAL GRANTS TRUST FUND . . . 2,391,530

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL
FROM TRUST FUNDS 14,151,327

TOTAL ALL FUNDS 14,151,327

EARLY LEARNING

PREKINDERGARTEN EDUCATION

74 SPECIAL CATEGORIES

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TRANSFER VOLUNTARY PREKINDERGARTEN FUNDS
TO AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND 328,771,580
FROM FEDERAL GRANTS TRUST FUND . . . 38,017,534

Funds in Specific Appropriation 74 are provided for transfer to the Agency for Workforce Innovation to implement the Voluntary Prekindergarten Education Program as provided in sections 1002.51 through 1002.79, Florida Statutes, and shall be initially allocated to Early Learning Coalitions as indicated below. Pursuant to the provisions of section 1002.71 (3) (a), Florida Statutes, the base student allocation per full-time equivalent student for the school year program for Fiscal Year 2009-2010 shall be $2,575 and the base student allocation for the summer program shall be $2,190. The allocation includes 4.85 percent in addition to the base student allocation to fund administrative and other program costs of the Early Learning Coalitions relating to the voluntary prekindergarten education program.

Funds in Specific Appropriation 74 from the General Revenue Fund shall be allocated as follows:

Alachua	3,604,113
Bay, Calhoun, Gulf, Franklin, Washington, Holmes, Jackson	4,706,697
Brevard	10,412,673
Broward	33,912,989
Charlotte, DeSoto, Highlands, Hardee	5,086,198
Clay, Nassau, Baker, Bradford	6,412,304
Columbia, Hamilton, Lafayette, Union, Suwannee	2,306,214
Dade, Monroe	45,515,865
Dixie, Gilchrist, Levy, Citrus, Sumter	3,641,943
Duval	21,189,366
Escambia	4,744,693
Hendry, Glades, Collier, Lee	15,745,409
Hillsborough	24,293,667
Lake	5,075,678
Leon, Gadsden, Jefferson, Liberty, Madison, Wakulla, Taylor	6,605,327
Manatee	5,807,684
Marion	4,765,640
Martin, Okeechobee, Indian River	5,253,809
Okaloosa, Walton	3,864,846
Orange	23,125,033
Osceola	6,015,218
Palm Beach	20,669,001
Pasco, Hernando	11,618,214
Pinellas	13,502,396
Polk	7,438,473
Putnam, St. Johns	3,967,663
St. Lucie	5,289,722
Santa Rosa	2,114,931
Sarasota	4,642,817
Seminole	8,619,102
Volusia, Flagler	8,823,895

Funds in Specific Appropriation 74 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

Alachua	416,762
Bay, Calhoun, Gulf, Franklin, Washington, Holmes, Jackson	544,260
Brevard	1,204,070
Broward	3,921,532
Charlotte, DeSoto, Highlands, Hardee	588,142
Clay, Nassau, Baker, Bradford	741,487
Columbia, Hamilton, Lafayette, Union, Suwannee	266,679
Dade, Monroe	5,263,231
Dixie, Gilchrist, Levy, Citrus, Sumter	421,136
Duval	2,450,234
Escambia	548,653
Hendry, Glades, Collier, Lee	1,820,723
Hillsborough	2,809,201
Lake	586,927
Leon, Gadsden, Jefferson, Liberty, Madison, Wakulla, Taylor	763,807
Manatee	671,572
Marion	551,075

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Martin, Okeechobee, Indian River	607,525
Okaloosa, Walton	446,912
Orange	2,674,066
Osceola	695,570
Palm Beach	2,390,062
Pasco, Hernando	1,343,473
Pinellas	1,561,351
Polk	860,149
Putnam, St. Johns	458,801
St. Lucie	611,678
Santa Rosa	244,560
Sarasota	536,873
Seminole	996,671
Volusia, Flagler	1,020,352

75 SPECIAL CATEGORIES
GRANTS AND AIDS- EARLY LEARNING STANDARDS
AND ACCOUNTABILITY
FROM GENERAL REVENUE FUND 400,000

TOTAL: PREKINDERGARTEN EDUCATION
FROM GENERAL REVENUE FUND 329,171,580
FROM TRUST FUNDS 38,017,534

TOTAL ALL FUNDS 367,189,114

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

The calculations of the Florida Education Finance Program (FEFP) for the 2009-2010 fiscal year are incorporated by reference in CS/CS/Senate Bill 1676. The calculations are the basis for the appropriations made in the General Appropriations Act.

76 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM GENERAL REVENUE FUND 5,020,769,389
FROM FEDERAL GRANTS TRUST FUND . . . 907,920,175
FROM PRINCIPAL STATE SCHOOL TRUST
FUND 73,385,190

From the general revenue funds in Specific Appropriation 76: $1,400,000 is contingent upon Senate Bill 1780 becoming law; $500,000 is contingent upon Senate Bill 1744 becoming law; $44,500,000 is contingent upon Senate Bill 1750 becoming law; $675,500,000 is contingent upon Senate Bill 1778 becoming law; $51,400,000 is contingent upon Senate Bill 1840 becoming law; $30,100,000 is contingent upon Senate Bill 1806 becoming law; $5,000,000 is contingent upon Senate Bill 1718 becoming law; $28,600,000 is contingent upon Senate Bill 1758 becoming law; $400,000 is contingent upon Senate Bill 1748 becoming law; and $588,023,958 is contingent upon transfers authorized in Section 59 becoming law and if any portion of the amount transferred in Section 59 does not become law, that portion shall be deducted from the general revenue in Specific Appropriation 76.

From the funds in Specific Appropriation 76 from the Federal Grants Trust Fund, $875,025,819 is State Fiscal Stabilization Funds (Education) and $32,894,356 is State Fiscal Stabilization Funds (Discretionary). Each amount shall be allocated in the Florida Education Finance Program based on each district's proportion of total base funding.

Funds provided in Specific Appropriations 5A and 76 shall be allocated using a base student allocation of $3,630.62 for the FEFP.

Funds provided in Specific Appropriations 5A and 76 for the supplemental allocation for juvenile justice education programs shall be allocated pursuant to the formula provided in section 1011.62(10), Florida Statutes. The allocation factor shall be $896.83.

From the funds provided in Specific Appropriations 5A and 76, juvenile justice education programs shall receive the basic allocation assigned to a juvenile justice student, including ESE special education

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funding when appropriate. If a school district provides incentive funding for teachers to work in a failing school, then an equal incentive bonus must be provided to teachers teaching in juvenile justice facilities.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of section 1011.62(2), Florida Statutes.

From the funds provided in Specific Appropriations 5A and 76, $35,822,046 is provided for the Sparsity Supplement as defined in section 1011.62(7), Florida Statutes, for school districts of 20,000 and fewer FTE in the 2009-2010 fiscal year.

Total Required Local Effort for Fiscal Year 2009-2010 shall be $7,801,236,524. The total amount shall include adjustments made for the calculation required in sections 1011.62(4)(a) and (c), Florida Statutes.

The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of section 1011.71(1) and (3), Florida Statutes, as amended by CS/CS/Senate Bill 1676 by district school boards in Fiscal Year 2009-2010 shall be:

1. 0.748 mills

If any school district levies the full 0.748 mill levy and it generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE, the school district shall receive from the funds provided in Specific Appropriations 5A and 76, a discretionary millage compression supplement that, when added to the funds generated by the district's 0.748 mill levy, shall be equal to the state average as provided in section 1011.62(5), Florida Statutes.

If any school district chooses to levy an amount not less than 0.498 mills and less than 0.748 mills, a compression supplement shall be calculated on a levy of 0.498. If a 0.498 levy generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE for 0.498 mills, the school district shall receive from the funds provided in Specific Appropriations 5A and 76, a discretionary millage compression supplement that, when addedto the funds generated by a 0.498 mill levy, would be equal to the state average as provided in section 1011.62(5), Florida Statutes.

2. In addition, if any school district levies for the 2009-2010 fiscal year, an additional 0.25 mills to meet critical operating needs pursuant to section 1011.71, Florida Statutes, as amended by CS/CS/Senate Bill 1676, and the 0.25 mills generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE, at the time of the third calculation of the FEFP, the school district shall receive from the funds provided in Specific Appropriations 5A and 76, a discretionary millage compression supplement that, when added to the funds generated by the district's 0.25 mill levy, shall be equal to the state average as provided in section 1011.62 (5), Florida Statutes.

Funds provided in Specific Appropriations 5A and 76 are based upon program cost factors for Fiscal Year 2009-2010 as follows:

1. Basic Programs
   A. K-3 Basic.....1.074
   B. 4-8 Basic.....1.000
   C. 9-12 Basic.....1.033

2. Programs for Exceptional Students
   A. Support Level 4.....3.520
   B. Support Level 5.....4.854

3. English for Speakers of Other
   Languages 1.124

4. Programs for Grades 9-12
   Career Education.....1.050

From the funds in Specific Appropriations 5A and 76, $981,724,365 is

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provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation as authorized by law to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. Each district's ESE Guaranteed Allocation for the 2009-2010 appropriation shall not be recalculated during the school year. School districts that provided educational services in 2008-2009 for exceptional students who are residents of other districts shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure requirements for the ESE Guaranteed Allocation shall be as prescribed in section 1010.20(3), Florida Statutes, for programs for exceptional students.

From the funds provided in Specific Appropriations 5A and 76, the value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district's FEFP allocations for the students being served. The supplemental value shall not exceed 3 FTE.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in section 1011.61, Florida Statutes, for funding pursuant to section 1011.62, Florida Statutes.

The Declining Enrollment Supplement shall be calculated based on 25 percent of the decline between prior year and current year unweighted FTE students.

From the funds in Specific Appropriations 5A and 76, $67,260,840 is provided for Safe Schools activities and shall be allocated as follows: $65,387 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total unweighted student enrollment. Safe Schools activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; (3) alternative school programs for adjudicated youth; (4) suicide prevention programs; and (5) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

From the funds in Specific Appropriations 5A and 76, $637,781,383 is for Supplemental Academic Instruction to be provided throughout the school year pursuant to section 1011.62(1)(f), Florida Statutes. First priority for use of these funds shall be the provision of supplemental intensive instruction, consistent with the Sunshine State Standards, including summer school and intensive English immersion and math instruction, for students in grades 3 and 10 who scored FCAT Level I in FCAT reading or math. Each district's Supplemental Academic Instruction allocation for the 2009-2010 appropriation shall not be recalculated during the school year.

From the funds in Specific Appropriations 5A and 76, $101,923,720 is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. The amount of $87,182 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the state total K-12 base funding.

From the funds in Specific Appropriations 5A and 76, $20,000,000 is provided for the Merit Award Program in section 1012.225, Florida Statutes.

From the funds provided in Specific Appropriations 5A and 76, $216,031,121 is provided for Instructional Materials including

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$11,908,421 for Library Media Materials and $3,254,969 for the purchase of science lab materials and supplies. The growth allocation per FTE shall be $296.81 for Fiscal Year 2009-2010. School districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in section 1011.62(1)(i), Florida Statutes.

From funds provided in Specific Appropriations 5A and 76, $428,931,491 is provided for Student Transportation as provided in section 1011.68, Florida Statutes.

From funds provided in Specific Appropriations 5A and 76, $33,283,309 is provided for the Teachers Lead Program and shall be given to teachers pursuant to section 1012.71, Florida Statutes. The allocation shall not be recalculated during the school year.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

Unless otherwise provided by law, no funds are provided in Specific Appropriations 5A and 76 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

The 2009-2010 fiscal year maximum authorized discretionary millage for the Union County School District shall be the maximum authorized millage less a reduction calculated by the Commissioner to equally offset the excess discretionary millage adopted by the school board in 2008-2009 fiscal year.

A minimum guaranteed level of funding shall be calculated to provide no greater than a 10 percent reduction per unweighted full-time equivalent student compared to the amount per unweighted full-time equivalent student funded in the 2008-2009 FEFP. The calculation of this minimum funding shall compare total state and local formula and categorical funds and actual discretionary local revenue for 2008-2009 with total state and local formula and categorical funds, maximum potential discretionary local revenue, and federal stabilization funds for 2009-2010. Funds for the School Recognition Program and the Merit Award Program shall not be included in the calculation of the Minimum Guarantee. If at any time during the 2009-2010 fiscal year, the appropriation is reduced, the Minimum Guarantee shall not hold a district or other entity harmless from the impact of the reduction.

From the funds in Specific Appropriations 5A and 76, school districts may execute an appropriate contract for full-time virtual instruction through K-8 virtual schools that received funds from Specific Appropriation 93 of chapter 2008-152, Laws of Florida. School districts may expend funds in the amount of $4,704 per student for each student who was enrolled and served during the 2008-2009 fiscal year and who is re-enrolled and eligible to be served during the 2009-2010 fiscal year. Each of the K-8 virtual schools shall provide to the Department of Education the name and address of each student who was enrolled and served during the 2008-2009 fiscal year and who is re-enrolled and is eligible to be served during the 2009-2010 fiscal year. The Department shall verify the eligibility of the students, assist with placement of each student in a school district virtual instruction program regardless of the student's district of residence, and assist the school district with executing an appropriate contract with an approved K-8 virtual school for payment for virtual instruction for each student. The maximum number of students to be funded pursuant to this provision is the number being served in 2008-2009.

77 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 2,569,568,271
FROM PRINCIPAL STATE SCHOOL TRUST FUND 86,161,098

Funds in Specific Appropriations 6 and 77 are provided to implement

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the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades prekindergarten to grade 3 shall be $1,311.73, for grades 4 to 8 shall be $894.73, and for grades 9 to 12 shall be $896.89. The class size reduction allocation shall be recalculated based on enrollment through the October 2009 FTE survey. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 6 and 77, funds shall be prorated to the level of the appropriation based on each district's calculated amount.

Funds in Specific Appropriations 6 and 77 shall be distributed to school districts that have provided sufficient information for the Commissioner of Education to set annual district class size reduction goals. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM GENERAL REVENUE FUND 7,590,337,660
FROM TRUST FUNDS 1,067,466,463

TOTAL ALL FUNDS 8,657,804,123

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

Of the funds provided for regional education consortium programs and school district matching grants in Specific Appropriations 81, 90 and 93, 60 percent shall be released to the Department of Education at the beginning of the first quarter and the balance at the beginning of the third quarter. The Department of Education shall disburse the funds to eligible entities within 30 days of release.

Federal Grants Trust Funds provided in Specific Appropriations 82, 85, 87, 89, 90, 93, 102-104 are State Fiscal Stabilization Funds (Discretionary).

81 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 1,595,415
FROM FEDERAL GRANTS TRUST FUND . . . 546,169

Funds provided in Specific Appropriation 81 from the General Revenue Fund shall be allocated as follows:

Instructional Materials for Partially Sighted Pupils..... 137,021
Sunlink Uniform Library Database..... 601,683
Learning Through Listening..... 779,817
Instructional Materials Management..... 76,894

Funds provided in Specific Appropriation 81 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

Instructional Materials for Partially Sighted Pupils..... 8,564
Sunlink Uniform Library Database..... 37,605
Panhandle Area Educational Consortium (PAEC) for
Distance Learning Teacher Training..... 500,000

From the funds provided in Specific Appropriation 81 for the Sunlink Uniform Library Database, the Department of Education shall collaborate with the Florida Center for Library Automation (FCLA), the College Center for Library Automation (CCLA), and the Florida Electronic Library (FEL) of the Department of State to jointly prepare and provide to the chairs of the House of Representatives Full Appropriations Council on Education & Economic Development, the Senate Policy and Steering Committee on Ways and Means, and the Executive Office of the Governor, a plan that provides options and recommendations for:

1. Establishing an on-line union catalog that is capable of searching the combined library holdings of the public K-12 schools, the public postsecondary education institutions, and the public libraries. The union catalog shall:

(a) include holdings that comply with nationally accepted cataloging

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standards for the representation and communication of bibliographic and related information in machine-readable form;

(b) allow users to search for holdings by school district, public postsecondary education institution, public library, region, and statewide; and

(c) include an Internet-based analytic tool that collects and analyzes user and inter-library loan request data.

2. Establishing a process for Sunlink, FCLA, CCLA, and FEL to jointly negotiate the statewide licensing of electronic resources to reduce the overall cost of such resources.

3. Consolidating automated, on-line library services and systems, to include associated infrastructure, when such consolidation can maximize efficiencies, reduce costs, and increase collaboration.

4. Establishing a statewide approach and process for (a) contracting with library cataloging utilities and other providers of library services and products and (b) securing statewide membership in library organizations and regional library affiliates. The plan shall be provided no later than December 1, 2009.

82 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM FEDERAL GRANTS TRUST FUND . . . 46,902,403

83 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 50,596

Funds provided in Specific Appropriation 83 shall only be used to reimburse members of the Education Practices Commission for travel expenses and per diem and to reimburse school districts for the cost of substitute teachers required to replace commission members when they are carrying out their official duties.

84 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM FEDERAL GRANTS TRUST FUND . . . 9,600,000

From the funds in Specific Appropriation 84, the Department of Education shall conduct an independent evaluation of reading assessment options and report the results to the Legislature. Until the evaluation is complete and reviewed by the Legislature, the Department shall allow current assessment programs to continue.

From the funds provided in Specific Appropriation 84, $4,600,000 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary).

85 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM GENERAL REVENUE FUND 3,375,767
FROM FEDERAL GRANTS TRUST FUND . . . 723,379

Funds in Specific Appropriation 85 may be used to contract for the operation of the Florida Partnership for Minority and Underrepresented Student Achievement and to achieve the partnership's mission as provided in section 1007.35, Florida Statutes.

86 SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT
ASSISTANCE INITIATIVES
FROM GENERAL REVENUE FUND 7,381,686
FROM FEDERAL GRANTS TRUST FUND . . . 847,466

Funds provided in Specific Appropriation 86 from the General Revenue Fund shall be allocated as follows:

Best Buddies..... 618,926

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Take Stock in Children..... 2,690,985
Big Brothers, Big Sisters..... 1,533,861
Boys and Girls Clubs..... 1,399,312
Governor's Mentoring Initiative..... 331,306
YMCA State Alliance..... 807,296

Funds provided in Specific Appropriation 86 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

Best Buddies..... 71,047
Take Stock in Children..... 309,015
Big Brothers, Big Sisters..... 176,074
Boys and Girls Clubs..... 160,629
Governor's Mentoring Initiative..... 38,030
YMCA State Alliance..... 92,671

87 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT
PROGRAM
FROM GENERAL REVENUE FUND 1,918,280
FROM FEDERAL GRANTS TRUST FUND . . . 411,060

88 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND
LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,348,554
FROM FEDERAL GRANTS TRUST FUND . . . 136,465

Funds provided in Specific Appropriation 88 from the General Revenue Fund shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida..... 466,719
University of Miami..... 439,480
Florida State University..... 438,138
University of South Florida..... 458,092
University of Florida Health Science Center at Jacksonville. 546,125

Funds provided in Specific Appropriation 88 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida..... 27,119
University of Miami..... 25,537
Florida State University..... 25,458
University of South Florida..... 26,618
University of Florida Health Science Center at Jacksonville. 31,733

Each center shall provide a report to the Department of Education by September 1, 2009, for the 2008-2009 fiscal year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in in-service education activities, 4) the number of districts served, and 5) specific services provided.

89 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE
ARTS
FROM GENERAL REVENUE FUND 628,143
FROM FEDERAL GRANTS TRUST FUND . . . 193,276

90 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL DISTRICT MATCHING
GRANTS PROGRAM
FROM GENERAL REVENUE FUND 1,285,584
FROM FEDERAL GRANTS TRUST FUND . . . 354,288

The funds in Specific Appropriation 90 are provided as challenge grants to public school district education foundations for programs that serve low-performing students, teacher recruitment and retention efforts, technical career education, and/or literacy initiatives. The amount of each grant shall be equal to the private contribution made to

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a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Administrative costs for the program shall not exceed five percent.

Before any funds provided in Specific Appropriation 90 may be disbursed to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that the private cash has actually been received by the public school education foundation seeking matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program.

91 SPECIAL CATEGORIES
TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
FROM GENERAL REVENUE FUND 20,000

92 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 5,893,731
FROM FEDERAL GRANTS TRUST FUND . . . 342,460

Funds provided in Specific Appropriation 92 from the General Revenue Fund shall be allocated as follows:

University of South Florida/Florida Mental Health Institute.	1,033,689
University of Florida (College of Medicine).....	716,817
University of Central Florida.....	885,209
University of Miami (Department of Pediatrics) including $233,029 for activities in Broward County through Nova Southeastern University.....	1,120,396
Florida Atlantic University.....	560,602
University of Florida (Jacksonville).....	746,999
Florida State University (College of Medicine).....	830,019

Funds provided in Specific Appropriation 92 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

University of South Florida/Florida Mental Health Institute.	60,063
University of Florida (College of Medicine).....	41,651
University of Central Florida.....	51,436
University of Miami (Department of Pediatrics) including $13,540 for activities in Broward County through Nova Southeastern University.....	65,102
Florida Atlantic University.....	32,574
University of Florida (Jacksonville).....	43,405
Florida State University (College of Medicine).....	48,229

Summaries of outcomes for the prior fiscal year shall be submitted to the Department of Education by September 1, 2009.

93 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 1,445,390
FROM FEDERAL GRANTS TRUST FUND . . . 166,075

94 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 248,029
FROM FEDERAL GRANTS TRUST FUND . . . 134,616,337

Funds provided in Specific Appropriation 94 from the General Revenue Fund shall be allocated as follows:

Florida Association of District School Superintendents Training.....	179,839
Principal of the Year.....	36,927
Teacher of the Year.....	23,505
School Related Personnel of the Year.....	7,758

From the funds provided in Specific Appropriation 94, $35,431 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

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Florida Association of District School Superintendents Training.....	25,691
Principal of the Year.....	5,275
Teacher of the Year.....	3,357
School Related Personnel of the Year.....	1,108

95 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 383,657
FROM FEDERAL GRANTS TRUST FUND . . . 2,822,230

Funds in Specific Appropriation 95 from the General Revenue Fund shall be allocated as follows:

State Science Fair.....	41,107
Academic Tourney.....	68,510
Arts for a Complete Education.....	137,020
Florida Holocaust Museum.....	137,020

Funds in Specific Appropriation 95 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

State Science Fair.....	2,569
Academic Tourney.....	4,282
Arts for a Complete Education.....	8,564
Florida Holocaust Museum.....	8,564
Learning for Life.....	1,294,364
Girl Scouts of Florida.....	398,266
Black Male Explorers.....	298,699
Project to Advance School Success.....	706,922
Task Force on African American History.....	100,000

Funds provided in Specific Appropriation 95 for the Learning for Life program are eligible to be used in any public school.

96 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 1,568,163
FROM FEDERAL GRANTS TRUST FUND . . . 2,576,329

From the funds provided in Specific Appropriation 96, $242,975 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary).

97 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 37,620,375
FROM FEDERAL GRANTS TRUST FUND . . . 6,495,355
FROM GRANTS AND DONATIONS TRUST FUND 1,739,616

From the funds in Specific Appropriation 97, $600,000 is provided to contract with the University of Florida for health, medical, pharmaceutical and dental screening services for students. The school shall develop a collaborative service agreement for medical services and shall maximize the recovery of all legally available funds from Medicaid and private insurance coverage. The school shall report to the Legislature by June 30, 2010, information describing the agreement, services provided, budget and expenditures, including the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2009-2010 fiscal year.

Funds in Specific Appropriation 97 from the Federal Grants Trust Fund include $3,905,354 in State Fiscal Stabilization Funds (Discretionary).

98 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 26,173
FROM FEDERAL GRANTS TRUST FUND . . . 1,694

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APPROPRIATION
FROM GRANTS AND DONATIONS TRUST
FUND 1,167

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND 65,789,543
FROM TRUST FUNDS 208,475,769

TOTAL ALL FUNDS 274,265,312

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

99 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND
GRANTS
FROM GRANTS AND DONATIONS TRUST
FUND 4,099,420

100 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM ADMINISTRATIVE TRUST FUND . . . 553,962
FROM FEDERAL GRANTS TRUST FUND . . . 2,828,136,608

From the funds in Specific Appropriation 100, $1,315,777,815 is provided from the American Recovery and Reinvestment Act of 2009 and allocated to programs as follows: $635,295,227 for Title I of the Elementary and Secondary Education Act; $646,963,473 for the Individuals with Disabilities Education Act; $30,319,115 for Education Technology; and $3,200,000 for Title X - Education for Homeless Children and Youths.

From the funds in Specific Appropriation 100, providers of the Title I Supplemental Education Services shall be permitted to serve students in groups of 10 or fewer.

From the funds in Specific Appropriation 100 provided for Education Technology, the Department of Education shall implement a competitive grant program for school districts to demonstrate the use of technology in teacher professional development and student instruction in Science, Technology, Engineering, and Mathematics (STEM) content areas. Within the requirements established by federal statutes governing this program, prioritization for grant funding shall be awarded to high-need districts or eligible partnerships that include at least one high-need district that submits content-driven technology proposals to purchase technology tools for students and teachers in the math and science disciplines. The student portion should incorporate the use of classroom laptops and personal learning devices that are mobile and able to extend learning beyond the classroom day. The teacher portion should combine the use of laptops and personal learning devices and should include the development and delivery of professional development linked to the newly adopted math and science standards.

101 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM FOOD AND NUTRITION SERVICES
TRUST FUND 661,280,840

From the funds in Specific Appropriation 101, $5,403,280 is provided from the American Recovery and Reinvestment Act of 2009.

102 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM -
STATE MATCH
FROM GENERAL REVENUE FUND 16,886,046
FROM FEDERAL GRANTS TRUST FUND . . . 2,532,907

Funds provided in Specific Appropriation 102 for the School Breakfast Program shall be allocated as provided in section 1006.06, Florida Statutes.

TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM
FROM GENERAL REVENUE FUND 16,886,046
FROM TRUST FUNDS 3,496,603,737

TOTAL ALL FUNDS 3,513,489,783

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PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

103 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 187,466
FROM FEDERAL GRANTS TRUST FUND . . . 24,996

104 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM FEDERAL GRANTS TRUST FUND . . . 1,100,000

The funds in Specific Appropriation 104 shall be used for the continuation of FCAT Explorer.

105 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 132,662

106 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 7,555,361
FROM FEDERAL GRANTS TRUST FUND . . . 1,490,208

The funds provided in Specific Appropriation 106 from the General Revenue Fund shall be allocated as follows:

Statewide Governmental and Cultural Affairs Programming..... 437,429
Florida Channel Closed Captioning..... 299,691
Florida Channel Year Round Coverage..... 1,148,851
Public Television and Radio Stations..... 5,669,390

The funds provided in Specific Appropriation 106 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

Statewide Governmental and Cultural Affairs Programming..... 86,278
Florida Channel Closed Captioning..... 59,111
Florida Channel Year Round Coverage..... 226,597
Public Television and Radio Stations..... 1,118,222

From the funds provided in Specific Appropriation 106, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel".

General revenue funds provided in Specific Appropriation 106 for public television and radio stations shall be allocated in the amount of $363,200 for each public television station and $72,907 for each public radio station as recommended by the Commissioner of Education.

Federal Grants Trust Funds provided in Specific Appropriation 106 from State Fiscal Stabilization Funds (Discretionary) for public television and radio stations shall be allocated in the amount of $71,637 for each public television station and $14,380 for each public radio station as recommended by the Commissioner of Education.

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND 7,875,489
FROM TRUST FUNDS 2,615,204

TOTAL ALL FUNDS 10,490,693

PROGRAM: WORKFORCE EDUCATION

109 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 5,286,953

The funds provided in Specific Appropriation 109 shall be allocated as follows:

Alachua..... 8,529
Baker..... 3,035
Bay..... 47,045
Bradford..... 16,759

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Brevard	64,681
Broward	865,827
Calhoun	1,485
Charlotte	54,005
Citrus	60,078
Clay	31,464
Collier	89,174
Columbia	12,981
Miami-Dade	1,025,027
De Soto	13,939
Dixie	3,740
Escambia	73,716
Flagler	33,642
Franklin	111
Gadsden	5,992
Gulf	645
Hamilton	983
Hardee	2,140
Hendry	6,008
Hernando	20,565
Hillsborough	461,774
Indian River	29,395
Jackson	4,548
Jefferson	1,110
Lafayette	1,116
Lake	96,669
Lee	169,436
Leon	92,738
Liberty	2,918
Manatee	128,349
Marion	105,757
Martin	17,044
Monroe	10,867
Nassau	7,319
Okaloosa	9,682
Orange	466,915
Osceola	88,876
Palm Beach	201,315
Pasco	57,053
Pinellas	375,660
Polk	145,749
Putnam	8,269
St. Johns	91,537
Santa Rosa	30,740
Sarasota	116,078
Sumter	4,848
Suwannee	22,166
Taylor	23,714
Union	2,252
Wakulla	4,639
Walton	6,555
Washington	60,294

Funds in Specific Appropriation 109 are not to be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions.

110 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM FEDERAL GRANTS TRUST FUND . . . 41,552,472

111 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 348,993,297
FROM FEDERAL GRANTS TRUST FUND . . . 24,481,155

Funds from the Educational Enhancement Trust Fund in Specific Appropriation 9 and the General Revenue Fund in Specific Appropriation 111 are provided for school district workforce education programs as defined in section 1004.02 (26), Florida Statutes, and are allocated as follows:

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Alachua	1,226,375
Baker	172,084
Bay	3,070,762
Bradford	853,161
Brevard	2,809,523
Broward	61,328,426
Calhoun	159,452
Charlotte	2,589,759
Citrus	2,509,824
Clay	885,827
Collier	6,405,990
Columbia	296,529
Miami-Dade	87,825,793
DeSoto	796,594
Dixie	62,924
Escambia	4,632,491
Flagler	2,322,149
Franklin	51,157
Gadsden	645,816
Glades	6,523
Gulf	148,571
Hamilton	69,954
Hardee	258,191
Hendry	372,523
Hernando	469,666
Hillsborough	29,308,229
Indian River	875,626
Jackson	478,342
Jefferson	167,958
Lafayette	42,357
Lake	4,118,781
Lee	9,499,443
Leon	5,206,292
Liberty	34,744
Madison	35,110
Manatee	6,280,555
Marion	2,895,049
Martin	2,132,087
Monroe	796,024
Nassau	174,260
Okaloosa	2,182,230
Orange	30,432,605
Osceola	4,195,632
Palm Beach	14,597,921
Pasco	3,210,363
Pinellas	23,376,975
Polk	9,937,245
Putnam	448,137
Saint Johns	5,475,729
Santa Rosa	1,607,388
Sarasota	9,347,312
Sumter	242,026
Suwannee	911,763
Taylor	1,279,610
Union	150,495
Wakulla	251,915
Walton	151,395
Washington	2,978,574
Washington Special	29,587

Funds in Specific Appropriation 111 from the Federal Grants Trust Fund include $19,386,713 in State Fiscal Stabilization Funds (Education). The funds shall be allocated as follows:

Bay	185,192
Bradford	51,453
Broward	3,698,614
Charlotte	156,184
Citrus	151,362
Collier	386,334
Miami-Dade	5,296,633
Escambia	279,377
Hillsborough	1,767,529
Lake	248,397

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Lee	572,895
Leon	313,982
Manatee	378,770
Marion	174,596
Okaloosa	131,607
Orange	1,835,339
Osceola	253,032
Pasco	193,612
Pinellas	1,409,825
Polk	599,298
Saint Johns	330,232
Santa Rosa	96,939
Sarasota	563,721
Suwannee	54,986
Taylor	77,171
Washington	179,633

Funds in Specific Appropriation 111 from the Federal Grants Trust Fund include $5,094,442 in State Fiscal Stabilization Funds (Discretionary). The funds shall be allocated as follows:

Alachua	85,102
Baker	11,941
Bay	27,899
Bradford	7,751
Brevard	194,963
Broward	557,189
Calhoun	11,065
Charlotte	23,529
Citrus	22,803
Clay	61,471
Collier	58,201
Columbia	20,577
Miami-Dade	797,925
DeSoto	55,279
Dixie	4,366
Escambia	42,088
Flagler	161,142
Franklin	3,550
Gadsden	44,815
Glades	452
Gulf	10,309
Hamilton	4,854
Hardee	17,916
Hendry	25,851
Hernando	32,591
Hillsborough	266,275
Indian River	60,762
Jackson	33,194
Jefferson	11,655
Lafayette	2,939
Lake	37,421
Lee	86,306
Leon	47,301
Liberty	2,411
Manatee	57,061
Marion	26,302
Martin	147,954
Monroe	55,239
Nassau	12,093
Okaloosa	19,826
Orange	276,490
Osceola	38,119
Palm Beach	1,013,003
Pasco	29,167
Pinellas	212,388
Polk	90,283
Putnam	31,098
Saint Johns	49,749
Santa Rosa	14,604
Sarasota	84,923
Sumter	16,795
Suwannee	8,284
Taylor	11,626

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Union	10,444
Wakulla	17,481
Walton	10,506
Washington	27,061
Washington Special	2,053

Tuition and fee rates are established for the 2009-2010 fiscal year as follows:

For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be $1.91 per contact hour for residents. The standard tuition shall be $1.91 per contact hour and the out-of-state fee shall be $5.73 per contact hour for nonresidents.

For adult general education programs, the standard tuition shall be 94 cents per contact hour for residents. The standard tuition shall be 94 cents per contact hour and the out-of-state fee shall be $2.82 per contact hour for nonresidents.

Funds collected from standard tuition and out-of-state fees shall be used to support school district workforce education programs as defined in section 1004.02(26), Florida Statutes, and are not to be used to support K-12 programs or district K-12 administrative indirect costs. The funds provided in Specific Appropriations 9 and 111 are not to be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions.

Consistent with section 1009.22(3)(d), Florida Statutes, if the tuition and out-of-state fee increases provided herein become law, the statutory increase for inflation shall not be made.

Pursuant to the provisions of section 1009.26 (1), Florida Statutes, school districts may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

From the funds provided in Specific Appropriations 9 and 111, each school district shall report enrollment for adult general education programs identified in section 1004.02, Florida Statutes, in accordance with the Department of Education instructional hours reporting procedures. The Auditor General shall verify compliance with this requirement during scheduled operational audits of the school districts.

No funds in Specific Appropriations 9 and 111 are for instruction of state or federal inmates.

112 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM FEDERAL GRANTS TRUST FUND . . . 77,144,852

113 SPECIAL CATEGORIES
GRANTS AND AIDS - BUSINESS PARTNERSHIPS/
SKILL ASSESSMENT AND TRAINING
FROM GENERAL REVENUE FUND 7,000,000

Funds in Specific Appropriation 113 are provided to continue implementation of the Florida Ready to Work Program created in section 1004.99, Florida Statutes. The Ready to Work Program may be conducted in public schools, regional education consortia, community colleges, area technical centers, one-stop career centers, vocational rehabilitation centers, correctional programs, Department of Juvenile Justice programs, state agencies, and businesses/employers operating in Florida.

Up to 20% of funds in Specific Appropriation 113 may be utilized for assessments, stipends, outreach, the credential, and DOE administration. The balance of funds is provided for curriculum and implementation services. Public schools, community colleges, area technical centers, and businesses/employers shall have first priority for use of assessments and curriculum.

TOTAL: PROGRAM: WORKFORCE EDUCATION
FROM GENERAL REVENUE FUND 361,280,250

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

FROM TRUST FUNDS		143,178,479
TOTAL ALL FUNDS		504,458,729

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

114 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND

FROM GENERAL REVENUE FUND	841,579,351	
FROM FEDERAL GRANTS TRUST FUND . . .		82,588,573

Funds provided in Specific Appropriation 114 from the General Revenue Fund are provided for operating funds, including performance incentives, and shall be allocated as follows:

Brevard Community College	30,836,496
Broward College	58,608,435
Central Florida Community College	16,363,805
Chipola College	7,696,409
Daytona State College	39,884,245
Edison State College	19,179,721
Florida State College at Jacksonville	61,222,419
Florida Keys Community College	4,810,835
Gulf Coast Community College	14,768,714
Hillsborough Community College	39,997,597
Indian River State College	36,356,296
Lake City Community College	10,259,130
Lake Sumter Community College	8,891,636
State College of Florida, Manatee-Sarasota	17,413,185
Miami Dade College	136,435,370
North Florida Community College	5,185,304
Northwest Florida State College	14,217,666
Palm Beach Community College	41,803,877
Pasco-Hernando Community College	15,539,274
Pensacola Junior College	27,788,960
Polk State College	15,229,389
St. Johns River Community College	13,643,758
St. Petersburg College	48,042,477
Santa Fe College	28,701,463
Seminole Community College	28,856,779
South Florida Community College	12,837,286
Tallahassee Community College	23,890,268
Valencia Community College	50,528,297
College Center for Library Automation	12,590,260

Funds in Specific Appropriation 114 from the Federal Grants Trust Fund include $68,919,058 in State Fiscal Stabilization Funds (Education). The funds shall be allocated as follows:

Brevard Community College	2,563,523
Broward College	4,872,280
Central Florida Community College	1,360,368
Chipola College	639,823
Daytona State College	3,315,686
Edison State College	1,594,463
Florida State College at Jacksonville	5,089,588
Florida Keys Community College	399,938
Gulf Coast Community College	1,227,763
Hillsborough Community College	3,325,110
Indian River State College	3,022,399
Lake City Community College	852,870
Lake Sumter Community College	739,186
State College of Florida, Manatee-Sarasota	1,447,606
Miami Dade College	11,342,247
North Florida Community College	433,987
Northwest Florida State College	1,181,953
Palm Beach Community College	3,475,271
Pasco-Hernando Community College	1,291,823
Pensacola Junior College	2,310,173
Polk State College	1,266,061
St. Johns River Community College	1,134,243

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

St. Petersburg College	3,993,903
Santa Fe College	2,386,032
Seminole Community College	2,398,943
South Florida Community College	1,067,199
Tallahassee Community College	1,986,064
Valencia Community College	4,200,556

Funds in Specific Appropriation 114 from the Federal Grants Trust Fund include $13,669,515 in State Fiscal Stabilization Funds (Discretionary). The funds shall be allocated as follows:

Brevard Community College	508,453
Broward College	966,376
Central Florida Community College	269,818
Chipola College	126,904
Daytona State College	657,639
Edison State College	316,248
Florida State College at Jacksonville	1,009,477
Florida Keys Community College	79,324
Gulf Coast Community College	243,517
Hillsborough Community College	659,508
Indian River State College	599,467
Lake City Community College	169,159
Lake Sumter Community College	146,611
State College of Florida, Manatee-Sarasota	287,120
Miami Dade College	2,249,639
North Florida Community College	86,078
Northwest Florida State College	234,431
Palm Beach Community College	689,291
Pasco-Hernando Community College	256,222
Pensacola Junior College	458,203
Polk State College	251,112
St. Johns River Community College	224,968
St. Petersburg College	792,157
Santa Fe College	473,249
Seminole Community College	475,810
South Florida Community College	211,670
Tallahassee Community College	393,919
Valencia Community College	833,145

Beginning with the Fall 2009 semester, tuition and fee rates are established for the 2009-2010 fiscal year as follows:

For advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, standard tuition for residents and nonresidents shall be $58.78 per credit hour and the out-of-state fee shall be $176.46 per credit hour for nonresidents.

For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be $1.91 per contact hour for residents. The standard tuition shall be $1.91 per contact hour and the out-of-state fee shall be $5.73 per contact hour for nonresidents.

For adult general education programs, the standard tuition shall be 94 cents per contact hour for residents. The standard tuition shall be 94 cents per contact hour and the out-of-state fee shall be $2.82 per contact hour for nonresidents.

Consistent with sections 1009.22(3)(d) and 1009.23(3)(c), Florida Statutes, if the tuition and out-of-state fee increases provided herein become law, the statutory increase for inflation shall not be made.

Pursuant to the provisions of section 1009.26(1), Florida Statutes, community colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

No funds in Specific Appropriation 114 are provided for instruction of state or federal inmates.

In compliance with section 1011.84(1)(f), Florida Statutes, from the funds appropriated in Specific Appropriation 114, community colleges shall not report any full-time equivalent (FTE) enrollment for the

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

instruction of students funded in the state grant and aid program for Adults with Disabilities in Specific Appropriation 27.

From the funds in Specific Appropriation 114 for the College Center for Library Automation, $1,337,892 shall be released at the beginning of the first quarter in addition to the normal release and $2,278,031 shall be released at the beginning of the second quarter in addition to the normal release. The additional release is provided to maximize cost savings through centralized purchase of subscription-based e-resources. The remaining appropriated funds for the Center shall be distributed in accordance with the normal release plan.

From the funds in Specific Appropriation 114, each community college shall report enrollment for adult general education programs identified in section 1004.02, Florida Statutes, in accordance with the Department of Education instructional hours reporting procedures. The Auditor General shall verify compliance with this requirement during scheduled operational audits of the community colleges.

Each community college board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the community college by more than 10 percent during the 2009-2010 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Education.

115 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
BACCALAUREATE PROGRAMS
FROM GENERAL REVENUE FUND 8,804,929
FROM FEDERAL GRANTS TRUST FUND . . . 730,272

General Revenue funds provided in Specific Appropriation 115 shall be allocated to the following:

Broward College	68,518
Chipola College	551,086
Daytona State College	541,962
Edison State College	140,221
Florida State College at Jacksonville	80,758
Indian River State College	370,045
State College of Florida, Manatee-Sarasota	100
Miami Dade College	1,061,807
Northwest Florida State College	403,527
Palm Beach Community College	13,704
Polk State College	100
St. Petersburg College	5,572,901
Santa Fe College	100
Seminole Community College	100

Funds in Specific Appropriation 115 from the Federal Grants Trust Fund include $609,403 in State Fiscal Stabilization Funds (Education) and shall be allocated as follows:

Broward College	26,505
Chipola College	46,972
Daytona State College	46,584
Edison State College	29,547
Florida State College at Jacksonville	27,024
Indian River State College	39,294
Miami Dade College	68,632
Northwest Florida State College	40,713
Palm Beach Community College	24,180
St. Petersburg College	259,952

Funds in Specific Appropriation 115 from the Federal Grants Trust Fund include $120,869 in State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

Broward College	5,257
Chipola College	9,316
Daytona State College	9,240
Edison State College	5,860

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Florida State College at Jacksonville	5,360
Indian River State College	7,793
Miami Dade College	13,613
Northwest Florida State College	8,075
Palm Beach Community College	4,796
St. Petersburg College	51,559

Beginning with the Fall 2009 semester, the tuition for baccalaureate degree programs shall be $74.95 per credit hour for students who are residents. Consistent with section 1009.23(3)(c), Florida Statutes, if the tuition increase provided herein becomes law, the statutory increase for inflation shall not be made.

Prior to the disbursement of funds in Specific Appropriation 115, colleges shall submit an operating budget for the expenditure of these funds as provided in section 1011.30, Florida Statutes.

The funds appropriated in Specific Appropriation 115 shall not be expended to support lower division courses and instruction. Lower division college credit courses in community colleges shall be funded and supported in the Community Colleges Program Fund.

116 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 589,845

117 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 324,668

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM GENERAL REVENUE FUND 851,298,793
FROM TRUST FUNDS 83,318,845

TOTAL ALL FUNDS 934,617,638

STATE BOARD OF EDUCATION

Funds provided in Specific Appropriations 118 through 136 for the Working Capital Trust Fund shall be cost-recovered from funds used to pay data processing services rendered in accordance with section 216.272, Florida Statutes.

From the funds provided in Specific Appropriations 118 through 136, the Commissioner of Education shall prepare and provide to the chair of the Senate Policy and Steering Committee on Ways and Means, the chair of the House Full Appropriations Council on Education and Economic Development, and the Executive Office of the Governor on or before October 1, 2009, a report containing the following: the federal indirect cost rate(s) approved to be used for the 12 month period of the 2009-2010 fiscal year and the data on which the rate(s) was established; the estimated amount of funds the approved rate(s) will generate; the proposed expenditure plan for the amount generated; and the June 30, 2009, balance of all unexpended federal indirect cost funds.

From the funds provided in Specific Appropriations 118 through 136, the Commissioner of Education shall prepare and provide to the chair of the Senate Policy and Steering Committee on Ways and Means, the chair of the House Full Appropriations Council on Education & Economic Development, and the Executive Office of the Governor, a report on the various school district policies related to childhood food allergies. The report shall be submitted by December 31, 2009.

APPROVED SALARY RATE 54,977,121

118 SALARIES AND BENEFITS POSITIONS 1,142.00
FROM GENERAL REVENUE FUND 21,425,235
FROM ADMINISTRATIVE TRUST FUND . . . 7,874,693
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 4,414,312
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 2,892,277
FROM FEDERAL GRANTS TRUST FUND . . . 15,158,821

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

FROM FOOD AND NUTRITION SERVICES TRUST FUND		2,647,692
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		1,170,679
FROM STUDENT LOAN OPERATING TRUST FUND		10,032,561
FROM OPERATING TRUST FUND		656,343
FROM WORKING CAPITAL TRUST FUND		5,635,134

From the funds provided in Specific Appropriation 118, $1,276,752 from the Federal Grants Trust Funds are State Fiscal Stabilization Funds (Discretionary).

119 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	249,495	
FROM ADMINISTRATIVE TRUST FUND		135,012
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		149,999
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		40,000
FROM FEDERAL GRANTS TRUST FUND		1,134,714
FROM FOOD AND NUTRITION SERVICES TRUST FUND		127,020
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		32,000
FROM STUDENT LOAN OPERATING TRUST FUND		250,000
FROM OPERATING TRUST FUND		120,101
FROM WORKING CAPITAL TRUST FUND		40,000
120 EXPENSES		
FROM GENERAL REVENUE FUND	3,394,707	
FROM ADMINISTRATIVE TRUST FUND		1,652,095
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		579,835
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		973,391
FROM FEDERAL GRANTS TRUST FUND		9,485,581
FROM FOOD AND NUTRITION SERVICES TRUST FUND		814,700
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		891,856
FROM STUDENT LOAN OPERATING TRUST FUND		2,938,493
FROM OPERATING TRUST FUND		817,556
FROM WORKING CAPITAL TRUST FUND		1,758,476
121 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	50,406	
FROM ADMINISTRATIVE TRUST FUND		190,094
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		45,440
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		15,000
FROM FEDERAL GRANTS TRUST FUND		778,834
FROM FOOD AND NUTRITION SERVICES TRUST FUND		57,438
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		16,375
FROM STUDENT LOAN OPERATING TRUST FUND		518,200
FROM WORKING CAPITAL TRUST FUND		47,921
122 SPECIAL CATEGORIES ASSESSMENT AND EVALUATION		
FROM GENERAL REVENUE FUND	31,633,403	
FROM ADMINISTRATIVE TRUST FUND		932,157
FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		1,200,000
FROM FEDERAL GRANTS TRUST FUND		35,114,819
FROM SOPHOMORE LEVEL TEST TRUST FUND		116,920
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND		16,500,000

Funds in Specific Appropriation 122 from the Federal Grants Trust Fund include $8,201,442 in State Fiscal Stabilization Funds (Discretionary).

123 SPECIAL CATEGORIES COMMISSION FOR INDEPENDENT EDUCATION		
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		1,188,178
124 SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	244,149	
125 SPECIAL CATEGORIES CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	836,327	
FROM ADMINISTRATIVE TRUST FUND		468,008
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		1,583,535
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		271,017
FROM FEDERAL GRANTS TRUST FUND		1,244,925
FROM FOOD AND NUTRITION SERVICES TRUST FUND		1,221,535
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		164,134
FROM STUDENT LOAN OPERATING TRUST FUND		14,058,767
FROM OPERATING TRUST FUND		2,000
FROM WORKING CAPITAL TRUST FUND		154,981

From the funds in Specific Appropriation 125, the Department of Education shall establish a virtual curriculum marketplace to assist school districts in the provision of online or digital content.

The virtual curriculum marketplace must contain free or fee-based digital assets and full courses that align with the Sunshine State Standards. The department may retain a percentage of any fees charged for a course to offset the cost of maintaining and operating the virtual curriculum marketplace which must be self supporting.

The department is authorized to negotiate with the Distance Learning Consortium or private providers for a common statewide platform to implement the virtual curriculum marketplace. The common statewide platform shall facilitate the delivery of digital assets and courses from multiple course providers, track student progress, and include digital content which is aligned to and searchable by the Sunshine State Standards.

126 SPECIAL CATEGORIES GRANTS AND AIDS - CHOICES PRODUCT SALES		
FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		400,000
129 SPECIAL CATEGORIES EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS		
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		200,000
130 SPECIAL CATEGORIES STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM		
FROM STUDENT LOAN OPERATING TRUST FUND		484,993
131 SPECIAL CATEGORIES		

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	530,140	
FROM ADMINISTRATIVE TRUST FUND . . .		16,651
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		37,911
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		18,786
FROM FEDERAL GRANTS TRUST FUND . . .		92,500
FROM FOOD AND NUTRITION SERVICES TRUST FUND		10,365
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		12,113
FROM STUDENT LOAN OPERATING TRUST FUND		73,598
FROM OPERATING TRUST FUND		1,689
FROM WORKING CAPITAL TRUST FUND . .		38,198

132 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	178,042	
FROM ADMINISTRATIVE TRUST FUND . . .		32,569
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		27,050
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		17,817
FROM FEDERAL GRANTS TRUST FUND . . .		112,097
FROM FOOD AND NUTRITION SERVICES TRUST FUND		22,030
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		7,839
FROM STUDENT LOAN OPERATING TRUST FUND		67,187
FROM OPERATING TRUST FUND		4,394
FROM WORKING CAPITAL TRUST FUND . .		43,643

136 DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION SERVICES

FROM GENERAL REVENUE FUND	3,580,146	
FROM ADMINISTRATIVE TRUST FUND . . .		799,486
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		931,359
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		327,028
FROM FEDERAL GRANTS TRUST FUND . . .		2,174,233
FROM FOOD AND NUTRITION SERVICES TRUST FUND		276,396
FROM INSTITUTIONAL ASSESSMENT TRUST FUND		90,089
FROM STUDENT LOAN OPERATING TRUST FUND		1,304,490
FROM OPERATING TRUST FUND		56,264
FROM WORKING CAPITAL TRUST FUND . .		650,900

From funds in Specific Appropriation 136, the Department of Education shall submit a plan by October 1, 2009, to the Northwood Shared Resource Center (NSRC), the Northwest Regional Data Center (NWRDC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education & Economic Development, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the NSRC or NWRDC, pursuant to section 17, chapter 2008-116, Laws of Florida.

From funds in Specific Appropriation 136, the Department of Education shall pay for data center services based on the actual direct and indirect costs to the Department of Education. These funds shall not be used to subsidize another entity's costs.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

From the funds provided in Specific Appropriation 136, $606,955 from the Federal Grants Trust Funds are State Fiscal Stabilization Funds (Discretionary).

TOTAL: STATE BOARD OF EDUCATION

FROM GENERAL REVENUE FUND	62,122,050	
FROM TRUST FUNDS		156,645,294
TOTAL POSITIONS	1,142.00	
TOTAL ALL FUNDS		218,767,344

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 11 through 12C and 138 through 140 are provided as grants and aids to support the operation of state universities. Funds provided to each university are contingent upon that university following the provisions of chapters 1000 through 1013, Florida Statutes, which relate to state universities. Any withholding of funds pursuant to this provision shall be subject to the approval of the Legislative Budget Commission.

137 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

FROM GENERAL REVENUE FUND	9,363,197	
FROM FEDERAL GRANTS TRUST FUND . . .		1,526,584

Funds in Specific Appropriation 137 are provided to continue funding to the H. Lee Moffitt Cancer Center and Research Institute. These funds may be used as state matching funds for Moffitt's participation in the Low Income Pool, which provides payments to hospitals providing enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the H. Lee Moffitt Cancer Center and Research Institute to continue the original purpose of providing research in cancer center operations.

138 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES

FROM GENERAL REVENUE FUND	1,488,072,449	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		1,115,525,234
FROM FEDERAL GRANTS TRUST FUND . . .		133,923,489
FROM PHOSPHATE RESEARCH TRUST FUND .		7,299,033

The appropriations provided in Specific Appropriations 138 and 139A through 139E from the Education and General Student and Other Fees Trust Fund are the only budget authority provided in this act for the 2009-2010 fiscal year to the named universities to expend tuition and fees that are collected during the 2009-2010 fiscal year and carried forward from the prior fiscal year and that are appropriated into local accounts pursuant to section 1011.4106, Florida Statutes. The expenditure of tuition and fee revenues from local accounts by each university shall not exceed the authority provided by these specific appropriations, unless approved pursuant to the provisions of chapter 216, Florida Statutes. If a court of competent jurisdiction finds that the restriction above is invalid, the appropriation made by section 1011.4106, Florida Statutes, is hereby repealed for the 2009-2010 fiscal year and the moneys described in that section shall be deposited in the state treasury for expenditure only pursuant to appropriations made by law.

General revenue funds provided in Specific Appropriations 138 through 139E to each of the named universities are contingent upon each university complying with the tuition and fee policies established in the proviso language attached to Specific Appropriation 138, and with the tuition and fee policies for state universities included in Part II of chapter 1009, Florida Statutes. However, the funds appropriated to a specific university shall not be affected by the failure of another university to comply with this provision.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Funds in Specific Appropriations 11 through 12C and 138 through 140 shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

Funds in Specific Appropriation 138 from the General Revenue Fund shall be allocated as follows:

University of Florida	287,736,174
Florida State University	235,078,926
Florida A&M University	87,047,777
University of South Florida	167,040,616
University of South Florida, St. Petersburg	21,096,364
University of South Florida, Sarasota/Manatee	11,091,336
University of South Florida, Polytechnic	12,765,780
Florida Atlantic University	136,533,785
University of West Florida	50,277,304
University of Central Florida	203,032,555
Florida International University	157,692,570
University of North Florida	64,441,266
Florida Gulf Coast University	40,241,672
New College of Florida	13,996,324

Funds in Specific Appropriation 138 from the Federal Grants Trust Fund include $125,182,149 from State Fiscal Stabilization Funds (Education) and shall be allocated as follows:

University of Florida	24,385,503
Florida State University	19,799,857
Florida A&M University	7,418,118
University of South Florida	14,156,508
University of South Florida, St. Petersburg	1,799,466
University of South Florida, Sarasota/Manatee	946,063
University of South Florida, Polytechnic	662,401
Florida Atlantic University	11,361,690
University of West Florida	4,221,720
University of Central Florida	17,137,189
Florida International University	13,320,386
University of North Florida	5,472,787
Florida Gulf Coast University	3,349,259
New College of Florida	1,151,202

Funds in Specific Appropriation 138 from the Federal Grants Trust Fund include $8,741,340 from State Fiscal Stabilization Funds (Discretionary) and shall be allocated as follows:

University of Florida	1,702,814
Florida State University	1,382,604
Florida A&M University	518,000
University of South Florida	988,534
University of South Florida, St. Petersburg	125,655
University of South Florida, Sarasota/Manatee	66,063
University of South Florida, Polytechnic	46,255
Florida Atlantic University	793,375
University of West Florida	294,798
University of Central Florida	1,196,672
Florida International University	930,149
University of North Florida	382,159
Florida Gulf Coast University	233,875
New College of Florida	80,387

Funds in Specific Appropriation 138 from the Education and General Student and Other Fees Trust Fund shall be allocated as follows:

University of Florida	236,045,879
Florida State University	157,551,804
Florida A&M University	57,171,795
University of South Florida	126,126,625
University of South Florida, St. Petersburg	11,389,902
University of South Florida, Sarasota/Manatee	4,615,730
University of South Florida, Polytechnic	2,778,444
Florida Atlantic University	83,162,724
University of West Florida	31,567,486
University of Central Florida	168,137,950
Florida International University	145,720,286

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

University of North Florida	51,808,699
Florida Gulf Coast University	33,919,107
New College of Florida	5,528,803

Beginning with the Fall 2009 semester, undergraduate tuition is established at $88.59 per credit hour for the 2009-2010 fiscal year. Consistent with section 1009.24(4)(b), Florida Statutes, if the tuition increase provided herein becomes law, the statutory increase for inflation will not be made.

Tuition for graduate and professional programs and out-of-state fees for all programs shall be established pursuant to section 1009.24, Florida Statutes.

Funds in Specific Appropriation 138 from the Phosphate Research Trust Fund are provided for the University of South Florida.

Funds in Specific Appropriation 138 are based upon the following full-time equivalent (FTE) enrollment:

Resident Lower Level	63,668
Resident Upper Level	85,788
Resident Graduate	26,416
Nonresident (all levels)	14,865
Total	190,737

Funding for each university is based upon the following full-time equivalent (FTE) enrollment:

University of Florida;

Resident Lower Level	10,863
Resident Upper Level	12,707
Resident Graduate	6,695
Nonresident (all levels)	4,049
Total	34,314

Florida State University;

Resident Lower Level	9,327
Resident Upper Level	10,713
Resident Graduate	4,279
Nonresident (all levels)	2,483
Total	26,802

Florida Agricultural & Mechanical University;

Resident Lower Level	3,601
Resident Upper Level	2,868
Resident Graduate	1,278
Nonresident (all levels)	1,119
Total	8,866

University of South Florida;

Resident Lower Level	9,275
Resident Upper Level	12,777
Resident Graduate	3,807
Nonresident (all levels)	1,302
Total	27,161

Florida Atlantic University;

Resident Lower Level	4,372
Resident Upper Level	7,827
Resident Graduate	1,911
Nonresident (all levels)	1,129
Total	15,239

University of West Florida;

Resident Lower Level	1,886
Resident Upper Level	3,232
Resident Graduate	653
Nonresident (all levels)	444
Total	6,215

University of Central Florida;

Resident Lower Level	10,306
Resident Upper Level	16,000

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Resident Graduate	3,006
Nonresident (all levels)	1,528
Total	30,840
Florida International University;	
Resident Lower Level	8,160
Resident Upper Level	11,682
Resident Graduate	3,291
Nonresident (all levels)	2,138
Total	25,271
University of North Florida;	
Resident Lower Level	3,530
Resident Upper Level	5,244
Resident Graduate	976
Nonresident (all levels)	250
Total	10,000
Florida Gulf Coast University;	
Resident Lower Level	2,224
Resident Upper Level	2,319
Resident Graduate	520
Nonresident (all levels)	310
Total	5,373
New College of Florida;	
Resident Lower Level	124
Resident Upper Level	419
Nonresident (all levels)	113
Total	656

From the funds provided in Specific Appropriations 11, 12A, 138, and 139A, each university may shift enrollment by level in a manner which is revenue neutral; however, no university, with the exception of New College of Florida, shall increase the number of lower level FTEs. For planning and enrollment shifting purposes, the University of South Florida may combine lower, upper, and graduate FTE identified in Specific Appropriations 138 and 139A.

The Chancellor of the State University System shall submit a revised 3-year state university enrollment plan by lower, upper, graduate I and graduate II levels, by university, to the Board of Governors by September 1, 2009. This revised 3-year enrollment plan must be developed with input from each state university.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive general revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Chancellor shall segregate these FTEs and not count them toward the 2009-2010 enrollment plan for the State University System.

Funds provided in Specific Appropriation 138 for the University of Florida include no more than that amount which the State Board of Education and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the city and reviewed by the university. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the city or utility shall be specifically excluded as costs allocable to the university. The cost-based rate shall include charges for only those water services actually provided by the city to the university and shall not include charges for services furnished by the university.

Each university board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the university by more than 10 percent during the 2009-2010 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

139 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)		
FROM GENERAL REVENUE FUND	109,028,879	
FROM FEDERAL GRANTS TRUST FUND . . .		8,978,531

From the funds in Specific Appropriation 139 and any other funds available to the State University System, there shall be no expenditures made pursuant to the consent order, effective April 15, 1986, and amended on June 8, 1987, and as subsequently amended by the joint plan submitted by the Chancellor and the Secretary of the Department of Environmental Protection on October 1, 1993, between the Institute of Food and Agricultural Sciences and the Department of Environmental Protection; however, funds from the Water Quality Assurance Trust Fund provided specifically for site investigation and clean-up activities may continue to be spent for that purpose.

Funds in Specific Appropriation 139 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary).

139A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER		
FROM GENERAL REVENUE FUND	52,831,042	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		23,051,685
FROM FEDERAL GRANTS TRUST FUND . . .		4,569,090

Funds in Specific Appropriation 139A are based upon the following full-time equivalent enrollment:

Resident Lower Level	103
Resident Upper Level	584
Resident Graduate	727
Resident M.D.	480
Nonresident (all levels)	98

Funds in Specific Appropriation 139A from the Federal Grants Trust Fund include $4,251,151 from State Fiscal Stabilization Funds (Education) and $317,939 from State Fiscal Stabilization Funds (Discretionary).

139B AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER		
FROM GENERAL REVENUE FUND	89,630,245	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		29,613,302
FROM FEDERAL GRANTS TRUST FUND . . .		7,266,066

Funds in Specific Appropriation 139B are based upon the following full-time equivalent enrollment:

Resident Dentistry	321
Resident Veterinary Medicine	332
Resident M.D.	509
Nonresident (all levels)	23

Funds in Specific Appropriation 139B from the Federal Grants Trust Fund include $6,767,160 from State Fiscal Stabilization Funds (Education) and $498,906 from State Fiscal Stabilization Funds (Discretionary).

From the funds provided in Specific Appropriation 139B, $5,000,000 is provided to increase the base funding for the instructional costs of the Doctor of Medicine Degree Program. The funds are contingent upon the university submitting an expenditure plan detailing how the funds will be used to support medical education. The plan must be submitted to the Board of Governors prior to the disbursement of the funds.

139C AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL		
FROM GENERAL REVENUE FUND	34,702,368	

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM EDUCATION AND GENERAL STUDENT
AND OTHER FEES TRUST FUND 9,933,495
FROM FEDERAL GRANTS TRUST FUND . . . 3,001,632

Funds in Specific Appropriation 139C are based upon the following full-time equivalent enrollment:

Resident M.D..... 464

Funds in Specific Appropriation 139C from the Federal Grants Trust Fund include $2,792,427 from State Fiscal Stabilization Funds (Education) and $209,205 from State Fiscal Stabilization Funds (Discretionary).

139D AID TO LOCAL GOVERNMENTS
UNIVERSITY OF CENTRAL FLORIDA MEDICAL
SCHOOL
FROM GENERAL REVENUE FUND 18,298,476
FROM EDUCATION AND GENERAL STUDENT
AND OTHER FEES TRUST FUND 957,185
FROM FEDERAL GRANTS TRUST FUND . . . 694,836

Funds in Specific Appropriation 139D are based upon the following full-time equivalent enrollment:

Resident M.D..... 40

Funds in Specific Appropriation 139D from the Federal Grants Trust Fund include $646,365 from State Fiscal Stabilization Funds (Education) and $48,471 from State Fiscal Stabilization Funds (Discretionary).

139E AID TO LOCAL GOVERNMENTS
FLORIDA INTERNATIONAL UNIVERSITY MEDICAL
SCHOOL
FROM GENERAL REVENUE FUND 21,402,853
FROM EDUCATION AND GENERAL STUDENT
AND OTHER FEES TRUST FUND 972,185
FROM FEDERAL GRANTS TRUST FUND . . . 866,405

Funds in Specific Appropriation 139E are based upon the following full-time equivalent enrollment:

Resident M.D..... 40

Funds in Specific Appropriation 139E from the Federal Grants Trust Fund include $839,377 from State Fiscal Stabilization Funds (Education) and $27,028 from State Fiscal Stabilization Funds (Discretionary).

140 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT FINANCIAL
ASSISTANCE
FROM GENERAL REVENUE FUND 17,224,969

A minimum of 75 percent of the funds provided in Specific Appropriation 140 shall be allocated for need-based financial aid.

Funds in Specific Appropriation 140 shall be allocated as follows:

University of Florida..... 4,191,140
Florida State University..... 3,540,501
Florida A&M University..... 1,506,303
University of South Florida..... 2,053,783
Florida Atlantic University..... 964,108
University of West Florida..... 380,584
University of Central Florida..... 2,070,760
Florida International University..... 1,304,265
University of North Florida..... 483,840
Florida Gulf Coast University..... 236,585
New College of Florida..... 493,100

141 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTITUTE FOR HUMAN AND
MACHINE COGNITION
FROM GENERAL REVENUE FUND 1,055,016

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 447,937

142 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,634,197
FROM PHOSPHATE RESEARCH TRUST FUND . 4,155

143 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 285,898

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1,857,529,589
FROM TRUST FUNDS 1,348,630,844

TOTAL ALL FUNDS 3,206,160,433

BOARD OF GOVERNORS

Funds appropriated in Specific Appropriations 144 through 148 from the Federal Grants Trust Fund are State Fiscal Stabilization Funds (Discretionary).

From the funds provided in Specific Appropriations 144 through 149, the Board of Governors shall assist the Office of Program Policy Analysis and Government Accountability (OPPAGA) in a review of best practices for student health policies at universities. OPPAGA shall provide a report to the Legislature by December 1, 2009. The report shall include findings and recommendations relating to: the efficacy of mandatory health insurance; the cost effectiveness and efficiency of third party billing for student health services on university campuses; and the fees charged for health services provided by university health centers in the State University System.

From the funds in Specific Appropriations 144 through 149, the Board of Governors shall develop a funding methodology for a consistent base level of state support on a per-student basis for each 4-year Doctor of Medicine degree program offered by a state university. The Board of Governors shall work with OPPAGA and representatives from each 4-year Doctor of Medicine degree program to develop the methodology. As part of the development of the funding methodology, the Board of Governors shall:

(1) Review national data on the costs associated with 4-year Doctor of Medicine degree programs offered by public universities.

(2) Determine a base-level cost per student that excludes supplemental costs or startup costs.

(3) Determine supplemental costs and startup costs that are in addition to the base-level cost per student and that support the unique mission of a degree program or support the implementation of new 4-year Doctor of Medicine degree programs.

(4) Determine a uniform reporting procedure for the consistent annual reporting of expenditures and outcome data for 4-year Doctor of Medicine degree programs.

The Board of Governors shall submit a report on the funding methodology to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2010.

APPROVED SALARY RATE 3,565,538

144 SALARIES AND BENEFITS POSITIONS 53.00
FROM GENERAL REVENUE FUND 2,626,275
FROM DIVISION OF UNIVERSITIES
FACILITY CONSTRUCTION
ADMINISTRATIVE TRUST FUND 674,797
FROM FEDERAL GRANTS TRUST FUND . . . 1,284,000

The positions included in Specific Appropriation 144 shall report to the Board of Governors.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

145 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	14,373	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		15,000
FROM FEDERAL GRANTS TRUST FUND . . .		6,300
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,000
146 EXPENSES		
FROM GENERAL REVENUE FUND	411,896	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		264,799
FROM FEDERAL GRANTS TRUST FUND . . .		190,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		12,000
147 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	4,782	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		950
FROM FEDERAL GRANTS TRUST FUND . . .		2,380
148 SPECIAL CATEGORIES CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	11,982	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		20,000
FROM FEDERAL GRANTS TRUST FUND . . .		50,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,000
149 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	22,025	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		2,990
TOTAL: BOARD OF GOVERNORS		
FROM GENERAL REVENUE FUND	3,091,333	
FROM TRUST FUNDS		2,531,216
TOTAL POSITIONS	53.00	
TOTAL ALL FUNDS		5,622,549
TOTAL OF SECTION 2		
FROM GENERAL REVENUE FUND	11,388,071,783	
FROM TRUST FUNDS		8,460,908,208
TOTAL POSITIONS	2,502.00	
TOTAL ALL FUNDS		19,848,979,991
TOTAL: EDUCATION, DEPARTMENT OF (SECTIONS 1 AND 2)		
EDUCATION/EARLY LEARNING		
FROM GENERAL REVENUE FUND	329,171,580	
FROM TRUST FUNDS		38,017,534
EDUCATION/PUBLIC SCHOOLS		
FROM GENERAL REVENUE FUND	8,042,168,988	
FROM TRUST FUNDS		5,250,968,178
EDUCATION/COMM COLLEGES		
FROM GENERAL REVENUE FUND	851,298,793	
FROM TRUST FUNDS		200,278,003
EDUCATION/UNIVERSITIES		
FROM GENERAL REVENUE FUND	1,857,529,589	
FROM TRUST FUNDS		1,549,803,576

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

EDUCATION/OTHER		
FROM GENERAL REVENUE FUND	307,902,833	
FROM TRUST FUNDS		2,845,708,800
EDUCATION RECAP		
FROM GENERAL REVENUE FUND	11,388,071,783	
FROM TRUST FUNDS		9,884,776,091
TOTAL POSITIONS	2,502.00	
TOTAL ALL FUNDS		21,272,847,874
TOTAL APPROVED SALARY RATE	104,368,390	

SECTION 3 - HUMAN SERVICES

The moneys contained herein are appropriated from the named funds to the Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

APPROVED SALARY RATE 14,426,010

150 SALARIES AND BENEFITS POSITIONS 307.00		
FROM GENERAL REVENUE FUND	3,970,064	
FROM ADMINISTRATIVE TRUST FUND . . .		15,268,626
151 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	79,599	
FROM ADMINISTRATIVE TRUST FUND . . .		742,106
152 EXPENSES		
FROM GENERAL REVENUE FUND	256,967	
FROM ADMINISTRATIVE TRUST FUND . . .		3,486,052
153 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	180,923	
FROM ADMINISTRATIVE TRUST FUND . . .		514,701
154 SPECIAL CATEGORIES CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	531,292	
FROM ADMINISTRATIVE TRUST FUND . . .		2,536,884
155 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	33,827	
FROM ADMINISTRATIVE TRUST FUND . . .		225,029
156 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	28,766	
FROM ADMINISTRATIVE TRUST FUND . . .		102,884
157 DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM ADMINISTRATIVE TRUST FUND . . .		664,443

From funds in Specific Appropriation 157, the Agency for Health Care Administration shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), the Agency for Enterprise Information Technology, the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the agency to the SSRC, pursuant to Section 17, Chapter 2008-116, Laws of Florida.

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT
FROM GENERAL REVENUE FUND 5,081,438
FROM TRUST FUNDS 23,540,725

TOTAL POSITIONS 307.00
TOTAL ALL FUNDS 28,622,163

PROGRAM: HEALTH CARE SERVICES

CHILDREN'S SPECIAL HEALTH CARE

Funds in Specific Appropriations 158 through 163 are provided to operate the Florida KidCare Program. The Executive Office of the Governor may authorize transfer of these resources between programs or agencies pursuant to chapter 216, Florida Statutes, based on projections from the Social Services Estimating Conference.

158 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION
FROM GENERAL REVENUE FUND 13,808,764
FROM TOBACCO SETTLEMENT TRUST FUND . 60,171,104
FROM MEDICAL CARE TRUST FUND 163,808,960

Funds in Specific Appropriations 158 and 161 are provided to contract with the Florida Healthy Kids Corporation to provide comprehensive health insurance coverage, including dental services, to Title XXI children eligible under the Florida KidCare Program and pursuant to section 624.91, Florida Statutes. The corporation shall use local funds to serve non-Title XXI children that are eligible for the program pursuant to section 624.91(3)(b), Florida Statutes. The corporation shall return unspent local funds collected in Fiscal Year 2008-2009 to provide premium assistance for non-Title XXI eligible children based on a formula developed by the corporation.

From funds in Specific Appropriation 158, $3,907,944 from the General Revenue Fund and $8,494,290 from the Medical Care Trust Fund are provided to implement the mandatory provisions of the Children's Health Insurance Program Reauthorization Act of 2009.

159 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,212,499
FROM TOBACCO SETTLEMENT TRUST FUND . 704,548
FROM GRANTS AND DONATIONS TRUST FUND 409,693
FROM MEDICAL CARE TRUST FUND 4,223,397

160 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES - FLORIDA HEALTHY KIDS ADMINISTRATION
FROM GENERAL REVENUE FUND 2,487,654
FROM TOBACCO SETTLEMENT TRUST FUND . 3,946,147
FROM MEDICAL CARE TRUST FUND 14,029,043

From funds in Specific Appropriation 160, $165,428 from the General Revenue Fund and $359,573 from the Medical Care Trust Fund are provided to implement the mandatory provisions of the Children's Health Insurance Program Reauthorization Act of 2009.

161 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION DENTAL SERVICES
FROM GENERAL REVENUE FUND 9,103,284
FROM MEDICAL CARE TRUST FUND 20,280,082

Funds in Specific Appropriation 161 are provided for Florida Healthy Kids dental services to be paid a monthly premium of no more than $12 per member per month.

162 SPECIAL CATEGORIES
MEDIKIDS
FROM GENERAL REVENUE FUND 4,953,455
FROM TOBACCO SETTLEMENT TRUST FUND . 7,155,438

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM GRANTS AND DONATIONS TRUST FUND 10,332,986
FROM MEDICAL CARE TRUST FUND 30,067,758

163 SPECIAL CATEGORIES
CHILDREN'S MEDICAL SERVICES NETWORK
FROM GENERAL REVENUE FUND 23,101,064
FROM TOBACCO SETTLEMENT TRUST FUND . 15,619,174
FROM GRANTS AND DONATIONS TRUST FUND 2,101,972
FROM MEDICAL CARE TRUST FUND 84,428,835

TOTAL: CHILDREN'S SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND 54,666,720
FROM TRUST FUNDS 417,279,137

TOTAL ALL FUNDS 471,945,857

EXECUTIVE DIRECTION AND SUPPORT SERVICES

Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through Low Income Pool (LIP) provisions and exemptions to hospital Medicaid rate ceilings shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement funds. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

The agency is authorized to contract on a contingency fee basis for post-audit claims analyses to identify and recover overpayments for the Medicaid program. The state may pay the contractor a rate based on recoveries. The agency shall receive approval from the Centers for Medicare and Medicaid prior to entering into a contractual relationship.

APPROVED SALARY RATE 31,531,026

164 SALARIES AND BENEFITS POSITIONS 747.50
FROM GENERAL REVENUE FUND 12,510,859
FROM MEDICAL CARE TRUST FUND 29,949,374

165 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,774,139
FROM MEDICAL CARE TRUST FUND 23,754,706

166 EXPENSES
FROM GENERAL REVENUE FUND 933,078
FROM MEDICAL CARE TRUST FUND 6,939,016

167 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 45,391
FROM MEDICAL CARE TRUST FUND 221,266

168 SPECIAL CATEGORIES
PHARMACEUTICAL EXPENSE ASSISTANCE
FROM GENERAL REVENUE FUND 450,000

Funds in Specific Appropriation 168 reflect a reduction of $250,000 from the General Revenue Fund and represent the unused appropriation amount for the Pharmaceutical Expense Assistance Program based on current participation rates.

169 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 122,079
FROM MEDICAL CARE TRUST FUND 122,078

170 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM
FROM GENERAL REVENUE FUND 827,653
FROM MEDICAL CARE TRUST FUND 1,129,095

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

171 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 15,730,589
FROM GRANTS AND DONATIONS TRUST FUND 711,861
FROM MEDICAL CARE TRUST FUND 40,814,835

From the funds in Specific Appropriation 171, the agency may continue to contract with the existing provider for the Medicaid wireless handheld drug information database program.

From the funds in Specific Appropriation 171, $125,000 from the General Revenue Fund and $125,000 from the Medical Care Trust Fund are provided for the Agency for Health Care Administration to contract with an independent consultant to prepare recommendations on the financing and the distribution of funds for the low-income pool, disproportionate share hospital program and adjustments to hospital outpatient and inpatient rates, rebased rates or otherwise exempt hospitals for Fiscal Year 2010-2011. The selected contractor shall not provide any services to any beneficiary of these funds while under contract with the State of Florida or during Fiscal Year 2010-2011. The contractor shall monitor the Low Income Pool Council process and report findings and recommendations, including a detailed analysis by entity that presents an equitable approach for the financing and distribution of these funds. The findings and recommendations shall be submitted to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of House Full Appropriations Council on General Government and Health Care within 15 days after the Low Income Pool Council's recommendations are submitted for Fiscal Year 2010-2011.

172 SPECIAL CATEGORIES
MEDICAID FISCAL CONTRACT
FROM GENERAL REVENUE FUND 23,000,401
FROM MEDICAL CARE TRUST FUND 55,156,634
FROM REFUGEE ASSISTANCE TRUST FUND . 117,809

173 SPECIAL CATEGORIES
MEDICAID PEER REVIEW
FROM GENERAL REVENUE FUND 1,093,903
FROM MEDICAL CARE TRUST FUND 4,403,348

174 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 310,133
FROM MEDICAL CARE TRUST FUND 313,193

175 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 105,063
FROM MEDICAL CARE TRUST FUND 203,886

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 56,903,288
FROM TRUST FUNDS 163,837,101

TOTAL POSITIONS 747.50
TOTAL ALL FUNDS 220,740,389

MEDICAID SERVICES TO INDIVIDUALS

176 SPECIAL CATEGORIES
ADULT VISION AND HEARING SERVICES
FROM GENERAL REVENUE FUND 4,362,893
FROM MEDICAL CARE TRUST FUND 9,119,468
FROM REFUGEE ASSISTANCE TRUST FUND . 315,410

From the Funds in Specific Appropriations 176, 180, 184, 186, 188, 192, 193, 195, 197-199, 202-205, 207, 209, 210 and 212, $113,039,411 in non-recurring general revenue funds, $21,097,829 in non-recurring grants and donations trust funds, and $233,715,186 in non-recurring medical care trust funds are provided to continue the Medicaid for the Aged and Disabled (MEDS-AD) program.

From the funds in Specific Appropriations 176, 180-182, 184, 186, 188, 192-195, 197-199, 201, 202, 204-208, 211 and 212, $160,687,163 in non-recurring general revenue funds, $42,938,064 in non-recurring grants and donations trust funds, and $325,123,181 in non-recurring medical care trust funds are provided to continue the Medically Needy program.

Funds in Specific Appropriation 176 reflect a reduction of $18,778 from the General Revenue Fund, $39,252 from the Medical Care Trust Fund, and $1,358 from the Refugee Assistance Trust Fund to reflect a policy to limit eyeglass frames for adult beneficiaries to one pair every two years and to limit lenses for adult beneficiaries to one pair every 365 days; except a second pair of eyeglass frames and a second pair of lenses may be provided during that period after prior authorization, effective January 1, 2010.

177 SPECIAL CATEGORIES
CASE MANAGEMENT
FROM GENERAL REVENUE FUND 34,961,094
FROM MEDICAL CARE TRUST FUND 73,076,899
FROM REFUGEE ASSISTANCE TRUST FUND . 923

Upon approval of an amendment of the existing disease management waiver, the agency is authorized to develop Requests for Proposals or Invitations to Negotiate for State of Florida Medicaid beneficiaries residing in certain counties in the Agency for Health Care Administration's Areas 1 and 6 currently enrolled in Medipass. In both areas, qualified providers must meaningfully deploy health information technology for the provision of health care services and reimbursement for those services shall be on a per member per month basis based on the person's underlying disease state. In Area 1, the agency shall give preference to a non-profit consortium of hospitals that supports primary care in the community and whose member entities contribute health information to a regional health information organization. In Area 6, the agency shall give preference to a federally qualified health care center using a Florida-based health information technology company with disease management functionality. The pilot programs shall be for a period of 36 months. The agency is authorized to seek any necessary state plan amendment or federal waiver to implement this provision.

178 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 22,795,031
FROM MEDICAL CARE TRUST FUND 47,646,966
FROM REFUGEE ASSISTANCE TRUST FUND . 704

179 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 12,851,172
FROM MEDICAL CARE TRUST FUND 29,770,281
FROM REFUGEE ASSISTANCE TRUST FUND . 1,602

The agency is authorized to amend the Medicaid State Plan to include the following specialized substance abuse services: community based substance abuse intervention services and comprehensive community support services for substance abuse.

The agency is authorized to work with the Department of Children and Family Services and Florida county governments to develop a local match program to fund these Medicaid specialized substance abuse services using local county funds. The public funds required to match the Medicaid funds for these specialized substance abuse services are limited to those funds that are local public tax revenues and are made available to the state for this purpose. As required by Medicaid policy, participating counties shall make these services available to any qualified Florida Medicaid beneficiary regardless of county of residence. Payment for these services is contingent upon the local matching funds being provided by participating counties.

The agency is authorized to seek Medicaid waiver approval to include

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mental health services for juveniles in the evidence based redirection program at the Department of Juvenile Justice. The agency is authorized to work with the Department of Juvenile Justice to develop a match program to fund Medicaid specialized mental health services using existing funding within the Department of Juvenile Justice.

180 SPECIAL CATEGORIES
ADULT DENTAL SERVICES
FROM GENERAL REVENUE FUND 5,178,274
FROM MEDICAL CARE TRUST FUND 10,823,806
FROM REFUGEE ASSISTANCE TRUST FUND . 147,811

181 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/
PART C
FROM MEDICAL CARE TRUST FUND 8,206,052
FROM REFUGEE ASSISTANCE TRUST FUND . 217

Funds in Specific Appropriation 181 are contingent on the availability of state match being provided in Specific Appropriation 516.

182 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN
FROM GENERAL REVENUE FUND 35,529,279
FROM MEDICAL CARE TRUST FUND 74,267,298
FROM REFUGEE ASSISTANCE TRUST FUND . 146,550

183 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL
ASSISTANCE PROGRAM
FROM GENERAL REVENUE FUND 1,220,185
FROM GRANTS AND DONATIONS TRUST
FUND 5,657,156
FROM MEDICAL CARE TRUST FUND 7,153,425

Funds in Specific Appropriation 183 are provided for a federally matched Rural Hospital Disproportionate Share program and a state-funded Rural Hospital Financial Assistance program as provided in section 409.9116, Florida Statutes.

184 SPECIAL CATEGORIES
FAMILY PLANNING
FROM GENERAL REVENUE FUND 844,748
FROM MEDICAL CARE TRUST FUND 7,602,738
FROM REFUGEE ASSISTANCE TRUST FUND . 18,261

184A SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,673,569

The funds in Specific Appropriation 184A, shall be primarily designated for transfer to the Agency for Health Care Administration's Grants and Donations Trust Fund for use in the Medicaid or Low Income Pool programs. Of these funds, up to $3,820,670 may be used in the Low Income Pool program or as funding to buy back the Medicaid inpatient and outpatient trend adjustments applied to Shands Healthcare Systems' individual hospital rates and other Medicaid reductions to their rates up to the actual Medicaid inpatient and outpatient costs. The transfer of the funds from the Low Income Pool program is contingent upon another local government or healthcare taxing district providing an equivalent amount of funds to be used in the Low Income Pool program. Should the Agency for Health Care Administration be unable to use the full amount of these designated funds, remaining funds may be used secondarily for payments to Shands Teaching Hospital to continue the original purpose of providing health care services to indigent patients through Shands Healthcare System.

185 SPECIAL CATEGORIES
HEALTHY START SERVICES
FROM MEDICAL CARE TRUST FUND 23,641,946

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186 SPECIAL CATEGORIES
HOME HEALTH SERVICES
FROM GENERAL REVENUE FUND 60,716,994
FROM MEDICAL CARE TRUST FUND 126,913,483
FROM REFUGEE ASSISTANCE TRUST FUND . 141,089

From the funds provided in Specific Appropriations 186, 202, and 204, $5,282,526 from the General Revenue Fund and $11,041,721 from the Medical Care Trust Fund reflects the reduction of cost savings from increased fraud and abuse activities, the expansion of prior authorization of home health services, and deploying additional cost avoidance and recoupment strategies for improper payments.

From the funds in Specific Appropriation 186, the agency may implement accreditation requirements for Durable Medical Equipment and Consumable Medical Supply providers.

187 SPECIAL CATEGORIES
HOSPICE SERVICES
FROM GENERAL REVENUE FUND 52,783,398
FROM HEALTH CARE TRUST FUND 42,000,000
FROM GRANTS AND DONATIONS TRUST
FUND 10,850,985
FROM MEDICAL CARE TRUST FUND 220,800,671
FROM REFUGEE ASSISTANCE TRUST FUND . 42,062

Funds in Specific Appropriation 187 reflect a reduction of $2,299,062 from the General Revenue Fund, $4,805,581 from the Medical Care Trust Fund, and $915 from the Refugee Assistance Trust Fund as a result of adjusting nursing home rates.

Funds in Specific Appropriations 187, 202-204 and 219 from the Health Care Trust Fund are contingent upon SB 1840, imposing a tobacco surcharge to address health care costs in the Medicaid program related to tobacco use, becoming law.

188 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES
FROM GENERAL REVENUE FUND 146,307,679
FROM GRANTS AND DONATIONS TRUST
FUND 326,746,966
FROM MEDICAL CARE TRUST FUND 1,754,323,450
FROM PUBLIC MEDICAL ASSISTANCE
TRUST FUND 366,820,000
FROM REFUGEE ASSISTANCE TRUST FUND . 2,118,693

From the funds in Specific Appropriation 188, $61,382,891 from the Medical Care Trust Fund is provided to the Agency for Health Care Administration to fund services for children in the Statewide Inpatient Psychiatric Program. The program shall be designed to permit limits on services, prior authorization of services, and selective provider enrollment. The program must also include monitoring and quality assurance, as well as discharge planning and continuing stay reviews, of all children admitted to the program. The funding is contingent upon the availability of state matching funds in the Department of Children and Family Services in Specific Appropriations 311 and 332.

From the funds in Specific Appropriation 188, $168,300 from the General Revenue Fund is provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program.

Funds in Specific Appropriation 188, reflect a reduction of $11,595,095 from the General Revenue Fund and $23,883,476 from the Medical Care Trust Fund as a result of modifying the reimbursement for inpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this

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reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 188, $53,753,801 from the Grants and Donations Trust Fund and $112,358,069 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the inpatient ceilings under this section of proviso or any other proviso listed, such hospitals shall be exempt from the inpatient reimbursement ceilings contingent on the hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

From the funds in Specific Appropriation 188, $1,603,186 from the Grants and Donation Trust Fund and $3,351,040 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

From the funds in Specific Appropriation 188, $45,827,167 from the Grants and Donations Trust Fund and $95,789,541 from the Medical Care Trust Fund are provided to eliminate the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 and any hospitals that becomes a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, chapter 2007-326, Laws of Florida. The agency shall use the average of the 2003, 2004 and 2005 audited Disproportionate Share Hospital (DSH) data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited Disproportionate Share Hospital (DSH) data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

Funds in Specific Appropriation 188 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

From the funds in Specific Appropriation 188, $3,213,995 from the Grants and Donations Trust Fund and $6,718,005 from the Medical Care Trust Fund are provided to make Medicaid payments to hospitals. These payments shall be used to pay approved liver transplant facilities a global fee for providing transplant services to Medicaid beneficiaries.

From the funds in Specific Appropriation 188, $13,750,000 from the General Revenue Fund, $112,913,660 from the Grants and Donations Trust Fund and $264,756,798 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Included in these funds are the annualized amounts to offset the reductions taken against hospitals defined in section 408.07 (45), Florida Statutes, that are not certified trauma centers, as identified in Section 12, chapter 2007-326, Laws of Florida.

From the funds in Specific Appropriation 188, $22,619,504 from the Grants and Donations Trust Fund, and $47,280,077 from the Medical Care

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Trust Fund are provided to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for the following three categories of hospitals. Of these funds $38,503,310 is provided to the first category of hospitals, which are those hospitals that are part of a system that operates a provider service network in the following manner: $18,152,419 is for Jackson Memorial Hospital; $5,407,484 is for hospitals in Broward Health; $5,457,550 is for hospitals in the Memorial Healthcare System; and $2,748,092 is for Shands Jacksonville and $6,737,765 is for Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, $21,365,269 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. Of the above funds, $10,031,002 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates to rural hospitals.

In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. For this section of proviso the agency shall use the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

From the funds in Specific Appropriation 188, $68,688,689 from the Grants and Donations Trust Fund and $143,575,491 from the Medical Care Trust Fund are provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in section 408.07 (45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and for designated trauma hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriations 188 and 202, $1,941,600 from the Grants and Donations Trust Fund and $4,058,400 from the Medical Care Trust Fund are provided to make Medicaid payments for multi-visceral transplant and intestine transplants in Florida. The agency shall establish a reasonable global fee for these transplant procedures and the payments shall be used to pay approved multi-visceral transplant and intestine transplant facilities a global fee for providing transplant services to Medicaid beneficiaries. Payment of the global fee is contingent upon the non-federal share being provided through grants and donations from state, county or other governmental funds. The agency is authorized to seek any federal waiver or state plan amendment necessary to implement this provision.

189 SPECIAL CATEGORIES
REGULAR DISPROPORTIONATE SHARE
FROM GENERAL REVENUE FUND 750,000
FROM GRANTS AND DONATIONS TRUST FUND 110,256,074
FROM MEDICAL CARE TRUST FUND 135,564,503

Funds in Specific Appropriation 189 shall be used for a Disproportionate Share Hospital Program as provided in section 409.911, 409.9113, and 409.9119, Florida Statutes, and is contingent on the state share being provided through grants and donations from state, county, or other government entities.

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From the funds in Specific Appropriation 189, $69,881,487 from the Grants and Donations Trust Fund and $85,341,718 from the Medical Care Trust Fund are provided for payments to public hospitals.

From the funds in Specific Appropriation 189, $29,772,254 from the Grants and Donations Trust Fund and $36,358,918 from the Medical Care Trust Fund are provided for payments to defined statutory teaching hospitals. Prior to the distribution of these funds to the statutorily defined teaching hospitals, $6,487,220 shall be allocated to Shands Jacksonville Hospital, $2,660,440 shall be allocated to Tampa General Hospital, and $1,083,512 shall be allocated to Shands Teaching Hospital.

From the funds in Specific Appropriation 189, $900,400 from the Grants and Donations Trust Fund and $1,099,600 from the Medical Care Trust Fund are provided for payments to hospitals participating in graduate medical education initiatives, specifically consortiums engaged in developing new graduate medical education positions and programs. Consortiums shall consist of a combination of statutory teaching hospitals, statutory rural hospitals, hospitals with existing accredited graduate medical education positions, medical schools, Department of Health clinics, federally qualified health centers, and where possible, the Department of Veterans' Affairs clinics. Ideally, each consortium will have at least five residents per training year. Each consortium must include primary care providers and at least one hospital, and consortium residents shall rotate between participating primary care sites and hospitals. On or before September 1, 2009, consortiums will apply to the agency for funding with the objective of initiating new medical resident programs and five initial resident positions by July 2010. On or before October 1, 2009, the agency in consultation with the Department of Health shall at a minimum fund two consortiums, one of which shall be designed to serve a rural area. All consortium-initiated residency programs and positions shall be reviewed by the Community Hospital Education Council, which shall report all findings to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.

From the funds in Specific Appropriation 189, $750,000 from the General Revenue Fund, $5,192,640 from the Grants and Donations Trust Fund and $7,257,360 from the Medical Care Trust Fund are provided for payments to family practice teaching hospitals.

From the funds in Specific Appropriation 189, $360,160 from the Grants and Donations Trust Fund and $439,840 from the Medical Care Trust Fund are provided for payments to hospitals licensed as specialty children's hospitals. The funds shall be distributed equally among the hospitals that qualify.

From the funds in Specific Appropriation 189, $4,149,133 from the Grants and Donations Trust Fund and $5,067,067 from the Medical Care Trust Fund are provided for payments to Provider Service Networks. Distributions are made to qualifying Provider Service Network hospitals or systems proportionally based on Fiscal Year 2006-2007 Provider Service Network patient days from qualifying Provider Service Network hospitals or systems. For purposes of this section of proviso, the Provider Service Network inpatient days used in distributing these funds shall be based on the utilization for the following individual hospitals or hospital systems only: Jackson Memorial Hospital - 15,464 days; Broward Health - 18,109 days; Memorial Healthcare System - 12,047 days; Shands Teaching - Gainesville - 1,581 days; and Shands Teaching - Jacksonville - 13,227 days.

190	SPECIAL CATEGORIES		
	LOW INCOME POOL		
	FROM GENERAL REVENUE FUND	3,292,338	
	FROM GRANTS AND DONATIONS TRUST FUND		360,547,231
	FROM MEDICAL CARE TRUST FUND		759,987,594

From the funds in Specific Appropriation 190, $8,257,428 from the Grants and Donations Trust Fund and $17,259,965 from the Medical Care Trust Fund are provided for Medicaid low-income pool payments to hospitals providing primary care to low-income individuals, hospitals operating as designated or provisional trauma centers, and rural hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care Disproportionate Share Hospital (DSH) program in Fiscal Year 2003-2004 shall be paid $9,518,238 distributed in the same proportion as the Primary Care DSH payments for Fiscal Year 2003-2004, excluding Imperial Point Hospital and Memorial Regional Hospital who will receive individual amounts equal to $536,489 and $1,620,659, respectively. Hospitals that are designated or provisional trauma centers shall be paid $9,683,541. Of that amount, $4,237,709 shall be distributed equally among hospitals that are a Level I trauma center; $3,475,560 shall be distributed equally among hospitals that are either a Level II or pediatric trauma center; and $1,970,272 shall be distributed equally among hospitals that are both a Level II and pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH Program shall be paid $6,315,614 distributed in the same proportion as the DSH payments.

From the funds in Specific Appropriation 190, $273,887,962 from the Grants and Donations Trust Fund and $572,490,163 from the Medical Care Trust Fund are provided for Medicaid low-income pool payments to hospitals provider access systems. The funding shall be distributed in a two-step allocation process. The first phase of the allocation process shall distribute payments to qualified hospitals based on the amount of local government funding provided for the uninsured and underinsured. Payments to qualified hospitals shall be capped at 115.0 percent of the amount of local government funding it would have received for the uninsured and underinsured without the Low Income Pool program. The second phase of the allocation process is to distribute the remaining funds based on a hospital's Medicaid days, charity care days, and 50 percent of bad debt days to the total Medicaid days, charity care days, and 50 percent of bad debt days of all qualifying hospitals. To receive funds in this distribution, the hospital's Medicaid days, charity care days and 50 percent of bad debt days divided by the hospital's total days must equal or exceed 10 percent. Of the funds allocated in the second phase, $2,419,573 shall be allocated to the rural hospitals and the remaining funds shall be allocated to the remaining hospitals that qualify for a distribution. All hospitals with accepted 2007 Financial Hospital Uniform Reporting System (FHURS) data are eligible for the second phase of the allocation process.

From the funds in Specific Appropriation 190, $512,243 from the Grants and Donations Trust Fund and $1,070,709 from the Medical Care Trust Fund are provided for Medicaid low-income pool payments to specialty pediatric facilities. To qualify for a Medicaid low-income pool payment under this section, a hospital must be licensed as a children's specialty hospital and its combined Medicaid managed care and fee-for-service days as a percentage to total inpatient days must equal or exceed 30 percent. The agency shall use the 2003 Financial Hospital Uniform Reporting System (FHURS) data to determine the combined Medicaid managed care and fee-for-service days. The total Medicaid low-income pool payments made shall be distributed equally to the qualifying hospitals.

From the funds in Specific Appropriation 190, $700,000 from the General Revenue Fund, $23,886,181 from the Grants and Donations Trust Fund and $50,868,334 from the Medical Care Trust Fund are provided to make Medicaid low-income pool payments to hospitals that serve as a safety net in providing emergency, specialized pediatric trauma services and inpatient hospital care to low-income individuals. These amounts shall be paid to the following:

Jackson Memorial Hospital	2,388,887
Shands Jacksonville Hospital	32,766,305
All Children's Hospital	4,945,075
Shands Teaching Hospital	4,796,704
Tampa General Hospital	12,990,914
Orlando Regional Medical Center	4,159,665
Lee Memorial Hospital/CMS	886,896
St. Mary's Hospital	195,801
Miami Children's Hospital	4,013,059
Broward General Medical Center	144,898
Tallahassee Memorial Healthcare	40,983
St. Joseph's Hospital	15,852
Florida Hospital	41,488

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Baptist Hospital of Pensacola	321,894
Mt. Sinai Medical Center	6,834,326
Bayfront Medical Center	145,594
Sacred Heart Hospital	327,840
Naples Community Hospital	188,334
Baptist Medical Center - Jacksonville	250,000

From the funds in Specific Appropriation 190, $1,177,298 from the General Revenue Fund, $4,736,898 from the Grants and Donations Trust Fund and $12,362,060 from the Medical Care Trust Fund are provided to make Medicaid low-income pool payments to Federally Qualified Health Centers. These payments may be used to provide funding for Federally Qualified Health Centers supporting primary care services in medically underserved areas.

From the funds in Specific Appropriation 190, $3,090,684 from the Grants and Donations Trust Fund and $6,460,255 from the Medical Care Trust Fund are provided for county health initiatives emphasizing the expansion of primary care services, and rural health networks. The Department of Health will develop the funding criteria processes, which include assessing statewide benefits, sustainability, access to primary care improvements, ER diversion potential, and health care innovations that are replicable and with a three-year limit on low-income pool funding. The total low-income pool payments provided in this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds.

From the funds in Specific Appropriation 190, $970,800 from the Grants and Donations Trust Fund and $2,029,200 from the Medical Care Trust Fund are provided to make Medicaid low-income pool payments to hospitals. These payments shall be used, in collaboration with the Department of Health to provide funding for hospitals with hospital based primary care initiatives.

From the funds in Specific Appropriation 190, $80,900 from the Grants and Donations Trust Fund and $169,100 from the Medical Care Trust Fund are provided to make health insurance premium payments for low-income residents enrolled in the Miami-Dade Premium Assistance Program. These funds are contingent on a local government contribution of $80,900.

From the funds in Specific Appropriation 190, $5,134,565 from the Grants and Donations Trust Fund and $10,732,449 from the Medical Care Trust Fund are provided to make Medicaid low-income pool payments for premium assistance programs operated by the Palm Beach County Health Care District. These funds are contingent on a local government contribution from the Palm Beach Health Care District in the amount of $13,367,014.

From the funds in Specific Appropriation 190, $1,026,720 from the General Revenue Fund and $2,146,086 from the Medical Care Trust Fund are provided to make Medicaid low-income pool payments to hospitals. These payments shall be used, in collaboration with the Department of Health to provide funding for hospitals providing poison control programs.

From the funds in Specific Appropriation 190, $388,320 from the General Revenue Fund and $811,680 from the Medical Care Trust Fund are provided to continue the primary care and emergency room diversion program in Manatee, Sarasota and DeSoto counties.

From the funds in Specific Appropriation 190, $39,989,570 in non-recurring grants and donations trust funds and $83,587,593 in non-recurring medical care trust funds are provided to make Medicaid low-income payments to hospital provider access systems. The funding shall be distributed in a two-step allocation process. The first phase of the allocation process shall distribute payments to qualified hospitals based on the amount of local government funding provided for the uninsured and underinsured. Payments to qualified hospitals will be capped at 100.0 percent of the amount of local government funding it would have received for the uninsured and underinsured without the Low Income Pool program. The local funds for this section of proviso are separate from any other Low Income Pool or hospital program and the amount of local government funding for the first phase of the allocation process shall be limited to $39,989,570. The second phase of the allocation process is to distribute the remaining funds based on a

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hospital's Medicaid days, charity care days, and 50 percent of bad debt days to the total Medicaid days, charity care days and 50 percent of bad debt days of all qualifying hospitals. To receive funds in this distribution, the hospital's Medicaid days, charity care days, and 50 percent of bad debt days divided by the hospital's total days must equal or exceed 10 percent. Rural hospitals shall be excluded from the second phase of the allocation process. All hospitals with accepted 2006 Financial Hospital Uniform Reporting System (FHURS) data are eligible for the second phase of the allocation process. The distribution of funds under this section of proviso are contingent on the Agency for Health Care Administration obtaining an amendment to the Special Terms and Conditions for the Florida Medicaid Reform section 1115 demonstration that allows for the distribution of $1 billion under the Low Income Pool program in the fifth year of the demonstration. If the amendment to the demonstration is not approved by January 31, 2010, then the funds in this section of proviso shall be used in Fiscal Year 2010-2011 for the Low Income Pool program as appropriated in the Fiscal Year 2010-2011 General Appropriations Act.

The agency may make low-income pool Medicaid payments to hospitals in an accelerated manner that is more frequent than on a quarterly basis, subject to the availability of state, local and federal funds.

The agency is authorized to transfer a hospital's low-income pool payments between the various low-income programs listed in this specific appropriation if it is required to obtain approval of the low-income pool payment methodology from the Centers for Medicare and Medicaid Services. Any transfer of funds, however, is contingent on the hospital's net low-income pool payments under the low-income pool plan remaining unchanged.

In the event that the amount of approved non-federal share of matching funds is not provided by local governmental entities, the agency may re-allocate low-income pool funds between programs described within this specific appropriation as necessary to ensure sufficient non-federal matching funds. No re-allocation, under this provision, of low-income pool funds may occur if the level of program increase for any provider access system exceeds the amount of the additional increases in the local non-federal share match that their local governments transfer to the state Medicaid program, and for which the provider access system would have otherwise received.

Funds provided in Specific Appropriation 190 are contingent upon the non-federal share being provided through grants and donations from state, county or other governmental funds. In the event the non-federal share provided through grants and donations is not available to fund the Medicaid low-income payments for eligible Medicaid providers, known as provider access systems, the agency shall submit a revised low-income pool plan to the Legislative Budget Commission for approval.

Distribution of such funds provided in Specific Appropriation 190 are contingent upon approval from the Centers for Medicare and Medicaid.

191 SPECIAL CATEGORIES
FREESTANDING DIALYSIS CENTERS

FROM GENERAL REVENUE FUND	4,842,784	
FROM MEDICAL CARE TRUST FUND		10,122,555
FROM REFUGEE ASSISTANCE TRUST FUND .		32,427

Funds in Specific Appropriation 191 are for the inclusion of freestanding dialysis clinics in the Medicaid program. The agency shall limit payment to $95.00 per visit for each dialysis treatment. Freestanding dialysis facilities may obtain, administer and submit claims directly to the Medicaid program for End-Stage Renal Disease pharmaceuticals subject to coverage and limitations policy. All pharmaceutical claims for this purpose must include National Drug Codes (NDC) to permit the invoicing for federal and/or state supplemental rebates from manufacturers. Claims for drug products that do not include National Drug Code information are not payable by Florida Medicaid unless the drug product is exempt from federal rebate requirements.

192 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS

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FROM GENERAL REVENUE FUND	51,129,645	
FROM MEDICAL CARE TRUST FUND		106,872,972
FROM REFUGEE ASSISTANCE TRUST FUND .		1,760

193 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES

FROM GENERAL REVENUE FUND	56,172,823	
FROM GRANTS AND DONATIONS TRUST FUND		90,077,212
FROM MEDICAL CARE TRUST FUND		525,198,951
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		105,000,000
FROM REFUGEE ASSISTANCE TRUST FUND .		1,344,208

From the funds in Specific Appropriation 193, $16,535,960 from the Grants and Donations Trust Fund and $34,564,042 from the Medical Care Trust Fund are appropriated so that the agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care Disproportionate Share Hospital (DSH) program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings; or a public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds. This provision shall be contingent upon federal approval of a state plan amendment.

Funds in Specific Appropriation 193, reflect a reduction of $3,366,515 from the General Revenue Fund, $7,014,950 from the Medical Care Trust Fund, and $21,857 from the Refugee Assistance Trust Fund as a result of implementing a reduction in outpatient hospital reimbursement rates. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 193, $28,595,811 from the Grants and Donations Trust Fund and $59,771,961 from the Medical Care Trust Fund are provided to increase the outpatient cap for adults from $1,000 to $1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty, Community Health Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Included in these funds are the annualized amounts to offset the reductions taken against hospitals defined in section 408.07 (45), Florida Statutes, that are not certified trauma centers, as identified in Section 13, chapter 2007-326, Laws of Florida.

From the funds in Specific Appropriation 193, $5,915,170 from the Grants and Donations Trust Fund and $12,364,094 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the outpatient ceilings under this provision of proviso or any other proviso listed, such hospitals shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the

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event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

From the funds in Specific Appropriation 193, $132,125 from the Grants and Donation Trust Fund and $276,173 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

From the funds in Specific Appropriation 193, $7,109,906 from the Grants and Donations Trust Fund and $14,861,374 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 or become a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in section 13, chapter 2007-326, Laws of Florida. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 193 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

From the funds in Specific Appropriation 193, $5,969,075 from the Grants and Donations Trust Fund and $12,476,770 from the Medical Care Trust Fund are provided to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for the following three categories of hospitals. Of these funds $6,711,233 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner: $2,762,760 is for Jackson Memorial Hospital; $803,934 is for hospitals in Broward Health; $1,211,814 is for hospitals in the Memorial Healthcare System; and $795,574 to Shands Jacksonville and $1,137,151 to Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate. Of the above funds, $5,985,074 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate. Of the above funds, $5,749,538 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the outpatient rate for those individual hospitals. For this section of proviso the agency shall use the average of 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

From the funds in Specific Appropriation 193, $14,611,860 from the Grants and Donations Trust Fund and $30,542,219 from the Medical Care

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Trust Fund are provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in s. 408.07 (45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and designated trauma hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

194 SPECIAL CATEGORIES
RESPIRATORY THERAPY SERVICES
FROM GENERAL REVENUE FUND 3,018,965
FROM MEDICAL CARE TRUST FUND 6,310,396

195 SPECIAL CATEGORIES
NURSE PRACTITIONER SERVICES
FROM GENERAL REVENUE FUND 8,195,093
FROM MEDICAL CARE TRUST FUND 17,129,669

196 SPECIAL CATEGORIES
BIRTHING CENTER SERVICES
FROM GENERAL REVENUE FUND 406,677
FROM MEDICAL CARE TRUST FUND 850,049

197 SPECIAL CATEGORIES
OTHER LAB AND X-RAY SERVICES
FROM GENERAL REVENUE FUND 20,517,383
FROM MEDICAL CARE TRUST FUND 42,886,287
FROM REFUGEE ASSISTANCE TRUST FUND . 475,941

From the funds in Specific Appropriation 197, the agency shall continue a program to assess HIV drug resistance for cost-effective management of anti-retroviral drug therapy.

198 SPECIAL CATEGORIES
PATIENT TRANSPORTATION
FROM GENERAL REVENUE FUND 37,968,640
FROM MEDICAL CARE TRUST FUND 79,363,379
FROM REFUGEE ASSISTANCE TRUST FUND . 30,000

199 SPECIAL CATEGORIES
PHYSICIAN ASSISTANT SERVICES
FROM GENERAL REVENUE FUND 729,334
FROM MEDICAL CARE TRUST FUND 1,524,511
FROM REFUGEE ASSISTANCE TRUST FUND . 7,083

200 SPECIAL CATEGORIES
PERSONAL CARE SERVICES
FROM GENERAL REVENUE FUND 21,293,989
FROM MEDICAL CARE TRUST FUND 44,510,474

The Agency for Health Care Administration shall encourage a beneficiary who is medically able to attend a Prescribed Pediatric Extended Care (PPEC) center and whose needs can be met by the PPEC to have PPEC services when PPEC services are medically appropriate and are available within a reasonable distance from the pick-up or drop-of location for the child. Private duty nursing may be provided as a wraparound alternative for an individual requiring additional services when PPEC is not available.

201 SPECIAL CATEGORIES
PHYSICAL REHABILITATION THERAPY
FROM GENERAL REVENUE FUND 4,857,906
FROM MEDICAL CARE TRUST FUND 10,154,275
FROM REFUGEE ASSISTANCE TRUST FUND . 38

202 SPECIAL CATEGORIES
PHYSICIAN SERVICES

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FROM GENERAL REVENUE FUND 98,393,454
FROM HEALTH CARE TRUST FUND 13,600,000
FROM TOBACCO SETTLEMENT TRUST FUND . 52,567,697
FROM GRANTS AND DONATIONS TRUST FUND 271,824
FROM MEDICAL CARE TRUST FUND 578,562,397
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 66,400,000
FROM REFUGEE ASSISTANCE TRUST FUND . 2,525,391

From the funds in Specific Appropriation 202, $178,119 from the General Revenue Fund and $372,311 from the Medical Care Trust Fund is provided for the implementation of a Intrathecal Baclofen Therapy (ITB) program for spasticity patients, effective July 1, 2009.

From the funds in Specific Appropriation 202, $51,000,000 from the Medical Care Trust Fund is provided for special Medicaid payments for services provided by doctors of medicine and osteopathy employed by or under contract with a medical school in Florida. The expansion of existing programs to increase federal reimbursements through Upper Payment Limit (UPL) provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement funds. The agency is authorized to seek a Florida Title XIX State Plan Amendment or waiver to include additional medical schools in Florida.

The Agency for Health Care Administrative shall seek federal approval to implement a supplemental payment program for medical school faculty who provide services to Medicaid beneficiaries enrolled in capitated managed care plans so that such payments may be made directly to physicians employed by or under contract with the state's medical schools for costs associated with graduate medical education. The agency shall amend its Medicaid policies as necessary to implement this program. Nothing herein shall be construed as requiring capitated managed care plans to fund the state share of the supplemental payments.

203 SPECIAL CATEGORIES
PREPAID HEALTH PLANS
FROM GENERAL REVENUE FUND 470,245,862
FROM HEALTH CARE TRUST FUND 437,400,000
FROM MEDICAL CARE TRUST FUND 1,897,213,896
FROM REFUGEE ASSISTANCE TRUST FUND . 12,327,722

Funds in Specific Appropriation 203, include reductions of $5,702,779 from the General Revenue Fund, $11,920,278 from the Medical Care Trust Fund and $77,423 from the Refugee Assistance Trust Fund to Health Maintenance Organization and Provider Service Network capitation payments as a result of reducing the reimbursement of inpatient and outpatient hospital rates, effective September 1, 2009.

Funds in Specific Appropriation 203, include reductions of $483,069 from the General Revenue Fund, $1,009,738 from the Medical Care Trust Fund, and $6,561 from the Refugee Assistance Trust Fund to Health Maintenance Organization and Provider Service Network capitation payments as a result of reducing the Medicaid reimbursement rates for clinic services, effective September 1, 2009.

The agency is directed to integrate provisions of acute care and behavioral health services in the public hospital-operated managed care model to the extent feasible and consistent with continuity of care and patient choice. The agency is authorized to seek any federal waiver or state plan amendment necessary to implement this provision.

From the funds appropriated in Specific Appropriation 203, the agency is authorized to provide Medicaid children enrolled in the Medicaid Prepaid Dental Health Program in Miami-Dade County with a choice of at least two licensed managed care dental providers, who shall have experience in providing dental care to Medicaid or Title XXI enrollees, and who meet all standards and requirements of the agency.

204 SPECIAL CATEGORIES

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PRESCRIBED MEDICINE/DRUGS		
FROM GENERAL REVENUE FUND	113,297,331	
FROM HEALTH CARE TRUST FUND		88,000,000
FROM GRANTS AND DONATIONS TRUST FUND		644,645,956
FROM MEDICAL CARE TRUST FUND		420,758,695
FROM REFUGEE ASSISTANCE TRUST FUND .		2,227,145
205 SPECIAL CATEGORIES		
MEDICARE PART D PAYMENT		
FROM GENERAL REVENUE FUND	467,145,244	
206 SPECIAL CATEGORIES		
PRIVATE DUTY NURSING SERVICES		
FROM GENERAL REVENUE FUND	43,810,531	
FROM MEDICAL CARE TRUST FUND		91,574,299
207 SPECIAL CATEGORIES		
RURAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	28,599,827	
FROM MEDICAL CARE TRUST FUND		59,782,163
FROM REFUGEE ASSISTANCE TRUST FUND .		106,340
208 SPECIAL CATEGORIES		
SPEECH THERAPY SERVICES		
FROM GENERAL REVENUE FUND	13,716,862	
FROM MEDICAL CARE TRUST FUND		28,671,498
FROM REFUGEE ASSISTANCE TRUST FUND .		2,068
209 SPECIAL CATEGORIES		
MEDIPASS SERVICES		
FROM GENERAL REVENUE FUND	5,728,056	
FROM MEDICAL CARE TRUST FUND		11,973,153
FROM REFUGEE ASSISTANCE TRUST FUND .		58,660
210 SPECIAL CATEGORIES		
SUPPLEMENTAL MEDICAL INSURANCE		
FROM GENERAL REVENUE FUND	351,303,337	
FROM MEDICAL CARE TRUST FUND		654,530,652
211 SPECIAL CATEGORIES		
OCCUPATIONAL THERAPY SERVICES		
FROM GENERAL REVENUE FUND	8,950,236	
FROM MEDICAL CARE TRUST FUND		18,708,139
FROM REFUGEE ASSISTANCE TRUST FUND .		546
212 SPECIAL CATEGORIES		
CLINIC SERVICES		
FROM GENERAL REVENUE FUND	31,494,404	
FROM GRANTS AND DONATIONS TRUST FUND		974,733
FROM MEDICAL CARE TRUST FUND		67,880,975
FROM REFUGEE ASSISTANCE TRUST FUND .		398,530

Funds in Specific Appropriation 212 reflect a reduction of $974,734 from the General Revenue Fund, $2,037,438 from the Medical Care Trust Fund, and $12,334 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for county health department rates. The agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 212, $2,049,773 from the Medical Care Trust Fund and $974,733 from the Grants and Donations Trust Fund are provided to buy back the Clinic Services trend adjustment. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other

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governmental funds.		
213 SPECIAL CATEGORIES		
MEDICAID SCHOOL REFINANCING		
FROM MEDICAL CARE TRUST FUND		97,569,420
TOTAL: MEDICAID SERVICES TO INDIVIDUALS		
FROM GENERAL REVENUE FUND	2,233,085,037	
FROM TRUST FUNDS		10,805,334,400
TOTAL ALL FUNDS		13,038,419,437
MEDICAID LONG TERM CARE		
214 SPECIAL CATEGORIES		
ASSISTIVE CARE SERVICES		
FROM MEDICAL CARE TRUST FUND		26,179,861

Funds in Specific Appropriation 214 are provided to implement Medicaid coverage for Assistive Care Services and are contingent on the availability of state match being provided in Specific Appropriation 363.

215 SPECIAL CATEGORIES		
HOME AND COMMUNITY BASED SERVICES		
FROM GENERAL REVENUE FUND	7,423,151	
FROM MEDICAL CARE TRUST FUND		999,980,201

Funds in Specific Appropriations 215 and 224 for the Developmental Services Waiver, the Aged and Disabled Waiver, the Project AIDS Care Waiver, and the Nursing Home Diversion Waiver may be used for reimbursement for services provided through agencies licensed pursuant to section 400.506, Florida Statutes.

Funds in Specific Appropriation 215 reflect a reduction of $5,387,170 from the General Revenue Fund to reflect the transfer of state funds for the administration of the Adult Day Health Care Waiver and the Channeling Services Waiver for Frail Elders to the Department of Elder Affairs to administer, effective July 1, 2009.

216 SPECIAL CATEGORIES		
ASSISTED LIVING FACILITY WAIVER		
FROM MEDICAL CARE TRUST FUND		35,165,609
217 SPECIAL CATEGORIES		
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER		
FROM MEDICAL CARE TRUST FUND		123,204,153
218 SPECIAL CATEGORIES		
INTERMEDIATE CARE FACILITIES/ DEVELOPMENTALLY DISABLED COMMUNITY		
FROM GENERAL REVENUE FUND	65,368,759	
FROM GRANTS AND DONATIONS TRUST FUND		9,041,043
FROM MEDICAL CARE TRUST FUND		155,533,961

Funds in Specific Appropriation 218 reflect a reduction of $6,781,424 from General Revenue Fund as a result of transferring state intermediate care facilities for the developmentally disabled funding to the Agency for Persons with Disabilities.

Funds in Specific Appropriation 218 reflect a reduction of $5,622,001 from the General Revenue Fund and $11,751,302 from the Medical Care Trust Fund as a result of modifying the reimbursement for intermediate care facilities for the developmentally disabled, effective October 1, 2009. The agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Mentally Retarded and Developmentally Disabled for Community Owned and Operated Facilities Reimbursement Plan to achieve this reduction.

From the funds in Specific Appropriation 218, $9,041,043 from the

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Grants and Donations Trust Fund and $18,897,903 from the Medical Care Trust Fund are provided to buy back intermediate care facilities for the developmentally disabled rate reductions, effective October 1, 2009 and are contingent upon SB 1658 or similar legislation becoming a law. The agency is authorized to seek a federal Medicaid waiver as necessary to implement this provision. Funds provided in the Grants and Donations Trust Fund are contingent upon the non-federal share being provided through an intermediate care facilities for the developmentally disabled quality assessment. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

219 SPECIAL CATEGORIES
NURSING HOME CARE
FROM GENERAL REVENUE FUND 261,660,838
FROM HEALTH CARE TRUST FUND 270,000,000
FROM GRANTS AND DONATIONS TRUST FUND 292,729,593
FROM MEDICAL CARE TRUST FUND 1,764,887,786

From the funds in Specific Appropriation 219, $4,374,538 from the Grants and Donations Trust Fund and $9,143,812 from the Medical Care Trust Fund are provided for the purpose of maximizing federal revenues through the continuation of the Special Medicaid Payment Program for governmentally funded nursing homes. Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through these provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

Funds in Specific Appropriation 219 include a reduction of $21,390,790 from the General Revenue Fund and $44,711,776 from the Medical Care Trust Fund as a result of expanding the Nursing Home Diversion Program, effective July 1, 2009.

Funds in Specific Appropriation 219 reflect a reduction of $26,319,479 from the General Revenue Fund and $55,013,890 from the Medical Care Trust Fund as a result of modifying the reimbursement for nursing home rates. The agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 219, $284,862,032 from the Grants and Donations Trust Fund and $595,428,549 from the Medical Care Trust Fund are contingent upon the non-federal share being provided through nursing home quality assessments. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

From the funds in Specific Appropriation 219, the Agency for Health Care Administration, in consultation with the Department of Elder Affairs, the Department of Health, and the Department of Children and Families, is authorized to transfer funds, in accordance with the provisions of chapter 216, Florida Statutes, to Specific Appropriation 306 Home and Community Based Services Waiver, Specific Appropriation 386 Home and Community Based Services Waiver, Specific Appropriation 387 Assisted Living Facility Waiver, Specific Appropriation 388 Alzheimer's Dementia Specific Medicaid Waiver, Specific Appropriation 392 Capitated Nursing Home Diversion Waiver, and Specific Appropriation 542 Brain and Spinal Cord Home and Community Based Services Waiver to transition the greatest number of appropriate eligible beneficiaries from skilled

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nursing facilities to community-based alternatives in order to maximize the reduction in Medicaid nursing home occupancy. Priority for the use of these funds will be given to the planning and service areas with the greatest potential for transition success.

220 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM
FROM MEDICAL CARE TRUST FUND 11,736,371

221 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 67,123,021

222 SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 2,444,444

224 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM MEDICAL CARE TRUST FUND 338,177,729

From the funds in Specific Appropriation 224, $12,322,733 from the General Revenue Fund and $25,757,406 from the Medical Care Trust Fund are provided to expand the current Nursing Home Diversion program by an additional 2,200 slots, effective July 1, 2009. The agency is authorized to seek the necessary federal waivers to implement this provision.

Funds in Specific Appropriation 224 reflect a reduction of $2,430,174 from the General Revenue Fund and $5,079,635 from the Medical Care Trust Fund as a result of modifying the reimbursement for nursing home diversion rates, effective September 1, 2009. The agency shall implement a recurring methodology to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. If the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

Funds in Specific Appropriation 224 reflect a reduction of $109,434,313 from the General Revenue Fund to reflect the transfer of state funding for the Nursing Home Diversion waiver to the Department of Elder Affairs, effective July 1, 2009.

TOTAL: MEDICAID LONG TERM CARE
FROM GENERAL REVENUE FUND 334,452,748
FROM TRUST FUNDS 4,096,203,772

TOTAL ALL FUNDS 4,430,656,520

PROGRAM: HEALTH CARE REGULATION

HEALTH CARE REGULATION

APPROVED SALARY RATE 26,611,539

225 SALARIES AND BENEFITS POSITIONS 618.00
FROM HEALTH CARE TRUST FUND 35,547,012

226 OTHER PERSONAL SERVICES
FROM HEALTH CARE TRUST FUND 114,276

227 EXPENSES
FROM HEALTH CARE TRUST FUND 7,781,391

228 OPERATING CAPITAL OUTLAY
FROM HEALTH CARE TRUST FUND 87,054

229 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS

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FROM HEALTH CARE TRUST FUND 782,188

230 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HEALTH CARE TRUST FUND 2,050,804
FROM QUALITY OF LONG-TERM CARE
FACILITY IMPROVEMENT TRUST FUND . . 1,000,000

231 SPECIAL CATEGORIES
EMERGENCY ALTERNATIVE PLACEMENT
FROM HEALTH CARE TRUST FUND 1,276,720

232 SPECIAL CATEGORIES
MEDICAID SURVEILLANCE
FROM HEALTH CARE TRUST FUND 111,820

233 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HEALTH CARE TRUST FUND 474,281

234 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM HEALTH CARE TRUST FUND 252,390

TOTAL: HEALTH CARE REGULATION
FROM TRUST FUNDS 49,477,936

TOTAL POSITIONS 618.00
TOTAL ALL FUNDS 49,477,936

TOTAL: AGENCY FOR HEALTH CARE ADMINISTRATION
FROM GENERAL REVENUE FUND 2,684,189,231
FROM TRUST FUNDS 15,555,673,071

TOTAL POSITIONS 1,672.50
TOTAL ALL FUNDS 18,239,862,302
TOTAL APPROVED SALARY RATE 72,568,575

AGENCY FOR PERSONS WITH DISABILITIES

PROGRAM: SERVICES TO PERSONS WITH DISABILITIES

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 11,115,190

235 SALARIES AND BENEFITS POSITIONS 322.50
FROM GENERAL REVENUE FUND 8,323,624
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 6,265,253
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 175,993

236 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,470,838
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,977,588
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 480,150

237 EXPENSES
FROM GENERAL REVENUE FUND 974,587
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,117,425
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 193,061

238 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,179
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 26,334

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239 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY
SUPPORTS
FROM GENERAL REVENUE FUND 3,980,000
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 13,856,771

Funds in Specific Appropriation 239 expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

240 SPECIAL CATEGORIES
ROOM AND BOARD PAYMENTS FOR
DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 4,000,000

241 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 148,684
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 23,875
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 36,717

242 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 765,985
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 975,595

From the funds in Specific Appropriation 242, the following projects are funded from nonrecurring trust funds:

South Florida Autism Charter School - Miami-Dade..... 200,000
Hillsborough Association for Retarded
Citizens - Hillsborough..... 300,000

243 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 268,774,378
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 574,736,867
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 6,188,440

Funds from Specific Appropriation 243 shall not be used for administrative costs.

Funds in Specific Appropriation 243 for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 243, the agency may expand enrollment in the Consumer Directed Care Plus Program by up to 2,500 individuals. Any savings generated from this expansion may be used to serve clients on the waiting list.

Funds in Specific Appropriation 243 reflect a reduction of $97,697 from the General Revenue Fund and $204,210 from the Operations and Maintenance Trust Fund as a result of eliminating medication reviews, effective October 1, 2009.

Funds in Specific Appropriation 243 reflect a reduction of $301,625 from the General Revenue Fund and $630,468 from the Operations and Maintenance Trust Fund as a result of consolidating durable and consumable medical supplies purchasing, effective January 1, 2010.

From the funds in Specific Appropriation 243, $6,188,440 in nonrecurring funds from the Social Services Block Grant Trust Fund, and $12,935,292 in nonrecurring funds from the Operations and Maintenance Trust Fund are provided to continue providing services in the Home and

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Community Based Services Waiver. Release of these funds is contingent upon the Legislative Budget Commission approval of the agency's spending plan.

Contingent on receiving required federal approvals, the Agency for Health Care Administration and the agency may add a flexible benefit service to each Home and Community-Based Services Waiver administered by the agency. This service shall be self-directed and provide the individual with meaningful day activities and support within the home. If an individual chooses to receive the flexible benefit service, the Fiscal Year 2009-10 amount of the service may not exceed 92 percent of the individual's total projected Fiscal Year 2009-10 expenditures for adult day training, companion services, respite care, supported employment, supported living coaching, and in-home support services. An individual may not be authorized to receive simultaneously the flexible benefit service and any of the following services: adult day training, companion services, respite care, supported employment, supported living coaching, or in-home support services. The flexible benefit service may allow training for the individual or the person authorized to make decisions on behalf of the individual to ensure successful self-direction of flexible benefit services.

From the funds in Specific Appropriation 243, the agency in consultation with the Agency for Health Care Administration shall develop a plan to establish individual budgets for individuals enrolled in the home and community based services waivers. The plan shall provide for the following: an equitable distribution of available resources among individuals based on an assessment process that includes client characteristics and a valid formal assessment instrument; client choice of services and providers once the individual budget is determined; any formulas necessary to predict resource needs and establish individual budgets; a recommended role for providers and support coordinators during the assessment process to avoid any potential conflicts of interest; a proposed schedule for implementation; and any suggested statutory revisions necessary to implement individual budgets. The agency shall consider input from stakeholder groups, including self-advocates, family members, service providers, waiver support coordinators, and advocacy organizations in developing the plan. The plan shall be delivered to the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care no later than February 1, 2010.

From the funds in Specific Appropriation 243, $1,920,530 from the General Revenue Fund and $4,014,359 from the Operations and Maintenance Trust Fund are provided to maintain the July 1, 2008 geographical differential for residential habilitation services as specified in section 393.0661 (4) and (5), Florida Statutes.

244	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	288,661	
246	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND	84,664	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		64,289
TOTAL: HOME AND COMMUNITY SERVICES			
	FROM GENERAL REVENUE FUND	289,835,600	
	FROM TRUST FUNDS		606,118,358
	TOTAL POSITIONS	322.50	
	TOTAL ALL FUNDS		895,953,958

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE 14,609,979

247	SALARIES AND BENEFITS POSITIONS 326.00 FROM GENERAL REVENUE FUND	11,244,049	
	FROM ADMINISTRATIVE TRUST FUND . . .		183,267
	FROM FEDERAL GRANTS TRUST FUND . . .		64,380
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,510,860
248	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	126,721	
	FROM FEDERAL GRANTS TRUST FUND . . .		447,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		125,000
249	EXPENSES FROM GENERAL REVENUE FUND	1,456,720	
	FROM ADMINISTRATIVE TRUST FUND . . .		284
	FROM FEDERAL GRANTS TRUST FUND . . .		130,181
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,592,693
250	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	38,340	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,800
251	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND	715,568	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		13,115
252	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	236,392	
	FROM ADMINISTRATIVE TRUST FUND . . .		812
	FROM FEDERAL GRANTS TRUST FUND . . .		175,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		629,554
253	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	794,902	
	FROM FEDERAL GRANTS TRUST FUND . . .		429,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		633,384
254	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES FROM GENERAL REVENUE FUND	112,000	
255	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	238,807	
256	SPECIAL CATEGORIES HOME AND COMMUNITY SERVICES ADMINISTRATION FROM GENERAL REVENUE FUND	3,242,942	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,454,868
257	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND	89,076	
	FROM ADMINISTRATIVE TRUST FUND . . .		2,066
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		76,104
257A	DATA PROCESSING SERVICES CHILDREN AND FAMILIES DATA CENTER FROM GENERAL REVENUE FUND	579,575	
258	DATA PROCESSING SERVICES		

SECTION 3 - HUMAN SERVICES
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NORTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 341,717

From funds in Specific Appropriation 258, the Agency for Persons with Disabilities shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC) and a plan to the Northwood Shared Resource Center (NSRC) providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC and NSRC, respectively, pursuant to section 17, chapter 2008-116, Laws of Florida. These plans shall also be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care.

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE
FROM GENERAL REVENUE FUND 19,216,809
FROM TRUST FUNDS 16,471,368

TOTAL POSITIONS 326.00
TOTAL ALL FUNDS 35,688,177

DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES

The Agency for Persons with Disabilities shall purchase pharmaceuticals through the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), thereby enabling the agency to obtain pharmaceuticals at reduced prices. Additionally, the Department of Health and the agency shall determine the feasibility of consolidating drug repackaging services under the Department of Health's central pharmacy.

APPROVED SALARY RATE 93,861,034

259 SALARIES AND BENEFITS POSITIONS 2,754.50
FROM GENERAL REVENUE FUND 51,474,120
FROM ADMINISTRATIVE TRUST FUND . . . 41,008
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 66,898,341

260 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,251,796
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 2,097,492

261 EXPENSES
FROM GENERAL REVENUE FUND 4,427,928
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 6,021,670

262 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 334,120
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 464,097

263 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 1,177,767
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,975,831

264 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,653,728
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 2,428,741

265 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 2,525,060
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 5,330,766

266 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS

SECTION 3 - HUMAN SERVICES
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FROM GENERAL REVENUE FUND 191,401

267 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,088,260
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,786,894

268 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 25,000

268A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 707,449
FROM ADMINISTRATIVE TRUST FUND . . . 138
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 574,375

TOTAL: DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES
FROM GENERAL REVENUE FUND 65,856,629
FROM TRUST FUNDS 87,619,353

TOTAL POSITIONS 2,754.50
TOTAL ALL FUNDS 153,475,982

TOTAL: AGENCY FOR PERSONS WITH DISABILITIES
FROM GENERAL REVENUE FUND 374,909,038
FROM TRUST FUNDS 710,209,079

TOTAL POSITIONS 3,403.00
TOTAL ALL FUNDS 1,085,118,117
TOTAL APPROVED SALARY RATE 119,586,203

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

ADMINISTRATION

The Department of Children and Family Services (DCF) shall adopt policies and procedures to improve efficiency in health and human services contract administration, including the streamlining of administrative monitoring if a provider is nationally accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation. DCF shall process document requests that relate to contracts with child welfare providers from a secure consolidated data warehouse administered by these providers.

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 43,569,467

269 SALARIES AND BENEFITS POSITIONS 860.00
FROM GENERAL REVENUE FUND 29,443,551
FROM ADMINISTRATIVE TRUST FUND . . . 28,435,985
FROM FEDERAL GRANTS TRUST FUND . . . 674,995
FROM WELFARE TRANSITION TRUST FUND . 401,533
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 238,057
FROM SOCIAL SERVICES BLOCK GRANT
TRUST FUND 18,104

270 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 358,737
FROM ADMINISTRATIVE TRUST FUND . . . 50,878
FROM FEDERAL GRANTS TRUST FUND . . . 28,720
FROM WELFARE TRANSITION TRUST FUND . 132

271 EXPENSES
FROM GENERAL REVENUE FUND 5,871,744

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FROM ADMINISTRATIVE TRUST FUND . . .		1,163,281
FROM FEDERAL GRANTS TRUST FUND . . .		109,223
FROM WELFARE TRANSITION TRUST FUND .		61,866
FROM OPERATIONS AND MAINTENANCE TRUST FUND		78,191
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,726
272 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	37,028	
FROM ADMINISTRATIVE TRUST FUND . . .		122,608
273 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM ADMINISTRATIVE TRUST FUND . . .		20,000
274 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	302,259	
275 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	603,767	
FROM ADMINISTRATIVE TRUST FUND . . .		329,552
FROM FEDERAL GRANTS TRUST FUND . . .		10,524
FROM WELFARE TRANSITION TRUST FUND .		3,389
FROM OPERATIONS AND MAINTENANCE TRUST FUND		405,883
276 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	3,138,808	
277 SPECIAL CATEGORIES		
STATE INSTITUTIONAL CLAIMS		
FROM GENERAL REVENUE FUND	40,498	
277A SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM GENERAL REVENUE FUND	7,232	
FROM ADMINISTRATIVE TRUST FUND . . .		2,507
278 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	4,560,391	
FROM FEDERAL GRANTS TRUST FUND . . .		877,919
278A QUALIFIED EXPENDITURE CATEGORY		
QUALIFIED EXPENDITURE - FLORIDA SACWIS SOLUTIONS		
FROM FEDERAL GRANTS TRUST FUND . . .		1,178,617
278B QUALIFIED EXPENDITURE CATEGORY		
SOCIAL SERVICES BLOCK GRANT DISASTER RELIEF FUNDING		
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		54,075,305

Funds in Specific 278B include $35,384,592 from the 2008 Social Services Disaster Relief Grant and $18,690,713 from the 2006 Hurricane Relief Grant received by the Department of Children and Family Services to provide repair and renovation to facilities, eligible Fixed Capital Outlay projects, and social services to qualifying agencies as specified by these grants. The department is authorized to submit a distribution plan for these funds for approval by the Legislative Budget Commission pursuant to the provisions of chapter 216, Florida Statutes.

279 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	14,967,549	
FROM ADMINISTRATIVE TRUST FUND . . .		3,389,168

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FROM FEDERAL GRANTS TRUST FUND . . .		5,095,784
FROM WELFARE TRANSITION TRUST FUND .		158,608
FROM OPERATIONS AND MAINTENANCE TRUST FUND		22,940
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		67,751
280 DATA PROCESSING SERVICES		
NORTHWOOD SHARED RESOURCE CENTER		
FROM GENERAL REVENUE FUND	6,703,072	
FROM ADMINISTRATIVE TRUST FUND . . .		1,262,772
FROM FEDERAL GRANTS TRUST FUND . . .		4,605,140
FROM WELFARE TRANSITION TRUST FUND .		5,003
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,003
281 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS		
RELIEF - MARISSA AMORA		
FROM FEDERAL GRANTS TRUST FUND . . .		1,700,000
282 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS		
RELIEF/KIMBERLY GODWIN		
FROM ADMINISTRATIVE TRUST FUND . . .		760,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	66,034,636	
FROM TRUST FUNDS		105,363,164
TOTAL POSITIONS	860.00	
TOTAL ALL FUNDS		171,397,800

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 9,444,263

283 SALARIES AND BENEFITS POSITIONS 171.00		
FROM WORKING CAPITAL TRUST FUND . .		12,049,478

From funds in Specific Appropriation 283, the Department of Children and Family Services is directed to establish and chair a workgroup made up of representatives designated by the Department of Revenue, the Northwood Shared Resource Center (NSRC), and the Agency for Enterprise Information Technology to develop a recommended plan for any modifications in operation, overall cost, and cost recovery systems that will impact the Florida On-Line Recipient Integrated Data Access (FLORIDA) System as a result of the production implementation of the Department of Revenue's Child Support Automated Management System. The plan shall minimally address system needs over the next three state fiscal years and include current and projected staffing requirements; current and projected mainframe and other system capacity requirements; current and projected costs of operation, including any one-time transition costs; and any changes in technology that are determined to be necessary. The plan shall be submitted to the Governor, the chair of the House Full Appropriations Council and General Government & Health Care, and the chair of the Senate Policy and Steering Committee on Ways and Means no later than February 28, 2010.

284 OTHER PERSONAL SERVICES		
FROM WORKING CAPITAL TRUST FUND . .		463,333
285 EXPENSES		
FROM WORKING CAPITAL TRUST FUND . .		3,929,593
286 OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND . .		51,087
287 SPECIAL CATEGORIES		
COMPUTER RELATED EXPENSES		
FROM WORKING CAPITAL TRUST FUND . .		20,136,021
288 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		

SECTION 3 - HUMAN SERVICES
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APPROPRIATION
FROM WORKING CAPITAL TRUST FUND . . 100,624

From funds in Specific Appropriation 283 through 288, the Department of Children and Family Services shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC) and a plan to the Northwood Shared Resource Center (NSRC) providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC and NSRC, respectively, pursuant to section 17, chapter 2008-116, Laws of Florida. The plans shall be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care.

288A QUALIFIED EXPENDITURE CATEGORY
QUALIFIED EXPENDITURE - FLORIDA SACWIS SOLUTIONS
FROM WORKING CAPITAL TRUST FUND . . 1,178,617

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 37,908,753

TOTAL POSITIONS 171.00
TOTAL ALL FUNDS 37,908,753

NORTHWOOD SHARED RESOURCE CENTER (NSRC)

APPROVED SALARY RATE 3,632,213

289 SALARIES AND BENEFITS POSITIONS 71.00
FROM WORKING CAPITAL TRUST FUND . . 4,866,629

290 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND . . 198,571

291 EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 500,310

292 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND . . 21,895

293 SPECIAL CATEGORIES
COMPUTER RELATED EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 17,422,496

294 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND . . 43,125

The Northwood Shared Resource Center (NSRC) shall notify and coordinate with customer agencies, provide a standard format for submitting data, and facilitate the efforts of those customer agencies who are required to develop transition plans, relating to the transfer of agency data center service resources to the primary data center, for submittal to the NSRC on October 1, 2009, pursuant to section 17, chapter 2008-116, Laws of Florida. Not later than November 15, 2009, the NSRC shall submit a transition plan for absorbing the transfer of customer agency data center resources to the Shared Resource Center by July 1, 2010. The plan shall include Fiscal Year 2010-2011 legislative budget request adjustments submitted from each customer agency, as well as budget adjustments required by the NSRC to accomplish the efficient transfer of the data center service resources, pursuant to section 17, chapter 2008-116, Laws of Florida. The plan shall describe and make recommendations relating to issues which must be resolved to accomplish the transfer. The plan shall be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care.

The Department of Juvenile Justice and the Department of Business and Professional Regulation shall each have one trustee with one vote on the Northwood Shared Resource Center Board to facilitate planned data center consolidations.

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TOTAL: NORTHWOOD SHARED RESOURCE CENTER (NSRC)
FROM TRUST FUNDS 23,053,026

TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 23,053,026

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

FAMILY SAFETY AND PRESERVATION SERVICES

APPROVED SALARY RATE 132,951,489

295 SALARIES AND BENEFITS POSITIONS 3,320.50
FROM GENERAL REVENUE FUND 71,655,102
FROM DOMESTIC VIOLENCE TRUST FUND . 423,031
FROM FEDERAL GRANTS TRUST FUND . . . 26,382,155
FROM WELFARE TRANSITION TRUST FUND . 57,410,081
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 28,015,680

296 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,127,859
FROM FEDERAL GRANTS TRUST FUND . . . 1,288,248
FROM WELFARE TRANSITION TRUST FUND . 653,845
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 634,373

297 EXPENSES
FROM GENERAL REVENUE FUND 12,448,433
FROM CHILD WELFARE TRAINING TRUST FUND 166,984
FROM DOMESTIC VIOLENCE TRUST FUND . 69,332
FROM FEDERAL GRANTS TRUST FUND . . . 5,450,060
FROM WELFARE TRANSITION TRUST FUND . 9,016,257
FROM OPERATIONS AND MAINTENANCE TRUST FUND 59,944
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 4,452,310

298 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 23,448
FROM FEDERAL GRANTS TRUST FUND . . . 5,664
FROM WELFARE TRANSITION TRUST FUND . 11,087
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 9,231

299 LUMP SUM
SHARED RISK FUND FOR COMMUNITY BASED PROVIDERS OF CHILD WELFARE SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 4,000,000

300 SPECIAL CATEGORIES
HOME CARE FOR DISABLED ADULTS
FROM GENERAL REVENUE FUND 2,219,860

301 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS
FROM GENERAL REVENUE FUND 2,041,955

302 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,722,582
FROM CHILD WELFARE TRAINING TRUST FUND 43,153
FROM DOMESTIC VIOLENCE TRUST FUND . 6,116
FROM FEDERAL GRANTS TRUST FUND . . . 1,325,657
FROM WELFARE TRANSITION TRUST FUND . 1,153,240
FROM OPERATIONS AND MAINTENANCE TRUST FUND 440,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 741,881

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303 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM FEDERAL GRANTS TRUST FUND . . .		800
304 SPECIAL CATEGORIES		
GRANTS AND AIDS - GRANTS TO SHERIFFS FOR PROTECTIVE INVESTIGATIONS		
FROM GENERAL REVENUE FUND	20,553,806	
FROM TOBACCO SETTLEMENT TRUST FUND .		7,523,631
FROM WELFARE TRANSITION TRUST FUND .		9,903,462
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		9,510,258

The funds in Specific Appropriation 304 shall be used by the Department of Children and Family Services to award grants to the sheriffs of Manatee, Pasco, Pinellas, Broward, Seminole, Hillsborough and Citrus counties to conduct child protective investigations as mandated in section 39.3065, Florida Statutes. The funds shall be allocated as follows:

Manatee County Sheriff.....	3,410,532
Pasco County Sheriff.....	4,591,619
Pinellas County Sheriff.....	10,040,024
Broward County Sheriff.....	12,565,623
Hillsborough County Sheriff.....	12,054,683
Seminole County Sheriff.....	3,323,114
Citrus County Sheriff.....	1,505,562

The sheriffs receiving grants from the funds appropriated in Specific Appropriation 304 shall submit detailed expenditure reports to the Department of Children and Family Services for the fiscal year ending June 30, 2009, by July 31, 2009. The Department of Children and Family Services shall assemble the information reported by the sheriffs and submit the collection of reports to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care by September 1, 2009.

305 SPECIAL CATEGORIES		
GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
FROM GENERAL REVENUE FUND	95,210	
FROM DOMESTIC VIOLENCE TRUST FUND .		10,366,004
FROM FEDERAL GRANTS TRUST FUND . . .		14,578,108
FROM WELFARE TRANSITION TRUST FUND .		7,750,000

From the funds provided in Specific Appropriation 305, $5,475,410 from the Federal Grants Trust Fund is provided for the Domestic Violence Program from increased federal funds available from the Violence Against Women Act authorized by the American Recovery and Reinvestment Act of 2009. The department is authorized to administer the distribution of these funds through a grant application and award process.

306 SPECIAL CATEGORIES		
HOME AND COMMUNITY BASED SERVICES WAIVER		
FROM GENERAL REVENUE FUND	4,042,415	
FROM FEDERAL GRANTS TRUST FUND . . .		8,449,599
307 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION		
FROM GENERAL REVENUE FUND	21,601,975	
FROM TOBACCO SETTLEMENT TRUST FUND .		143,547
FROM FEDERAL GRANTS TRUST FUND . . .		574,189
FROM WELFARE TRANSITION TRUST FUND .		5,778,467
308 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD PROTECTION		
FROM GENERAL REVENUE FUND	7,800,461	
FROM ADMINISTRATIVE TRUST FUND . . .		89,713
FROM CHILD WELFARE TRAINING TRUST FUND		979,960
FROM TOBACCO SETTLEMENT TRUST FUND .		3,612,716
FROM FEDERAL GRANTS TRUST FUND . . .		20,285,482

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FROM GRANTS AND DONATIONS TRUST FUND		130,000
FROM WELFARE TRANSITION TRUST FUND .		1,737,002
FROM OPERATIONS AND MAINTENANCE TRUST FUND		530,696
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,047,180
309 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,370,721	
FROM FEDERAL GRANTS TRUST FUND . . .		10,549
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,807
310 SPECIAL CATEGORIES		
TEMPORARY EMERGENCY SHELTER SERVICES		
FROM GENERAL REVENUE FUND	203,527	
311 SPECIAL CATEGORIES		
GRANTS AND AIDS - FAMILY FOSTER CARE		
FROM GENERAL REVENUE FUND	4,000,000	

The department shall transfer $4,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds.

312 SPECIAL CATEGORIES		
GRANTS AND AIDS - RESIDENTIAL GROUP CARE		
FROM GENERAL REVENUE FUND	219,241	
FROM TOBACCO SETTLEMENT TRUST FUND .		1,145,294
FROM OPERATIONS AND MAINTENANCE TRUST FUND		115,836
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		361,640
313 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY SHELTER CARE		
FROM GENERAL REVENUE FUND	68,924	
FROM TOBACCO SETTLEMENT TRUST FUND .		400,009
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		376,065
314 SPECIAL CATEGORIES		
SPECIAL NEEDS ADOPTION INCENTIVES		
FROM GENERAL REVENUE FUND	1,835,957	
314A SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM GENERAL REVENUE FUND	5,720	
FROM FEDERAL GRANTS TRUST FUND . . .		4,106
FROM WELFARE TRANSITION TRUST FUND .		960
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,306
315 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY BASED CARE FUNDS FOR PROVIDERS OF CHILD WELFARE SERVICES		
FROM GENERAL REVENUE FUND	243,306,012	
FROM CHILD WELFARE TRAINING TRUST FUND		3,140,405
FROM TOBACCO SETTLEMENT TRUST FUND .		110,121,149
FROM FEDERAL GRANTS TRUST FUND . . .		264,813,864
FROM GRANTS AND DONATIONS TRUST FUND		1,800,000
FROM WELFARE TRANSITION TRUST FUND .		67,473,472
FROM OPERATIONS AND MAINTENANCE TRUST FUND		8,979,209
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		41,078,586

From the funds available in Specific Appropriation 315, $6,295,267

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from the Federal Grants Trust Fund is provided for the Foster Care Waiver Program from federal funds available from an increase in Title IV-E Foster Care funds authorized by the American Recovery and Reinvestment Act of 2009.

From the funds available in Specific Appropriation 315, $6,856,774 from the Federal Grants Trust Fund is provided for Maintenance Adoption Subsidies from additional federal funds available from Title IV-E Adoption Assistance authorized by the American Recovery and Reinvestment Act of 2009.

TOTAL: FAMILY SAFETY AND PRESERVATION SERVICES
FROM GENERAL REVENUE FUND 400,343,208
FROM TRUST FUNDS 746,575,400

TOTAL POSITIONS 3,320.50
TOTAL ALL FUNDS 1,146,918,608

PROGRAM: MENTAL HEALTH PROGRAM

MENTAL HEALTH SERVICES

APPROVED SALARY RATE 148,551,212

316 SALARIES AND BENEFITS POSITIONS 4,124.50
FROM GENERAL REVENUE FUND 137,723,276
FROM ADMINISTRATIVE TRUST FUND . . . 9,871
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 249,728
FROM FEDERAL GRANTS TRUST FUND . . . 53,577,349
FROM WELFARE TRANSITION TRUST FUND . 79,861
FROM OPERATIONS AND MAINTENANCE TRUST FUND 6,742,359

317 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,988,486
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 16,000
FROM FEDERAL GRANTS TRUST FUND . . . 408,866
FROM WELFARE TRANSITION TRUST FUND . 258,710

318 EXPENSES
FROM GENERAL REVENUE FUND 13,447,379
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 480,169
FROM FEDERAL GRANTS TRUST FUND . . . 888,091
FROM WELFARE TRANSITION TRUST FUND . 71,709
FROM OPERATIONS AND MAINTENANCE TRUST FUND 416,364

319 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 387,630
FROM FEDERAL GRANTS TRUST FUND . . . 377,471

320 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 3,286,854

321 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC SAFETY, MENTAL HEALTH, AND SUBSTANCE ABUSE LOCAL MATCHING GRANT PROGRAM
FROM GENERAL REVENUE FUND 2,000,000
FROM GRANTS AND DONATIONS TRUST FUND 1,000,000

322 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 24,648,990
FROM ADMINISTRATIVE TRUST FUND . . . 451,901
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 8,211,470
FROM FEDERAL GRANTS TRUST FUND . . . 11,386,000

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323 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 170,819,338
FROM ADMINISTRATIVE TRUST FUND . . . 1,792,195
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 26,843,069
FROM TOBACCO SETTLEMENT TRUST FUND . 206,775
FROM FEDERAL GRANTS TRUST FUND . . . 19,908,610
FROM GRANTS AND DONATIONS TRUST FUND 1,248,544
FROM WELFARE TRANSITION TRUST FUND . 7,357,585
FROM OPERATIONS AND MAINTENANCE TRUST FUND 450,002

Specific Appropriation 323, includes the non-recurring sum of $1,000,000 in the Federal Grants Trust Fund from the Community Based Medicaid Administrative Claiming (CBMAC) federal earnings. The department shall pay for CBMAC related administrative costs and allocate the remainder of these funds to community mental health providers who participate in the CBMAC program in proportion to their earnings, for enhancing client services.

324 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 62,333,949

324A SPECIAL CATEGORIES
GRANTS AND AIDS - OUTPATIENT BAKER ACT PILOT PROGRAM
FROM GENERAL REVENUE FUND 352,631
FROM ADMINISTRATIVE TRUST FUND . . . 197,368

325 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,089,182
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 222,729
FROM FEDERAL GRANTS TRUST FUND . . . 136,948
FROM WELFARE TRANSITION TRUST FUND . 1,000

326 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 32,736,854
FROM FEDERAL GRANTS TRUST FUND . . . 516,534

327 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 90,426,956
FROM FEDERAL GRANTS TRUST FUND . . . 13,467,628

From the funds in Specific Appropriation 327, the department may reimburse the contracted provider of operations at the Florida Civil Commitment Center (FCCC) for any direct costs paid by the provider to the DeSoto County Sheriff for transport or temporary housing by the Sheriff of persons who are committed to the FCCC. Reimbursable costs may include food, clothing, and housing costs incurred while the client is in the Sheriff's custody and before being returned to FCCC. Reimbursable costs do not include personnel and these costs shall not exceed the $55.00 per diem cost per client at FCCC.

328 SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 8,911,958

329 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 7,091,618

330 SPECIAL CATEGORIES
FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH

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CORPORATION		
FROM GENERAL REVENUE FUND	222,140	
FROM FEDERAL GRANTS TRUST FUND . . .		81,537
331 SPECIAL CATEGORIES		
PRESCRIBED MEDICINE/DRUGS		
FROM GENERAL REVENUE FUND	9,111,496	
FROM FEDERAL GRANTS TRUST FUND . . .		3,503,708
FROM OPERATIONS AND MAINTENANCE TRUST FUND		876,992
332 SPECIAL CATEGORIES		
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH		
FROM GENERAL REVENUE FUND	17,149,955	

The department shall transfer $15,863,504 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.

333 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,362,150	
334 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	90,969	
335 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES		
FROM GENERAL REVENUE FUND	14,021,460	
336 SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM GENERAL REVENUE FUND	716,733	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		1,129
FROM WELFARE TRANSITION TRUST FUND .		849
337 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	32,656	
FROM FEDERAL GRANTS TRUST FUND . . .		398
TOTAL: MENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	608,952,660	
FROM TRUST FUNDS		161,439,519
TOTAL POSITIONS	4,124.50	
TOTAL ALL FUNDS		770,392,179

PROGRAM: SUBSTANCE ABUSE PROGRAM

SUBSTANCE ABUSE SERVICES

APPROVED SALARY RATE 3,693,623

339 SALARIES AND BENEFITS POSITIONS 80.00		
FROM GENERAL REVENUE FUND	2,687,879	
FROM ADMINISTRATIVE TRUST FUND . . .		7,450
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		1,531,809
FROM FEDERAL GRANTS TRUST FUND . . .		562,314
FROM GRANTS AND DONATIONS TRUST FUND		11,596
FROM WELFARE TRANSITION TRUST FUND .		175,580
340 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	383,061	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		691,398
FROM FEDERAL GRANTS TRUST FUND . . .		465,641
FROM OPERATIONS AND MAINTENANCE TRUST FUND		389
341 EXPENSES		
FROM GENERAL REVENUE FUND	263,614	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		368,966
FROM FEDERAL GRANTS TRUST FUND . . .		319,041
FROM WELFARE TRANSITION TRUST FUND .		28,420
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,160
341A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	333	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		334
FROM FEDERAL GRANTS TRUST FUND . . .		333
342 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	38,945,518	
FROM ADMINISTRATIVE TRUST FUND . . .		713,792
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		28,578,869
FROM TOBACCO SETTLEMENT TRUST FUND .		2,860,907
FROM FEDERAL GRANTS TRUST FUND . . .		211,066
FROM WELFARE TRANSITION TRUST FUND .		640,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		84,918
343 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	31,602,099	
FROM ADMINISTRATIVE TRUST FUND . . .		958,529
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		63,145,154
FROM TOBACCO SETTLEMENT TRUST FUND .		6,241,766
FROM FEDERAL GRANTS TRUST FUND . . .		13,393,874
FROM WELFARE TRANSITION TRUST FUND .		10,189,790
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,907,777

Specific Appropriation 343 includes the non-recurring sum of $5,500,000 in the Federal Grants Trust Fund from the Community Based Medicaid Administrative Claiming (CBMAC) federal earnings. The department shall pay for CBMAC related administrative costs, and allocate the remainder of these funds to community substance abuse providers who participate in the CBMAC program in proportion to their earnings for enhancing client services.

344 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,356,691	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		358,996
FROM FEDERAL GRANTS TRUST FUND . . .		171,339
FROM OPERATIONS AND MAINTENANCE TRUST FUND		37,289
345 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	70,968	
FROM FEDERAL GRANTS TRUST FUND . . .		3,655,114
346 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	69,345	
FROM FEDERAL GRANTS TRUST FUND . . .		14,961

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347 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	3,975	
TOTAL: SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	75,383,483	
FROM TRUST FUNDS		137,329,572
TOTAL POSITIONS	80.00	
TOTAL ALL FUNDS		212,713,055

PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

ECONOMIC SELF SUFFICIENCY SERVICES

From the funds available in Specific Appropriations 348, 349, 350, and 356, $14,569,767 from the Federal Grants Trust Fund is provided for Supplemental Nutrition Assistance administration from federal funds authorized by the American Recovery and Reinvestment Act of 2009.

APPROVED SALARY RATE 161,258,238

348 SALARIES AND BENEFITS POSITIONS 4,641.50		
FROM GENERAL REVENUE FUND	107,165,294	
FROM FEDERAL GRANTS TRUST FUND . . .		89,513,470
FROM GRANTS AND DONATIONS TRUST FUND		1,505,370
FROM WELFARE TRANSITION TRUST FUND .		7,038,108
349 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,582,069	
FROM FEDERAL GRANTS TRUST FUND . . .		3,471,634
FROM GRANTS AND DONATIONS TRUST FUND		33,602
FROM WELFARE TRANSITION TRUST FUND .		184,627
350 EXPENSES		
FROM GENERAL REVENUE FUND	20,420,322	
FROM FEDERAL GRANTS TRUST FUND . . .		21,649,817
FROM GRANTS AND DONATIONS TRUST FUND		10
FROM WELFARE TRANSITION TRUST FUND .		1,727,179
351 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	1,466	
FROM FEDERAL GRANTS TRUST FUND . . .		23,572
FROM WELFARE TRANSITION TRUST FUND .		4,285
352 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHALLENGE GRANTS		
FROM GENERAL REVENUE FUND	2,031,354	
353 SPECIAL CATEGORIES		
GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM		
FROM GENERAL REVENUE FUND	787,953	
FROM FEDERAL GRANTS TRUST FUND . . .		15,938,739
FROM WELFARE TRANSITION TRUST FUND .		787,953

From the funds in Specific Appropriation 353, $12,904,265 from the Federal Grants Trust Fund is provided for homeless prevention from increased Homeless Prevention federal grant funds authorized by the American Recovery and Reinvestment Act of 2009.

The Office on Homelessness may accept and administer funding allocated to the State of Florida by the U.S. Department of Urban Development (HUD) for the Emergency Shelter Grant (ESG) Program. The ESG Program will be administered by the Office on Homelessness in accordance with HUD rules and regulations. This funding may be granted by the state to local governments in the state, which may include cities and counties that are ESG grantees, or to private nonprofit organizations, if the local government where the project is located certifies its approval of the project. Initial preference will be given to local governments and nonprofit organizations in areas of the state where local governments do not receive funding directly from HUD. Grant applications will be ranked competitively based on grant application requirements and criteria published by the Office on Homelessness.

354 SPECIAL CATEGORIES		
GRANTS AND AIDS - HOMELESS HOUSING ASSISTANCE GRANTS		
FROM GENERAL REVENUE FUND	5,000,000	
355 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	11,267,248	
FROM FEDERAL GRANTS TRUST FUND . . .		12,721,430
FROM WELFARE TRANSITION TRUST FUND .		1,153,448
356 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,109,539	
FROM FEDERAL GRANTS TRUST FUND . . .		2,719,647
FROM WELFARE TRANSITION TRUST FUND .		345,208
357 SPECIAL CATEGORIES		
GRANTS AND AIDS - LOCAL SERVICES PROGRAM		
FROM FEDERAL GRANTS TRUST FUND . . .		64,742,633
358 SPECIAL CATEGORIES		
PUBLIC ASSISTANCE FRAUD CONTRACT		
FROM GENERAL REVENUE FUND	43,742	
FROM FEDERAL GRANTS TRUST FUND . . .		3,339,308
FROM WELFARE TRANSITION TRUST FUND .		1,104,750
359 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	1,500,106	
FROM FEDERAL GRANTS TRUST FUND . . .		1,076,084
FROM WELFARE TRANSITION TRUST FUND .		66,495
360 SPECIAL CATEGORIES		
SERVICES TO REPATRIATED AMERICANS		
FROM FEDERAL GRANTS TRUST FUND . . .		40,380
360A SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM GENERAL REVENUE FUND	6,953	
FROM FEDERAL GRANTS TRUST FUND . . .		7,448
FROM WELFARE TRANSITION TRUST FUND .		445
361 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM FEDERAL GRANTS TRUST FUND . . .		20,234
FROM GRANTS AND DONATIONS TRUST FUND		19,448
362 FINANCIAL ASSISTANCE PAYMENTS		
CASH ASSISTANCE		
FROM GENERAL REVENUE FUND	125,131,827	
FROM WELFARE TRANSITION TRUST FUND .		90,123,290

From the funds in Specific Appropriation 362, $44,637,095 in nonrecurring funds from the Welfare Transition Trust Fund is provided for the Cash Assistance Program from federal funds available from the Temporary Assistance for Needy Families (TANF) Emergency Contingency Fund authorized by the American Recovery and Reinvestment Act of 2009.

363 FINANCIAL ASSISTANCE PAYMENTS		
OPTIONAL STATE SUPPLEMENTATION PROGRAM		
FROM GENERAL REVENUE FUND	15,504,895	
364 FINANCIAL ASSISTANCE PAYMENTS		
PERSONAL CARE ALLOWANCE		

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FROM GENERAL REVENUE FUND	344,456	
365 FINANCIAL ASSISTANCE PAYMENTS		
REFUGEE/ENTRANT ASSISTANCE		
FROM FEDERAL GRANTS TRUST FUND . . .		15,231,735
TOTAL: ECONOMIC SELF SUFFICIENCY SERVICES		
FROM GENERAL REVENUE FUND	291,897,224	
FROM TRUST FUNDS		334,590,349
TOTAL POSITIONS	4,641.50	
TOTAL ALL FUNDS		626,487,573
TOTAL: CHILDREN AND FAMILY SERVICES, DEPARTMENT OF		
FROM GENERAL REVENUE FUND	1,442,611,211	
FROM TRUST FUNDS		1,546,259,783
TOTAL POSITIONS	13,268.50	
TOTAL ALL FUNDS		2,988,870,994
TOTAL APPROVED SALARY RATE	503,100,505	

ELDER AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

APPROVED SALARY RATE 9,251,692

366 SALARIES AND BENEFITS POSITIONS	251.00	
FROM GENERAL REVENUE FUND	3,190,692	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		9,360,954
367 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	135,250	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		807,828
368 EXPENSES		
FROM GENERAL REVENUE FUND	488,326	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,624,175
369 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	8,405	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		34,178
370 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	95,999	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		138,000
371 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	100	
372 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	127,770	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		16,811
373 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	27,059	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		79,934
TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES		
FROM GENERAL REVENUE FUND	4,073,601	
FROM TRUST FUNDS		12,061,880
TOTAL POSITIONS	251.00	
TOTAL ALL FUNDS		16,135,481

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 2,917,735

374 SALARIES AND BENEFITS POSITIONS	64.50	
FROM GENERAL REVENUE FUND	1,547,502	
FROM FEDERAL GRANTS TRUST FUND . . .		2,063,971
FROM OPERATIONS AND MAINTENANCE TRUST FUND		777,757
375 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	189,446	
FROM ADMINISTRATIVE TRUST FUND . . .		55,000
FROM FEDERAL GRANTS TRUST FUND . . .		434,811
FROM OPERATIONS AND MAINTENANCE TRUST FUND		205,507
376 EXPENSES		
FROM GENERAL REVENUE FUND	511,616	
FROM ADMINISTRATIVE TRUST FUND . . .		8,049
FROM FEDERAL GRANTS TRUST FUND . . .		876,669
FROM OPERATIONS AND MAINTENANCE TRUST FUND		427,922
377 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,000	
FROM FEDERAL GRANTS TRUST FUND . . .		6,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,000
378 SPECIAL CATEGORIES		
AGING AND ADULT SERVICES TRAINING AND EDUCATION		
FROM FEDERAL GRANTS TRUST FUND . . .		119,493
378A SPECIAL CATEGORIES		
GRANTS AND AIDS - ALZHEIMER'S DISEASE RESPITE AND PROJECTS		
FROM GENERAL REVENUE FUND	11,790,148	
380 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY		
FROM GENERAL REVENUE FUND	38,707,466	
FROM TOBACCO SETTLEMENT TRUST FUND .		11,770,633
FROM FEDERAL GRANTS TRUST FUND . . .		277,928
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,388,969

Funds in Specific Appropriation 380 appropriated for Aging Resource Centers shall be equally allocated to each Aging Resource Center at the beginning of the fiscal year. The Department may re-allocate funds during the fiscal year based on negotiations with the Aging Resource Centers.

381 SPECIAL CATEGORIES		
GRANTS AND AIDS - HOME ENERGY ASSISTANCE		
FROM FEDERAL GRANTS TRUST FUND . . .		4,602,961
382 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM GENERAL REVENUE FUND	346,998	
FROM FEDERAL GRANTS TRUST FUND . . .		105,090,706

From the funds in Specific Appropriation 382, $7,227,015 in nonrecurring funds from the Federal Grants Trust Fund is provided for Senior Nutrition Services as a result of federal funding received from

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the American Recovery and Reinvestment Act of 2009.

From the funds in Specific Appropriation 382, $1,119,963 in nonrecurring funds from the Federal Grants Trust Fund is provided for Community Services Employment Program as a result of federal funding received from the American Recovery and Reinvestment Act of 2009.

383 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 115,400
FROM ADMINISTRATIVE TRUST FUND . . . 53,131
FROM FEDERAL GRANTS TRUST FUND . . . 280,128
FROM GRANTS AND DONATIONS TRUST FUND 22,700
FROM OPERATIONS AND MAINTENANCE TRUST FUND 53,564

384 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,753,545
FROM ADMINISTRATIVE TRUST FUND . . . 31,397
FROM FEDERAL GRANTS TRUST FUND . . . 7,317,099
FROM OPERATIONS AND MAINTENANCE TRUST FUND 796,511

386 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 25,604,225
FROM TOBACCO SETTLEMENT TRUST FUND . 8,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 70,240,725

Funds in Specific Appropriation 386 reflect an increase of $5,387,170 from the General Revenue Fund and $11,260,450 from the Operations and Maintenance Trust Fund as a result of the transfer of administration of the Adult Day Health Care Waiver and the Channeling Services Waiver for Frail Elders from the Agency for Health Care Administration to the Department of Elder Affairs, effective July 1, 2009.

387 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM GENERAL REVENUE FUND 6,379,591
FROM TOBACCO SETTLEMENT TRUST FUND . 5,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 23,786,017

388 SPECIAL CATEGORIES
ALZHEIMER'S DEMENTIA SPECIFIC MEDICAID WAIVER
FROM GENERAL REVENUE FUND 1,624,540
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,395,669

389 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 7,015,811

390 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,599
FROM FEDERAL GRANTS TRUST FUND . . . 2,319

391 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,653
FROM FEDERAL GRANTS TRUST FUND . . . 15,143
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,707

392 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM GENERAL REVENUE FUND 109,434,313

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FROM OPERATIONS AND MAINTENANCE TRUST FUND 228,743,416

Funds in Specific Appropriation 392, reflect the transfer of administration of the nursing home diversion waiver and the Program for All Inclusive Care for the Elderly from the Agency for Health Care Administration to the Department of Elder Affairs, effective July 1, 2009.

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 205,054,853
FROM TRUST FUNDS 476,853,902

TOTAL POSITIONS 64.50
TOTAL ALL FUNDS 681,908,755

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,896,115

393 SALARIES AND BENEFITS POSITIONS 76.00
FROM GENERAL REVENUE FUND 1,956,217
FROM ADMINISTRATIVE TRUST FUND . . . 1,934,998
FROM FEDERAL GRANTS TRUST FUND . . . 1,429,344
FROM OPERATIONS AND MAINTENANCE TRUST FUND 8,865

394 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 94,172
FROM ADMINISTRATIVE TRUST FUND . . . 456,484
FROM FEDERAL GRANTS TRUST FUND . . . 655,811

395 EXPENSES
FROM GENERAL REVENUE FUND 299,308
FROM ADMINISTRATIVE TRUST FUND . . . 633,395
FROM FEDERAL GRANTS TRUST FUND . . . 958,929

396 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 2,000

397 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,485
FROM ADMINISTRATIVE TRUST FUND . . . 230,664
FROM FEDERAL GRANTS TRUST FUND . . . 225,900

398 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 113,538
FROM ADMINISTRATIVE TRUST FUND . . . 10,555
FROM FEDERAL GRANTS TRUST FUND . . . 6,108

399 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,998
FROM ADMINISTRATIVE TRUST FUND . . . 20,836

400 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,288

The Department of Elder Affairs shall submit a plan by October 1, 2009 to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,481,718	
FROM TRUST FUNDS		6,579,177
TOTAL POSITIONS	76.00	
TOTAL ALL FUNDS		9,060,895

CONSUMER ADVOCATE SERVICES

APPROVED SALARY RATE 1,462,558

401 SALARIES AND BENEFITS POSITIONS	35.50	
FROM GENERAL REVENUE FUND	524,928	
FROM FEDERAL GRANTS TRUST FUND . . .		1,457,171
402 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	100	
FROM ADMINISTRATIVE TRUST FUND . . .		53,825
FROM FEDERAL GRANTS TRUST FUND . . .		405,633
403 EXPENSES		
FROM GENERAL REVENUE FUND	141,907	
FROM ADMINISTRATIVE TRUST FUND . . .		100,000
FROM FEDERAL GRANTS TRUST FUND . . .		108,060
404 SPECIAL CATEGORIES		
PUBLIC GUARDIANSHIP CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,937,527	
FROM ADMINISTRATIVE TRUST FUND . . .		154,816
405 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	6,760	
FROM ADMINISTRATIVE TRUST FUND . . .		103,000
406 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	94,244	
FROM FEDERAL GRANTS TRUST FUND . . .		11,591
407 SPECIAL CATEGORIES		
LONG TERM CARE OMBUDSMAN COUNCIL		
FROM GENERAL REVENUE FUND	921,985	
FROM FEDERAL GRANTS TRUST FUND . . .		1,026,020
408 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	5,689	
FROM FEDERAL GRANTS TRUST FUND . . .		11,101
TOTAL: CONSUMER ADVOCATE SERVICES		
FROM GENERAL REVENUE FUND	3,633,140	
FROM TRUST FUNDS		3,431,217
TOTAL POSITIONS	35.50	
TOTAL ALL FUNDS		7,064,357
TOTAL: ELDER AFFAIRS, DEPARTMENT OF		
FROM GENERAL REVENUE FUND	215,243,312	
FROM TRUST FUNDS		498,926,176
TOTAL POSITIONS	427.00	
TOTAL ALL FUNDS		714,169,488
TOTAL APPROVED SALARY RATE	17,528,100	

HEALTH, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

ADMINISTRATIVE SUPPORT

APPROVED SALARY RATE 13,923,750

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

409 SALARIES AND BENEFITS POSITIONS	303.50	
FROM GENERAL REVENUE FUND	2,121,209	
FROM ADMINISTRATIVE TRUST FUND . . .		15,624,884
410 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	504,883	
FROM ADMINISTRATIVE TRUST FUND . . .		1,088,963
FROM FEDERAL GRANTS TRUST FUND . . .		75,000
411 EXPENSES		
FROM GENERAL REVENUE FUND	331,819	
FROM ADMINISTRATIVE TRUST FUND . . .		2,795,490
FROM FEDERAL GRANTS TRUST FUND . . .		60,000
412 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - MINORITY HEALTH INITIATIVES		
FROM GENERAL REVENUE FUND	3,279,546	
413 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	157,395	
FROM ADMINISTRATIVE TRUST FUND . . .		1,300
414 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM ADMINISTRATIVE TRUST FUND . . .		29,834
415 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	454,068	
FROM ADMINISTRATIVE TRUST FUND . . .		1,084,672
FROM FEDERAL GRANTS TRUST FUND . . .		100,000
416 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	216,173	
417 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	30,858	
FROM ADMINISTRATIVE TRUST FUND . . .		95,358
TOTAL: ADMINISTRATIVE SUPPORT		
FROM GENERAL REVENUE FUND	7,095,951	
FROM TRUST FUNDS		20,955,501
TOTAL POSITIONS	303.50	
TOTAL ALL FUNDS		28,051,452

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 5,047,067

418 SALARIES AND BENEFITS POSITIONS	98.00	
FROM GENERAL REVENUE FUND	2,627,357	
FROM ADMINISTRATIVE TRUST FUND . . .		3,624,762
419 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	40,313	
FROM ADMINISTRATIVE TRUST FUND . . .		231,000
420 EXPENSES		
FROM GENERAL REVENUE FUND	5,124,827	
FROM ADMINISTRATIVE TRUST FUND . . .		3,911,242
421 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND . . .		380,000
422 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,481,180	

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM ADMINISTRATIVE TRUST FUND . . . 2,394,838

423 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 28,745

424 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 17,207
FROM ADMINISTRATIVE TRUST FUND . . . 21,348

424A DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 2,019,944

425 DATA PROCESSING SERVICES
NORTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 1,781,361

From funds in Specific Appropriation 425, the Department of Health shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC) and a plan to the Northwood Shared Resource Center (NSRC) providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC and NSRC, respectively, pursuant to section 17, chapter 2008-116, Laws of Florida. The plans shall be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care.

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 9,319,629
FROM TRUST FUNDS 14,364,495

TOTAL POSITIONS 98.00
TOTAL ALL FUNDS 23,684,124

PROGRAM: COMMUNITY PUBLIC HEALTH

FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES

APPROVED SALARY RATE 9,747,284

426 SALARIES AND BENEFITS POSITIONS 216.00
FROM GENERAL REVENUE FUND 2,770,790
FROM EPILEPSY SERVICES TRUST FUND . 63,892
FROM FEDERAL GRANTS TRUST FUND . . . 8,432,475
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 1,184,776
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 556,808

427 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,700
FROM FEDERAL GRANTS TRUST FUND . . . 230,708
FROM GRANTS AND DONATIONS TRUST FUND 63,220
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 132,326
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 61,332

428 EXPENSES
FROM GENERAL REVENUE FUND 293,447
FROM ADMINISTRATIVE TRUST FUND . . . 10,237
FROM RAPE CRISIS PROGRAM TRUST FUND 24,492
FROM EPILEPSY SERVICES TRUST FUND . 31,044
FROM FEDERAL GRANTS TRUST FUND . . . 3,481,418
FROM GRANTS AND DONATIONS TRUST FUND 21,410

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 397,752
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 294,030

429 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND 5,426,398
FROM FEDERAL GRANTS TRUST FUND . . . 1,067,783

430 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY SERVICES
FROM GENERAL REVENUE FUND 2,107,152
FROM EPILEPSY SERVICES TRUST FUND . 87,831

431 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES
FROM EPILEPSY SERVICES TRUST FUND . 1,340,000

432 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 5,148,408

433 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 20,078,887

434 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLUORIDATION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 150,000

435 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 3,625,057
FROM TOBACCO SETTLEMENT TRUST FUND . 9,902,925
FROM FEDERAL GRANTS TRUST FUND . . . 6,791,548

436 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 41,500
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 25,000

437 SPECIAL CATEGORIES
GRANTS AND AIDS - OUNCE OF PREVENTION
FROM WELFARE TRANSITION TRUST FUND . 1,900,000

438 SPECIAL CATEGORIES
GRANTS AND AIDS - CRISIS COUNSELING
FROM GENERAL REVENUE FUND 2,000,000

From the funds in Specific Appropriation 438, no more than a maximum of .25 percent shall be spent on contract management per direct client service provider per year; and a minimum of 2.5 percent shall be spent on direct services per direct client services provider per year; and a minimum of 85 percent of all monies spent shall be spent on overall direct client service providers.

439 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 216,151
FROM RAPE CRISIS PROGRAM TRUST FUND 57,000
FROM FEDERAL GRANTS TRUST FUND . . . 825,792
FROM GRANTS AND DONATIONS TRUST FUND 5,740
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 8,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 305,500

440 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	3,486,152	
FROM ADMINISTRATIVE TRUST FUND . . .		100,000
FROM RAPE CRISIS PROGRAM TRUST FUND		1,982,925
FROM FEDERAL GRANTS TRUST FUND . . .		6,036,020
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		119,630

441 SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTHY START COALITIONS

FROM GENERAL REVENUE FUND	26,257,238	
FROM FEDERAL GRANTS TRUST FUND . . .		5,929,432
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		6,542,389

442 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT

FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		12,686

443 SPECIAL CATEGORIES
HEALTHY START COORDINATED CARE SYSTEM WAIVER

FROM GENERAL REVENUE FUND	15,171,241	
FROM FEDERAL GRANTS TRUST FUND . . .		18,890,817

444 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL NUTRITION PROGRAMS

FROM FEDERAL GRANTS TRUST FUND . . .		540,078,960

445 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION

FROM TOBACCO SETTLEMENT TRUST FUND .		8,500,000

446 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	68,591	

447 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	18,388	
FROM FEDERAL GRANTS TRUST FUND . . .		59,475
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		7,986
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		2,841

447A QUALIFIED EXPENDITURE CATEGORY
WOMEN, INFANTS AND CHILDREN DATA SYSTEM

FROM FEDERAL GRANTS TRUST FUND . . .		2,660,546

TOTAL: FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES

FROM GENERAL REVENUE FUND	86,693,600	
FROM TRUST FUNDS		628,418,246
TOTAL POSITIONS	216.00	
TOTAL ALL FUNDS		715,111,846

INFECTIOUS DISEASE CONTROL

APPROVED SALARY RATE 16,609,537

448 SALARIES AND BENEFITS POSITIONS 418.50

FROM GENERAL REVENUE FUND	5,393,578	
FROM FEDERAL GRANTS TRUST FUND . . .		12,547,956
FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,482,086

449 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	38,313	

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

FROM FEDERAL GRANTS TRUST FUND . . .		596,922
FROM OPERATIONS AND MAINTENANCE TRUST FUND		51,211

450 EXPENSES

FROM GENERAL REVENUE FUND	1,812,745	
FROM FEDERAL GRANTS TRUST FUND . . .		7,802,606
FROM GRANTS AND DONATIONS TRUST FUND		23,537
FROM OPERATIONS AND MAINTENANCE TRUST FUND		648,564

451 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE

FROM GENERAL REVENUE FUND	12,609,807	
FROM FEDERAL GRANTS TRUST FUND . . .		7,060,522

452 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA

FROM FEDERAL GRANTS TRUST FUND . . .		20,754,358

Funds in Specific Appropriation 452, from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

453 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS

FROM GENERAL REVENUE FUND	10,677,401	

454 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS

FROM GENERAL REVENUE FUND	15,533,746	

455 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	34,465	
FROM FEDERAL GRANTS TRUST FUND . . .		178,326

456 FOOD PRODUCTS

FROM GENERAL REVENUE FUND	224,570	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		58,213

457 SPECIAL CATEGORIES
CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	1,017,831	
FROM FEDERAL GRANTS TRUST FUND . . .		4,716,511
FROM GRANTS AND DONATIONS TRUST FUND		162,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		70,000

458 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	1,530,876	
FROM FEDERAL GRANTS TRUST FUND . . .		11,166,097

459 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES

FROM GENERAL REVENUE FUND	233,587	

460 SPECIAL CATEGORIES
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE CONTINUATION PROGRAM

FROM GENERAL REVENUE FUND	6,794,685	
FROM FEDERAL GRANTS TRUST FUND . . .		4,891,498

461 SPECIAL CATEGORIES

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION

PURCHASED CLIENT SERVICES		
FROM GENERAL REVENUE FUND	142,575	
462 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	187,110	
463 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	50,956	
FROM FEDERAL GRANTS TRUST FUND . . .		95,590
FROM OPERATIONS AND MAINTENANCE TRUST FUND		34,395
464 SPECIAL CATEGORIES		
OUTREACH FOR PREGNANT WOMEN		
FROM GENERAL REVENUE FUND	500,000	
TOTAL: INFECTIOUS DISEASE CONTROL		
FROM GENERAL REVENUE FUND	56,782,245	
FROM TRUST FUNDS		75,340,392
TOTAL POSITIONS	418.50	
TOTAL ALL FUNDS		132,122,637

ENVIRONMENTAL HEALTH SERVICES

APPROVED SALARY RATE 9,896,155		
465 SALARIES AND BENEFITS POSITIONS 218.50		
FROM GENERAL REVENUE FUND	1,829,182	
FROM ADMINISTRATIVE TRUST FUND . . .		3,978,558
FROM FEDERAL GRANTS TRUST FUND . . .		1,582,363
FROM GRANTS AND DONATIONS TRUST FUND		197,575
FROM RADIATION PROTECTION TRUST FUND		6,029,218
466 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND . . .		71,060
FROM FEDERAL GRANTS TRUST FUND . . .		131,791
FROM GRANTS AND DONATIONS TRUST FUND		130,415
FROM RADIATION PROTECTION TRUST FUND		33,393
467 EXPENSES		
FROM GENERAL REVENUE FUND	362,302	
FROM ADMINISTRATIVE TRUST FUND . . .		1,096,958
FROM FEDERAL GRANTS TRUST FUND . . .		293,552
FROM GRANTS AND DONATIONS TRUST FUND		202,896
FROM RADIATION PROTECTION TRUST FUND		1,736,996
468 AID TO LOCAL GOVERNMENTS		
CONTRIBUTION TO COUNTY HEALTH UNITS		
FROM GENERAL REVENUE FUND	3,278,293	
FROM ADMINISTRATIVE TRUST FUND . . .		1,417,426
FROM GRANTS AND DONATIONS TRUST FUND		1,204,571
469 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND . . .		15,000
FROM FEDERAL GRANTS TRUST FUND . . .		46,698
FROM RADIATION PROTECTION TRUST FUND		56,997
470 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM ADMINISTRATIVE TRUST FUND . . .		80,000
FROM RADIATION PROTECTION TRUST FUND		130,856
471 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	189,084	
FROM ADMINISTRATIVE TRUST FUND . . .		340,000
FROM FEDERAL GRANTS TRUST FUND . . .		348,235
FROM GRANTS AND DONATIONS TRUST FUND		671,203
FROM RADIATION PROTECTION TRUST FUND		150,000

From the funds in Specific Appropriation 471, $540,000 from the Grants and Donations Trust Fund is provided to the department to continue and complete the study authorized in Specific Appropriation 1682 of chapater 2008-152, Laws of Florida. The report shall include recommendations on passive strategies for nitrogen reduction that complement use of conventional onsite wastewater treatment systems. The department shall submit an interim study and report on February 1, 2010, and a final study and report on May 1, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to proceeding with any nitrogen reduction activities.

472 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	86,399	
FROM FEDERAL GRANTS TRUST FUND . . .		750,000
473 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	67,993	
FROM RADIATION PROTECTION TRUST FUND		14,575
474 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	12,630	
FROM ADMINISTRATIVE TRUST FUND . . .		25,242
FROM FEDERAL GRANTS TRUST FUND . . .		9,712
FROM GRANTS AND DONATIONS TRUST FUND		1,382
FROM RADIATION PROTECTION TRUST FUND		40,522
475 SPECIAL CATEGORIES		
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT		
FROM ADMINISTRATIVE TRUST FUND . . .		534,775
TOTAL: ENVIRONMENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	5,825,883	
FROM TRUST FUNDS		21,321,969
TOTAL POSITIONS	218.50	
TOTAL ALL FUNDS		27,147,852

COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS

The Department of Health, in coordination with the Agency for Health Care Administration, the Deans of Florida Medical and Osteopathic Schools with Obstetric Residency Programs, along with Certified Nurse Midwifery Educational Programs and birth hospitals/facilities, is directed to expand the provision of prenatal, delivery and postpartum care through the County Health Departments, thereby, expanding the use of supervising attending physicians and residents. The Department is directed to submit a plan of action to the Governor the President of the Senate, and the Speaker of the House of Representatives by February 1, 2010.

APPROVED SALARY RATE 455,289,211		
476 SALARIES AND BENEFITS POSITIONS 12,075.00		

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 629,169,831

477 OTHER PERSONAL SERVICES
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 36,697,185

478 EXPENSES
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 118,159,486

479 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 171,041,253
FROM TOBACCO SETTLEMENT TRUST FUND . 3,919,999

480 AID TO LOCAL GOVERNMENTS
COMMUNITY HEALTH INITIATIVES
FROM GENERAL REVENUE FUND 2,182,817
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 500,000

481 OPERATING CAPITAL OUTLAY
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 11,235,802

481A LUMP SUM
COUNTY HEALTH DEPARTMENTS
POSITIONS 400.00

482 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 2,809,253

483 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 70,325,401

484 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 27,500

485 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 5,875,903

486 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 288,347

487 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 3,818,815

488 FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT -
COUNTY HEALTH DEPARTMENTS
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 7,028,400

Funds in Specific Appropriation 488, shall be allocated to the Orange County Health Department from nonrecurring county health department trust funds.

488A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY

SECTION 3 - HUMAN SERVICES
SPECIFIC
APPROPRIATION
MAINTENANCE AND REPAIR OF COUNTY HEALTH
DEPARTMENTS
FROM COUNTY HEALTH DEPARTMENT
TRUST FUND 7,533,960

TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS
FROM GENERAL REVENUE FUND 173,224,070
FROM TRUST FUNDS 897,389,882

TOTAL POSITIONS 12,475.00
TOTAL ALL FUNDS 1,070,613,952

STATEWIDE PUBLIC HEALTH SUPPORT SERVICES

APPROVED SALARY RATE 25,291,874

489 SALARIES AND BENEFITS POSITIONS 642.00
FROM GENERAL REVENUE FUND 9,567,492
FROM ADMINISTRATIVE TRUST FUND . . . 932,282
FROM EMERGENCY MEDICAL SERVICES
TRUST FUND 2,817,313
FROM FEDERAL GRANTS TRUST FUND . . . 10,632,609
FROM GRANTS AND DONATIONS TRUST
FUND 137,808
FROM NURSING STUDENT LOAN
FORGIVENESS TRUST FUND 151,875
FROM PLANNING AND EVALUATION TRUST
FUND 10,453,393

From the funds provided in Specific Appropriations 489, 490, 491, 494, 496, 498, and 506, $33,899,698 in recurring General Revenue, $326,704 in recurring Administrative Trust Funds, $89,336,895 in recurring Federal Grants Trust Funds, $373,188 in recurring Grants and Donations Trust Funds, and $28,427,363 in recurring Planning an Evaluation Trust Funds shall be used to support Laboratory Services, Pharmacy Services and Vital Statistics and are contingent upon the Conference Report on Senate Bill 1662 becoming law.

490 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,721
FROM EMERGENCY MEDICAL SERVICES
TRUST FUND 149,583
FROM FEDERAL GRANTS TRUST FUND . . . 214,561
FROM PLANNING AND EVALUATION TRUST
FUND 689,100

491 EXPENSES
FROM GENERAL REVENUE FUND 1,473,016
FROM ADMINISTRATIVE TRUST FUND . . . 233,144
FROM EMERGENCY MEDICAL SERVICES
TRUST FUND 825,468
FROM BIOMEDICAL RESEARCH TRUST
FUND 2,047
FROM FEDERAL GRANTS TRUST FUND . . . 4,348,698
FROM GRANTS AND DONATIONS TRUST
FUND 169,414
FROM NURSING STUDENT LOAN
FORGIVENESS TRUST FUND 39,050
FROM PLANNING AND EVALUATION TRUST
FUND 11,726,810

From the funds provided in Specific Appropriation 491, $250,000 in recurring general revenue funds shall be used to support the Statewide Council on Deafness.

492 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL
SERVICES COUNTY GRANTS
FROM EMERGENCY MEDICAL SERVICES
TRUST FUND 6,211,675

493 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL
SERVICES MATCHING GRANTS

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FROM EMERGENCY MEDICAL SERVICES TRUST FUND		4,681,461
494 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	100,000	
FROM ADMINISTRATIVE TRUST FUND . . .		2,600
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,932
FROM FEDERAL GRANTS TRUST FUND . . .		361,466
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		6,000
FROM PLANNING AND EVALUATION TRUST FUND		128,302
495 SPECIAL CATEGORIES		
GRANTS AND AIDS - STRENGTHENING DOMESTIC SECURITY - BIOTERRORISM ENHANCEMENTS - HEALTH AND HOSPITALS		
FROM FEDERAL GRANTS TRUST FUND . . .		54,486,622
496 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	442,854	
FROM ADMINISTRATIVE TRUST FUND . . .		255,000
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		919,958
FROM FEDERAL GRANTS TRUST FUND . . .		507,500
FROM GRANTS AND DONATIONS TRUST FUND		87,946
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		41,188
FROM PLANNING AND EVALUATION TRUST FUND		5,467,701
497 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	450,000	
498 SPECIAL CATEGORIES		
DRUGS, VACCINES AND OTHER BIOLOGICALS		
FROM GENERAL REVENUE FUND	22,759,379	
FROM FEDERAL GRANTS TRUST FUND . . .		82,631,606

Funds in Specific Appropriation 498, from the Federal Grants Trust Fund, are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

500 SPECIAL CATEGORIES		
JAMES AND ESTHER KING BIOMEDICAL RESEARCH PROGRAM		
FROM BIOMEDICAL RESEARCH TRUST FUND		27,200,000

From the funds in Specific Appropriation 500, up to $50,000 shall be used for collaborative biomedical research projects within the state's historically black colleges and universities.

501 SPECIAL CATEGORIES		
WILLIAM G. "BILL" BANKHEAD, JR., AND DAVID COLEY CANCER RESEARCH PROGRAM		
FROM BIOMEDICAL RESEARCH TRUST FUND		25,000,000

From the funds provided in Specific Appropriation 501, $500,000 is provided to maintain the statewide Brain Tumor Registry Program at the McKnight Brain Institute.

502 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,754,023	
503 SPECIAL CATEGORIES		
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS		
FROM FEDERAL GRANTS TRUST FUND . . .		1,000,000
504 SPECIAL CATEGORIES		
GRANTS AND AIDS - TRAUMA CARE		
FROM ADMINISTRATIVE TRUST FUND . . .		7,500,000
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		93,747
505 SPECIAL CATEGORIES		
GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS		
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		929,006
506 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	95,997	
FROM ADMINISTRATIVE TRUST FUND . . .		5,558
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		23,883
FROM FEDERAL GRANTS TRUST FUND . . .		76,403
FROM GRANTS AND DONATIONS TRUST FUND		1,966
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		1,260
FROM PLANNING AND EVALUATION TRUST FUND		78,124
TOTAL: STATEWIDE PUBLIC HEALTH SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	37,649,482	
FROM TRUST FUNDS		261,224,059
TOTAL POSITIONS	642.00	
TOTAL ALL FUNDS		298,873,541

PROGRAM: CHILDREN'S MEDICAL SERVICES

CHILDREN'S SPECIAL HEALTH CARE

APPROVED SALARY RATE 30,798,538

507 SALARIES AND BENEFITS POSITIONS 752.50		
FROM GENERAL REVENUE FUND	19,712,989	
FROM DONATIONS TRUST FUND		14,900,092
FROM FEDERAL GRANTS TRUST FUND . . .		6,376,266
508 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,004,361	
FROM DONATIONS TRUST FUND		89,063
FROM FEDERAL GRANTS TRUST FUND . . .		388,687
509 EXPENSES		
FROM GENERAL REVENUE FUND	2,046,711	
FROM DONATIONS TRUST FUND		3,729,719
FROM FEDERAL GRANTS TRUST FUND . . .		2,941,248
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		30,936
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		54,085
510 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	49,145	
FROM DONATIONS TRUST FUND		35,629
FROM FEDERAL GRANTS TRUST FUND . . .		106,825
511 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN'S MEDICAL		

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SERVICES NETWORK
FROM GENERAL REVENUE FUND 22,649,081
FROM TOBACCO SETTLEMENT TRUST FUND . 11,775,196
FROM DONATIONS TRUST FUND 141,696,056
FROM FEDERAL GRANTS TRUST FUND . . . 661,673
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 9,025,082
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,559,178

Funds in Specific Appropriation 511 shall not be used to support continuing education courses or training for health professionals or staff employed by the Children's Medical Services (CMS) Network or under contract with the department. This limitation shall include but not be limited to: classroom instruction, train the trainer, or web-based continuing education courses that may be considered professional development, or that results in continuing education credits that may be applied towards the initial or subsequent renewal of a health professionals' license. This does not preclude the CMS Network from providing information on treatment methodologies or best practices to appropriate CMS network health professionals, staff, or contractors.

512 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN
FROM GENERAL REVENUE FUND 11,863,719
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 5,763,295

512A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM DONATIONS TRUST FUND 1,395,321
FROM FEDERAL GRANTS TRUST FUND . . . 171,303
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 281,710

513 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 558,501

514 SPECIAL CATEGORIES
POISON CONTROL CENTER
FROM GENERAL REVENUE FUND 1,691,463

515 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 490,002

516 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART C
FROM GENERAL REVENUE FUND 15,720,056
FROM TOBACCO SETTLEMENT TRUST FUND . 3,817,556
FROM FEDERAL GRANTS TRUST FUND . . . 35,392,339
FROM WELFARE TRANSITION TRUST FUND . 3,600,000

From the funds in Specific Appropriation 516, $1,545,968 from the General Revenue Fund is provided as the state match for Medicaid reimbursable early intervention services in Specific Appropriation 181.

From the funds in Specific Appropriation 516, $11,538,560 from the Federal Grants Trust Fund is provided for Early Steps-IDEA Part C as a result of federal funding received from the American Recovery and Reinvestment Act of 2009.

517 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 161,870
FROM DONATIONS TRUST FUND 118,553
FROM FEDERAL GRANTS TRUST FUND . . . 48,902

517A QUALIFIED EXPENDITURE CATEGORY

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CHILDRENS MEDICAL SERVICES DEVELOPMENT AND INTEGRATION PROJECT
FROM FEDERAL GRANTS TRUST FUND . . . 2,609,600

TOTAL: CHILDREN'S SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND 76,947,898
FROM TRUST FUNDS 246,568,314

TOTAL POSITIONS 752.50
TOTAL ALL FUNDS 323,516,212

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

MEDICAL QUALITY ASSURANCE

APPROVED SALARY RATE 24,001,248

518 SALARIES AND BENEFITS POSITIONS 640.50
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 2,295,733
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 30,708,419

519 OTHER PERSONAL SERVICES
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 6,704
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 4,075,666

520 EXPENSES
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 504,956
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 7,431,498

521 OPERATING CAPITAL OUTLAY
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 57,604

522 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 13,000

524 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 1,231,856

525 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 246,923

526 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 78,000
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 15,115,119

528 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 3,487
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 361,544

529 SPECIAL CATEGORIES
WILDLIFE MANAGEMENT AREA USER PAY
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 1,340

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530 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM DRUGS, DEVICES AND COSMETIC
TRUST FUND 16,780
FROM MEDICAL QUALITY ASSURANCE
TRUST FUND 253,427

TOTAL: MEDICAL QUALITY ASSURANCE
FROM TRUST FUNDS 62,402,056

TOTAL POSITIONS 640.50
TOTAL ALL FUNDS 62,402,056

COMMUNITY HEALTH RESOURCES

APPROVED SALARY RATE 4,635,466

531 SALARIES AND BENEFITS POSITIONS 115.00
FROM GENERAL REVENUE FUND 892,083
FROM ADMINISTRATIVE TRUST FUND . . . 379,329
FROM TOBACCO SETTLEMENT TRUST FUND . 300,583
FROM FEDERAL GRANTS TRUST FUND . . . 1,394,697
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 3,012,278

From the funds in Specific Appropriation 531, $300,583 and four positions are provided to implement the Comprehensive Statewide tobacco Education and Use Prevention Program in accordance with section 27, Article X of the State Constitution.

532 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 10,000
FROM FEDERAL GRANTS TRUST FUND . . . 19,770
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 24,000

533 EXPENSES
FROM GENERAL REVENUE FUND 110,159
FROM ADMINISTRATIVE TRUST FUND . . . 133,178
FROM FEDERAL GRANTS TRUST FUND . . . 555,127
FROM GRANTS AND DONATIONS TRUST
FUND 29,729
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 777,059

534 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 91,393

536 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM GRANTS AND DONATIONS TRUST
FUND 906,000

537 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 12,850
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 9,000

538 SPECIAL CATEGORIES
AREA HEALTH EDUCATION CENTERS
FROM GENERAL REVENUE FUND 9,777,475

539 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 28,620
FROM ADMINISTRATIVE TRUST FUND . . . 5,623
FROM FEDERAL GRANTS TRUST FUND . . . 616,997
FROM GRANTS AND DONATIONS TRUST
FUND 3,581
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 391,923

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540 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,378,673
FROM FEDERAL GRANTS TRUST FUND . . . 437,153
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 500,000

From the funds in Specific Appropriation 540, $1,000,000 from nonrecurring general revenue funds is provided for the Diabetes Research Institute.

541 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK
GRANTS
FROM GENERAL REVENUE FUND 500,000
FROM FEDERAL GRANTS TRUST FUND . . . 574,305

542 SPECIAL CATEGORIES
BRAIN AND SPINAL CORD HOME AND COMMUNITY
BASED SERVICES WAIVER
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 11,697,343

543 SPECIAL CATEGORIES
CYSTIC FIBROSIS HOME AND COMMUNITY BASED
SERVICES WAIVER
FROM GENERAL REVENUE FUND 553,313
FROM FEDERAL GRANTS TRUST FUND . . . 1,156,557

544 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 7,752,879

545 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 58,620

546 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH
FROM GENERAL REVENUE FUND 1,000,000
FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 1,000,000

From the funds in Specific appropriation 546, $1,000,000 from nonrecurring general revenue funds is provided for the Miami project to cure paralysis.

547 SPECIAL CATEGORIES
COMPREHENSIVE STATEWIDE TOBACCO PREVENTION
AND EDUCATION PROGRAM
FROM TOBACCO SETTLEMENT TRUST FUND . 61,540,649

Funds in Specific Appropriation 547 shall be used to implement the Comprehensive Statewide Tobacco Education and Prevention Program in accordance with section 27, Article X of the State Constitution. The appropriation shall be allocated as follows:

State & Community Interventions..... 10,927,545
State & Community Interventions - AHEC..... 6,000,000
Health Communications Interventions..... 20,613,744
Cessation Interventions 11,831,565
Cessation Interventions - AHEC..... 4,000,000
Surveillance & Evaluation 5,376,317
Administration & Management..... 2,791,478

548 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 10,600
FROM ADMINISTRATIVE TRUST FUND . . . 2,496
FROM FEDERAL GRANTS TRUST FUND . . . 9,951

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FROM BRAIN AND SPINAL CORD INJURY
REHABILITATION TRUST FUND 23,815

549 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

TOTAL: COMMUNITY HEALTH RESOURCES
FROM GENERAL REVENUE FUND 15,952,336
FROM TRUST FUNDS 93,335,492

TOTAL POSITIONS 115.00
TOTAL ALL FUNDS 109,287,828

PROGRAM: DISABILITY DETERMINATIONS

DISABILITY BENEFITS DETERMINATION

APPROVED SALARY RATE 49,917,583

550 SALARIES AND BENEFITS POSITIONS 1,227.00
FROM GENERAL REVENUE FUND 652,868
FROM FEDERAL GRANTS TRUST FUND . . . 652,841
FROM U.S. TRUST FUND 72,433,364

551 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 33,500
FROM FEDERAL GRANTS TRUST FUND . . . 33,500
FROM U.S. TRUST FUND 16,095,631

552 EXPENSES
FROM GENERAL REVENUE FUND 172,071
FROM FEDERAL GRANTS TRUST FUND . . . 172,071
FROM U.S. TRUST FUND 23,900,150

553 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 5,000
FROM U.S. TRUST FUND 823,940

554 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 174,396
FROM FEDERAL GRANTS TRUST FUND . . . 174,396
FROM U.S. TRUST FUND 36,244,419

555 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,125
FROM FEDERAL GRANTS TRUST FUND . . . 2,125
FROM U.S. TRUST FUND 373,013

556 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,990
FROM FEDERAL GRANTS TRUST FUND . . . 4,990
FROM U.S. TRUST FUND 540,212

TOTAL: DISABILITY BENEFITS DETERMINATION
FROM GENERAL REVENUE FUND 1,044,950
FROM TRUST FUNDS 151,455,652

TOTAL POSITIONS 1,227.00
TOTAL ALL FUNDS 152,500,602

TOTAL: HEALTH, DEPARTMENT OF
FROM GENERAL REVENUE FUND 470,536,044
FROM TRUST FUNDS 2,472,776,058

TOTAL POSITIONS 17,106.50
TOTAL ALL FUNDS 2,943,312,102
TOTAL APPROVED SALARY RATE 645,157,713

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VETERANS' AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

APPROVED SALARY RATE 21,847,059

557 SALARIES AND BENEFITS POSITIONS 815.50
FROM GENERAL REVENUE FUND 5,392,448
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 26,509,375

558 OTHER PERSONAL SERVICES
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 1,598,739

559 EXPENSES
FROM GENERAL REVENUE FUND 246,685
FROM GRANTS AND DONATIONS TRUST
FUND 1,734
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 7,388,004

560 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,000
FROM GRANTS AND DONATIONS TRUST
FUND 152,423
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 87,794

561 FOOD PRODUCTS
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 2,700,961

562 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST
FUND 77,224

563 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 37,500
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 12,977,817

564 SPECIAL CATEGORIES
RECREATIONAL EQUIPMENT AND SUPPLIES
FROM GRANTS AND DONATIONS TRUST
FUND 62,000

565 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 127,030
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 549,874

566 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 57,980
FROM OPERATIONS AND MAINTENANCE
TRUST FUND 275,112

567 FIXED CAPITAL OUTLAY
STATE NURSING HOME FOR VETERANS - DMS MGD
FROM FEDERAL GRANTS TRUST FUND . . . 1,671,428
FROM STATE HOMES FOR VETERANS
TRUST FUND 200,000

Funds in Specific Appropriation 567 are provided for the construction of the sixth State Veterans' Nursing Home in St. Johns County.

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568 FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR OF STATE-OWNED RESIDENTIAL FACILITIES FOR VETERANS
FROM STATE HOMES FOR VETERANS TRUST FUND 1,438,000

TOTAL: VETERANS' HOMES
FROM GENERAL REVENUE FUND 5,870,643
FROM TRUST FUNDS 55,690,485

TOTAL POSITIONS 815.50
TOTAL ALL FUNDS 61,561,128

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Department of Veterans' Affairs shall submit a plan by October 1, 2009 to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 1,653,336

569 SALARIES AND BENEFITS POSITIONS 28.00
FROM GENERAL REVENUE FUND 2,265,370

570 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,765

571 EXPENSES
FROM GENERAL REVENUE FUND 724,284
FROM OPERATIONS AND MAINTENANCE TRUST FUND 100,458

572 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 120,512

573 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 124,538

574 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,486

575 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 10,528

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 3,277,483
FROM TRUST FUNDS 100,458

TOTAL POSITIONS 28.00
TOTAL ALL FUNDS 3,377,941

VETERANS' BENEFITS AND ASSISTANCE

APPROVED SALARY RATE 4,775,387

576 SALARIES AND BENEFITS POSITIONS 117.00
FROM GENERAL REVENUE FUND 3,703,321
FROM FEDERAL GRANTS TRUST FUND . . . 540,214
FROM GRANTS AND DONATIONS TRUST FUND 2,101,735

577 EXPENSES
FROM GENERAL REVENUE FUND 209,067

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FROM FEDERAL GRANTS TRUST FUND . . . 100,603
FROM GRANTS AND DONATIONS TRUST FUND 327,483

578 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND 39,000

579 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,569
FROM FEDERAL GRANTS TRUST FUND . . . 2,000

580 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,036
FROM FEDERAL GRANTS TRUST FUND . . . 374

581 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 28,429
FROM FEDERAL GRANTS TRUST FUND . . . 3,914
FROM GRANTS AND DONATIONS TRUST FUND 15,639

TOTAL: VETERANS' BENEFITS AND ASSISTANCE
FROM GENERAL REVENUE FUND 3,953,422
FROM TRUST FUNDS 3,130,962

TOTAL POSITIONS 117.00
TOTAL ALL FUNDS 7,084,384

TOTAL: VETERANS' AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND 13,101,548
FROM TRUST FUNDS 58,921,905

TOTAL POSITIONS 960.50
TOTAL ALL FUNDS 72,023,453
TOTAL APPROVED SALARY RATE 28,275,782

TOTAL OF SECTION 3

FROM GENERAL REVENUE FUND 5,200,590,384

FROM TRUST FUNDS 20,842,766,072

TOTAL POSITIONS 36,838.00

TOTAL ALL FUNDS 26,043,356,456

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Justice Administration, Department of Juvenile Justice, Florida Department of Law Enforcement, Department of Legal Affairs/Attorney General, and the Parole Commission as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 582 through 773, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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in the contract.

The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Governor and to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediately preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to section 944.023(1)(b), Florida Statutes. The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2010.

Funds in Specific Appropriations 582 through 773 shall not be used to pay for unoccupied space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2009, and for which it has been determined by the Secretary of the department that there is no longer a need.

The Department of Corrections may, subject to all applicable provisions of chapter 216, Florida Statutes, transfer funds and positions and salary rate among budget entities and programs within Specific Appropriations 582 through 773 if necessary, to ensure public safety and avoid adversely affecting current employees due to the elimination of vacant positions and other approved reductions. It is the intent of the Legislature that priority shall be placed on preserving positions in correctional institutions and community corrections.

Funds in Specific Appropriations 582 through 773 include reductions in full-time equivalent positions and associated salary and benefits. Those reductions in full-time equivalent positions must be from, to the maximum extent feasible, supervisory and managerial positions.

To minimize the impact of funding reductions within Specific Appropriations 582 through 773, the department shall identify vacant correctional work release and substance abuse programming capacity and has the discretion pursuant to the provisions of Chapter 216, Florida Statutes, to transfer funds to enable the filling of such additional capacity in accordance with the provisions of chapter 945, Florida Statutes.

By February 1, 2010, the department shall provide the Legislature a report on the department's provision of food services to inmates housed in Florida's state prisons. The report shall include data from the period January 2009 through January 2010. The report shall include but not be limited to the master menu provided for the inmate population, caloric content of meals, inmate participation rate at meals, department staffing structure, detailed analysis of total expenditures, per diem cost, federal grant participation, utilization of certified minority business enterprises and utilization of PRIDE.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

APPROVED SALARY RATE 11,360,937

582	SALARIES AND BENEFITS POSITIONS 298.00		
	FROM GENERAL REVENUE FUND	14,620,473	
	FROM ADMINISTRATIVE TRUST FUND . . .		2,093,788
583	EXPENSES		
	FROM GENERAL REVENUE FUND	102,879	
	FROM ADMINISTRATIVE TRUST FUND . . .		133,494
584	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,000	
585	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	46,507	
586	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	326,064	
587	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	2,807	
TOTAL: BUSINESS SERVICE CENTERS			
	FROM GENERAL REVENUE FUND	15,107,730	
	FROM TRUST FUNDS		2,227,282
	TOTAL POSITIONS	298.00	
	TOTAL ALL FUNDS		17,335,012

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 12,688,626

588	SALARIES AND BENEFITS POSITIONS 263.00		
	FROM GENERAL REVENUE FUND	11,068,969	
	FROM ADMINISTRATIVE TRUST FUND . . .		2,943,303
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		81,147
589	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,090	
	FROM ADMINISTRATIVE TRUST FUND . . .		42,906
590	EXPENSES		
	FROM GENERAL REVENUE FUND	1,419,951	
	FROM ADMINISTRATIVE TRUST FUND . . .		491,826
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,083,200
591	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	24,227	
	FROM ADMINISTRATIVE TRUST FUND . . .		30,160
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		240,600
	FROM FEDERAL GRANTS TRUST FUND . . .		101,840
592	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	41,806	
593	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	263,509	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		200,000
	FROM FEDERAL GRANTS TRUST FUND . . .		347,650
594	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES FOR MENTAL HEALTH AND SUBSTANCE ABUSE MATCHING GRANTS		
	FROM GENERAL REVENUE FUND	1,000,000	
595	SPECIAL CATEGORIES		
	TRANSFER TO GENERAL REVENUE FUND		
	FROM FEDERAL GRANTS TRUST FUND . . .		18,000,000

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Funds in Specific Appropriation 595 are from reimbursements from the United States federal government for incarcerating aliens in Florida's prisons. If total reimbursements exceed $18,000,000, the Department of Corrections shall submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.

596	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	11,393,543	
	FROM ADMINISTRATIVE TRUST FUND . . .		84,230
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		171,049
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	25,234,095	
	FROM TRUST FUNDS		23,817,911
	TOTAL POSITIONS	263.00	
	TOTAL ALL FUNDS		49,052,006

INFORMATION TECHNOLOGY

The Department of Corrections shall work with the Parole Commission to facilitate the transfer of all of the Commission's computing resources to the department's Office of Information Technology by July 1, 2009. The Commission shall become a customer of the department for the provision of computing services and, as such, the department shall work with the Commission in the development of a service level agreement, pursuant to section 282.203(1)(g), Florida Statutes, that will cover all computing services necessary for the successful operation of the Commission. The service level agreement shall be reviewed and approved by the Agency for Enterprise Information Technology.

APPROVED SALARY RATE 8,380,686

597	SALARIES AND BENEFITS POSITIONS 173.50		
	FROM GENERAL REVENUE FUND	9,503,106	
	FROM ADMINISTRATIVE TRUST FUND . . .		1,136,934
598	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,500	
599	EXPENSES		
	FROM GENERAL REVENUE FUND	3,879,695	
	FROM ADMINISTRATIVE TRUST FUND . . .		2,718
600	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	196,851	
601	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	2,330,911	
602	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	50,309	
603	SPECIAL CATEGORIES DEFERRED-PAYMENT COMMODITY CONTRACTS		
	FROM GENERAL REVENUE FUND	295,329	
604	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	1,490	
605	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	226,334	
606	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,097,231	
TOTAL: INFORMATION TECHNOLOGY			
	FROM GENERAL REVENUE FUND	17,594,756	
	FROM TRUST FUNDS		1,139,652
	TOTAL POSITIONS	173.50	
	TOTAL ALL FUNDS		18,734,408

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

From the funds provided in Specific Appropriations 617, 631 and 644, a total of $1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities. Funding is provided as follows: $269,324 for the Bay Correctional Facility, $339,242 for the Moore Haven Correctional Facility, $275,560 for the South Bay Correctional Facility, $100,000 for the Gadsden Correctional Facility and $90,236 for the Lake City Correctional Facility. These funds may not be distributed if there are outstanding claims for ad valorem taxes due on the property at issue and may not be distributed until the property is reclassified on the real property and tangible personal property rolls as Government State property back to the date the finance corporation or other state entity acquired the title thereto. These distributions shall be adjusted, with the respect to any facility, to reimburse the Department of Management Services, and any predecessor agency, for the total amounts expended by the state in resisting the imposition of such ad valorem tax claims, including all attorneys' fees and costs actually incurred by the state's agencies.

From the funds in Specific Appropriations 617, 631, and 644, the Department of Management Services must ensure all future private prison contracts have explicit conditions that provide for the flexibility to adjust the percentages of special needs inmates to allow for changes in overall state populations of those inmates. Such percentages must be based on Department of Corrections' special needs inmate population forecasts, so that medical and mental healthcare costs are appropriately shared by both private and state prisons. All future private prison contracts must require each private prison vendor to report the same performance measures for inmate programs in private prisons as reported by the Department of Corrections for its comparable public institutions. As part of the private prisons contracting negotiations process, the Department of Corrections must consult with the Department of Management Services and each private prison vendor to establish high, reasonable, and achievable performance standards. All future private prison contracts must require each private prison vendor to develop inmate visitation policies and telephone rates for the private prisons that are consistent with those policies followed by the state's public prisons and encourage inmate family contact, as directed by Florida Statutes. Finally, the Department of Management Services must require all future private prison contracts to adhere to Department of Management Services' established criteria for awarding Privately Operated Institutions Inmate Welfare Trust Fund monies so that Department of Management Services' staff can verify such funds are being used appropriately.

If at any time during the term of the contract, including any renewal period, the Legislature reduces appropriations to the department or the department's legally available funds are otherwise inadequate to fully fund the contract, the parties agree to collaborate in good faith in accommodating such funding shortfalls in a manner least disruptive to current operations. If necessary, the parties agree to engage in good faith negotiations to amend the contract to achieve commensurate reduction in services corresponding to any proposed or necessary per diem reduction. If accommodations or negotiations become irreconcilably untenable to the parties, the Department of Management Services may exercise its no-fault termination rights under the contract.

From the funds in Specific Appropriations 617, 631, and 644, the Department of Management Services is directed to execute private prison contract amendments to each operations and management contract for each correctional facility currently under its supervision in order to

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provide the contractors the maximum flexibility to address recurring reductions in contract amounts. Such contract amendments shall expire on June 30, 2010. The Department of Management Services and the private prison contractors may amend the provisions of the private prison operating contracts limiting correctional officer overtime and part-time hours to be consistent with the overtime and part-time use as permitted by the Department of Corrections and the American Correctional Association standards. The contract amendments may also eliminate deductions for vacant positions as long as the services associated with the position are being provided through the use of overtime or part-time staff. The Department of Management Services may amend the private prison operating contracts to provide for the payment of costs associated with all inmate academic, vocational, behavioral and substance abuse programs from funds in the Privately Operated Institutions Inmate Welfare Trust Fund. Such contract amendments may not negatively affect the Department of Corrections.

The Department of Corrections may contract through a request for proposal for innovative and cost effective approaches to the financing, construction and operation of private correctional beds and services which can include any and all operations defined and requested by the department, including but not limited to financing, operations, housing, staffing, security, meals, medical care, transportation, education and substance abuse treatment services. The department may consult with other state agencies on the development of this request for proposal. Any resulting contract shall be funded through existing appropriations, and at a minimum provide for per diem costs at a cost of at least seven percent below what the department can incarcerate similar inmates. The department shall not implement this section in a manner that reduces participation in existing reentry programs.

ADULT MALE CUSTODY OPERATIONS

Funds and positions in Specific Appropriations 607 through 773, include: an increase of 36 full-time equivalent positions and $772,852 from the General Revenue Fund to support the state-wide inmate population increase. These funds and positions are sufficient to provide housing and security for 105,583 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 103,270 inmates.

Funds and positions in Specific Appropriations 607 through 773 are provided to address security needs for the additional prison populations expected in Fiscal Year 2009-2010 as projected by the Criminal Justice Estimating Conference.

	APPROVED SALARY RATE 384,914,566		
607	SALARIES AND BENEFITS POSITIONS 10,987.00		
	FROM GENERAL REVENUE FUND	535,181,824	
	FROM FEDERAL GRANTS TRUST FUND . . .		351,038
608	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,556,616	
	FROM GRANTS AND DONATIONS TRUST FUND		91,000
609	EXPENSES		
	FROM GENERAL REVENUE FUND	35,944,178	
	FROM FEDERAL GRANTS TRUST FUND . . .		216,949
	FROM GRANTS AND DONATIONS TRUST FUND		240,389

From the funds in Specific Appropriation 609, the Department of Corrections may spend up to $400,000 from the General Revenue Fund for a public awareness campaign describing penalties for "10-20-Life" offenses and other criminal offenses.

From the funds in Specific Appropriation 609, $142,900 from recurring general revenue is provided to the City of Pahokee as a payment of lieu of taxes for the Sago Palm facility formerly owned by the Department of Juvenile Justice.

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610	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,154,079	
	FROM FEDERAL GRANTS TRUST FUND . . .		750,000
	FROM GRANTS AND DONATIONS TRUST FUND		250,000
611	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	32,173,361	
	FROM FEDERAL GRANTS TRUST FUND . . .		83,421
612	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	6,044,826	
	FROM FEDERAL GRANTS TRUST FUND . . .		273,617
613	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	3,380,817	
	FROM FEDERAL GRANTS TRUST FUND . . .		118,172
614	SPECIAL CATEGORIES OVERTIME		
	FROM GENERAL REVENUE FUND	1,223,270	
615	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,618,841	
	FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND		626,826
616	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,411,336	
617	SPECIAL CATEGORIES PRIVATE PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND	91,739,019	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		1,300,586
618	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	374,684	
619	FIXED CAPITAL OUTLAY CORRECTIONAL FACILITIES - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	8,733,708	

Funds in Specific Appropriation 619 are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the following correctional facilities:

Demilly Correctional Institution (Polk County)..... 1,394,500
Sago Palm (Palm Beach County)..... 1,479,125

From the funds in Specific Appropriation 619, $1,000,000 is provided for payments required under the amended and restated master lease purchase agreement used to secure the certificates of participation issued to finance or refinance correctional facilities. The Department of Corrections and the Department of Management Services are authorized pursuant to Chapters 944, 287 and 255, Florida Statutes, to enter into one or more amendments to the amended and restated master lease purchase agreement previously executed by the Department of Management Services to finance or refinance the acquisition, construction and equipping of 1,296 work camp beds and 600 work release center beds. Payments under such amendment or amendments to such amended and restated master lease purchase agreement may commence prior to the completion of the facilities.

From the funds in Specific Appropriation 619, $2,839,535 is provided

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for payments required under the amended and restated master lease purchase agreement used to secure the certificates of participation issued to finance or refinance correctional facilities. The Department of Corrections and the Department of Management Services are authorized pursuant to Chapters 944, 287 and 255, Florida Statutes, to enter into one or more amendments to the amended and restated master lease purchase agreement previously executed by the Department of Management Services to finance or refinance the acquisition, construction and equipping of 1,335 beds at the Lowell Reception Center. Payments under such amendment or amendments to such amended and restated master lease purchase agreement may commence prior to the completion of the facilities.

620 FIXED CAPITAL OUTLAY
CONTRACTED CORRECTIONAL INSTITUTIONS - LEASE PURCHASE
FROM GENERAL REVENUE FUND 3,456,623

621 FIXED CAPITAL OUTLAY
PRIVATE PRISON OPERATIONS - LEASE PURCHASE
FROM GENERAL REVENUE FUND 25,595,251

Funds in Specific Appropriation 621 are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the following correctional facilities, including payments provided prior to completion of the facilities:

Bay Correctional Facility (Bay County)	3,430,121
Moore Haven Correctional Facility (Glades County).....	3,070,658
South Bay Correctional Facility (Palm Beach County).....	5,062,212
Graceville Correctional Facility (Jackson County).....	7,514,591
BlackWater River Correctional Facility (Santa Rosa County)..	6,517,669

TOTAL: ADULT MALE CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 770,588,433
FROM TRUST FUNDS 4,301,998

TOTAL POSITIONS 10,987.00
TOTAL ALL FUNDS 774,890,431

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS

APPROVED SALARY RATE 44,142,352

622 SALARIES AND BENEFITS POSITIONS 1,246.00
FROM GENERAL REVENUE FUND 60,577,022
FROM GRANTS AND DONATIONS TRUST FUND 123,670

623 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 506,291
FROM GRANTS AND DONATIONS TRUST FUND 32,884

624 EXPENSES
FROM GENERAL REVENUE FUND 2,625,607
FROM GRANTS AND DONATIONS TRUST FUND 50,703

625 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 3,069,925
FROM GRANTS AND DONATIONS TRUST FUND 15,841

626 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 625,305

627 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 187,659
FROM GRANTS AND DONATIONS TRUST FUND 22,509

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628 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 869,295

629 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,049,899

630 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 385,793

631 SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 26,574,926
FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND 597,359

632 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 13,084

633 FIXED CAPITAL OUTLAY
PRIVATE PRISON OPERATIONS - LEASE PURCHASE
FROM GENERAL REVENUE FUND 3,058,970

Funds in Specific Appropriation 633 are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the Gadsden Correctional Facility, including payments provided prior to completion of the facility.

TOTAL: ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 99,543,776
FROM TRUST FUNDS 842,966

TOTAL POSITIONS 1,246.00
TOTAL ALL FUNDS 100,386,742

MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS

APPROVED SALARY RATE 24,623,919

634 SALARIES AND BENEFITS POSITIONS 643.00
FROM GENERAL REVENUE FUND 42,364,273
FROM FEDERAL GRANTS TRUST FUND . . . 383,591

635 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 374,215

636 EXPENSES
FROM GENERAL REVENUE FUND 1,329,156

637 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,185
FROM FEDERAL GRANTS TRUST FUND . . . 500,000

638 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 1,841,955
FROM FEDERAL GRANTS TRUST FUND . . . 483,667

639 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 29,599

640 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 217,664
FROM FEDERAL GRANTS TRUST FUND . . . 191,046

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641 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 886,977

642 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,053,810

643 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 166,019

644 SPECIAL CATEGORIES
PRIVATE PRISON OPERATIONS
FROM GENERAL REVENUE FUND 19,831,975
FROM PRIVATELY OPERATED
INSTITUTIONS INMATE WELFARE TRUST
FUND 195,403

645 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,479

646 FIXED CAPITAL OUTLAY
PRIVATE PRISON OPERATIONS - LEASE PURCHASE
FROM GENERAL REVENUE FUND 2,626,088

Funds in Specific Appropriation 646 are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the Lake City Correctional Facility (Columbia County).

TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 70,751,395
FROM TRUST FUNDS 1,753,707

TOTAL POSITIONS 643.00
TOTAL ALL FUNDS 72,505,102

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS

APPROVED SALARY RATE 184,421,532

647 SALARIES AND BENEFITS POSITIONS 5,201.00
FROM GENERAL REVENUE FUND 257,593,027

648 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,408,809

649 EXPENSES
FROM GENERAL REVENUE FUND 4,710,942

650 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 162,111

651 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 13,507,668

652 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,762,621

653 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 1,175,477

654 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 1,404,272

655 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM GENERAL REVENUE FUND 7,675,581

656 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,623,654

657 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 67,058

TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS
FROM GENERAL REVENUE FUND 291,091,220

TOTAL POSITIONS 5,201.00
TOTAL ALL FUNDS 291,091,220

RECEPTION CENTER OPERATIONS

APPROVED SALARY RATE 71,521,029

658 SALARIES AND BENEFITS POSITIONS 2,043.00
FROM GENERAL REVENUE FUND 102,293,116
FROM FEDERAL GRANTS TRUST FUND . . . 8,557

659 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 792,455

660 EXPENSES
FROM GENERAL REVENUE FUND 4,222,611
FROM FEDERAL GRANTS TRUST FUND . . . 31,090

661 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 250,000

662 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 6,753,834
FROM FEDERAL GRANTS TRUST FUND . . . 32,449

663 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 87,126

664 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 364,703
FROM FEDERAL GRANTS TRUST FUND . . . 46,893

665 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 649,643

666 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,228,298

667 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 692,742

668 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 23,617

TOTAL: RECEPTION CENTER OPERATIONS
FROM GENERAL REVENUE FUND 118,108,145
FROM TRUST FUNDS 368,989

TOTAL POSITIONS 2,043.00
TOTAL ALL FUNDS 118,477,134

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APPROVED SALARY RATE 36,620,618

669	SALARIES AND BENEFITS POSITIONS 1,008.00		
	FROM GENERAL REVENUE FUND	35,962,774	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		20,210,465
	FROM GRANTS AND DONATIONS TRUST FUND		50,104
670	EXPENSES		
	FROM GENERAL REVENUE FUND	585,129	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		641,597
	FROM GRANTS AND DONATIONS TRUST FUND		32,776
671	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	113,907	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		49,020
672	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	1,227,970	
673	LUMP SUM CORRECTIONAL WORK PROGRAMS		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		214,519

Funds in Specific Appropriation 673 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These funds shall be released as needed upon execution of interagency community service squad contract(s).

674	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	12,063,420	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		284,315
675	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	204,143	
676	SPECIAL CATEGORIES OVERTIME		
	FROM GENERAL REVENUE FUND	185,998	
677	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	363,968	
678	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	288,121	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		154,935
TOTAL:	PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION		
	FROM GENERAL REVENUE FUND	50,995,430	
	FROM TRUST FUNDS		21,637,731
	TOTAL POSITIONS	1,008.00	
	TOTAL ALL FUNDS		72,633,161

ROAD PRISON OPERATIONS

APPROVED SALARY RATE 3,753,364

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679	SALARIES AND BENEFITS POSITIONS 95.00		
	FROM GENERAL REVENUE FUND	363	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		5,559,706
680	EXPENSES		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		507,513
681	FOOD PRODUCTS		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		352,549
682	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		11,284
683	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		53,567
684	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		24,666
TOTAL:	ROAD PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND	363	
	FROM TRUST FUNDS		6,509,285
	TOTAL POSITIONS	95.00	
	TOTAL ALL FUNDS		6,509,648

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 46,077,171

685	SALARIES AND BENEFITS POSITIONS 1,359.00		
	FROM GENERAL REVENUE FUND	63,652,728	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		64,902
686	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	275,763	
687	EXPENSES		
	FROM GENERAL REVENUE FUND	3,085,952	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		1,959
688	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	48,578	
689	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	31,653	
690	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	64,862	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		1,655
691	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	16,831	
TOTAL:	OFFENDER MANAGEMENT AND CONTROL		
	FROM GENERAL REVENUE FUND	67,176,367	
	FROM TRUST FUNDS		68,516

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TOTAL POSITIONS 1,359.00
TOTAL ALL FUNDS 67,244,883

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,771,169

692 SALARIES AND BENEFITS POSITIONS 179.00
FROM GENERAL REVENUE FUND 12,037,832

693 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND 75,000

694 EXPENSES
FROM GENERAL REVENUE FUND 2,105,505
FROM GRANTS AND DONATIONS TRUST FUND 226,785
FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND 2,678,250

695 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 258,642

696 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,307,104

From the funds in Specific Appropriation 696, $1,000,000 in recurring general revenue is provided to continue the victim notification system (VINE).

697 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 100,644

698 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,437

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 15,812,164
FROM TRUST FUNDS 2,980,035

TOTAL POSITIONS 179.00
TOTAL ALL FUNDS 18,792,199

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

APPROVED SALARY RATE 19,447,628

699 SALARIES AND BENEFITS POSITIONS 614.00
FROM GENERAL REVENUE FUND 26,112,569

700 EXPENSES
FROM GENERAL REVENUE FUND 69,772,154

701 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 213,154
FROM FEDERAL GRANTS TRUST FUND . . . 5,000,000

702 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 4,653

703 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,808,133

704 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS

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FROM GENERAL REVENUE FUND 3,515,149

705 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 17,548

TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR
FROM GENERAL REVENUE FUND 104,443,360
FROM TRUST FUNDS 5,000,000

TOTAL POSITIONS 614.00
TOTAL ALL FUNDS 109,443,360

PROGRAM: COMMUNITY CORRECTIONS

PROBATION SUPERVISION

APPROVED SALARY RATE 76,181,648

708 SALARIES AND BENEFITS POSITIONS 2,048.00
FROM GENERAL REVENUE FUND 105,653,561
FROM FEDERAL GRANTS TRUST FUND . . . 27,414

709 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 42,455

710 EXPENSES
FROM GENERAL REVENUE FUND 33,045
FROM FEDERAL GRANTS TRUST FUND . . . 14,108

711 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 316,385

711A SPECIAL CATEGORIES
BUILDING/OFFICE RENT PAYMENTS
FROM GENERAL REVENUE FUND 13,775,188

Funds in Specific Appropriation 711A are provided to continue rent payments for individual private contracts for rental of office/building space at a rate not to exceed the rate for each contract in effect on June 30, 2009. Price level increases are not provided for rent payments for Department of Corrections' private leases in the 2009-10 fiscal year. No other funds are appropriated or shall be transferred by the department for such increases.

712 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 83,919

713 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,696,757

714 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 300,704

TOTAL: PROBATION SUPERVISION
FROM GENERAL REVENUE FUND 122,902,014
FROM TRUST FUNDS 41,522

TOTAL POSITIONS 2,048.00
TOTAL ALL FUNDS 122,943,536

DRUG OFFENDER PROBATION SUPERVISION

APPROVED SALARY RATE 13,131,253

715 SALARIES AND BENEFITS POSITIONS 302.00
FROM GENERAL REVENUE FUND 19,350,572

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716 EXPENSES
FROM GENERAL REVENUE FUND 1,152,703

717 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,310

718 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 9,357

719 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 57,537

TOTAL: DRUG OFFENDER PROBATION SUPERVISION
FROM GENERAL REVENUE FUND 20,587,479

TOTAL POSITIONS 302.00
TOTAL ALL FUNDS 20,587,479

PRE TRIAL INTERVENTION SUPERVISION

APPROVED SALARY RATE 2,774,063

719A SALARIES AND BENEFITS POSITIONS 71.00
FROM GENERAL REVENUE FUND 4,087,631

719B EXPENSES
FROM GENERAL REVENUE FUND 290,893

719C SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,565

719D SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 18,467

TOTAL: PRE TRIAL INTERVENTION SUPERVISION
FROM GENERAL REVENUE FUND 4,398,556

TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 4,398,556

COMMUNITY CONTROL SUPERVISION

APPROVED SALARY RATE 17,369,133

720 SALARIES AND BENEFITS POSITIONS 401.00
FROM GENERAL REVENUE FUND 26,034,692
FROM FEDERAL GRANTS TRUST FUND . . . 129,990

721 EXPENSES
FROM GENERAL REVENUE FUND 281,045
FROM FEDERAL GRANTS TRUST FUND . . . 50,609

722 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 13,711

723 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 120,503

724 SPECIAL CATEGORIES
ELECTRONIC MONITORING
FROM GENERAL REVENUE FUND 6,276,469

TOTAL: COMMUNITY CONTROL SUPERVISION
FROM GENERAL REVENUE FUND 32,726,420
FROM TRUST FUNDS 180,599

TOTAL POSITIONS 401.00
TOTAL ALL FUNDS 32,907,019

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POST PRISON RELEASE SUPERVISION

APPROVED SALARY RATE 15,285,754

725 SALARIES AND BENEFITS POSITIONS 318.00
FROM GENERAL REVENUE FUND 22,308,170
FROM FEDERAL GRANTS TRUST FUND . . . 24,420

726 EXPENSES
FROM GENERAL REVENUE FUND 1,082,928
FROM FEDERAL GRANTS TRUST FUND . . . 212,243

727 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,488

728 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 68,203
FROM FEDERAL GRANTS TRUST FUND . . . 30,030

TOTAL: POST PRISON RELEASE SUPERVISION
FROM GENERAL REVENUE FUND 23,464,789
FROM TRUST FUNDS 266,693

TOTAL POSITIONS 318.00
TOTAL ALL FUNDS 23,731,482

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

729 EXPENSES
FROM GENERAL REVENUE FUND 300,000

730 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,963,104

731 SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND 226,004

732 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG
TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 14,215,555
FROM FEDERAL GRANTS TRUST FUND . . . 550,000

From the funds in Specific Appropriation 732, $600,000 in recurring general revenue is provided for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO) in Hillsborough County.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES
FROM GENERAL REVENUE FUND 19,704,663
FROM TRUST FUNDS 550,000

TOTAL ALL FUNDS 20,254,663

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 1,342,330

733 SALARIES AND BENEFITS POSITIONS 39.00
FROM GENERAL REVENUE FUND 2,231,930

734 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,490

735 EXPENSES
FROM GENERAL REVENUE FUND 113,019

736 SPECIAL CATEGORIES
CONTRACTED SERVICES

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FROM GENERAL REVENUE FUND 26,284

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 2,389,723

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 2,389,723

COMMUNITY FACILITY OPERATIONS

737 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,816,521

737A SPECIAL CATEGORIES
JUDICIAL/DEPARTMENT OF CORRECTIONS
SENTENCING ALTERNATIVES
FROM GENERAL REVENUE FUND 700,143

Pursuant to sections 944.012(6)(c), 921.00241 and 775.082(11), Florida Statutes, $700,143 in non-recurring general revenue is provided in Specific Appropriation 737A to establish Judicial/DOC pilot programs for offenders who would be sentenced to prison, but could be diverted to appropriate programs which allow the offender to retain community support, access drug treatment and/or employment opportunities while receiving life-skills assistance in a structured environment. These treatment programs may include drug treatment, residential and outpatient treatment programming, day reporting or other services to reduce recidivism.

These pilot programs will be initiated in communities where the local court and Department of Corrections, in conjunction with community stakeholders, agree to implement evidence-based practices and graduated incentives that will result in a reduction in prison admission for that community.

TOTAL: COMMUNITY FACILITY OPERATIONS
FROM GENERAL REVENUE FUND 3,516,664

TOTAL ALL FUNDS 3,516,664

PROGRAM: HEALTH SERVICES

INMATE HEALTH SERVICES

APPROVED SALARY RATE 121,307,759

738 SALARIES AND BENEFITS POSITIONS 2,781.00
FROM GENERAL REVENUE FUND 170,057,758

739 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,300,151

740 EXPENSES
FROM GENERAL REVENUE FUND 15,599,659

741 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 523,229

743 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 805,943

744 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 693,664

745 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 149,240,523
FROM ADMINISTRATIVE TRUST FUND . . . 116,000

From the funds in Specific Appropriation 745, $100,000 is provided for Hepatitis B vaccinations for inmates.

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746 SPECIAL CATEGORIES
TREATMENT OF INMATES - GENERAL DRUGS
FROM GENERAL REVENUE FUND 27,288,681

747 SPECIAL CATEGORIES
TREATMENT OF INMATES - PSYCHOTROPIC DRUGS
FROM GENERAL REVENUE FUND 15,497,697

748 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 344,145

TOTAL: INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 400,351,450
FROM TRUST FUNDS 116,000

TOTAL POSITIONS 2,781.00
TOTAL ALL FUNDS 400,467,450

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

APPROVED SALARY RATE 527,639

749 SALARIES AND BENEFITS POSITIONS 11.50
FROM GENERAL REVENUE FUND 103,848
FROM FEDERAL GRANTS TRUST FUND . . . 514,627

750 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 184,207

751 EXPENSES
FROM GENERAL REVENUE FUND 179,547
FROM FEDERAL GRANTS TRUST FUND . . . 721,494

752 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 27,019

753 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 5,704,554

754 SPECIAL CATEGORIES
TREATMENT OF INMATES - INFECTIOUS DISEASE
DRUGS
FROM GENERAL REVENUE FUND 32,824,521

TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES
FROM GENERAL REVENUE FUND 38,812,470
FROM TRUST FUNDS 1,447,347

TOTAL POSITIONS 11.50
TOTAL ALL FUNDS 40,259,817

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

APPROVED SALARY RATE 1,569,267

755 SALARIES AND BENEFITS POSITIONS 35.00
FROM GENERAL REVENUE FUND 1,072,216
FROM FEDERAL GRANTS TRUST FUND . . . 779,578

756 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 4,809

757 EXPENSES
FROM GENERAL REVENUE FUND 71,548
FROM FEDERAL GRANTS TRUST FUND . . . 622,865

758 OPERATING CAPITAL OUTLAY

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FROM FEDERAL GRANTS TRUST FUND . . .		73,600
759 SPECIAL CATEGORIES		
CONTRACT DRUG ABUSE SERVICES		
FROM GENERAL REVENUE FUND	1,261,333	
FROM FEDERAL GRANTS TRUST FUND . . .		3,072,341
TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES		
FROM GENERAL REVENUE FUND	2,405,097	
FROM TRUST FUNDS		4,553,193
TOTAL POSITIONS	35.00	
TOTAL ALL FUNDS		6,958,290

BASIC EDUCATION SKILLS

APPROVED SALARY RATE 14,862,457

760 SALARIES AND BENEFITS POSITIONS	344.00	
FROM GENERAL REVENUE FUND	13,422,609	
FROM FEDERAL GRANTS TRUST FUND . . .		2,794,523
761 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	497,186	
FROM FEDERAL GRANTS TRUST FUND . . .		666,172
762 EXPENSES		
FROM GENERAL REVENUE FUND	1,764,987	
FROM FEDERAL GRANTS TRUST FUND . . .		392,275
763 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	55,000	
FROM FEDERAL GRANTS TRUST FUND . . .		472,386
764 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	39,226	
FROM FEDERAL GRANTS TRUST FUND . . .		1,757,078
765 SPECIAL CATEGORIES		
GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT		
FROM FEDERAL GRANTS TRUST FUND . . .		494,974
766 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	100,721	
767 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	15,683	
TOTAL: BASIC EDUCATION SKILLS		
FROM GENERAL REVENUE FUND	15,895,412	
FROM TRUST FUNDS		6,577,408
TOTAL POSITIONS	344.00	
TOTAL ALL FUNDS		22,472,820

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

APPROVED SALARY RATE 3,450,878

768 SALARIES AND BENEFITS POSITIONS	62.00	
FROM GENERAL REVENUE FUND	4,396,028	
FROM FEDERAL GRANTS TRUST FUND . . .		445,100
769 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	120,274	

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770 EXPENSES		
FROM GENERAL REVENUE FUND	427,696	
FROM FEDERAL GRANTS TRUST FUND . . .		119,152
771 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	9,000	
FROM FEDERAL GRANTS TRUST FUND . . .		3,000
772 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	2,830,057	
FROM FEDERAL GRANTS TRUST FUND . . .		324,848
773 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	3,872	
TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT		
FROM GENERAL REVENUE FUND	7,786,927	
FROM TRUST FUNDS		892,100
TOTAL POSITIONS	62.00	
TOTAL ALL FUNDS		8,679,027
TOTAL: CORRECTIONS, DEPARTMENT OF		
FROM GENERAL REVENUE FUND	2,341,388,898	
FROM TRUST FUNDS		85,272,934
TOTAL POSITIONS	30,522.00	
TOTAL ALL FUNDS		2,426,661,832
TOTAL APPROVED SALARY RATE	1,124,525,778	

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Justice Administrative Commission shall submit a plan by October 1, 2009 to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the Commission to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 3,532,290

781 SALARIES AND BENEFITS POSITIONS	89.00	
FROM GENERAL REVENUE FUND	4,782,606	
782 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,776	
783 EXPENSES		
FROM GENERAL REVENUE FUND	800,129	
FROM GRANTS AND DONATIONS TRUST FUND		428,416
784 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	59,164	
786 LUMP SUM		
WORKLOAD FOR COUNTY OR MUNICIPAL CONTRACTS		
POSITIONS	14.00	

The positions in Specific Appropriation 786 are provided for State Attorneys and Public Defenders to use for grants received from counties during Fiscal Year 2009-2010 for the purpose of prosecution of local

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ordinance violations pursuant to section 27.34, Florida Statutes, or defense of persons accused of violating local ordinances pursuant to section 27.54, Florida Statutes. Such transfers are contingent upon the Justice Administrative Commission notifying the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care and the Governor's Office of Policy and Budget. Such notification is subject to the legislative objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions consistent with the salaries provided for in the grant.

787 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER CARE CITIZEN REVIEW PANEL
FROM GENERAL REVENUE FUND 92,160
FROM GRANTS AND DONATIONS TRUST FUND 300,000

788 SPECIAL CATEGORIES
SEXUAL PREDATOR CIVIL COMMITMENT LITIGATION COSTS
FROM GENERAL REVENUE FUND 4,029,194

Funds in Specific Appropriation 788 are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The Justice Administrative Commission is authorized to pay up to $5,000 per case for case-related expenses incurred by the State Attorney, the Public Defender, or the criminal conflict and civil regional counsel, or court appointed counsel where there is an ethical conflict, for a combined maximum of $10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care describing, by judicial circuit: requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.

789 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 86,520

790 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF FINANCIAL SERVICES - AUDITS OF CLERK BUDGETS
FROM GENERAL REVENUE FUND 68,624

791 SPECIAL CATEGORIES
PUBLIC DEFENDER DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 19,645,299

Funds in Specific Appropriation 791 are provided for the Public Defenders' due process costs as specified in section 29.006, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	728,129
2nd Judicial Circuit	682,082
3rd Judicial Circuit	256,904
4th Judicial Circuit	1,579,968
5th Judicial Circuit	737,095
6th Judicial Circuit	1,312,267
7th Judicial Circuit	667,227
8th Judicial Circuit	522,709
9th Judicial Circuit	888,267
10th Judicial Circuit	879,819
11th Judicial Circuit	3,368,189
12th Judicial Circuit	673,364
13th Judicial Circuit	1,670,374
14th Judicial Circuit	384,441
15th Judicial Circuit	858,127
16th Judicial Circuit	185,446
17th Judicial Circuit	2,060,698
18th Judicial Circuit	604,775
19th Judicial Circuit	757,512
20th Judicial Circuit	827,906

From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st Judicial Circuit	190,611
2nd Judicial Circuit	323,698
3rd Judicial Circuit	52,251
6th Judicial Circuit	103,493
7th Judicial Circuit	37,310
8th Judicial Circuit	83,798
9th Judicial Circuit	481,878
10th Judicial Circuit	68,975
11th Judicial Circuit	121,996
12th Judicial Circuit	153,205
13th Judicial Circuit	784,106
14th Judicial Circuit	134,089
15th Judicial Circuit	93,646
16th Judicial Circuit	74,983
17th Judicial Circuit	60,851

792 SPECIAL CATEGORIES
CHILD DEPENDENCY AND CIVIL CONFLICT CASE
FROM GENERAL REVENUE FUND 5,551,694

Funds in Specific Appropriation 792 are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall submit quarterly reports of these case payments to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care, by judicial circuit, which shall include, but not be limited to: information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements and performance measures for court appointed counsel including: average time to complete cases by case type; number of bar complaints for state paid cases; percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type from this special appropriations category.

The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for the following dependency and civil cases is set as follows:

ADMISSION OF INMATE TO MENTAL HEALTH FACILITY	300
ADULT PROTECTIVE SERVICES ACT - Ch. 415, F.S.	500
BAKER ACT/MENTAL HEALTH - Ch. 394, F.S.	400
CINS/FINS - Ch. 984, F.S.	750
CIVIL APPEALS	400
DEPENDENCY - Up to 1 Year	800
DEPENDENCY - Each Year after 1st Year	200
DEPENDENCY APPEALS	2,000
DEVELOPMENTALLY DISABLED ADULT - Ch. 393, F.S.	400
EMANCIPATION - Section 743.015, F.S.	400
GUARDIANSHIP - EMERGENCY - Ch. 744, F.S.	400
GUARDIANSHIP - Ch. 744, F.S.	400
MARCHMAN ACT/SUBSTANCE ABUSE - Ch. 397, F.S.	300
MEDICAL PROCEDURES - Section 394.459(3), F.S.	400
PARENTAL NOTIFICATION OF ABORTION ACT	400
TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Up to 1 Year	1,000
TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Each Year	

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after 1st Year	200
TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Up to 1 year	1,000
TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Each Year after 1st Year	200
TERMINATION OF PARENTAL RIGHTS APPEALS	2,000
TUBERCULOSIS - Ch. 392, F.S.	300

793 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,189

794 SPECIAL CATEGORIES
CRIMINAL CONFLICT CASE COSTS
FROM GENERAL REVENUE FUND 8,676,095

Funds in Specific Appropriation 794 are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes, of court-appointed counsel for indigent criminal defendants and for due process costs for those individuals the court finds indigent for costs. The Justice Administrative Commission shall submit quarterly reports of criminal conflict case payments and performance measures for court-appointed counsel including: average time to complete cases by case type, number of bar complaints for state paid cases, percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care by judicial circuit.

From the funds in Specific Appropriation 794, a total of $216,934 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator on behalf of the circuit courts operating shared court reporting and interpreter services.

The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for criminal conflict cases is set as follows:

POSTCONVICTION - Sections 3.850 and 3.800, F.S.	1,000
CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL)	15,000
CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL)	15,000
CAPITAL SEXUAL BATTERY	2,000
CAPITAL APPEALS	2,000
CONTEMPT PROCEEDINGS	400
CRIMINAL TRAFFIC	400
EXTRADITION	500
FELONY - LIFE	2,500
FELONY - PUNISHABLE BY LIFE	2,000
FELONY 1ST DEGREE	1,500
FELONY 2ND DEGREE	1,000
FELONY 3RD DEGREE	750
FELONY APPEALS	1,500
JUVENILE DELINQUENCY - 1ST DEGREE FELONY	600
JUVENILE DELINQUENCY - 2ND DEGREE	400
JUVENILE DELINQUENCY - 3RD DEGREE	300
JUVENILE DELINQUENCY - FELONY LIFE	700
JUVENILE DELINQUENCY - MISDEMEANOR	300
JUVENILE DELINQUENCY APPEALS	1,000
MISDEMEANOR	400
MISDEMEANOR APPEALS	750
VIOLATION OF PROBATION - FELONY (INCLUDES VOCC)	500
VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC)	300
VIOLATION OF PROBATION (VOCC) JUVENILE DELINQUENCY	300

The maximum amount to be paid by the Justice Administrative Commission for non-attorney due process services shall not exceed the rates in effect for the 2007-2008 fiscal year.

795 SPECIAL CATEGORIES
STATE ATTORNEY DUE PROCESS COSTS

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SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 11,280,680

Funds in Specific Appropriation 795 are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	667,530
2nd Judicial Circuit	354,970
3rd Judicial Circuit	132,010
4th Judicial Circuit	487,570
5th Judicial Circuit	366,735
6th Judicial Circuit	660,495
7th Judicial Circuit	497,000
8th Judicial Circuit	249,950
9th Judicial Circuit	523,430
10th Judicial Circuit	325,710
11th Judicial Circuit	2,332,530
12th Judicial Circuit	294,375
13th Judicial Circuit	627,925
14th Judicial Circuit	124,410
15th Judicial Circuit	782,030
16th Judicial Circuit	96,650
17th Judicial Circuit	1,394,540
18th Judicial Circuit	397,925
19th Judicial Circuit	285,480
20th Judicial Circuit	679,415

From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st Judicial Circuit	18,232
2nd Judicial Circuit	16,650
3rd Judicial Circuit	10,456
6th Judicial Circuit	25,443
7th Judicial Circuit	12,818
8th Judicial Circuit	21,937
9th Judicial Circuit	26,007
10th Judicial Circuit	3,980
11th Judicial Circuit	426,986
12th Judicial Circuit	19,650
13th Judicial Circuit	45,716
15th Judicial Circuit	61,252
16th Judicial Circuit	4,315
17th Judicial Circuit	20,081

796 SPECIAL CATEGORIES
CRIMINAL CONFLICT AND DEPENDENCY COUNSEL LIABILITY
FROM GENERAL REVENUE FUND 12,222,388

Funds in Specific Appropriation 796 are provided to pay for criminal conflict, dependency and other civil cases where appointment was made during Fiscal Years 2004-2005, 2005-2006, and 2006-2007.

797 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING
FROM GENERAL REVENUE FUND 33,529
FROM GRANTS AND DONATIONS TRUST FUND 3,000

798 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
FROM GENERAL REVENUE FUND 5,388,626

799 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES

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APPROPRIATION
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,759,966
FROM CHILD SUPPORT TRUST FUND . . . 84,459
FROM GRANTS AND DONATIONS TRUST FUND 88,520
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 25,853

From the funds provided in Specific Appropriation 799, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund, Child Support Enforcement Trust Fund, and Indigent Criminal Defense Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.

800 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF FINANCIAL SERVICES FOR THE POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS
FROM GENERAL REVENUE FUND 2,125,000

800A QUALIFIED EXPENDITURE CATEGORY
DRUG COURT EXPANSION - STATE ATTORNEY
FROM GRANTS AND DONATIONS TRUST FUND 1,500,000

From the funds in Specific Appropriation 800A and 800B, $1,500,000 and $750,000 respectively, are provided to assist with additional workload by the State Attorneys and Public Defenders to support the expanded drug court programs. Upon approval of a plan submitted by the Chief Justice to the Legislative Budget Commission to allocate these funds by circuits, the Justice Administrative Commission may submit a budget amendment for the release of the appropriation pursuant to chapter 216, Florida Statutes.

800B QUALIFIED EXPENDITURE CATEGORY
DRUG COURT - EXPANSION PUBLIC DEFENDER
FROM GRANTS AND DONATIONS TRUST FUND 750,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 77,684,639
FROM TRUST FUNDS 3,180,248

TOTAL POSITIONS 103.00
TOTAL ALL FUNDS 80,864,887

PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE

The Guardian Ad Litem shall submit a plan by October 1, 2009 to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the agency to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 20,142,212

802 SALARIES AND BENEFITS POSITIONS 539.00
FROM GENERAL REVENUE FUND 26,030,734

Funds and positions in Specific Appropriations 802 through 808, shall first be used to represent children involved in dependency proceedings. Once all children in dependency proceedings are represented, the funds may be used to represent children in other proceedings as authorized by law.

803 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 125,000
FROM GRANTS AND DONATIONS TRUST FUND 150,000

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804 EXPENSES
FROM GENERAL REVENUE FUND 1,569,178
FROM GRANTS AND DONATIONS TRUST FUND 50,249

805 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,000
FROM GRANTS AND DONATIONS TRUST FUND 10,000

806 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 892,656

807 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,473,393
FROM GRANTS AND DONATIONS TRUST FUND 110,000

808 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 270,270

808A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 42,057

TOTAL: PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE
FROM GENERAL REVENUE FUND 30,427,288
FROM TRUST FUNDS 320,249

TOTAL POSITIONS 539.00
TOTAL ALL FUNDS 30,747,537

PROGRAM: CLERKS OF COURT

CLERKS OF COURT

808B SPECIAL CATEGORIES
GRANTS & AIDS - CLERKS OF COURT
FROM THE CLERKS OF THE COURT TRUST FUND 451,380,312

Funds in Specific Appropriation 808B are contingent upon SB 2108 becoming a law.

CLERKS OF COURT OPERATIONS CORPORATION

APPROVED SALARY RATE 534,991

808C SALARIES AND BENEFITS POSITIONS 7.00
FROM THE CLERKS OF THE COURT TRUST FUND 688,431

Funds in Specific Appropriations 808C through 808G are contingent on SB 2108 becoming a law.

808D OTHER PERSONAL SERVICES
FROM THE CLERKS OF THE COURT TRUST FUND 30,000

808E EXPENSES
FROM THE CLERKS OF THE COURT TRUST FUND 570,139

808F SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM THE CLERKS OF THE COURT TRUST FUND 440,000

808G SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM THE CLERKS OF THE COURT TRUST FUND		2,016
TOTAL: CLERKS OF COURT OPERATIONS CORPORATION FROM TRUST FUNDS		1,730,586
TOTAL POSITIONS	7.00	
TOTAL ALL FUNDS		1,730,586

STATE ATTORNEYS

The Prosecution Coordination Office's budgeting, training, and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations 809 through 910. Funding for this office shall not exceed $200,000 in general revenue and $200,000 from the Grants and Donations Trust Fund.

PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,099,122

809 SALARIES AND BENEFITS POSITIONS 231.75		
FROM GENERAL REVENUE FUND	11,369,305	
FROM STATE ATTORNEYS REVENUE TRUST FUND		369,300
FROM GRANTS AND DONATIONS TRUST FUND		1,753,035
810 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	30,415	
FROM GRANTS AND DONATIONS TRUST FUND		100,000
811 SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	878,726	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		9,047
FROM GRANTS AND DONATIONS TRUST FUND		128,769
812 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	44,223	
813 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,874	
TOTAL: PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	12,332,543	
FROM TRUST FUNDS		2,360,151
TOTAL POSITIONS	231.75	
TOTAL ALL FUNDS		14,692,694

PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,670,409

814 SALARIES AND BENEFITS POSITIONS 116.00		
FROM GENERAL REVENUE FUND	6,551,358	
FROM STATE ATTORNEYS REVENUE TRUST FUND		212,709
FROM GRANTS AND DONATIONS TRUST FUND		510,903
815 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,381	
FROM GRANTS AND DONATIONS TRUST FUND		141,480

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816 SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	358,076	
FROM GRANTS AND DONATIONS TRUST FUND		224,128
817 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	31,775	
818 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	8,093	
TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	6,974,683	
FROM TRUST FUNDS		1,089,220
TOTAL POSITIONS	116.00	
TOTAL ALL FUNDS		8,063,903

PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,405,250

819 SALARIES AND BENEFITS POSITIONS 71.00		
FROM GENERAL REVENUE FUND	3,816,965	
FROM STATE ATTORNEYS REVENUE TRUST FUND		123,886
FROM GRANTS AND DONATIONS TRUST FUND		535,210
820 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	7,857	
FROM GRANTS AND DONATIONS TRUST FUND		11,440
821 SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	220,312	
FROM GRANTS AND DONATIONS TRUST FUND		101,108
822 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	15,249	
823 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	6,034	
TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	4,066,417	
FROM TRUST FUNDS		771,644
TOTAL POSITIONS	71.00	
TOTAL ALL FUNDS		4,838,061

PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 16,706,825

824 SALARIES AND BENEFITS POSITIONS 370.00		
FROM GENERAL REVENUE FUND	18,737,720	
FROM STATE ATTORNEYS REVENUE TRUST FUND		608,794
FROM GRANTS AND DONATIONS TRUST FUND		2,067,849

From the positions and funds provided in Specific Appropriation 824, two full-time equivalent positions with associated rate of 94,274 and $136,686 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

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825 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 139,844
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 55,000
FROM GRANTS AND DONATIONS TRUST FUND 485,340

826 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 294,321
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 110,800
FROM GRANTS AND DONATIONS TRUST FUND 779,214

827 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,959

828 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 11,404

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 19,280,248
FROM TRUST FUNDS 4,106,997

TOTAL POSITIONS 370.00
TOTAL ALL FUNDS 23,387,245

PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,312,521

829 SALARIES AND BENEFITS POSITIONS 225.00
FROM GENERAL REVENUE FUND 12,578,830
FROM STATE ATTORNEYS REVENUE TRUST FUND 408,343
FROM GRANTS AND DONATIONS TRUST FUND 549,134

830 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,599
FROM GRANTS AND DONATIONS TRUST FUND 79,194

831 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 537,969
FROM GRANTS AND DONATIONS TRUST FUND 34,476

832 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,541

833 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 15,740

TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 13,206,679
FROM TRUST FUNDS 1,071,147

TOTAL POSITIONS 225.00
TOTAL ALL FUNDS 14,277,826

PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 22,246,299

834 SALARIES AND BENEFITS POSITIONS 475.00
FROM GENERAL REVENUE FUND 23,603,098
FROM STATE ATTORNEYS REVENUE TRUST FUND 767,123
FROM GRANTS AND DONATIONS TRUST FUND 4,856,101

835 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,869
FROM GRANTS AND DONATIONS TRUST FUND 86,662

836 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 494,686
FROM GRANTS AND DONATIONS TRUST FUND 768,471

837 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 99,731

838 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 22,724

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 24,307,108
FROM TRUST FUNDS 6,478,357

TOTAL POSITIONS 475.00
TOTAL ALL FUNDS 30,785,465

PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 11,135,986

839 SALARIES AND BENEFITS POSITIONS 242.00
FROM GENERAL REVENUE FUND 12,456,951
FROM STATE ATTORNEYS REVENUE TRUST FUND 404,726
FROM GRANTS AND DONATIONS TRUST FUND 1,673,221

840 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 39,274
FROM GRANTS AND DONATIONS TRUST FUND 83,867

841 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 628,705
FROM GRANTS AND DONATIONS TRUST FUND 493,121

842 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 49,280

843 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,094
FROM GRANTS AND DONATIONS TRUST FUND 20,000

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 13,180,304
FROM TRUST FUNDS 2,674,935

TOTAL POSITIONS 242.00
TOTAL ALL FUNDS 15,855,239

PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 6,247,489

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844 SALARIES AND BENEFITS POSITIONS 139.00
FROM GENERAL REVENUE FUND 7,307,990
FROM STATE ATTORNEYS REVENUE TRUST FUND 237,214
FROM GRANTS AND DONATIONS TRUST FUND 679,582

845 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,533
FROM GRANTS AND DONATIONS TRUST FUND 88,934

846 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 296,172
FROM GRANTS AND DONATIONS TRUST FUND 23,420

847 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,278

848 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 13,506

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 7,666,479
FROM TRUST FUNDS 1,029,150

TOTAL POSITIONS 139.00
TOTAL ALL FUNDS 8,695,629

PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 15,290,970

849 SALARIES AND BENEFITS POSITIONS 330.00
FROM GENERAL REVENUE FUND 18,150,348
FROM STATE ATTORNEYS REVENUE TRUST FUND 589,435
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 156,377
FROM GRANTS AND DONATIONS TRUST FUND 806,428

From the positions and funds provided in Specific Appropriation 849, two full-time equivalent positions with associated salary rate of 94,000 and $136,000 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

Additionally, two full-time equivalent positions with associated salary rate of 94,274 and $136,686 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud. This transfer authority may not be used to fund attorneys and paralegals that prosecute crimes other than workers compensation insurance fraud.

850 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,336
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 63,000
FROM GRANTS AND DONATIONS TRUST FUND 1,000

851 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 987,111
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 35,225
FROM GRANTS AND DONATIONS TRUST FUND 198,009

852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM GENERAL REVENUE FUND 71,109

853 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 26,486

TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 19,330,390
FROM TRUST FUNDS 1,849,474

TOTAL POSITIONS 330.00
TOTAL ALL FUNDS 21,179,864

PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,545,200

854 SALARIES AND BENEFITS POSITIONS 216.00
FROM GENERAL REVENUE FUND 11,092,958
FROM STATE ATTORNEYS REVENUE TRUST FUND 360,164
FROM GRANTS AND DONATIONS TRUST FUND 1,169,781

855 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 31,189
FROM GRANTS AND DONATIONS TRUST FUND 121,659

856 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 227,396
FROM GRANTS AND DONATIONS TRUST FUND 357,660

857 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 44,005

858 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 14,365

TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,409,913
FROM TRUST FUNDS 2,009,264

TOTAL POSITIONS 216.00
TOTAL ALL FUNDS 13,419,177

PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 52,930,144

859 SALARIES AND BENEFITS POSITIONS 1,264.00
FROM GENERAL REVENUE FUND 43,934,350
FROM STATE ATTORNEYS REVENUE TRUST FUND 1,426,130
FROM CHILD SUPPORT TRUST FUND . . . 18,247,202
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 205,608
FROM GRANTS AND DONATIONS TRUST FUND 4,743,431

From the positions and funds provided in Specific Appropriation 859, two full-time equivalent positions with associated salary rate of 94,000 and $136,000 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

Additionally, two full-time equivalent positions with associated salary rate of 94,274 and $136,686 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud. This transfer authority may not be used to fund attorneys and paralegals

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that prosecute crimes other than workers compensation insurance fraud.

860 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 239,005
FROM CHILD SUPPORT TRUST FUND . . . 868,300
FROM GRANTS AND DONATIONS TRUST FUND 286,053

861 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 806,040
FROM CHILD SUPPORT TRUST FUND . . . 3,894,263
FROM CIVIL RICO TRUST FUND 200,020
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 203,700
FROM GRANTS AND DONATIONS TRUST FUND 1,615,051

862 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 470,381
FROM CHILD SUPPORT TRUST FUND . . . 27,412

863 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 22,221

TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 45,471,997
FROM TRUST FUNDS 31,717,170

TOTAL POSITIONS 1,264.00
TOTAL ALL FUNDS 77,189,167

PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 8,359,766

864 SALARIES AND BENEFITS POSITIONS 182.00
FROM GENERAL REVENUE FUND 10,261,546
FROM STATE ATTORNEYS REVENUE TRUST FUND 332,924
FROM GRANTS AND DONATIONS TRUST FUND 176,006

865 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,211

865A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND 42,000

866 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 415,831
FROM GRANTS AND DONATIONS TRUST FUND 82,838

867 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,983

868 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,461

TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 10,765,032
FROM TRUST FUNDS 633,768

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TOTAL POSITIONS 182.00
TOTAL ALL FUNDS 11,398,800

PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 16,349,234

869 SALARIES AND BENEFITS POSITIONS 351.00
FROM GENERAL REVENUE FUND 18,517,463
FROM STATE ATTORNEYS REVENUE TRUST FUND 601,719
FROM GRANTS AND DONATIONS TRUST FUND 1,550,186

From the positions and funds provided in Specific Appropriation 869, two full-time equivalent positions with associated salary rate of 94,000 and $136,000 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

870 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 119,228
FROM GRANTS AND DONATIONS TRUST FUND 18,877

871 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 662,279
FROM GRANTS AND DONATIONS TRUST FUND 248,117

872 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 90,428

873 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,827

TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 19,396,225
FROM TRUST FUNDS 2,418,899

TOTAL POSITIONS 351.00
TOTAL ALL FUNDS 21,815,124

PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,445,998

874 SALARIES AND BENEFITS POSITIONS 123.00
FROM GENERAL REVENUE FUND 6,791,213
FROM STATE ATTORNEYS REVENUE TRUST FUND 220,607
FROM GRANTS AND DONATIONS TRUST FUND 485,799

875 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,899
FROM GRANTS AND DONATIONS TRUST FUND 29,900

876 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 243,953
FROM GRANTS AND DONATIONS TRUST FUND 3,338

877 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 28,847

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

878 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,697

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 7,081,609
FROM TRUST FUNDS 739,644

TOTAL POSITIONS 123.00
TOTAL ALL FUNDS 7,821,253

PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 15,703,362

879 SALARIES AND BENEFITS POSITIONS 329.00
FROM GENERAL REVENUE FUND 18,063,947
FROM STATE ATTORNEYS REVENUE TRUST FUND 586,918
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 81,708
FROM GRANTS AND DONATIONS TRUST FUND 1,891,892

From the positions and funds provided in Specific Appropriation 879, two full-time equivalent positions with associated rate of 94,274 and $136,686 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

880 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 74,365
FROM GRANTS AND DONATIONS TRUST FUND 66,018

881 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 623,549
FROM CIVIL RICO TRUST FUND 31,959
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 61,459
FROM GRANTS AND DONATIONS TRUST FUND 78,274

882 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,779

883 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 10,569
FROM GRANTS AND DONATIONS TRUST FUND 1,000

TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 18,827,209
FROM TRUST FUNDS 2,799,228

TOTAL POSITIONS 329.00
TOTAL ALL FUNDS 21,626,437

PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,051,173

884 SALARIES AND BENEFITS POSITIONS 62.00
FROM GENERAL REVENUE FUND 3,483,234
FROM STATE ATTORNEYS REVENUE TRUST FUND 113,285
FROM GRANTS AND DONATIONS TRUST FUND 375,920

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

885 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,490
FROM GRANTS AND DONATIONS TRUST FUND 76,054

886 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 140,468
FROM GRANTS AND DONATIONS TRUST FUND 159,219

887 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 23,890

888 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,041

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,670,123
FROM TRUST FUNDS 724,478

TOTAL POSITIONS 62.00
TOTAL ALL FUNDS 4,394,601

PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 23,507,188

889 SALARIES AND BENEFITS POSITIONS 509.00
FROM GENERAL REVENUE FUND 27,815,241
FROM STATE ATTORNEYS REVENUE TRUST FUND 903,897
FROM GRANTS AND DONATIONS TRUST FUND 2,210,441

From the positions and funds provided in Specific Appropriation 889, two full-time equivalent positions with associated rate of 94,274 and $136,686 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

890 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 114,991
FROM GRANTS AND DONATIONS TRUST FUND 122,864

891 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 1,182,027
FROM GRANTS AND DONATIONS TRUST FUND 179,215

892 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 370,228

893 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 23,491

894 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND 293

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 29,505,978
FROM TRUST FUNDS 3,416,710

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	509.00	
TOTAL ALL FUNDS		32,922,688

PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 13,228,840

895	SALARIES AND BENEFITS POSITIONS	294.00	
	FROM GENERAL REVENUE FUND	15,493,034	
	FROM STATE ATTORNEYS REVENUE TRUST FUND		502,864
	FROM GRANTS AND DONATIONS TRUST FUND		1,202,979
896	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,100	
	FROM GRANTS AND DONATIONS TRUST FUND		32,500
897	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	628,147	
	FROM GRANTS AND DONATIONS TRUST FUND		42,569
898	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	52,967	
899	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,587	

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	16,208,835	
FROM TRUST FUNDS		1,780,912
TOTAL POSITIONS	294.00	
TOTAL ALL FUNDS		17,989,747

PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 7,644,966

900	SALARIES AND BENEFITS POSITIONS	166.00	
	FROM GENERAL REVENUE FUND	8,301,586	
	FROM STATE ATTORNEYS REVENUE TRUST FUND		269,801
	FROM GRANTS AND DONATIONS TRUST FUND		1,330,764
901	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,414	
	FROM GRANTS AND DONATIONS TRUST FUND		76,678
902	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	526,137	
	FROM GRANTS AND DONATIONS TRUST FUND		5,639
903	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	53,323	
904	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,764	
905	SPECIAL CATEGORIES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

	LEAVE LIABILITY		
	FROM GRANTS AND DONATIONS TRUST FUND		200,335

TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	8,909,224	
FROM TRUST FUNDS		1,883,217
TOTAL POSITIONS	166.00	
TOTAL ALL FUNDS		10,792,441

PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE 13,413,771

906	SALARIES AND BENEFITS POSITIONS	298.00	
	FROM GENERAL REVENUE FUND	14,662,405	
	FROM STATE ATTORNEYS REVENUE TRUST FUND		476,110
	FROM CIVIL RICO TRUST FUND		115,677
	FROM GRANTS AND DONATIONS TRUST FUND		1,983,483
907	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	32,100	
	FROM GRANTS AND DONATIONS TRUST FUND		93,417
908	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	826,907	
	FROM CIVIL RICO TRUST FUND		27,102
	FROM GRANTS AND DONATIONS TRUST FUND		112,905
909	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	73,178	
910	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,024	
	FROM GRANTS AND DONATIONS TRUST FUND		480

TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	15,615,614	
FROM TRUST FUNDS		2,809,174
TOTAL POSITIONS	298.00	
TOTAL ALL FUNDS		18,424,788

PUBLIC DEFENDERS

The Public Defenders Coordination Office's budgeting needs may be funded by each Public Defender's office within the funds provided in Specific Appropriations 911 through 1006. The total funding for this office shall not exceed $200,000 in general revenue and $200,000 from the Indigent Criminal Defense Trust Fund.

PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,506,658

911	SALARIES AND BENEFITS POSITIONS	119.00	
	FROM GENERAL REVENUE FUND	6,722,378	
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND		208,749
	FROM GRANTS AND DONATIONS TRUST FUND		78,574
	FROM INDIGENT CRIMINAL DEFENSE		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TRUST FUND 302,277

912 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,604
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 28,000

913 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 205,451
FROM GRANTS AND DONATIONS TRUST
FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 132,654

914 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 24,777

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,975,210
FROM TRUST FUNDS 755,254

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 7,730,464

PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,783,866

915 SALARIES AND BENEFITS POSITIONS 83.00
FROM GENERAL REVENUE FUND 4,656,598
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 144,727
FROM GRANTS AND DONATIONS TRUST
FUND 72,322
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 144,916

916 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,487
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 57,572

917 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 171,113
FROM GRANTS AND DONATIONS TRUST
FUND 1,677
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 80,688

918 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,853

TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,864,051
FROM TRUST FUNDS 501,902

TOTAL POSITIONS 83.00
TOTAL ALL FUNDS 5,365,953

PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,781,195

919 SALARIES AND BENEFITS POSITIONS 30.00
FROM GENERAL REVENUE FUND 2,164,402
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 67,370
FROM INDIGENT CRIMINAL DEFENSE

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TRUST FUND 87,272

920 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 251
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 34,216

920A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 19,000

921 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 94,102
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 24,381

922 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,694

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,266,449
FROM TRUST FUNDS 232,239

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 2,498,688

PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 7,706,940

923 SALARIES AND BENEFITS POSITIONS 144.00
FROM GENERAL REVENUE FUND 9,106,493
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 283,280
FROM GRANTS AND DONATIONS TRUST
FUND 199,138
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 263,700

924 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,001
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 132,308

925 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 274,678
FROM GRANTS AND DONATIONS TRUST
FUND 50,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 137,456

926 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 42,396

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 9,445,568
FROM TRUST FUNDS 1,065,882

TOTAL POSITIONS 144.00
TOTAL ALL FUNDS 10,511,450

PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,443,535

927 SALARIES AND BENEFITS POSITIONS 101.00
FROM GENERAL REVENUE FUND 5,644,374

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

FROM PUBLIC DEFENDERS REVENUE TRUST FUND 175,197
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 181,121

928 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,727
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 309,101

929 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 118,700
FROM GRANTS AND DONATIONS TRUST FUND 8,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 182,690

930 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 23,541

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 5,808,342
FROM TRUST FUNDS 856,109

TOTAL POSITIONS 101.00
TOTAL ALL FUNDS 6,664,451

PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,562,674

931 SALARIES AND BENEFITS POSITIONS 222.00
FROM GENERAL REVENUE FUND 12,289,374
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 381,659
FROM GRANTS AND DONATIONS TRUST FUND 373,394
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 747,899

932 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 78,566
FROM GRANTS AND DONATIONS TRUST FUND 4,836
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 111,956

933 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 523,246
FROM GRANTS AND DONATIONS TRUST FUND 8,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 290,652

934 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 69,456

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 12,960,642
FROM TRUST FUNDS 1,918,396

TOTAL POSITIONS 222.00
TOTAL ALL FUNDS 14,879,038

PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,326,254

935 SALARIES AND BENEFITS POSITIONS 115.00

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND 6,651,778
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 206,399
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 175,903

936 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 30
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 3,230

937 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 148,578
FROM GRANTS AND DONATIONS TRUST FUND 6,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 110,810

938 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 41,360

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,841,746
FROM TRUST FUNDS 502,342

TOTAL POSITIONS 115.00
TOTAL ALL FUNDS 7,344,088

PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,509,043

939 SALARIES AND BENEFITS POSITIONS 74.00
FROM GENERAL REVENUE FUND 4,401,178
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 136,606
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 102,527

940 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,759
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 66,600

941 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 107,674
FROM GRANTS AND DONATIONS TRUST FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 50,190

942 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,455

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,538,066
FROM TRUST FUNDS 360,923

TOTAL POSITIONS 74.00
TOTAL ALL FUNDS 4,898,989

PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,097,159

943 SALARIES AND BENEFITS POSITIONS 206.00
FROM GENERAL REVENUE FUND 8,828,738

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

FROM PUBLIC DEFENDERS REVENUE TRUST FUND		274,432
FROM GRANTS AND DONATIONS TRUST FUND		1,244,773
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		1,734,989
944 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,000	
FROM GRANTS AND DONATIONS TRUST FUND		7,500
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		141,520
945 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	739,473	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		10,220
946 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	35,233	
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,628,444	
FROM TRUST FUNDS		3,413,434
TOTAL POSITIONS	206.00	
TOTAL ALL FUNDS		13,041,878

PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,289,110

947 SALARIES AND BENEFITS POSITIONS 114.00		
FROM GENERAL REVENUE FUND	6,210,148	
FROM PUBLIC DEFENDERS REVENUE TRUST FUND		192,822
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		424,471
948 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,424	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		57,430
949 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	185,042	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		157,353
950 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	47,247	
TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	6,454,861	
FROM TRUST FUNDS		832,076
TOTAL POSITIONS	114.00	
TOTAL ALL FUNDS		7,286,937

PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 19,989,923

951 SALARIES AND BENEFITS POSITIONS 384.00		
FROM GENERAL REVENUE FUND	23,032,942	
FROM PUBLIC DEFENDERS REVENUE TRUST FUND		715,925
FROM GRANTS AND DONATIONS TRUST FUND		1,394,601
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		386,372
952 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	58,368	
FROM GRANTS AND DONATIONS TRUST FUND		70,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		5,000
953 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	90,913	
954 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	402,805	
FROM GRANTS AND DONATIONS TRUST FUND		10,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,790
955 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	179,654	
TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	23,764,682	
FROM TRUST FUNDS		2,601,688
TOTAL POSITIONS	384.00	
TOTAL ALL FUNDS		26,366,370

PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,569,335

956 SALARIES AND BENEFITS POSITIONS 95.50		
FROM GENERAL REVENUE FUND	5,206,327	
FROM PUBLIC DEFENDERS REVENUE TRUST FUND		161,698
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		347,097
957 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,836	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		20,000
958 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	231,655	
FROM GRANTS AND DONATIONS TRUST FUND		58,400
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,050
959 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,712	
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	5,472,530	
FROM TRUST FUNDS		606,245
TOTAL POSITIONS	95.50	
TOTAL ALL FUNDS		6,078,775

PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 11,120,948

960 SALARIES AND BENEFITS POSITIONS 223.50
FROM GENERAL REVENUE FUND 11,316,649
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 351,882
FROM GRANTS AND DONATIONS TRUST FUND 1,222,090
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 1,576,209

961 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 46,413
FROM GRANTS AND DONATIONS TRUST FUND 100,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 11,201

962 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 44,000

963 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 535,775
FROM GRANTS AND DONATIONS TRUST FUND 107,844
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 97,103

964 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 32,004

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,930,841
FROM TRUST FUNDS 3,510,329

TOTAL POSITIONS 223.50
TOTAL ALL FUNDS 15,441,170

PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,071,496

965 SALARIES AND BENEFITS POSITIONS 61.00
FROM GENERAL REVENUE FUND 3,649,991
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 113,256
FROM GRANTS AND DONATIONS TRUST FUND 51,379
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 101,789

966 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 140,706

967 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 136,141
FROM GRANTS AND DONATIONS TRUST FUND 15,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 135,626

968 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,227

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,856,460
FROM TRUST FUNDS 557,756

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 4,414,216

PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,074,019

969 SALARIES AND BENEFITS POSITIONS 194.00
FROM GENERAL REVENUE FUND 10,748,193
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 333,900
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 509,665

970 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 47,601
FROM GRANTS AND DONATIONS TRUST FUND 114,866
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 27,708

971 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 160,578
FROM GRANTS AND DONATIONS TRUST FUND 78,670
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 465,269

972 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 80,675

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,037,047
FROM TRUST FUNDS 1,530,078

TOTAL POSITIONS 194.00
TOTAL ALL FUNDS 12,567,125

PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,049,632

973 SALARIES AND BENEFITS POSITIONS 43.00
FROM GENERAL REVENUE FUND 2,454,305
FROM PUBLIC DEFENDERS REVENUE TRUST FUND 76,329
FROM GRANTS AND DONATIONS TRUST FUND 40,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 60,360

974 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,968
FROM GRANTS AND DONATIONS TRUST FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 1,347

975 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 74,246
FROM GRANTS AND DONATIONS TRUST FUND 10,000
FROM INDIGENT CRIMINAL DEFENSE

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TRUST FUND 9,530

976 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,773

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,552,292
FROM TRUST FUNDS 202,566

TOTAL POSITIONS 43.00
TOTAL ALL FUNDS 2,754,858

PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 12,097,443

977 SALARIES AND BENEFITS POSITIONS 223.00
FROM GENERAL REVENUE FUND 13,297,952
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 413,668
FROM GRANTS AND DONATIONS TRUST
FUND 862,302
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 1,056,549

978 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,254
FROM GRANTS AND DONATIONS TRUST
FUND 150,708
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 36,000

979 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 439,835
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 196,735

980 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 33,350

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 13,853,391
FROM TRUST FUNDS 2,715,962

TOTAL POSITIONS 223.00
TOTAL ALL FUNDS 16,569,353

PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,902,805

981 SALARIES AND BENEFITS POSITIONS 119.00
FROM GENERAL REVENUE FUND 5,871,319
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 182,292
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 1,131,233

982 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,792
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 28,160

983 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 347,025
FROM GRANTS AND DONATIONS TRUST

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FUND 5,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 293,134

984 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 43,111

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,274,247
FROM TRUST FUNDS 1,639,819

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 7,914,066

PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,739,580

985 SALARIES AND BENEFITS POSITIONS 78.00
FROM GENERAL REVENUE FUND 4,151,985
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 129,078
FROM GRANTS AND DONATIONS TRUST
FUND 254,326
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 323,678

986 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,893
FROM GRANTS AND DONATIONS TRUST
FUND 12,000
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 135,550

987 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 114,153
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 187,365

988 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,535

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,316,566
FROM TRUST FUNDS 1,041,997

TOTAL POSITIONS 78.00
TOTAL ALL FUNDS 5,358,563

PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE 6,119,288

989 SALARIES AND BENEFITS POSITIONS 128.00
FROM GENERAL REVENUE FUND 6,526,859
FROM PUBLIC DEFENDERS REVENUE
TRUST FUND 202,616
FROM GRANTS AND DONATIONS TRUST
FUND 694,345
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 399,389

990 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,098
FROM GRANTS AND DONATIONS TRUST
FUND 20,000
FROM INDIGENT CRIMINAL DEFENSE

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TRUST FUND 80,000

991 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 351,084
FROM GRANTS AND DONATIONS TRUST
FUND 64,260
FROM INDIGENT CRIMINAL DEFENSE
TRUST FUND 192,642

992 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,766

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,923,807
FROM TRUST FUNDS 1,653,252

TOTAL POSITIONS 128.00
TOTAL ALL FUNDS 8,577,059

PUBLIC DEFENDERS APPELLATE DIVISION

PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,780,461

993 SALARIES AND BENEFITS POSITIONS 34.00
FROM GENERAL REVENUE FUND 2,169,477

994 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,114

995 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 123,941

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,314,532

TOTAL POSITIONS 34.00
TOTAL ALL FUNDS 2,314,532

PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,757,773

996 SALARIES AND BENEFITS POSITIONS 33.00
FROM GENERAL REVENUE FUND 2,101,697

997 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,370

998 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 138,053

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,242,120

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 2,242,120

PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,461,956

999 SALARIES AND BENEFITS POSITIONS 50.00

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 2,994,451

1000 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 727,390

1001 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 139,857

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,861,698

TOTAL POSITIONS 50.00
TOTAL ALL FUNDS 3,861,698

PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,573,325

1002 SALARIES AND BENEFITS POSITIONS 24.00
FROM GENERAL REVENUE FUND 1,861,153

1003 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,731

1004 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 92,161

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 1,957,045

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 1,957,045

PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,513,258

1005 SALARIES AND BENEFITS POSITIONS 37.00
FROM GENERAL REVENUE FUND 3,003,216

1006 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 40,021

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,043,237

TOTAL POSITIONS 37.00
TOTAL ALL FUNDS 3,043,237

CAPITAL COLLATERAL REGIONAL COUNSELS

PROGRAM: MIDDLE REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 2,245,214

1007 SALARIES AND BENEFITS POSITIONS 41.00
FROM GENERAL REVENUE FUND 2,915,887

1008 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,911

1009 SPECIAL CATEGORIES
CASE RELATED COSTS

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	363,004	
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND		100,000

1010 SPECIAL CATEGORIES
OVERTIME

FROM GENERAL REVENUE FUND	10	

1011 SPECIAL CATEGORIES
OPERATING EXPENDITURES

FROM GENERAL REVENUE FUND	374,387	

1012 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	7,350	

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

FROM GENERAL REVENUE FUND	3,689,549	
FROM TRUST FUNDS		100,000
TOTAL POSITIONS	41.00	
TOTAL ALL FUNDS		3,789,549

PROGRAM: SOUTHERN REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 1,779,290

1013 SALARIES AND BENEFITS POSITIONS 32.00

FROM GENERAL REVENUE FUND	2,248,542	

1014 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	8	

1015 SPECIAL CATEGORIES
CASE RELATED COSTS

FROM GENERAL REVENUE FUND	473,367	
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND		65,000

1016 SPECIAL CATEGORIES
OPERATING EXPENDITURES

FROM GENERAL REVENUE FUND	349,605	
FROM CAPITAL COLLATERAL REGIONAL COUNSEL TRUST FUND		35,000

1017 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	7,657	

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

FROM GENERAL REVENUE FUND	3,079,179	
FROM TRUST FUNDS		100,000
TOTAL POSITIONS	32.00	
TOTAL ALL FUNDS		3,179,179

CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSELS

PROGRAM: REGIONAL CONFLICT COUNSEL - FIRST

APPROVED SALARY RATE 5,185,062

1018 SALARIES AND BENEFITS POSITIONS 108.00

FROM GENERAL REVENUE FUND	7,234,116	

1019 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	342,770	

1020 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	1,044,390	
FROM INDIGENT CIVIL DEFENSE TRUST FUND		233,446

1021 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS

FROM GENERAL REVENUE FUND	81,410	

1022 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	29,569	

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FIRST

FROM GENERAL REVENUE FUND	8,732,255	
FROM TRUST FUNDS		233,446
TOTAL POSITIONS	108.00	
TOTAL ALL FUNDS		8,965,701

PROGRAM: REGIONAL CONFLICT COUNSEL - SECOND

APPROVED SALARY RATE 4,656,522

1023 SALARIES AND BENEFITS POSITIONS 101.00

FROM GENERAL REVENUE FUND	6,447,159	
FROM GRANTS AND DONATIONS TRUST FUND		66,171

1024 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	284,581	

1025 SPECIAL CATEGORIES
CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	1,116,734	
FROM INDIGENT CIVIL DEFENSE TRUST FUND		234,488

1026 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS

FROM GENERAL REVENUE FUND	71,844	
FROM GRANTS AND DONATIONS TRUST FUND		165,425

1027 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	28,710	

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - SECOND

FROM GENERAL REVENUE FUND	7,949,028	
FROM TRUST FUNDS		466,084
TOTAL POSITIONS	101.00	
TOTAL ALL FUNDS		8,415,112

PROGRAM: REGIONAL CONFLICT COUNSEL - THIRD

APPROVED SALARY RATE 2,257,491

1028 SALARIES AND BENEFITS POSITIONS 47.00

FROM GENERAL REVENUE FUND	3,142,418	

1029 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	156,474	

1030 SPECIAL CATEGORIES
CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	1,479,611	
FROM INDIGENT CIVIL DEFENSE TRUST FUND		86,956

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

1031 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS
FROM GENERAL REVENUE FUND 34,955

1032 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 13,769

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - THIRD
FROM GENERAL REVENUE FUND 4,827,227
FROM TRUST FUNDS 86,956

TOTAL POSITIONS 47.00
TOTAL ALL FUNDS 4,914,183

PROGRAM: REGIONAL CONFLICT COUNSEL - FOURTH

APPROVED SALARY RATE 3,001,418

1033 SALARIES AND BENEFITS POSITIONS 63.00
FROM GENERAL REVENUE FUND 4,185,967

1034 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 213,771

1035 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,546,193
FROM INDIGENT CIVIL DEFENSE TRUST
FUND 121,892

1036 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS
FROM GENERAL REVENUE FUND 47,521

1037 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 18,457

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FOURTH
FROM GENERAL REVENUE FUND 7,011,909
FROM TRUST FUNDS 121,892

TOTAL POSITIONS 63.00
TOTAL ALL FUNDS 7,133,801

PROGRAM: REGIONAL CONFLICT COUNSEL - FIFTH

APPROVED SALARY RATE 3,032,150

1038 SALARIES AND BENEFITS POSITIONS 67.00
FROM GENERAL REVENUE FUND 4,265,669

1039 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 208,569

1040 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,302,793
FROM INDIGENT CIVIL DEFENSE TRUST
FUND 195,193

1041 SPECIAL CATEGORIES
REGIONAL CONFLICT COUNCIL OPERATIONS
FROM GENERAL REVENUE FUND 50,288

1042 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 19,628

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FIFTH
FROM GENERAL REVENUE FUND 5,846,947
FROM TRUST FUNDS 195,193

TOTAL POSITIONS 67.00
TOTAL ALL FUNDS 6,042,140

TOTAL: JUSTICE ADMINISTRATION
FROM GENERAL REVENUE FUND 629,638,505
FROM TRUST FUNDS 556,776,754

TOTAL POSITIONS 10,036.75
TOTAL ALL FUNDS 1,186,415,259
TOTAL APPROVED SALARY RATE 461,488,829

JUVENILE JUSTICE, DEPARTMENT OF

From the funds in Specific Appropriations 1043 through 1124, each provider who contracts with the Department of Juvenile Justice shall provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents shall include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

From the funds in Specific Appropriations 1043 through 1124, the Department of Juvenile Justice shall establish a performance accountability system for each provider who contracts with the department for the delivery of services to children at-risk of future involvement in the criminal justice system, as determined by the department. The contract shall include both output measures, such as the number of children served, and outcome measures, such as program completion. The contractor shall report performance results annually to the department. The department's inspector general shall summarize performance results from all contracts and report the information annually to the Legislature.

From the funds in Specific Appropriations 1043 through 1124, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.

From the funds in Specific Appropriations 1043 through 1124, the Department of Juvenile Justice must before implementing any departmental reorganization plans, submit its proposal to the Governor's Office of Policy and Budget and to the Legislative Budget Commission for approval.

Funds in Specific Appropriations 1043 through 1124 shall not be used to pay for unoccupied space currently being leased by the Department of Juvenile Justice in the event the leases are vacant on or after July 1, 2009, and for which it has been determined by the Secretary of the department that there is no longer a need.

PROGRAM: JUVENILE DETENTION PROGRAM

DETENTION CENTERS

APPROVED SALARY RATE 65,580,333

1043 SALARIES AND BENEFITS POSITIONS 2,103.50
FROM GENERAL REVENUE FUND 14,258,417
FROM FEDERAL GRANTS TRUST FUND . . . 370,858
FROM GRANTS AND DONATIONS TRUST
FUND 294,523
FROM SHARED COUNTY/STATE JUVENILE

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

DETENTION TRUST FUND		77,776,802
1044 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	308,491	
FROM GRANTS AND DONATIONS TRUST FUND		431,204
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		2,091,235
1045 EXPENSES		
FROM GENERAL REVENUE FUND	1,773,850	
FROM FEDERAL GRANTS TRUST FUND . . .		734,005
FROM GRANTS AND DONATIONS TRUST FUND		683,815
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		5,346,135
1046 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,771	
FROM FEDERAL GRANTS TRUST FUND . . .		7,293
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		219,973
1047 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	237,455	
FROM FEDERAL GRANTS TRUST FUND . . .		345,336
FROM GRANTS AND DONATIONS TRUST FUND		52,758
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		1,179,197
1047A SPECIAL CATEGORIES		
OUT-OF-STATE OR UNKNOWN DETAINEE PREDISPOSITION COSTS		
FROM GENERAL REVENUE FUND	200,000	
1048 SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
FROM GENERAL REVENUE FUND	179,110	
1049 SPECIAL CATEGORIES		
GRANTS AND AIDS - GRANTS TO FISCALLY CONSTRAINED COUNTIES FOR DETENTION CENTER COSTS		
FROM GENERAL REVENUE FUND	5,425,388	
1050 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	605,306	
FROM FEDERAL GRANTS TRUST FUND . . .		8,440
FROM GRANTS AND DONATIONS TRUST FUND		1,289
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		1,888,516
1051 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	5,404,980	
FROM FEDERAL GRANTS TRUST FUND . . .		1,706,455
FROM GRANTS AND DONATIONS TRUST FUND		138,483
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		6,090,194
1052 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	592,821	
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		3,969,513
1053 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	136,727	
FROM FEDERAL GRANTS TRUST FUND . . .		7,180
FROM GRANTS AND DONATIONS TRUST FUND		1,014
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		723,420
1053A FIXED CAPITAL OUTLAY		
DEPARTMENT OF JUVENILE JUSTICE MAINTENANCE AND REPAIR - STATE OWNED BUILDINGS		
FROM GENERAL REVENUE FUND	200,000	
TOTAL: DETENTION CENTERS		
FROM GENERAL REVENUE FUND	29,333,316	
FROM TRUST FUNDS		104,067,638
TOTAL POSITIONS	2,103.50	
TOTAL ALL FUNDS		133,400,954

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS PROGRAM

AFTERCARE SERVICES - CONDITIONAL RELEASE

APPROVED SALARY RATE 807,915

1054 SALARIES AND BENEFITS POSITIONS	24.00	
FROM GENERAL REVENUE FUND	1,080,113	
FROM GRANTS AND DONATIONS TRUST FUND		2,724
1055 EXPENSES		
FROM GENERAL REVENUE FUND	121,184	
1056 SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
FROM GENERAL REVENUE FUND	451,630	
1057 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,714	
1058 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	18,285,232	
FROM GRANTS AND DONATIONS TRUST FUND		1,519,035
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		992
1058A SPECIAL CATEGORIES		
PRODIGY		
FROM GENERAL REVENUE FUND	6,710,631	

From the funds in Specific Appropriation 1058A, the Prodigy Program shall include at least two of the four at-risk domains of the Department of Juvenile Justice's risk factors when placing a youth into a prevention, intervention or diversion programs. In addition, each youth who enters the program shall be tracked by the department's Juvenile Justice Information System (JJIS) or Prevention Web system. In addition, the Prodigy Program shall contract with a consultant to track arrests or re-arrests for prevention, intervention, and diversion youth for twelve months after completing the program and submit the results to the department semi-annually.

1059 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	9,785	
FROM GRANTS AND DONATIONS TRUST FUND		24

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE
FROM GENERAL REVENUE FUND 26,660,289
FROM TRUST FUNDS 1,522,775

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 28,183,064

JUVENILE PROBATION

APPROVED SALARY RATE 49,413,117

1060 SALARIES AND BENEFITS POSITIONS 1,406.50
FROM GENERAL REVENUE FUND 57,844,987
FROM FEDERAL GRANTS TRUST FUND . . . 31,128
FROM GRANTS AND DONATIONS TRUST FUND 65,440
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 7,629,663

1061 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,156,501
FROM FEDERAL GRANTS TRUST FUND . . . 88,064
FROM GRANTS AND DONATIONS TRUST FUND 117,555

1062 EXPENSES
FROM GENERAL REVENUE FUND 8,466,544
FROM FEDERAL GRANTS TRUST FUND . . . 50,479
FROM GRANTS AND DONATIONS TRUST FUND 7,407
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 494,362

1063 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,687

1064 SPECIAL CATEGORIES
JUVENILE REDIRECTIONS PROGRAM
FROM GENERAL REVENUE FUND 10,964,831
FROM FEDERAL GRANTS TRUST FUND . . . 500,000

Funds in Specific Appropriation 1064 are provided for the redirection program subject to the requirements and limitations in effect during Fiscal Year 2008-2009. The program may serve youth who are before the court for a non-violent 3rd degree felony and who the judge determines would otherwise require residential commitment. Treatment services shall be evidenced-based family therapy for youth for whom these services are appropriate. Youth at risk of commitment are eligible for evidenced-based family therapy services. These services are to be provided as an alternative to commitment. No child may be served by the redirections program that has ever been adjudicated delinquent, or had adjudication withheld, of any violent crime, except for females adjudicated delinquent for domestic violence, any 1st degree felony or any felony direct-filed in adult court. The department and each participating court shall jointly develop criteria to identify youth appropriate for diversion into this program pursuant to the expanded eligibility criteria provided herein.

The department, in consultation with the Office of Program Policy Analysis and Governmental Accountability (OPPAGA), shall gather and maintain the data necessary to allow OPPAGA to continue the longitudinal evaluation of the program, including program expansions, which shall include a comparison of the effectiveness of the various components of the program.

1065 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 22,395

1066 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 995,862
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 70,346

1067 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 8,737,095
FROM FEDERAL GRANTS TRUST FUND . . . 396,195
FROM GRANTS AND DONATIONS TRUST FUND 14,813

1068 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 481,484

1069 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 12,960

1070 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 532,790
FROM FEDERAL GRANTS TRUST FUND . . . 44,345
FROM GRANTS AND DONATIONS TRUST FUND 29,699

TOTAL: JUVENILE PROBATION
FROM GENERAL REVENUE FUND 89,284,136
FROM TRUST FUNDS 9,539,496

TOTAL POSITIONS 1,406.50
TOTAL ALL FUNDS 98,823,632

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1071 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 184,317

1072 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 18,581,632
FROM GRANTS AND DONATIONS TRUST FUND 18,462
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 81,003

TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION
FROM GENERAL REVENUE FUND 18,765,949
FROM TRUST FUNDS 99,465

TOTAL ALL FUNDS 18,865,414

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT SECRETARY FOR ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 9,598,345

1073 SALARIES AND BENEFITS POSITIONS 228.50
FROM GENERAL REVENUE FUND 12,631,547
FROM FEDERAL GRANTS TRUST FUND . . . 120,998
FROM GRANTS AND DONATIONS TRUST FUND 290,740

1074 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 161,156
FROM ADMINISTRATIVE TRUST FUND . . . 72,341
FROM JUVENILE JUSTICE TRAINING TRUST FUND 11,712

1075 EXPENSES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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FROM GENERAL REVENUE FUND	2,567,829	
FROM ADMINISTRATIVE TRUST FUND . . .		745,930
FROM FEDERAL GRANTS TRUST FUND . . .		14,396
FROM GRANTS AND DONATIONS TRUST FUND		149,305
FROM JUVENILE JUSTICE TRAINING TRUST FUND		609,326

1076 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 32,841

1077 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 414,714

1078 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 27,174

1079 SPECIAL CATEGORIES
CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	547,208	
FROM GRANTS AND DONATIONS TRUST FUND		208,537

1080 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	241,169	
FROM JUVENILE JUSTICE TRAINING TRUST FUND		2,139,189

1081 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 115,638

1082 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	98,375	
FROM FEDERAL GRANTS TRUST FUND . . .		743
FROM GRANTS AND DONATIONS TRUST FUND		2,238

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	16,837,651	
FROM TRUST FUNDS		4,365,455
TOTAL POSITIONS	228.50	
TOTAL ALL FUNDS		21,203,106

INFORMATION TECHNOLOGY

The Department of Juvenile Justice shall work with the Agency for Enterprise Information Technology and the Northwood Shared Resource Center in the development and submission of a transition plan that will relocate the Department's computing resources to the Northwood Shared Resource Center by July 1, 2010. The department shall have one trustee with one vote on the board of the Northwood Shared Resource Center during Fiscal Year 2009-2010.

APPROVED SALARY RATE 2,807,128

1083 SALARIES AND BENEFITS POSITIONS 62.50
FROM GENERAL REVENUE FUND 3,559,832

1084 EXPENSES

FROM GENERAL REVENUE FUND	2,096,937	
FROM ADMINISTRATIVE TRUST FUND . . .		47,820

1085 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 56,826

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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1086 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 565,988

1087 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,390

1088 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM GENERAL REVENUE FUND 26,633

1089 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 25,308

TOTAL: INFORMATION TECHNOLOGY

FROM GENERAL REVENUE FUND	6,346,914	
FROM TRUST FUNDS		47,820
TOTAL POSITIONS	62.50	
TOTAL ALL FUNDS		6,394,734

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1090 through 1112 , the department shall provide a weekly residential resource utilization report that identifies operating capacity, current placements, vacant placements, number of youth waiting placement and the percent of use for all residential commitment beds. The department may increase or decrease beds or overlay services provided that the change will better serve taxpayers and the youth under its care. Notification and justification of changes will be provided to the Governor's Office of Policy and Budget, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care prior to implementing any change.

From the funds in Specific Appropriations 1090 through 1112, for determining the most appropriate bed reductions in each level of residential commitments, the department may consider those residential commitment programs, if necessary, which have scored below 72 on the overall program score represented in the Comprehensive Accountability Report. The department may also consider programs that are underutilized, those that provide services for which there is a less critical need and other relevant performance measures in determining which level of residential beds should be reduced. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.

NON-SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE 8,870,003

1090 SALARIES AND BENEFITS POSITIONS 291.00

FROM GENERAL REVENUE FUND	9,778,159	
FROM FEDERAL GRANTS TRUST FUND . . .		26,649
FROM GRANTS AND DONATIONS TRUST FUND		39,215
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,916,754

1091 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	103,278	
FROM FEDERAL GRANTS TRUST FUND . . .		134,909
FROM GRANTS AND DONATIONS TRUST FUND		31,862

1092 EXPENSES
FROM GENERAL REVENUE FUND 1,320,339

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

FROM FEDERAL GRANTS TRUST FUND . . .		398,997
FROM GRANTS AND DONATIONS TRUST FUND		23,761
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		264,925
1093 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND		21,231
1094 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	477,395	
FROM FEDERAL GRANTS TRUST FUND . . .		166,663
FROM GRANTS AND DONATIONS TRUST FUND		41,490
1095 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	44,571	
1096 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	530,782	
FROM FEDERAL GRANTS TRUST FUND . . .		689
FROM GRANTS AND DONATIONS TRUST FUND		1,014
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		186,402
1097 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	116,913,506	
FROM FEDERAL GRANTS TRUST FUND . . .		102,126
FROM GRANTS AND DONATIONS TRUST FUND		456,727
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,132,034
1098 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	1,285,240	
FROM GRANTS AND DONATIONS TRUST FUND		65,503
1099 SPECIAL CATEGORIES		
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES		
FROM GENERAL REVENUE FUND	5,467,000	
1100 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	116,742	
FROM FEDERAL GRANTS TRUST FUND . . .		477
FROM GRANTS AND DONATIONS TRUST FUND		702
TOTAL: NON-SECURE RESIDENTIAL COMMITMENT		
FROM GENERAL REVENUE FUND	136,037,012	
FROM TRUST FUNDS		7,012,130
TOTAL POSITIONS	291.00	
TOTAL ALL FUNDS		143,049,142

SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE 25,276,070

1101 SALARIES AND BENEFITS POSITIONS	723.00	
FROM GENERAL REVENUE FUND	32,407,482	
FROM FEDERAL GRANTS TRUST FUND . . .		155,899
FROM GRANTS AND DONATIONS TRUST FUND		356,705

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,267,459
1102 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	825,037	
FROM FEDERAL GRANTS TRUST FUND . . .		176,109
FROM GRANTS AND DONATIONS TRUST FUND		67,000
1103 EXPENSES		
FROM GENERAL REVENUE FUND	2,932,505	
FROM FEDERAL GRANTS TRUST FUND . . .		230,638
FROM GRANTS AND DONATIONS TRUST FUND		5,473
1104 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND		33,861
1105 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	526,397	
FROM FEDERAL GRANTS TRUST FUND . . .		104,928
FROM GRANTS AND DONATIONS TRUST FUND		89,577
1106 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTUAL SERVICES- DOZIER TRAINING SCHOOL		
FROM GENERAL REVENUE FUND	412,674	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
1107 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTUAL SERVICES- OKEECHOBEE TRAINING SCHOOL		
FROM GENERAL REVENUE FUND	6,385,963	
FROM GRANTS AND DONATIONS TRUST FUND		32,088
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273
1108 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,474,969	
FROM FEDERAL GRANTS TRUST FUND . . .		1,156
FROM GRANTS AND DONATIONS TRUST FUND		2,189
1109 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	23,761,432	
FROM FEDERAL GRANTS TRUST FUND . . .		1,282,656
FROM GRANTS AND DONATIONS TRUST FUND		487,948
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		30,808,311
1110 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	985,780	
1111 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	276,644	
FROM FEDERAL GRANTS TRUST FUND . . .		7,473
FROM GRANTS AND DONATIONS TRUST FUND		18,272
1112 FIXED CAPITAL OUTLAY		
JUVENILE FACILITIES - LEASE PURCHASE		
FROM GENERAL REVENUE FUND	1,806,244	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
TOTAL: SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 71,795,127
FROM TRUST FUNDS 38,779,202

TOTAL POSITIONS 723.00
TOTAL ALL FUNDS 110,574,329

PROGRAM: PREVENTION AND VICTIM SERVICES

DELINQUENCY PREVENTION AND DIVERSION

APPROVED SALARY RATE 841,307

1113 SALARIES AND BENEFITS POSITIONS 17.00
FROM GENERAL REVENUE FUND 635,665
FROM FEDERAL GRANTS TRUST FUND . . . 27,585
FROM GRANTS AND DONATIONS TRUST FUND 460,416

1114 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 287,192
FROM FEDERAL GRANTS TRUST FUND . . . 128,887
FROM GRANTS AND DONATIONS TRUST FUND 141,126

1115 EXPENSES
FROM GENERAL REVENUE FUND 236,795
FROM FEDERAL GRANTS TRUST FUND . . . 69,500
FROM GRANTS AND DONATIONS TRUST FUND 282,180

1116 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INVEST IN CHILDREN
FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND . . . 412,903

1117 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 12,450
FROM GRANTS AND DONATIONS TRUST FUND 12,450

1118 SPECIAL CATEGORIES
PACE CENTERS
FROM GENERAL REVENUE FUND 8,246,517
FROM GRANTS AND DONATIONS TRUST FUND 2,669,314

1119 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 827,920

From the funds in Specific Appropriation 1119, $650,415 from recurring general revenue is provided to the PAR Adolescent Intervention Center (PAIC) Pasco.

1120 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 33,720
FROM FEDERAL GRANTS TRUST FUND . . . 28,057

1121 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 597,989
FROM FEDERAL GRANTS TRUST FUND . . . 5,318,889
FROM GRANTS AND DONATIONS TRUST FUND 7,570,115
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,639

1122 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,139

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION
1123 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES
FROM GENERAL REVENUE FUND 20,547,748
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000
FROM GRANTS AND DONATIONS TRUST FUND 8,756,894
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

From the funds in Specific Appropriation 1123, the Department of Juvenile Justice shall not expend more than $150,000 in recurring general revenue for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program.

Additionally, the CINS/FINS provider shall demonstrate that it has considered local, non-traditional, non-residential delinquency prevention service providers including, but not limited to, grassroots organizations, community, and faith- based organizations, to subcontract and deliver non-residential CINS/FINS services to eligible youth as defined in chapters 984 and 1003.27, F.S., to include areas with high ratios of juvenile arrests per youth ages 10 to 17. Such services may be offered throughout the judicial circuit served by the CINS/FINS provider.

1124 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,503
FROM FEDERAL GRANTS TRUST FUND . . . 419
FROM GRANTS AND DONATIONS TRUST FUND 3,365

TOTAL: DELINQUENCY PREVENTION AND DIVERSION
FROM GENERAL REVENUE FUND 31,421,188
FROM TRUST FUNDS 27,281,047

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 58,702,235

TOTAL: JUVENILE JUSTICE, DEPARTMENT OF
FROM GENERAL REVENUE FUND 426,481,582
FROM TRUST FUNDS 192,715,028

TOTAL POSITIONS 4,856.00
TOTAL ALL FUNDS 619,196,610
TOTAL APPROVED SALARY RATE 163,194,218

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 5,940,580

1125 SALARIES AND BENEFITS POSITIONS 115.00
FROM GENERAL REVENUE FUND 1,712,921
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 474,995
FROM FEDERAL GRANTS TRUST FUND . . . 511,381
FROM OPERATING TRUST FUND 4,280,961

1126 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,838
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 198,602
FROM OPERATING TRUST FUND 56,138

1127 EXPENSES
FROM GENERAL REVENUE FUND 894,619
FROM ADMINISTRATIVE TRUST FUND . . . 64,548

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		40,557
FROM FEDERAL GRANTS TRUST FUND . . .		169,956
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		286,666
FROM OPERATING TRUST FUND		546,467
FROM REVOLVING TRUST FUND		1,000,000
1128 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES		
FROM FEDERAL GRANTS TRUST FUND . . .		2,683,102
1129 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS		
FROM FEDERAL GRANTS TRUST FUND . . .		1,529,434
1130 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - PROJECT SAFE NEIGHBORHOODS		
FROM FEDERAL GRANTS TRUST FUND . . .		1,263,483
1131 AID TO LOCAL GOVERNMENTS		
BYRNE MEMORIAL LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM		
FROM FEDERAL GRANTS TRUST FUND . . .		72,471,979
1132 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	24,616	
FROM FEDERAL GRANTS TRUST FUND . . .		4,000
FROM OPERATING TRUST FUND		337
1133 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	9,650	
FROM OPERATING TRUST FUND		402
1134 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM		
FROM FEDERAL GRANTS TRUST FUND . . .		4,497,908
1135 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	25,480	
FROM ADMINISTRATIVE TRUST FUND . . .		15,000
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		3,203
FROM FEDERAL GRANTS TRUST FUND . . .		218,573
FROM OPERATING TRUST FUND		152,372
1136 SPECIAL CATEGORIES		
DOMESTIC SECURITY		
FROM OPERATING TRUST FUND		400,000
1137 SPECIAL CATEGORIES		
OVERTIME		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		748
1138 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	13,395	
FROM ADMINISTRATIVE TRUST FUND . . .		1,864
FROM FEDERAL GRANTS TRUST FUND . . .		12,125
FROM OPERATING TRUST FUND		15,295
1139 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	19,667	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

1140 SPECIAL CATEGORIES		
BYRNE MEMORIAL STATE LAW ENFORCEMENT ASSISTANCE PROGRAM		
FROM FEDERAL GRANTS TRUST FUND . . .		38,595,901
1141 SPECIAL CATEGORIES		
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT		
FROM FEDERAL GRANTS TRUST FUND . . .		1,247,724
1142 SPECIAL CATEGORIES		
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY		
FROM FEDERAL GRANTS TRUST FUND . . .		3,675,511
1143 SPECIAL CATEGORIES		
GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT		
FROM FEDERAL GRANTS TRUST FUND . . .		768,522
1144 SPECIAL CATEGORIES		
GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - STATE AGENCY		
FROM FEDERAL GRANTS TRUST FUND . . .		5,854,137
1145 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	26,180	
FROM ADMINISTRATIVE TRUST FUND . . .		3,629
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		3,579
FROM OPERATING TRUST FUND		19,105
TOTAL: PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,734,366	
FROM TRUST FUNDS		141,073,204
TOTAL POSITIONS	115.00	
TOTAL ALL FUNDS		143,807,570

PROGRAM: FLORIDA CAPITOL POLICE PROGRAM

CAPITOL POLICE SERVICES

APPROVED SALARY RATE	3,488,538	
1146 SALARIES AND BENEFITS	POSITIONS 88.00	
FROM GENERAL REVENUE FUND	2,186	
FROM OPERATING TRUST FUND		5,030,174
1147 OTHER PERSONAL SERVICES		
FROM OPERATING TRUST FUND		3,778
1148 EXPENSES		
FROM OPERATING TRUST FUND		601,842
1149 OPERATING CAPITAL OUTLAY		
FROM OPERATING TRUST FUND		85,369
1150 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM OPERATING TRUST FUND		30,500
1151 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM OPERATING TRUST FUND		70,084
1152 SPECIAL CATEGORIES		
CAPITOL COMPLEX SECURITY		
FROM GENERAL REVENUE FUND	7,360	

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SPECIFIC
APPROPRIATION
FROM OPERATING TRUST FUND 20,000

1153 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 152,581

1154 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM OPERATING TRUST FUND 38,064

1155 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 433
FROM OPERATING TRUST FUND 34,773

1156 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 6,969

TOTAL: CAPITOL POLICE SERVICES
FROM GENERAL REVENUE FUND 9,979
FROM TRUST FUNDS 6,074,134

TOTAL POSITIONS 88.00
TOTAL ALL FUNDS 6,084,113

PROGRAM: INVESTIGATIONS AND FORENSIC SCIENCE
PROGRAM

PROVIDE CRIME LAB SERVICES

APPROVED SALARY RATE 19,461,510

1157 SALARIES AND BENEFITS POSITIONS 413.00
FROM GENERAL REVENUE FUND 27,619,441
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 40,212
FROM FEDERAL GRANTS TRUST FUND . . . 14,944
FROM OPERATING TRUST FUND 210,325

1158 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,211
FROM FEDERAL GRANTS TRUST FUND . . . 15,000

1159 EXPENSES
FROM GENERAL REVENUE FUND 5,649,827
FROM FEDERAL GRANTS TRUST FUND . . . 1,240,181
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 510,531
FROM OPERATING TRUST FUND 391,362

From the funds in Specific Appropriation 1159, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the department is authorized to use additional federal funds and any other available funds contained in Specific Appropriation 1159 for the purpose of processing rape kits, including the backlog of non-suspect rape cases.

1160 AID TO LOCAL GOVERNMENTS
CRIMINAL INVESTIGATIONS
FROM FEDERAL GRANTS TRUST FUND . . . 1,811,474
FROM OPERATING TRUST FUND 2,379,702

1161 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 364,099
FROM ADMINISTRATIVE TRUST FUND . . . 5,000
FROM FEDERAL GRANTS TRUST FUND . . . 2,293,028

1162 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 168,960

1163 SPECIAL CATEGORIES
PERFORMANCE ADJUSTMENTS
FROM GENERAL REVENUE FUND 401,900

1164 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 548,628
FROM FEDERAL GRANTS TRUST FUND . . . 1,407,918

1165 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 92,036

1166 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 165,394
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 240
FROM FEDERAL GRANTS TRUST FUND . . . 2,273

TOTAL: PROVIDE CRIME LAB SERVICES
FROM GENERAL REVENUE FUND 34,925,460
FROM TRUST FUNDS 10,414,226

TOTAL POSITIONS 413.00
TOTAL ALL FUNDS 45,339,686

PROVIDE INVESTIGATIVE SERVICES

APPROVED SALARY RATE 34,479,215

1167 SALARIES AND BENEFITS POSITIONS 596.00
FROM GENERAL REVENUE FUND 37,725,523
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 1,239,040
FROM FEDERAL GRANTS TRUST FUND . . . 641,586
FROM GRANTS AND DONATIONS TRUST
FUND 4,967
FROM OPERATING TRUST FUND 8,930,712

1168 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 293,593
FROM ADMINISTRATIVE TRUST FUND . . . 25,276
FROM FEDERAL GRANTS TRUST FUND . . . 194,832
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 42,360
FROM GRANTS AND DONATIONS TRUST
FUND 1,342
FROM OPERATING TRUST FUND 38,070

1169 EXPENSES
FROM GENERAL REVENUE FUND 6,683,454
FROM ADMINISTRATIVE TRUST FUND . . . 132,670
FROM FEDERAL GRANTS TRUST FUND . . . 235,647
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 833,472
FROM GRANTS AND DONATIONS TRUST
FUND 62,000
FROM OPERATING TRUST FUND 2,863,089
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 1,220,346

From the funds provided in Specific Appropriation 1169 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 per case, but not exceeding $150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1170 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 54,144

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

FROM ADMINISTRATIVE TRUST FUND . . .		5,000
FROM FEDERAL GRANTS TRUST FUND . . .		59,509
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		190,574
1171 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	90,091	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		580,000
1172 SPECIAL CATEGORIES		
FLORIDA SEAPORT SECURITY IMPROVEMENTS		
FROM GENERAL REVENUE FUND	288,597	
1173 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	534,741	
FROM ADMINISTRATIVE TRUST FUND . . .		5,000
FROM FEDERAL GRANTS TRUST FUND . . .		147,441
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		34,624
FROM OPERATING TRUST FUND		121,896
1174 SPECIAL CATEGORIES		
DOMESTIC SECURITY		
FROM GENERAL REVENUE FUND	1,350,267	
FROM FEDERAL GRANTS TRUST FUND . . .		1,522,672
1175 SPECIAL CATEGORIES		
GRANTS AND AIDS - SPECIAL PROJECTS		
FROM GENERAL REVENUE FUND	232,461	
1176 SPECIAL CATEGORIES		
OVERTIME		
FROM ADMINISTRATIVE TRUST FUND . . .		3,013
FROM FEDERAL GRANTS TRUST FUND . . .		314,125
FROM GRANTS AND DONATIONS TRUST FUND		60,085
FROM FEDERAL LAW ENFORCEMENT TRUST FUND		1,018,486
1177 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	369,689	
FROM OPERATING TRUST FUND		108,661
1178 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	483,991	
FROM OPERATING TRUST FUND		4,432
1179 SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM GENERAL REVENUE FUND	108,664	
1180 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	265,515	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,436
FROM FEDERAL GRANTS TRUST FUND . . .		4,386
FROM OPERATING TRUST FUND		5,851
1181 FIXED CAPITAL OUTLAY		
MINOR REPAIRS AND RENOVATIONS AT REGIONAL OPERATING FACILITIES		
FROM OPERATING TRUST FUND		1,000,000
TOTAL: PROVIDE INVESTIGATIVE SERVICES		
FROM GENERAL REVENUE FUND	48,480,730	
FROM TRUST FUNDS		21,652,600

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

TOTAL POSITIONS		596.00	
TOTAL ALL FUNDS			70,133,330
MUTUAL AID AND PREVENTION SERVICES			
APPROVED SALARY RATE	1,146,299		
1182 SALARIES AND BENEFITS	POSITIONS	19.00	
FROM GENERAL REVENUE FUND		1,525,669	
FROM OPERATING TRUST FUND			31,641
1183 EXPENSES			
FROM GENERAL REVENUE FUND		131,246	
1184 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		9,441	
1185 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		3,108	
1186 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND		8,202	
FROM OPERATING TRUST FUND			166
TOTAL: MUTUAL AID AND PREVENTION SERVICES			
FROM GENERAL REVENUE FUND		1,677,666	
FROM TRUST FUNDS			31,807
TOTAL POSITIONS		19.00	
TOTAL ALL FUNDS			1,709,473
PUBLIC ASSISTANCE FRAUD INVESTIGATIONS			
APPROVED SALARY RATE	4,291,185		
1187 SALARIES AND BENEFITS	POSITIONS	63.00	
FROM GENERAL REVENUE FUND		1,639,205	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			32,518
FROM FEDERAL GRANTS TRUST FUND . . .			3,224,306
FROM GRANTS AND DONATIONS TRUST FUND			50,765
1188 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		1,406	
FROM ADMINISTRATIVE TRUST FUND . . .			50
FROM FEDERAL GRANTS TRUST FUND . . .			74
FROM GRANTS AND DONATIONS TRUST FUND			20
1189 EXPENSES			
FROM GENERAL REVENUE FUND		491,104	
FROM ADMINISTRATIVE TRUST FUND . . .			26,391
FROM FEDERAL GRANTS TRUST FUND . . .			443,089
FROM GRANTS AND DONATIONS TRUST FUND			6,389
1190 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		73,058	
1191 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		21,529	
FROM ADMINISTRATIVE TRUST FUND . . .			50
FROM FEDERAL GRANTS TRUST FUND . . .			350
FROM GRANTS AND DONATIONS TRUST FUND			127
1192 SPECIAL CATEGORIES			

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	16,438	
1193 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	18,141	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		220
FROM FEDERAL GRANTS TRUST FUND . . .		19,714
FROM GRANTS AND DONATIONS TRUST FUND		4,958
1194 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	34,204	
FROM FEDERAL GRANTS TRUST FUND . . .		109,722
TOTAL: PUBLIC ASSISTANCE FRAUD INVESTIGATIONS		
FROM GENERAL REVENUE FUND	2,295,085	
FROM TRUST FUNDS		3,918,743
TOTAL POSITIONS	63.00	
TOTAL ALL FUNDS		6,213,828

PROGRAM: CRIMINAL JUSTICE INFORMATION PROGRAM

PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY

APPROVED SALARY RATE 6,117,485

1195 SALARIES AND BENEFITS POSITIONS 116.00		
FROM GENERAL REVENUE FUND	54,824	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		140,539
FROM FEDERAL GRANTS TRUST FUND . . .		63,022
FROM OPERATING TRUST FUND		6,904,427
1196 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND . . .		5,838
FROM FEDERAL GRANTS TRUST FUND . . .		336,919
FROM OPERATING TRUST FUND		25,604
1197 EXPENSES		
FROM GENERAL REVENUE FUND	34,944	
FROM ADMINISTRATIVE TRUST FUND . . .		2,202
FROM FEDERAL GRANTS TRUST FUND . . .		395,807
FROM OPERATING TRUST FUND		7,932,449
1198 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND . . .		5,000
FROM FEDERAL GRANTS TRUST FUND . . .		452,399
FROM OPERATING TRUST FUND		1,937,402
1199 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	599	
FROM ADMINISTRATIVE TRUST FUND . . .		113,100
FROM FEDERAL GRANTS TRUST FUND . . .		1,022,278
FROM OPERATING TRUST FUND		5,475,504
1200 SPECIAL CATEGORIES		
OVERTIME		
FROM OPERATING TRUST FUND		46,200
1201 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM OPERATING TRUST FUND		19,310
1202 SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM OPERATING TRUST FUND		1,192,110

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

1203 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	8,290	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,902
FROM FEDERAL GRANTS TRUST FUND . . .		428
FROM OPERATING TRUST FUND		41,551
1204 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM OPERATING TRUST FUND		26,740
TOTAL: PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY		
FROM GENERAL REVENUE FUND	98,657	
FROM TRUST FUNDS		26,140,731
TOTAL POSITIONS	116.00	
TOTAL ALL FUNDS		26,239,388

PROVIDE PREVENTION AND CRIME INFORMATION SERVICES

APPROVED SALARY RATE 9,971,614

1205 SALARIES AND BENEFITS POSITIONS 281.00		
FROM GENERAL REVENUE FUND	378,262	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		209,130
FROM FEDERAL GRANTS TRUST FUND . . .		465,113
FROM OPERATING TRUST FUND		12,235,044
1206 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,000	
FROM ADMINISTRATIVE TRUST FUND . . .		5,000
FROM FEDERAL GRANTS TRUST FUND . . .		348,129
FROM OPERATING TRUST FUND		436,394
1207 EXPENSES		
FROM GENERAL REVENUE FUND	172,721	
FROM ADMINISTRATIVE TRUST FUND . . .		85,781
FROM FEDERAL GRANTS TRUST FUND . . .		320,085
FROM OPERATING TRUST FUND		2,017,918
1208 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	2,600	
FROM OPERATING TRUST FUND		309,792
1209 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	402	
FROM OPERATING TRUST FUND		93,168
1210 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	202,478	
FROM ADMINISTRATIVE TRUST FUND . . .		2,000
FROM FEDERAL GRANTS TRUST FUND . . .		19,715
FROM OPERATING TRUST FUND		704,038
1211 SPECIAL CATEGORIES		
OVERTIME		
FROM OPERATING TRUST FUND		218,946
1212 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM OPERATING TRUST FUND		68,937
1213 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM OPERATING TRUST FUND		5,160

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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APPROPRIATION

1214 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 7,111
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 1,732
FROM FEDERAL GRANTS TRUST FUND . . . 3,948
FROM OPERATING TRUST FUND 109,593

TOTAL: PROVIDE PREVENTION AND CRIME INFORMATION SERVICES
FROM GENERAL REVENUE FUND 773,574
FROM TRUST FUNDS 17,659,623

TOTAL POSITIONS 281.00
TOTAL ALL FUNDS 18,433,197

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

LAW ENFORCEMENT STANDARDS COMPLIANCE

APPROVED SALARY RATE 2,514,755

1215 SALARIES AND BENEFITS POSITIONS 51.00
FROM GENERAL REVENUE FUND 39,484
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 3,033,099

1216 OTHER PERSONAL SERVICES
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 205,380

1217 EXPENSES
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 432,265

1218 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 64,800

1219 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 175,741
FROM OPERATING TRUST FUND 100,000

1220 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 10,432

1221 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL EDUCATION AND
TECHNICAL TRAINING
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 6,001,252

1222 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 246
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 22,759

TOTAL: LAW ENFORCEMENT STANDARDS COMPLIANCE
FROM GENERAL REVENUE FUND 39,730
FROM TRUST FUNDS 10,045,728

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 10,085,458

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
LAW ENFORCEMENT TRAINING AND CERTIFICATION
SERVICES

APPROVED SALARY RATE 2,535,123

1223 SALARIES AND BENEFITS POSITIONS 49.00
FROM GENERAL REVENUE FUND 61,146
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 3,048,704
FROM OPERATING TRUST FUND 214,441

1224 OTHER PERSONAL SERVICES
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 660,798
FROM OPERATING TRUST FUND 3,000

1225 EXPENSES
FROM GENERAL REVENUE FUND 20,368
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 1,800,393
FROM OPERATING TRUST FUND 61,178

1226 OPERATING CAPITAL OUTLAY
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 203,819

1227 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,000
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 218,202
FROM OPERATING TRUST FUND 36,579

1228 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 8,951

1229 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,290
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 5,070

1230 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,229
FROM CRIMINAL JUSTICE STANDARDS
AND TRAINING TRUST FUND 20,308
FROM OPERATING TRUST FUND 1,405

TOTAL: LAW ENFORCEMENT TRAINING AND CERTIFICATION
SERVICES
FROM GENERAL REVENUE FUND 89,033
FROM TRUST FUNDS 6,282,848

TOTAL POSITIONS 49.00
TOTAL ALL FUNDS 6,371,881

TOTAL: LAW ENFORCEMENT, DEPARTMENT OF
FROM GENERAL REVENUE FUND 91,124,280
FROM TRUST FUNDS 243,293,644

TOTAL POSITIONS 1,791.00
TOTAL ALL FUNDS 334,417,924
TOTAL APPROVED SALARY RATE 89,946,304

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

CIVIL ENFORCEMENT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 26,577,879

1231 SALARIES AND BENEFITS POSITIONS 605.00
FROM GENERAL REVENUE FUND 4,645,284
FROM CRIMES COMPENSATION TRUST FUND 241,582
FROM FEDERAL GRANTS TRUST FUND . . . 12,150,710
FROM LEGAL SERVICES TRUST FUND . . . 11,159,498
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 7,068,430
FROM MOTOR VEHICLE WARRANTY TRUST FUND 1,449,892
FROM OPERATING TRUST FUND 739,514

From the funds in Specific Appropriation 1231, $204,349 from the Federal Grants Trust Fund is provided for the Child Predator Cybercrime Unit from Internet Crimes Against Children (ICAC) Task Force Program grants funded in the American Recovery and Reinvestment Act of 2009.

1232 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 89,404
FROM FEDERAL GRANTS TRUST FUND . . . 125,709
FROM LEGAL SERVICES TRUST FUND . . . 240,834
FROM MOTOR VEHICLE WARRANTY TRUST FUND 85,512

1233 EXPENSES
FROM GENERAL REVENUE FUND 814,008
FROM CRIMES COMPENSATION TRUST FUND 29,466
FROM FEDERAL GRANTS TRUST FUND . . . 1,829,788
FROM LEGAL SERVICES TRUST FUND . . . 1,825,200
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 5,539
FROM MOTOR VEHICLE WARRANTY TRUST FUND 427,384
FROM OPERATING TRUST FUND 7,830

1234 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 112,531
FROM FEDERAL GRANTS TRUST FUND . . . 305,816
FROM LEGAL SERVICES TRUST FUND . . . 520,700
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 51,938
FROM MOTOR VEHICLE WARRANTY TRUST FUND 44,114

1235 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 53,927
FROM FEDERAL GRANTS TRUST FUND . . . 203,551

1236 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 1,479,256

1237 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 71,979
FROM FEDERAL GRANTS TRUST FUND . . . 144,731
FROM LEGAL SERVICES TRUST FUND . . . 719,580
FROM MOTOR VEHICLE WARRANTY TRUST FUND 74,281

1238 SPECIAL CATEGORIES
ECONOMIC CRIME LITIGATION
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 5,153,230

1239 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 46,343
FROM FEDERAL GRANTS TRUST FUND . . . 101,080

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM LEGAL SERVICES TRUST FUND . . . 138,708
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 87,335
FROM MOTOR VEHICLE WARRANTY TRUST FUND 9,740

1240 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 69,725
FROM CRIMES COMPENSATION TRUST FUND 5,920
FROM FEDERAL GRANTS TRUST FUND . . . 97,661

1241 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 58,230
FROM FEDERAL GRANTS TRUST FUND . . . 81,518
FROM LEGAL SERVICES TRUST FUND . . . 71,343
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 36,078
FROM MOTOR VEHICLE WARRANTY TRUST FUND 9,762

1242 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 7,448

1243 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 12,483
FROM FEDERAL GRANTS TRUST FUND . . . 35,000
FROM LEGAL SERVICES TRUST FUND . . . 192,081

TOTAL: CIVIL ENFORCEMENT
FROM GENERAL REVENUE FUND 5,973,914
FROM TRUST FUNDS 46,957,759
TOTAL POSITIONS 605.00
TOTAL ALL FUNDS 52,931,673

CONSTITUTIONAL LEGAL SERVICES

APPROVED SALARY RATE 1,422,464

1244 SALARIES AND BENEFITS POSITIONS 22.50
FROM GENERAL REVENUE FUND 1,759,284
FROM CRIMES COMPENSATION TRUST FUND 68,726
FROM OPERATING TRUST FUND 199,319

1245 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,529
FROM CRIMES COMPENSATION TRUST FUND 6,225

1246 EXPENSES
FROM GENERAL REVENUE FUND 174,301
FROM CRIMES COMPENSATION TRUST FUND 5,443

1247 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,862
FROM CRIMES COMPENSATION TRUST FUND 6,300

1248 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 5,920

1249 SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,585

1250 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 6,999
FROM CRIMES COMPENSATION TRUST FUND 2,260
FROM OPERATING TRUST FUND 472

TOTAL: CONSTITUTIONAL LEGAL SERVICES
FROM GENERAL REVENUE FUND 1,993,480
FROM TRUST FUNDS 288,745

TOTAL POSITIONS 22.50
TOTAL ALL FUNDS 2,282,225

CRIMINAL AND CIVIL LITIGATION DEFENSE

APPROVED SALARY RATE 18,407,669

1251 SALARIES AND BENEFITS POSITIONS 357.50
FROM GENERAL REVENUE FUND 9,116,731
FROM CRIMES COMPENSATION TRUST FUND 429,440
FROM LEGAL SERVICES TRUST FUND . . . 11,087,689
FROM OPERATING TRUST FUND 3,510,824

1252 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 46,057
FROM LEGAL SERVICES TRUST FUND . . . 806,161

1253 EXPENSES
FROM GENERAL REVENUE FUND 1,402,845
FROM CRIMES COMPENSATION TRUST FUND 44,508
FROM LEGAL SERVICES TRUST FUND . . . 1,975,081
FROM OPERATING TRUST FUND 40,055

1254 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 187,380
FROM LEGAL SERVICES TRUST FUND . . . 362,691

1255 LUMP SUM
ATTORNEY GENERAL RESERVE POSITIONS FOR AGENCY CONTRACTS
POSITIONS 50.00

The positions in Specific Appropriation 1255 shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.

1256 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 104,367
FROM LEGAL SERVICES TRUST FUND . . . 1,273,819

1257 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM LEGAL SERVICES TRUST FUND . . . 46,500

1258 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,483
FROM LEGAL SERVICES TRUST FUND . . . 79,675

1259 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 77,137
FROM LEGAL SERVICES TRUST FUND . . . 69,408

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
1260 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM LEGAL SERVICES TRUST FUND . . . 30,972

TOTAL: CRIMINAL AND CIVIL LITIGATION DEFENSE
FROM GENERAL REVENUE FUND 11,031,000
FROM TRUST FUNDS 19,756,823

TOTAL POSITIONS 407.50
TOTAL ALL FUNDS 30,787,823

VICTIM SERVICES

APPROVED SALARY RATE 3,836,490

1261 SALARIES AND BENEFITS POSITIONS 90.00
FROM GENERAL REVENUE FUND 318
FROM CRIMES COMPENSATION TRUST FUND 4,716,993
FROM CRIME STOPPERS TRUST FUND . . . 88,689
FROM FEDERAL GRANTS TRUST FUND . . . 46,835
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 319,792

1262 OTHER PERSONAL SERVICES
FROM CRIMES COMPENSATION TRUST FUND 55,060
FROM CRIME STOPPERS TRUST FUND . . . 5,100
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 155,796

1263 EXPENSES
FROM CRIMES COMPENSATION TRUST FUND 783,053
FROM CRIME STOPPERS TRUST FUND . . . 63,415
FROM FEDERAL GRANTS TRUST FUND . . . 75,000
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 99,596

1264 OPERATING CAPITAL OUTLAY
FROM CRIMES COMPENSATION TRUST FUND 123,407
FROM CRIME STOPPERS TRUST FUND . . . 2,380
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 7,695

1265 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS
FROM CRIMES COMPENSATION TRUST FUND 24,842,082
FROM FEDERAL GRANTS TRUST FUND . . . 6,897,000

From the funds in Specific Appropriation 1265, the Attorney General is directed to give priority to the payment of claims for forensic examinations for victims of sexual assault.

1266 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,131,192
FROM CRIMES COMPENSATION TRUST FUND 106,834
FROM FEDERAL GRANTS TRUST FUND . . . 30,000
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 108,408

From the funds in Specific Appropriation 1266, $250,000 in non-recurring general revenue is provided to the Florida Council Against Sexual Violence for distribution to certified rape crisis centers to

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
provide increased services statewide for victims of sexual assault.

1267 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY COMMUNITIES
CRIME PREVENTION PROGRAMS
FROM GENERAL REVENUE FUND 4,389,055

1268 SPECIAL CATEGORIES
GRANTS AND AIDS - CRIME STOPPERS
FROM CRIME STOPPERS TRUST FUND . . . 4,500,000

1269 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMES COMPENSATION TRUST FUND 45,625
FROM CRIME STOPPERS TRUST FUND . . . 1,025
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 1,538

1270 SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 25,000,000

1271 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CRIMES COMPENSATION TRUST FUND 33,094
FROM CRIME STOPPERS TRUST FUND . . . 294
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 2,243

TOTAL: VICTIM SERVICES
FROM GENERAL REVENUE FUND 6,520,565
FROM TRUST FUNDS 68,110,954

TOTAL POSITIONS 90.00
TOTAL ALL FUNDS 74,631,519

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Coordinating Council on Criminal Gang Reduction Strategies as established within the Department of Legal Affairs in Section 34, Chapter 2008-238, Laws of Florida may be continued by the department through FY 2009-2010.

APPROVED SALARY RATE 6,222,205

1272 SALARIES AND BENEFITS POSITIONS 133.00
FROM GENERAL REVENUE FUND 4,950,108
FROM ADMINISTRATIVE TRUST FUND . . . 3,429,945
FROM CRIMES COMPENSATION TRUST FUND 200,065
FROM LEGAL SERVICES TRUST FUND . . . 50,117
FROM OPERATING TRUST FUND 262,688

1273 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 50,000
FROM ADMINISTRATIVE TRUST FUND . . . 140,826

1274 EXPENSES
FROM GENERAL REVENUE FUND 306,157
FROM ADMINISTRATIVE TRUST FUND . . . 958,004
FROM CRIMES COMPENSATION TRUST FUND 13,659
FROM FEDERAL GRANTS TRUST FUND . . . 5,851
FROM LEGAL SERVICES TRUST FUND . . . 23,941
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 3,335
FROM OPERATING TRUST FUND 2,431

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
1275 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 90,461
FROM ADMINISTRATIVE TRUST FUND . . . 472,801
FROM CRIMES COMPENSATION TRUST FUND 9,061
FROM FEDERAL GRANTS TRUST FUND . . . 21,712
FROM LEGAL SERVICES TRUST FUND . . . 88,837
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 12,371
FROM OPERATING TRUST FUND 9,019

1276 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY
FROM GENERAL REVENUE FUND 282,676

1277 SPECIAL CATEGORIES
COMMISSION ON THE STATUS OF WOMEN
FROM GENERAL REVENUE FUND 105,827

1278 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 125,531
FROM ADMINISTRATIVE TRUST FUND . . . 55,268
FROM CRIMES COMPENSATION TRUST FUND 51,349
FROM FEDERAL GRANTS TRUST FUND . . . 3,234
FROM LEGAL SERVICES TRUST FUND . . . 13,230
FROM LEGAL AFFAIRS REVOLVING TRUST FUND 1,843
FROM OPERATING TRUST FUND 1,344

From the funds in Specific Appropriation 1278, $50,000 from the Crimes Compensation Trust Fund is provided for the Cuban American Bar Association Pro Bono Project.

1279 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,460
FROM ADMINISTRATIVE TRUST FUND . . . 28,195

1280 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 41,321
FROM ADMINISTRATIVE TRUST FUND . . . 15,357

1281 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 135,441
FROM ADMINISTRATIVE TRUST FUND . . . 157,876

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 6,141,982
FROM TRUST FUNDS 6,032,359

TOTAL POSITIONS 133.00
TOTAL ALL FUNDS 12,174,341

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

APPROVED SALARY RATE 3,792,239

1282 SALARIES AND BENEFITS POSITIONS 65.50
FROM GENERAL REVENUE FUND 3,765,290
FROM CRIMES COMPENSATION TRUST FUND 176,254
FROM FEDERAL GRANTS TRUST FUND . . . 252,965
FROM OPERATING TRUST FUND 1,000,581

1283 SPECIAL CATEGORIES
STATEWIDE PROSECUTION

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 819,886
FROM CRIMES COMPENSATION TRUST
FUND 26,415
FROM FEDERAL GRANTS TRUST FUND . . . 39,602
FROM OPERATING TRUST FUND 367,371

1284 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,404
FROM FEDERAL GRANTS TRUST FUND . . . 1,538
FROM OPERATING TRUST FUND 1,025

1285 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 19,653
FROM CRIMES COMPENSATION TRUST
FUND 6,600
FROM OPERATING TRUST FUND 2,327

TOTAL: PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME
FROM GENERAL REVENUE FUND 4,641,233
FROM TRUST FUNDS 1,874,678

TOTAL POSITIONS 65.50
TOTAL ALL FUNDS 6,515,911

PROGRAM: FLORIDA ELECTIONS COMMISSION

CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

APPROVED SALARY RATE 702,039

1286 SALARIES AND BENEFITS POSITIONS 14.00
FROM ELECTIONS COMMISSION TRUST
FUND 949,041

1287 OTHER PERSONAL SERVICES
FROM ELECTIONS COMMISSION TRUST
FUND 76,354

1288 EXPENSES
FROM ELECTIONS COMMISSION TRUST
FUND 232,821

1289 OPERATING CAPITAL OUTLAY
FROM ELECTIONS COMMISSION TRUST
FUND 10,000

1290 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ELECTIONS COMMISSION TRUST
FUND 17,977

1291 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ELECTIONS COMMISSION TRUST
FUND 13,348

1292 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ELECTIONS COMMISSION TRUST
FUND 7,690

1293 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ELECTIONS COMMISSION TRUST
FUND 6,349

TOTAL: CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
FROM TRUST FUNDS 1,313,580

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 1,313,580

TOTAL: LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL
FROM GENERAL REVENUE FUND 36,302,174
FROM TRUST FUNDS 144,334,898

TOTAL POSITIONS 1,337.50
TOTAL ALL FUNDS 180,637,072
TOTAL APPROVED SALARY RATE 60,960,985

PAROLE COMMISSION

The Parole Commission shall work with the Department of Corrections to transfer all of its computing resources to the Department of Corrections Office of Information Technology by July 1, 2009. The Commission shall become a customer of the Department of Corrections for the provision of computing services and, as such, shall work with the department in the development of a service level agreement, pursuant to section 282.203(1)(g), Florida Statutes, that will cover all computing services necessary for the successful operation of the Commission. The service level agreement shall be reviewed and approved by the Agency for Enterprise Information Technology.

PROGRAM: POST-INCARCERATION ENFORCEMENT AND
VICTIMS RIGHTS

APPROVED SALARY RATE 5,366,373

1293A SALARIES AND BENEFITS POSITIONS 128.00
FROM GENERAL REVENUE FUND 6,783,392

1293B OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 77,514

1293C EXPENSES
FROM GENERAL REVENUE FUND 879,935

From the funds in Specific Appropriation 1293C, the Parole Commission shall conduct a study and provide the following to the Governor's Office of Policy and Budget, the President of the Senate and the Speaker of the House of Representatives by October 1, 2009:

1. A valid determination of the exact number of pending Restoration of Civil Rights (RCR) cases existing on July 1, 2009, along with a full explanation of the methodology used to determine the pending number of cases. Data must include total cases received for each of the past five years, the total number of cases processed for each of the past five years, and the total number of cases received or pending but not processed for each of the past five years;

2. A continuation plan including measures that continue to simplify application forms and processes by using readily available data from existing automated systems;

3. Identification of all existing resources, workload, job descriptions, and internal business procedures for clemency activities. This information must be reported in a manner that allows for isolation of resources allocated to the RCR process. The information must also be sufficient to account for each step in the process to complete the review of RCR without a hearing; and

4. Proposed criteria, developed by case type, to use in defining and classifying case backlogs which shall be based upon a reasonable length of time for the normal processing of cases.

1293D OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,771

1293E SPECIAL CATEGORIES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 65,431

1293F SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 61,175

1293G DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 194,450

TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS
FROM GENERAL REVENUE FUND 8,078,668

TOTAL POSITIONS 128.00
TOTAL ALL FUNDS 8,078,668

TOTAL: PAROLE COMMISSION
FROM GENERAL REVENUE FUND 8,078,668

TOTAL POSITIONS 128.00
TOTAL ALL FUNDS 8,078,668
TOTAL APPROVED SALARY RATE 5,366,373

TOTAL OF SECTION 4

FROM GENERAL REVENUE FUND 3,533,014,107

FROM TRUST FUNDS 1,222,393,258

TOTAL POSITIONS 48,671.25

TOTAL ALL FUNDS 4,755,407,365

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

In order to achieve cost savings and efficiencies, the Department of Agriculture and Consumer Services shall relocate offices in the Bob Crawford Building located in Bartow, Florida, to the Florida Citrus Building (Mayo) located in Winter Haven, Florida. The department shall develop a plan for implementing office consolidations in conjunction with the relocation of the Florida Department of Citrus to the Bob Crawford Building. The department is authorized to submit a budget amendment for review and approval pursuant to chapter 216, Florida Statutes, for the expenditures related to this purpose.

PROGRAM: OFFICE OF THE COMMISSIONER AND ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

APPROVED SALARY RATE 2,274,922

1294 SALARIES AND BENEFITS POSITIONS 40.50
FROM GENERAL REVENUE FUND 2,887,695
FROM CITRUS INSPECTION TRUST FUND . 306,609
FROM GENERAL INSPECTION TRUST FUND . 62,228

1295 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
1296 EXPENSES
FROM GENERAL REVENUE FUND 483,736
FROM FEDERAL GRANTS TRUST FUND . . . 60,000
FROM GENERAL INSPECTION TRUST FUND . 27,868

1296A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND 77,097

1297 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 8,028
FROM FEDERAL GRANTS TRUST FUND . . . 340,000

1298 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 105,822

1299 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 32,932
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND 4,607
FROM GENERAL INSPECTION TRUST FUND . 881

1300 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 13,289
FROM CITRUS INSPECTION TRUST FUND . 1,411
FROM GENERAL INSPECTION TRUST FUND . 285

TOTAL: AGRICULTURAL LAW ENFORCEMENT
FROM GENERAL REVENUE FUND 3,546,502
FROM TRUST FUNDS 880,986

TOTAL POSITIONS 40.50
TOTAL ALL FUNDS 4,427,488

AGRICULTURAL WATER POLICY COORDINATION

APPROVED SALARY RATE 1,890,413

1301 SALARIES AND BENEFITS POSITIONS 35.00
FROM GENERAL INSPECTION TRUST FUND . 2,336,699

1302 EXPENSES
FROM GENERAL INSPECTION TRUST FUND . 399,234

1303 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOIL AND WATER COST SHARING PROGRAM
FROM GENERAL INSPECTION TRUST FUND . 400,000

1304 SPECIAL CATEGORIES
ANIMAL WASTE MANAGEMENT
FROM GENERAL INSPECTION TRUST FUND . 200,000

1305 SPECIAL CATEGORIES
NITRATE RESEARCH AND REMEDIATION
FROM GENERAL INSPECTION TRUST FUND . 930,000

1306 SPECIAL CATEGORIES
BEST MANAGEMENT PRACTICES - COST SHARE
FROM GENERAL REVENUE FUND 1,400,000
FROM GENERAL INSPECTION TRUST FUND . 4,963,696

Of the funds in Specific Appropriation 1306, $50,000 from the General Inspection Trust Fund is provided for the Association of Florida Conservation Districts contract for support services to all Florida's Soil and Water Conservation Districts.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

Of the funds in Specific Appropriation 1306, $1,400,000 from nonrecurring general revenue is provided for the Florida Water Quality Compliance and Improvement Best Management Practices pilot project to evaluate a real-time radio frequency identification network using self contained, high resolution remote capabilities to monitor weather, hydrologic, and water quality parameters at locations designated by DACS, within priority watersheds. The pilot project shall evaluate the use of this technology to augment and improve existing efforts that monitor weather, hydrologic, and water quality parameters that support implementation, performance, evaluation, or development of new or improved agricultural best management practices. Data collected from this project will be evaluated and compared to traditionally collected data sets for accuracy, transferability, storage, and retrieval.

1307 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL INSPECTION TRUST FUND . . . 13,642

TOTAL: AGRICULTURAL WATER POLICY COORDINATION
FROM GENERAL REVENUE FUND 1,400,000
FROM TRUST FUNDS 9,243,271

TOTAL POSITIONS 35.00
TOTAL ALL FUNDS 10,643,271

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 9,345,864

1308 SALARIES AND BENEFITS POSITIONS 178.75
FROM GENERAL REVENUE FUND 6,837,523
FROM ADMINISTRATIVE TRUST FUND . . . 4,939,180
FROM FEDERAL GRANTS TRUST FUND . . . 3,505
FROM GENERAL INSPECTION TRUST FUND . . . 356,232
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 254,761

1309 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 70,524
FROM ADMINISTRATIVE TRUST FUND . . . 10,352

1310 EXPENSES
FROM GENERAL REVENUE FUND 412,943
FROM ADMINISTRATIVE TRUST FUND . . . 1,435,508
FROM GENERAL INSPECTION TRUST FUND . . . 158,231
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 81,470

1311 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,614

1311A SPECIAL CATEGORIES
FEDERAL VALUE OF PRODUCTION SPECIALTY CROP GRANT
FROM FEDERAL GRANTS TRUST FUND . . . 6,000,000

1312 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 16,767
FROM ADMINISTRATIVE TRUST FUND . . . 62,666

1313 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,000
FROM ADMINISTRATIVE TRUST FUND . . . 618,000

1314 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 78,006
FROM ADMINISTRATIVE TRUST FUND . . . 32,206

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1315 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,000

1316 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 45,657
FROM ADMINISTRATIVE TRUST FUND . . . 25,183
FROM FEDERAL GRANTS TRUST FUND . . . 21
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 750

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 7,470,034
FROM TRUST FUNDS 13,978,065

TOTAL POSITIONS 178.75
TOTAL ALL FUNDS 21,448,099

DIVISION OF LICENSING

APPROVED SALARY RATE 5,114,234

1317 SALARIES AND BENEFITS POSITIONS 142.00
FROM DIVISION OF LICENSING TRUST FUND 7,084,839

1318 OTHER PERSONAL SERVICES
FROM DIVISION OF LICENSING TRUST FUND 2,333,832

1319 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND 3,385,595

1320 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND 252,732

1321 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM DIVISION OF LICENSING TRUST FUND 5,227,286

1322 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF LICENSING TRUST FUND 61,865

1323 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF LICENSING TRUST FUND 53,862

TOTAL: DIVISION OF LICENSING
FROM TRUST FUNDS 18,400,011

TOTAL POSITIONS 142.00
TOTAL ALL FUNDS 18,400,011

PROGRAM: FOREST AND RESOURCE PROTECTION

LAND MANAGEMENT

APPROVED SALARY RATE 17,545,779

1324 SALARIES AND BENEFITS POSITIONS 488.00
FROM GENERAL REVENUE FUND 6,662,582
FROM FEDERAL GRANTS TRUST FUND . . . 1,084,278
FROM INCIDENTAL TRUST FUND 3,789,331

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 12,036,473

Of the funds in Specific Appropriation 1324, $400,000 from the Incidental Trust Fund is contingent upon Senate Bill 1744 or similar legislation, relating to the state forestry receipt distribution, becoming a law.

1325 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 643,654
FROM INCIDENTAL TRUST FUND 375,769
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 800,000

1326 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 1,397,560
FROM INCIDENTAL TRUST FUND 2,685,435
FROM RELOCATION AND CONSTRUCTION
TRUST FUND 10,000
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 5,077,165

1327 AID TO LOCAL GOVERNMENTS
AMERICA THE BEAUTIFUL PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 1,747,538

1328 AID TO LOCAL GOVERNMENTS
STATE FOREST RECEIPT DISTRIBUTION
FROM INCIDENTAL TRUST FUND 595,000

1329 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,456
FROM FEDERAL GRANTS TRUST FUND . . . 159,150
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 271,100

1331 SPECIAL CATEGORIES
PRIVATE LAND OWNER COST SHARE ASSISTANCE
PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 600,000

1332 SPECIAL CATEGORIES
OFF-HIGHWAY VEHICLE RECREATION PROGRAM
FROM INCIDENTAL TRUST FUND 700,000

1333 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 806,825
FROM INCIDENTAL TRUST FUND 313,351
FROM RELOCATION AND CONSTRUCTION
TRUST FUND 140,000
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 1,935,972

1334 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 100,619
FROM INCIDENTAL TRUST FUND 28,268
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 150,000

1335 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 87,730
FROM FEDERAL GRANTS TRUST FUND . . . 8,635
FROM INCIDENTAL TRUST FUND 14,989
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 89,647

TOTAL: LAND MANAGEMENT
FROM GENERAL REVENUE FUND 6,854,387
FROM TRUST FUNDS 35,460,140

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 488.00
TOTAL ALL FUNDS 42,314,527

WILDFIRE PREVENTION AND MANAGEMENT

APPROVED SALARY RATE 25,443,097

1338 SALARIES AND BENEFITS POSITIONS 736.50
FROM GENERAL REVENUE FUND 34,676,740
FROM FEDERAL GRANTS TRUST FUND . . . 1,370,214
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 944,044
FROM INCIDENTAL TRUST FUND 1,257,219

1339 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 376,742
FROM FEDERAL GRANTS TRUST FUND . . . 277,349
FROM INCIDENTAL TRUST FUND 25,000

1340 EXPENSES
FROM GENERAL REVENUE FUND 3,342,649
FROM FEDERAL GRANTS TRUST FUND . . . 1,594,979
FROM INCIDENTAL TRUST FUND 2,281,418
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 1,006,707

1341 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOLUNTEER FIRE
ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND . . . 215,763

1342 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RURAL COMMUNITY FIRE
PROTECTION
FROM FEDERAL GRANTS TRUST FUND . . . 72,589

1343 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,731
FROM FEDERAL GRANTS TRUST FUND . . . 559,625

1344 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 125,000

1345 SPECIAL CATEGORIES
FORESTRY WILDFIRE PROTECTION/SUPPRESSION
EQUIPMENT
FROM FEDERAL GRANTS TRUST FUND . . . 400,000
FROM INCIDENTAL TRUST FUND 1,101,541

1346 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 133,794
FROM FEDERAL GRANTS TRUST FUND . . . 2,099,078
FROM INCIDENTAL TRUST FUND 123,756
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 34,468

1347 SPECIAL CATEGORIES
ON-CALL FEES
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 333,296
FROM INCIDENTAL TRUST FUND 10,000

1348 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 905,557
FROM INCIDENTAL TRUST FUND 104,416

1349 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 267,009

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM FEDERAL GRANTS TRUST FUND . . .		8,958
FROM INCIDENTAL TRUST FUND		14,386
1349A SPECIAL CATEGORIES		
GRANTS AND AIDS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
FROM FEDERAL GRANTS TRUST FUND . . .		6,375,000
1350 FIXED CAPITAL OUTLAY		
CONSTRUCTION AND MAINTENANCE OF DIVISION OF FORESTRY TELECOMMUNICATION TOWERS - STATEWIDE		
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		265,043
1351 FIXED CAPITAL OUTLAY		
REPLACE FORESTRY STATION - VALRICO WORK CENTER - HILLSBOROUGH COUNTY		
FROM RELOCATION AND CONSTRUCTION TRUST FUND		600,000
TOTAL: WILDFIRE PREVENTION AND MANAGEMENT		
FROM GENERAL REVENUE FUND	39,713,222	
FROM TRUST FUNDS		21,199,849
TOTAL POSITIONS	736.50	
TOTAL ALL FUNDS		60,913,071

PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,192,102

1352 SALARIES AND BENEFITS POSITIONS 42.00		
FROM GENERAL REVENUE FUND	1,112,373	
FROM GENERAL INSPECTION TRUST FUND .		1,732,953
1353 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	47,348	
1354 EXPENSES		
FROM GENERAL REVENUE FUND	235,669	
FROM DIVISION OF LICENSING TRUST FUND		116,125
FROM GENERAL INSPECTION TRUST FUND .		2,166,225
1355 OPERATING CAPITAL OUTLAY		
FROM GENERAL INSPECTION TRUST FUND .		125,000
1356 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	402,334	
FROM GENERAL INSPECTION TRUST FUND .		383,295
1357 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	7,190	
FROM GENERAL INSPECTION TRUST FUND .		10,035
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	1,804,914	
FROM TRUST FUNDS		4,533,633
TOTAL POSITIONS	42.00	
TOTAL ALL FUNDS		6,338,547

PROGRAM: FOOD SAFETY AND QUALITY

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 1,007,867

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1358 SALARIES AND BENEFITS POSITIONS 25.00		
FROM GENERAL REVENUE FUND	1,433,270	
1359 EXPENSES		
FROM GENERAL REVENUE FUND	220,928	
FROM GENERAL INSPECTION TRUST FUND .		24,141
1360 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,500	
1361 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	24,960	
1362 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,012	
1363 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	9,217	
TOTAL: DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT		
FROM GENERAL REVENUE FUND	1,704,887	
FROM TRUST FUNDS		24,141
TOTAL POSITIONS	25.00	
TOTAL ALL FUNDS		1,729,028

FOOD SAFETY INSPECTION AND ENFORCEMENT

APPROVED SALARY RATE 11,420,727

1364 SALARIES AND BENEFITS POSITIONS 292.00		
FROM FEDERAL GRANTS TRUST FUND . . .		1,684,181
FROM GENERAL INSPECTION TRUST FUND .		14,262,705

Of the funds in Specific Appropriation 1364, 1366, 1367, 1368, 1369, 1370, $1,397,105 from the General Inspection Trust Fund is contingent upon Senate Bill 1744 or similar legislation, relating to the chemical residue lab fee, becoming a law.

1365 OTHER PERSONAL SERVICES		
FROM FEDERAL GRANTS TRUST FUND . . .		188,441
FROM GENERAL INSPECTION TRUST FUND .		263,000
1366 EXPENSES		
FROM FEDERAL GRANTS TRUST FUND . . .		602,553
FROM GENERAL INSPECTION TRUST FUND .		1,823,140
1367 OPERATING CAPITAL OUTLAY		
FROM FEDERAL GRANTS TRUST FUND . . .		237,947
FROM GENERAL INSPECTION TRUST FUND .		253,233
1368 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM FEDERAL GRANTS TRUST FUND . . .		366,707
FROM GENERAL INSPECTION TRUST FUND .		514,100
1369 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM FEDERAL GRANTS TRUST FUND . . .		2,940
FROM GENERAL INSPECTION TRUST FUND .		110,004
1370 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM FEDERAL GRANTS TRUST FUND . . .		4,740
FROM GENERAL INSPECTION TRUST FUND .		104,404

TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM TRUST FUNDS 20,418,095

TOTAL POSITIONS 292.00
TOTAL ALL FUNDS 20,418,095

PROGRAM: CONSUMER PROTECTION

AGRICULTURAL ENVIRONMENTAL SERVICES

APPROVED SALARY RATE 8,152,665

1371 SALARIES AND BENEFITS POSITIONS 200.00
FROM GENERAL REVENUE FUND 1,014,906
FROM FEDERAL GRANTS TRUST FUND . . . 554,436
FROM GENERAL INSPECTION TRUST FUND . 6,760,205
FROM PEST CONTROL TRUST FUND 2,886,473

Of the funds in Specific Appropriation 1371, $62,900 from the General Inspection Trust Fund is contingent upon Senate Bill 1744 or similar legislation, relating to the fertilizer brand registration fee, becoming a law.

Of the funds in Specific Appropriation 1371, $328,500 from the General Inspection Trust Fund is contingent upon Senate Bill 1744 or similar legislation, relating to the seed dealer registration fee, becoming a law.

1372 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100
FROM FEDERAL GRANTS TRUST FUND . . . 194,800
FROM GENERAL INSPECTION TRUST FUND . 18,000
FROM PEST CONTROL TRUST FUND 21,530

1373 EXPENSES
FROM GENERAL REVENUE FUND 212,794
FROM FEDERAL GRANTS TRUST FUND . . . 326,295
FROM GENERAL INSPECTION TRUST FUND . 940,162
FROM PEST CONTROL TRUST FUND 376,076

Of the funds in Specific Appropriation 1373, $71,745 from the Pest Control Trust Fund is contingent upon Senate Bill 1744 or similar legislation, relating to pest control fine money reallocation, becoming a law.

1374 AID TO LOCAL GOVERNMENTS
MOSQUITO CONTROL PROGRAM
FROM GENERAL INSPECTION TRUST FUND . 2,166,168

Of the funds provided in Specific Appropriation 1374, $250,000 from the General Inspection Trust Fund shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the Institute of Food and Agricultural Sciences (IFAS)/Florida Medical Entomology Laboratory and the Florida Agriculture and Mechanical University (FAMU)/Mulrennan Research Laboratory.

1375 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,513
FROM FEDERAL GRANTS TRUST FUND . . . 366,000

1376 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 138,000

1377 SPECIAL CATEGORIES
PESTICIDE COLLECTIONS
FROM GENERAL INSPECTION TRUST FUND . 100,000

1378 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 107,372
FROM FEDERAL GRANTS TRUST FUND . . . 374,978
FROM GENERAL INSPECTION TRUST FUND . 125,124
FROM PEST CONTROL TRUST FUND 106,425

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
1379 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 93,968

1380 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 22,873
FROM FEDERAL GRANTS TRUST FUND . . . 2,132
FROM GENERAL INSPECTION TRUST FUND . 38,477
FROM PEST CONTROL TRUST FUND 18,985

TOTAL: AGRICULTURAL ENVIRONMENTAL SERVICES
FROM GENERAL REVENUE FUND 1,453,526
FROM TRUST FUNDS 15,514,266

TOTAL POSITIONS 200.00
TOTAL ALL FUNDS 16,967,792

CONSUMER PROTECTION

APPROVED SALARY RATE 4,887,343

1381 SALARIES AND BENEFITS POSITIONS 134.00
FROM GENERAL REVENUE FUND 1,476
FROM GENERAL INSPECTION TRUST FUND . 6,472,805

Of the funds in Specific Appropriations 1381 through 1384, and Specific Appropriation 1386, four full-time equivalent positions and $642,642 from the General Inspection Trust Fund is contingent upon SB 1744 or similar legislation, relating to the transfer of the Board of Surveyors and Mappers from the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services, becoming a law.

1382 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 344
FROM GENERAL INSPECTION TRUST FUND . 61,825

1383 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 8,518
FROM GENERAL INSPECTION TRUST FUND . 1,280,059

1383A OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND . 4,000

1384 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL INSPECTION TRUST FUND . 226,232

1385 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND . 106,764

1386 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL INSPECTION TRUST FUND . 50,285

TOTAL: CONSUMER PROTECTION
FROM GENERAL REVENUE FUND 1,820
FROM TRUST FUNDS 8,210,488

TOTAL POSITIONS 134.00
TOTAL ALL FUNDS 8,212,308

STANDARDS AND PETROLEUM QUALITY INSPECTION

APPROVED SALARY RATE 6,436,255

1387 SALARIES AND BENEFITS POSITIONS 182.00
FROM GENERAL INSPECTION TRUST FUND . 8,930,086

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC
APPROPRIATION

Of the funds in Specific Appropriations 1387, 1389, 1391, 1392, and 1393, $1,922,704 from the General Inspection Trust Fund is contingent upon Senate Bill 1744 or similar legislation, relating to the weights and measures fee, becoming a law.

1388 OTHER PERSONAL SERVICES
FROM GENERAL INSPECTION TRUST FUND . 59,572

1389 EXPENSES
FROM GENERAL INSPECTION TRUST FUND . 1,830,914

1390 OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND . 437

1391 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL INSPECTION TRUST FUND . 590,000

1392 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND . 136,664

1393 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL INSPECTION TRUST FUND . 69,780

TOTAL: STANDARDS AND PETROLEUM QUALITY INSPECTION
FROM TRUST FUNDS 11,617,453

TOTAL POSITIONS 182.00
TOTAL ALL FUNDS 11,617,453

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

APPROVED SALARY RATE 6,408,867

1394 SALARIES AND BENEFITS POSITIONS 184.00
FROM CITRUS INSPECTION TRUST FUND . 6,249,784
FROM GENERAL INSPECTION TRUST FUND . 2,747,493

1395 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND . 678,425
FROM GENERAL INSPECTION TRUST FUND . 500,000

1396 EXPENSES
FROM CITRUS INSPECTION TRUST FUND . 1,124,913
FROM GENERAL INSPECTION TRUST FUND . 522,171

1397 OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND . 33,710

1398 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND . 216,041

1399 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS INSPECTION TRUST FUND . 98,428
FROM GENERAL INSPECTION TRUST FUND . 39,462

1400 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS INSPECTION TRUST FUND . 359,809
FROM GENERAL INSPECTION TRUST FUND . 41,657

1401 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS INSPECTION TRUST FUND . 82,350

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC
APPROPRIATION
FROM GENERAL INSPECTION TRUST FUND . 25,313

TOTAL: FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT
FROM TRUST FUNDS 12,719,556

TOTAL POSITIONS 184.00
TOTAL ALL FUNDS 12,719,556

AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE 6,804,245

1402 SALARIES AND BENEFITS POSITIONS 188.00
FROM GENERAL REVENUE FUND 2,594,150
FROM CITRUS INSPECTION TRUST FUND . 1,346,935
FROM FEDERAL GRANTS TRUST FUND . . . 400,967
FROM GENERAL INSPECTION TRUST FUND . 1,755,506
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 2,516,013
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 783,312
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND . . . 42,792

1403 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,600
FROM CITRUS INSPECTION TRUST FUND . 213,765
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 153,598
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 26,400

1404 EXPENSES
FROM GENERAL REVENUE FUND 309,733
FROM CITRUS INSPECTION TRUST FUND . 323,828
FROM FEDERAL GRANTS TRUST FUND . . . 1,780,450
FROM GENERAL INSPECTION TRUST FUND . 838,127
FROM MARKET TRADE SHOW TRUST FUND . 101,601
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 848,703
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 326,022
FROM VITICULTURE TRUST FUND 9,580
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND . . . 121,622

1405 OPERATING CAPITAL OUTLAY
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 10,500

1405A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 49,440

1406 SPECIAL CATEGORIES
GRANTS AND AIDS - VITICULTURE PROGRAM
FROM VITICULTURE TRUST FUND 300,000

1407 SPECIAL CATEGORIES
FLORIDA AGRICULTURE PROMOTION CAMPAIGN
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 3,110,000

1408 SPECIAL CATEGORIES
FEDERAL SUPPORT FOR FLORIDA AGRICULTURE PROMOTIONS
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

1408A SPECIAL CATEGORIES
SUPPORT FOR FOOD BANK
FROM GENERAL INSPECTION TRUST FUND . 100,000

Funds in Specific Appropriation 1408A are provided for the Florida Association of Food Banks.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1409 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 15,219
FROM CITRUS INSPECTION TRUST FUND . 25,000
FROM FEDERAL GRANTS TRUST FUND . . . 154,400
FROM GENERAL INSPECTION TRUST FUND . 175,600
FROM MARKET TRADE SHOW TRUST FUND . 75,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 28,600
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 25,000

1410 SPECIAL CATEGORIES
GRANTS AND AIDS - MARKETING ORDERS
FROM CITRUS INSPECTION TRUST FUND . 2,383,077
FROM GENERAL INSPECTION TRUST FUND . 475,082

1410A SPECIAL CATEGORIES
AGRICULTURAL RESEARCH
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 1410A shall be transferred to the Florida Citrus Research and Development Foundation, Inc., to conduct or cause to be conducted research projects on citrus disease. Distribution of such funds for a particular research project is contingent upon one and a half dollar for dollar cash match from federal or private funds or from citrus box tax revenues. At no time shall the funds appropriated in Specific Appropriation 1410A allocated to a particular project exceed the private, federal, and citrus box tax funds provided for that project.

1410B SPECIAL CATEGORIES
FARM SHARE PROGRAM
FROM GENERAL INSPECTION TRUST FUND . 200,000

1411 SPECIAL CATEGORIES
GRANTS AND AIDS - PROMOTIONAL AWARDS
FROM GENERAL INSPECTION TRUST FUND . 300,000

1412 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS
FROM FEDERAL GRANTS TRUST FUND . . . 2,303,834

1413 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 25,018
FROM CITRUS INSPECTION TRUST FUND . 8,028
FROM FEDERAL GRANTS TRUST FUND . . . 6,538
FROM GENERAL INSPECTION TRUST FUND . 13,893
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 29,652
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 8,225

1414 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 23,345
FROM CITRUS INSPECTION TRUST FUND . 10,054
FROM FEDERAL GRANTS TRUST FUND . . . 2,994
FROM GENERAL INSPECTION TRUST FUND . 10,748
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 18,782
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 6,356
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND . . . 319

1414A SPECIAL CATEGORIES
GRANTS AND AIDS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 1,389,393

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1415 FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIRS STATE FARMERS' MARKETS - STATEWIDE
FROM GENERAL INSPECTION TRUST FUND . 312,800

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM GENERAL REVENUE FUND 3,476,065
FROM TRUST FUNDS 24,122,536

TOTAL POSITIONS 188.00
TOTAL ALL FUNDS 27,598,601

AQUACULTURE

APPROVED SALARY RATE 2,068,875

1416 SALARIES AND BENEFITS POSITIONS 51.50
FROM GENERAL REVENUE FUND 2,185,385
FROM GENERAL INSPECTION TRUST FUND . 685,250

1417 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 116,700
FROM GENERAL INSPECTION TRUST FUND . 30,532

1418 EXPENSES
FROM GENERAL REVENUE FUND 502,156
FROM FEDERAL GRANTS TRUST FUND . . . 109,000
FROM GENERAL INSPECTION TRUST FUND . 285,966

1419 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 50,000
FROM GENERAL INSPECTION TRUST FUND . 12,600

1420 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL INSPECTION TRUST FUND . 85,000

1421 SPECIAL CATEGORIES
OYSTER PLANTING
FROM FEDERAL GRANTS TRUST FUND . . . 917,175
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 201

1422 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,563
FROM GENERAL INSPECTION TRUST FUND . 1,845

1423 SPECIAL CATEGORIES
AQUACULTURE DEVELOPMENT
FROM GENERAL REVENUE FUND 55,780
FROM GENERAL INSPECTION TRUST FUND . 121,260

1424 SPECIAL CATEGORIES
AQUACULTURE PROGRAM GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 350,000

1425 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,645
FROM GENERAL INSPECTION TRUST FUND . 4,377

1425A SPECIAL CATEGORIES
GRANTS AND AIDS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 6,500,000

TOTAL: AQUACULTURE
FROM GENERAL REVENUE FUND 2,771,529
FROM TRUST FUNDS 9,269,906

TOTAL POSITIONS 51.50

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

TOTAL ALL FUNDS		12,041,435

AGRICULTURAL INTERDICTION STATIONS

APPROVED SALARY RATE 9,681,315

1426 SALARIES AND BENEFITS POSITIONS 236.00		
FROM GENERAL REVENUE FUND	13,155,007	
FROM GENERAL INSPECTION TRUST FUND .		126,094
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		556,324
1427 EXPENSES		
FROM GENERAL REVENUE FUND	717,862	
FROM CITRUS INSPECTION TRUST FUND .		36,718
FROM GENERAL INSPECTION TRUST FUND .		49,022
1428 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	5,747	
1428A SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		62,525
FROM FEDERAL LAW ENFORCEMENT TRUST FUND		112,987
1429 SPECIAL CATEGORIES CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	123,380	
1430 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	156,473	
1431 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	78,015	
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		18,428
1432 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	87,595	
FROM GENERAL INSPECTION TRUST FUND .		532
TOTAL: AGRICULTURAL INTERDICTION STATIONS		
FROM GENERAL REVENUE FUND	14,324,079	
FROM TRUST FUNDS		962,630
TOTAL POSITIONS	236.00	
TOTAL ALL FUNDS		15,286,709

ANIMAL PEST AND DISEASE CONTROL

APPROVED SALARY RATE 5,692,491

1433 SALARIES AND BENEFITS POSITIONS 139.50		
FROM GENERAL REVENUE FUND	6,257,896	
FROM FEDERAL GRANTS TRUST FUND . . .		387,648
FROM GENERAL INSPECTION TRUST FUND .		497,950
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		423,089
1434 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	11,866	
FROM FEDERAL GRANTS TRUST FUND . . .		395,703
FROM GENERAL INSPECTION TRUST FUND .		61,642
1435 EXPENSES		
FROM GENERAL REVENUE FUND	417,773	
FROM FEDERAL GRANTS TRUST FUND . . .		967,670

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM GENERAL INSPECTION TRUST FUND .		373,018
1436 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	50,949	
1437 SPECIAL CATEGORIES ANIMAL PEST AND DISEASE CONTROL		
FROM FEDERAL GRANTS TRUST FUND . . .		1,000,000
1438 SPECIAL CATEGORIES CONTRACTED SERVICES		
FROM GENERAL INSPECTION TRUST FUND .		300,373
1439 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	115,048	
FROM FEDERAL GRANTS TRUST FUND . . .		45
1440 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	50,462	
FROM FEDERAL GRANTS TRUST FUND . . .		2,689
FROM GENERAL INSPECTION TRUST FUND .		3,456
TOTAL: ANIMAL PEST AND DISEASE CONTROL		
FROM GENERAL REVENUE FUND	6,903,994	
FROM TRUST FUNDS		4,413,283
TOTAL POSITIONS	139.50	
TOTAL ALL FUNDS		11,317,277

PLANT PEST AND DISEASE CONTROL

APPROVED SALARY RATE 13,138,546

1441 SALARIES AND BENEFITS POSITIONS 364.00		
FROM GENERAL REVENUE FUND	8,673,511	
FROM CITRUS INSPECTION TRUST FUND .		840,940
FROM FEDERAL GRANTS TRUST FUND . . .		3,245,155
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		2,766,675
FROM PLANT INDUSTRY TRUST FUND . . .		2,771,252
1442 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	21,170	
FROM CITRUS INSPECTION TRUST FUND .		1,000
FROM FEDERAL GRANTS TRUST FUND . . .		419,808
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		19,817
FROM PLANT INDUSTRY TRUST FUND . . .		808,560
1443 EXPENSES		
FROM GENERAL REVENUE FUND	894,890	
FROM CITRUS INSPECTION TRUST FUND .		79,898
FROM FEDERAL GRANTS TRUST FUND . . .		437,167
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		23,962
FROM PLANT INDUSTRY TRUST FUND . . .		724,866
1444 OPERATING CAPITAL OUTLAY		
FROM FEDERAL GRANTS TRUST FUND . . .		66,195
FROM PLANT INDUSTRY TRUST FUND . . .		5,006
1445 SPECIAL CATEGORIES AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)		
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		1,002,374
1446 SPECIAL CATEGORIES GRANTS AND AIDS - BOLL WEEVIL ERADICATION		
FROM PLANT INDUSTRY TRUST FUND . . .		560,000

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1447 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 36,000

1448 SPECIAL CATEGORIES
ENDANGERED PLANT SPECIES
FROM PLANT INDUSTRY TRUST FUND . . . 240,000

1449 SPECIAL CATEGORIES
CITRUS HEALTH RESPONSE PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 5,885,038
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 1,522,159

1450 SPECIAL CATEGORIES
PLANT PEST AND DISEASE CONTROL
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

1451 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 104,481
FROM CITRUS INSPECTION TRUST FUND . 7,144
FROM FEDERAL GRANTS TRUST FUND . . . 12,538
FROM AGRICULTURAL EMERGENCY
ERADICATION TRUST FUND 120,000
FROM PLANT INDUSTRY TRUST FUND . . . 118,049

1452 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 882,957
FROM FEDERAL GRANTS TRUST FUND . . . 262,374

1453 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA/
INSTITUTE OF FOOD AND AGRICULTURAL
SCIENCES FOR INVASIVE EXOTICS QUARANTINE
FACILITY
FROM PLANT INDUSTRY TRUST FUND . . . 720,000

1454 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 171,471
FROM CITRUS INSPECTION TRUST FUND . 11,713
FROM FEDERAL GRANTS TRUST FUND . . . 45,921
FROM PLANT INDUSTRY TRUST FUND . . . 39,616

TOTAL: PLANT PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND 10,748,480
FROM TRUST FUNDS 23,793,227

TOTAL POSITIONS 364.00
TOTAL ALL FUNDS 34,541,707

TOTAL: AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE
FROM GENERAL REVENUE FUND 102,173,439
FROM TRUST FUNDS 234,761,536

TOTAL POSITIONS 3,658.75
TOTAL ALL FUNDS 336,934,975
TOTAL APPROVED SALARY RATE 139,505,607

COMMUNITY AFFAIRS, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Department of Community Affairs shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education and Economic Development, providing for the efficient transfer of all data center service resources allocated to data center functions within the department including the Division of Emergency Management to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 3,646,329

1455 SALARIES AND BENEFITS POSITIONS 77.00
FROM GENERAL REVENUE FUND 697,390
FROM ADMINISTRATIVE TRUST FUND . . . 4,227,276
FROM GRANTS AND DONATIONS TRUST
FUND 148,823

1456 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 414,768

1457 EXPENSES
FROM GENERAL REVENUE FUND 56,457
FROM ADMINISTRATIVE TRUST FUND . . . 1,154,818
FROM GRANTS AND DONATIONS TRUST
FUND 17,656

1458 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 86,269

1459 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 383,363

1460 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 34,379

1461 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 38,674
FROM ADMINISTRATIVE TRUST FUND . . . 77,797
FROM GRANTS AND DONATIONS TRUST
FUND 194

1462 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,284
FROM ADMINISTRATIVE TRUST FUND . . . 19,819
FROM GRANTS AND DONATIONS TRUST
FUND 1,041

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,191,168
FROM TRUST FUNDS 6,182,840

TOTAL POSITIONS 77.00
TOTAL ALL FUNDS 7,374,008

PROGRAM: COMMUNITY PLANNING

COMMUNITY PLANNING

APPROVED SALARY RATE 2,780,132

1463 SALARIES AND BENEFITS POSITIONS 61.00
FROM GENERAL REVENUE FUND 3,324,442
FROM GRANTS AND DONATIONS TRUST
FUND 331,640

1464 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 17,903
FROM GRANTS AND DONATIONS TRUST
FUND 218,888

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM OPERATING TRUST FUND 129,730

1465 EXPENSES
FROM GENERAL REVENUE FUND 388,570
FROM GRANTS AND DONATIONS TRUST
FUND 58,000

1466 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,500
FROM GRANTS AND DONATIONS TRUST
FUND 500

1467 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 167,001
FROM OPERATING TRUST FUND 267,181

1467A SPECIAL CATEGORIES
CENTURY COMMISSION
FROM GRANTS AND DONATIONS TRUST
FUND 116,000

From the funds in Specific Appropriation 1467A, $116,000 in recurring funds in the Grants and Donations Trust Fund is provided for the Century Commission for a Sustainable Florida. These funds are contingent upon and limited to the availability of funds in the Grants and Donations Trust Fund that are specifically transferred into the trust fund by law for the Century Commission.

1468 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING
COUNCILS
FROM GENERAL REVENUE FUND 2,500,000

Funds in Specific Appropriation 1468 are provided to the Regional Planning Councils, 70 percent of which must be divided equally among the councils and 30 percent of which must be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

1469 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,297
FROM GRANTS AND DONATIONS TRUST
FUND 6,921

1470 SPECIAL CATEGORIES
GRANTS AND AIDS - COASTAL MANAGEMENT
REQUIREMENTS
FROM GRANTS AND DONATIONS TRUST
FUND 75,000

1471 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 26,886

TOTAL: COMMUNITY PLANNING
FROM GENERAL REVENUE FUND 6,431,599
FROM TRUST FUNDS 1,203,860

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 7,635,459

PROGRAM: EMERGENCY MANAGEMENT

PRE-DISASTER MITIGATION

APPROVED SALARY RATE 421,448

1473 SALARIES AND BENEFITS POSITIONS 9.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 137,353
FROM GRANTS AND DONATIONS TRUST
FUND 5,593
FROM OPERATING TRUST FUND 3,899
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 419,838

1474 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 4,332
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 107,909

1475 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 12,512
FROM GRANTS AND DONATIONS TRUST
FUND 7,367
FROM OPERATING TRUST FUND 4,718
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 74,512

1475A OPERATING CAPITAL OUTLAY
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 750

1476 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 80,024

1477 SPECIAL CATEGORIES
GRANTS AND AID - REPETITIVE FLOOD CLAIMS
PROGRAM
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 1,671,022

1478 SPECIAL CATEGORIES
GRANTS AND AIDS - SEVERE REPETITIVE LOSS
PILOT PROGRAM
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 4,177,066

1479 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 4,593
FROM OPERATING TRUST FUND 271
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 4,322

1480 SPECIAL CATEGORIES
GRANTS AND AIDS - PREDISASTER MITIGATION
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 5,700,000

Funds in Specific Appropriation 1480 are provided for the pre-disaster mitigation program. The 25 percent match requirement for the federal funds shall be provided by local governments.

1481 SPECIAL CATEGORIES
FLOOD MITIGATION ASSISTANCE PROGRAM
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 1,323,731

1482 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 918
FROM GRANTS AND DONATIONS TRUST
FUND 37
FROM OPERATING TRUST FUND 27
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 2,805

TOTAL: PRE-DISASTER MITIGATION
FROM TRUST FUNDS 13,743,599

TOTAL POSITIONS 9.00
TOTAL ALL FUNDS 13,743,599

EMERGENCY PLANNING

APPROVED SALARY RATE 2,021,488

1483 SALARIES AND BENEFITS POSITIONS 50.00
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 1,083,539
FROM GRANTS AND DONATIONS TRUST
FUND 715,973
FROM OPERATING TRUST FUND 120,792
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 735,243

1484 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 250,290
FROM GRANTS AND DONATIONS TRUST
FUND 395,746
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 645,000

1485 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 410,352
FROM GRANTS AND DONATIONS TRUST
FUND 3,303,645
FROM OPERATING TRUST FUND 2,737
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 333,030

1486 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND
ADMINISTRATION
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 2,389,944

1487 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST
FUND 43,600

1488 LUMP SUM
EMERGENCY MANAGEMENT PERFORMANCE GRANT
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 7,566,360

Funds in Specific Appropriation 1488 are provided for the Emergency Management Performance Grants funded by the United States Department of Homeland Security. The Division of Emergency Management shall submit the Emergency Management Performance Grant Work Plan to the Executive Office of the Governor, the chairs of the Senate Policy and Steering Committee on Ways and Means and the House Full Appropriations Council on Education and Economic Development for review prior to submission to the Federal Emergency Management Agency (FEMA). Upon approval of the work plan by FEMA, the Division of Emergency Management may submit a budget amendment for the release of the lump sum appropriation pursuant to chapter 216, Florida Statutes.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
From the funds in the Specific Appropriation 1488, $250,000 shall be used for a statewide public education program campaign on television and radio to promote hurricane preparedness. Such funds shall be provided to a not-for-profit corporation, and must be matched on a 3 to 1 basis.

1488A SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/
CIVIL AIR PATROL
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 49,500

1489 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST
FUND 314,000

1490 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT
PROGRAMS
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 7,089,061

1491 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE DOMESTIC
PREPAREDNESS PROGRAM
FROM GRANTS AND DONATIONS TRUST
FUND 32,808,550

1492 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 14,872
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 15,994

1493 SPECIAL CATEGORIES
STATEWIDE HURRICANE PREPAREDNESS AND
PLANNING
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 1,485,541
FROM GRANTS AND DONATIONS TRUST
FUND 74,388
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 352,955
FROM U.S. CONTRIBUTIONS TRUST FUND . 750,000

1494 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 10,015
FROM GRANTS AND DONATIONS TRUST
FUND 5,959
FROM OPERATING TRUST FUND 1,114
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 6,780

1495 SPECIAL CATEGORIES
HAZARDOUS MATERIALS EMERGENCY PLANNING
GRANT
FROM GRANTS AND DONATIONS TRUST
FUND 500,000

1495A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LOCAL EMERGENCY MANAGEMENT FACILITIES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FUND 458,000
FROM GRANTS AND DONATIONS TRUST
FUND 167,029

From the funds in Specific Appropriation 1495A, $458,000 in nonrecurring funds in the Emergency Management Preparedness and Assistance Trust Fund is provided for an expansion of the pilot program that is currently underway in Brevard, Pasco, Polk, and Orange counties. The pilot shall be expanded to include Department of Emergency Management Regions 1 through 7. Each region is required to have a total FM/RBDS coverage of 10 FM/RBDS installed encoders and each county within a region is required to have a minimum of 10 FM/RBDS receivers installed in locations to be determined by the County Emergency Management Agency. This FM/RBDS is for the purpose of deploying unlimited complete, time-sensitive notices quickly and easily to citizens, local emergency management entities, and state and regional entities to warn against disasters and provide community outreach and education notifications. The deployed service shall be able to send targeted broadcast alerts with text and optional radio audio activation to FM/RBDS receiving devices. The FM/RBDS service shall also be able to retrieve and send text messages composed in the Common Alerting Protocol 1.1 (CAP), from the National Weather Service (NOAA) and others, to the RBDS receiving devices.

From the funds in Specific Appropriation 1495A, $167,029 in nonrecurring funds in the Grants and Donations Trust Fund is provided for the completion of the St. Lucie County Emergency Operation Center.

1496 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EMERGENCY MANAGEMENT CRITICAL FACILITY
NEEDS
FROM GRANTS AND DONATIONS TRUST
FUND 3,000,000

Funds in Specific Appropriation 1496 from the Grants and Donations Trust Fund reflect the transfer of $3,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7)(c), Florida Statutes.

TOTAL: EMERGENCY PLANNING
FROM TRUST FUNDS 65,100,009

TOTAL POSITIONS 50.00
TOTAL ALL FUNDS 65,100,009

EMERGENCY RECOVERY

The division shall submit quarterly status reports on the outstanding obligations for each open federally declared disaster event to the Executive Office of the Governor, the chairs of the Senate Policy and Steering Committee on Ways and Means and the House Full Appropriations Council on Education and Economic Development.

APPROVED SALARY RATE 1,684,577

1497 SALARIES AND BENEFITS POSITIONS 39.00
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 505,613
FROM GRANTS AND DONATIONS TRUST
FUND 155,592
FROM OPERATING TRUST FUND 3,950
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 373,911
FROM U.S. CONTRIBUTIONS TRUST FUND . 1,161,695

1498 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 4,331
FROM GRANTS AND DONATIONS TRUST
FUND 1,100

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1499 EXPENSES
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 21,323
FROM GRANTS AND DONATIONS TRUST
FUND 131,348
FROM OPERATING TRUST FUND 4,670
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 41,119
FROM U.S. CONTRIBUTIONS TRUST FUND . 199,878

1500 SPECIAL CATEGORIES
PUBLIC ASSISTANCE FOR 2004 HURRICANES -
STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 88,556
FROM U.S. CONTRIBUTIONS TRUST FUND . 1,550,000

1501 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2004 HURRICANES -
STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 1,600,402
FROM U.S. CONTRIBUTIONS TRUST FUND . 4,801,208

1502 SPECIAL CATEGORIES
PUBLIC ASSISTANCE FOR 2004 HURRICANES -
PASS THROUGH
FROM GRANTS AND DONATIONS TRUST
FUND 885,556
FROM U.S. CONTRIBUTIONS TRUST FUND . 15,500,000

1503 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2004 HURRICANES -
PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 48,012,075

Funds in Specific Appropriations 1503, 1508, 1510, and 1512 are provided for local mitigation projects that are included in local mitigation strategy plans and have been approved by the Federal Emergency Management Agency for federal mitigation funding.

1504 SPECIAL CATEGORIES
PUBLIC ASSISTANCE - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 1,313,471
FROM U.S. CONTRIBUTIONS TRUST FUND . 3,358,839

1504A SPECIAL CATEGORIES
HAZARD MITIGATION - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 25,541
FROM U.S. CONTRIBUTIONS TRUST FUND . 153,247

1505 SPECIAL CATEGORIES
PUBLIC ASSISTANCE - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST
FUND 13,134,713
FROM U.S. CONTRIBUTIONS TRUST FUND . 33,588,390

1506 SPECIAL CATEGORIES
HAZARD MITIGATION - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST
FUND 674
FROM U.S. CONTRIBUTIONS TRUST FUND . 6,053,346

Funds in Specific Appropriations 1504 through 1506 from the Grants and Donations Trust Fund are provided to meet the state's portion of the match requirements for federally declared disasters that occurred prior to calendar year 2004. Funds shall be utilized for Public Assistance and Hazard Mitigation programs as specified in section 252.37, Florida Statutes.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1507 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2005 HURRICANES -
STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 1,406,895
FROM U.S. CONTRIBUTIONS TRUST FUND . 4,220,682

1508 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2005 HURRICANES -
PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 42,206,815

1509 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2006-07 HAZARDOUS
WEATHER - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 19,560
FROM U.S. CONTRIBUTIONS TRUST FUND . 58,680

1510 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2006-07 HAZARDOUS
WEATHER MAJOR DISASTERS - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 586,807

1511 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2008-09 HURRICANES
AND STORMS - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 151,502
FROM U.S. CONTRIBUTIONS TRUST FUND . 464,694

1512 SPECIAL CATEGORIES
HAZARD MITIGATION FOR 2008-09 HURRICANES
AND STORMS - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND . 10,817,799

1513 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 70,173
FROM OPERATING TRUST FUND 4,140
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 66,032

1514 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE LOSS
MITIGATION
FROM GRANTS AND DONATIONS TRUST
FUND 6,921,764

Funds in Specific Appropriation 1497 in the amount of $61,609; Specific Appropriation 1498 in the amount of $1,100; Specific Appropriation 1499 in the amount of $15,527; and Specific Appropriation 1514 in the amount of $6,921,764, provided from the Grants and Donations Trust Fund, reflect the transfer of $7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7), Florida Statutes. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in section 215.559(2)(a), Florida Statutes; and after the provisions of section 215.559(3)(a) and (4), Florida Statutes, $925,000 shall fund the Building Code Compliance and Mitigation Program pursuant to section 553.841, Florida Statutes. The moneys allocated in section 215.559(3)(a), Florida Statutes, shall be distributed directly to Tallahassee Community College for the uses set forth in section 215.559(3)(a), Florida Statutes.

1515 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 9,657
FROM GRANTS AND DONATIONS TRUST

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FUND 1,396
FROM OPERATING TRUST FUND 61
FROM FEDERAL EMERGENCY MANAGEMENT
PROGRAMS SUPPORT TRUST FUND 5,870
FROM U.S. CONTRIBUTIONS TRUST FUND . 12,547

1515A SPECIAL CATEGORIES
NON-FEDERAL REIMBURSEABLE DISASTER
ACTIVITIES
FROM GRANTS AND DONATIONS TRUST
FUND 70,000

1516 SPECIAL CATEGORIES
GRANTS AND AIDS - 2005 HURRICANES - STATE
OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 25,153
FROM U.S. CONTRIBUTIONS TRUST FUND . 5,340,000

1517 SPECIAL CATEGORIES
GRANTS AND AIDS - 2005 HURRICANES - PASS
THROUGH OF STATE AND FEDERAL FUNDS TO
LOCAL GOVERNMENTS
FROM GRANTS AND DONATIONS TRUST
FUND 125,000
FROM U.S. CONTRIBUTIONS TRUST FUND . 53,400,000

1518 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2006-07 -
HAZARDOUS WEATHER - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 9,375
FROM U.S. CONTRIBUTIONS TRUST FUND . 75,000

1519 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2006-07 -
HAZARDOUS WEATHER - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST
FUND 93,750
FROM U.S. CONTRIBUTIONS TRUST FUND . 750,000

1519A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2007 -
FLORIDA WILDFIRES - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST
FUND 29,807
FROM U.S. CONTRIBUTIONS TRUST FUND . 89,420

1519B SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2008 -
FLORIDA WILDFIRES - PURCHASING CARD -
STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST
FUND 908,750
FROM U.S. CONTRIBUTIONS TRUST FUND . 2,761,875

1520 SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 HURRICANES -
STATE OPERATIONS
FROM U.S. CONTRIBUTIONS TRUST FUND . 469,724

1521 SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 HURRICANES -
PASS THROUGH OF STATE AND FEDERAL FUNDS TO
LOCAL GOVERNMENTS
FROM GRANTS AND DONATIONS TRUST
FUND 2,263,325
FROM U.S. CONTRIBUTIONS TRUST FUND . 18,003,505

TOTAL: EMERGENCY RECOVERY
FROM TRUST FUNDS 284,110,306

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 284,110,306

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
EMERGENCY RESPONSE

APPROVED SALARY RATE 656,111

1522 SALARIES AND BENEFITS POSITIONS 17.00
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 512,368
FROM GRANTS AND DONATIONS TRUST FUND 91,167
FROM OPERATING TRUST FUND 81,750
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 313,638

1523 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,331

1524 EXPENSES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 14,567
FROM GRANTS AND DONATIONS TRUST FUND 46,302
FROM OPERATING TRUST FUND 13,975
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 228,996

1525 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 1,872
FROM GRANTS AND DONATIONS TRUST FUND 3,196
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 6,352

1526 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 9,569
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 9,519

1527 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,051
FROM GRANTS AND DONATIONS TRUST FUND 606
FROM OPERATING TRUST FUND 544
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 2,083

TOTAL: EMERGENCY RESPONSE
FROM TRUST FUNDS 1,344,886

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 1,344,886

HAZARDOUS MATERIALS COMPLIANCE PLANNING

APPROVED SALARY RATE 903,530

1528 SALARIES AND BENEFITS POSITIONS 21.00
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 143,299
FROM GRANTS AND DONATIONS TRUST FUND 7,633
FROM OPERATING TRUST FUND 960,227
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 56,892

1529 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 28,559

1530 EXPENSES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 21,992
FROM GRANTS AND DONATIONS TRUST FUND 15,645
FROM OPERATING TRUST FUND 166,513
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 19,841

1531 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 750
FROM OPERATING TRUST FUND 2,840

1532 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 492
FROM GRANTS AND DONATIONS TRUST FUND 57
FROM OPERATING TRUST FUND 6,924
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 409

1533 SPECIAL CATEGORIES
FLORIDA HAZARDOUS MATERIALS PLANNING PROGRAM
FROM OPERATING TRUST FUND 966,597

TOTAL: HAZARDOUS MATERIALS COMPLIANCE PLANNING
FROM TRUST FUNDS 2,398,670

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,398,670

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

APPROVED SALARY RATE 1,252,989

1534 SALARIES AND BENEFITS POSITIONS 28.00
FROM GENERAL REVENUE FUND 557,780
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND 797,918
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 94,612
FROM ENERGY CONSUMPTION TRUST FUND . 23,288
FROM FLORIDA COMMUNITIES TRUST FUND 6,179
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 46,035
FROM OPERATING TRUST FUND 151,777

1535 OTHER PERSONAL SERVICES
FROM FLORIDA SMALL CITIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

	COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		443,206
1536	EXPENSES		
	FROM GENERAL REVENUE FUND	74,263	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		377,464
	FROM OPERATING TRUST FUND		26,220
1537	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	960	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		2,000
1538	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	480	
	FROM OPERATING TRUST FUND		480
1539	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,527	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		2,523
1540	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	5,123	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		3,750
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		641
	FROM ENERGY CONSUMPTION TRUST FUND .		158
	FROM FLORIDA COMMUNITIES TRUST FUND		42
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		312
	FROM OPERATING TRUST FUND		1,029
1541	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS		
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		33,000,000
1541A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - COMMUNITY DEVELOPMENT BLOCK GRANT - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		7,454,893
TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT			
	FROM GENERAL REVENUE FUND	641,133	
	FROM TRUST FUNDS		42,432,527
	TOTAL POSITIONS	28.00	
	TOTAL ALL FUNDS		43,073,660

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION

APPROVED SALARY RATE 691,482

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1542	SALARIES AND BENEFITS POSITIONS 15.00		
	FROM OPERATING TRUST FUND		952,730
1543	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND		1,393,413
1544	EXPENSES		
	FROM OPERATING TRUST FUND		325,568
1545	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		1,920
1546	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH		
	FROM OPERATING TRUST FUND		282,637

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1546, this transfer shall be reduced to reflect the amount actually collected.

1547	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM OPERATING TRUST FUND		11,678
1548	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		29,908
1549	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM OPERATING TRUST FUND		7,137
TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION			
	FROM TRUST FUNDS		3,004,991
	TOTAL POSITIONS	15.00	
	TOTAL ALL FUNDS		3,004,991

PUBLIC SERVICE AND ENERGY INITIATIVES

APPROVED SALARY RATE 538,677

1550	SALARIES AND BENEFITS POSITIONS 13.00		
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		439,466
	FROM ENERGY CONSUMPTION TRUST FUND .		185,895
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		200,247
1551	OTHER PERSONAL SERVICES		
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		338,247
	FROM ENERGY CONSUMPTION TRUST FUND .		263
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		496,148
1552	EXPENSES		
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND		3,056
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		163,611
	FROM ENERGY CONSUMPTION TRUST FUND .		70,000
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		119,582
1553	OPERATING CAPITAL OUTLAY		
	FROM COMMUNITY SERVICES BLOCK		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

GRANT TRUST FUND 1,550
FROM LOW INCOME HOME ENERGY
ASSISTANCE PROGRAM BLOCK GRANT
TRUST FUND 1,000

1554 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK
GRANTS
FROM COMMUNITY SERVICES BLOCK
GRANT TRUST FUND 17,876,599

1555 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY
ASSISTANCE PROGRAM BLOCK GRANT
TRUST FUND 90,864,000

1556 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ENERGY CONSUMPTION TRUST FUND . 500

1557 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNITY SERVICES BLOCK
GRANT TRUST FUND 2,340

1558 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM EMERGENCY MANAGEMENT
PREPAREDNESS AND ASSISTANCE TRUST
FUND 300,000

1559 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNITY SERVICES BLOCK
GRANT TRUST FUND 2,678
FROM ENERGY CONSUMPTION TRUST FUND . 1,464
FROM LOW INCOME HOME ENERGY
ASSISTANCE PROGRAM BLOCK GRANT
TRUST FUND 1,219

1559A SPECIAL CATEGORIES
CIVIL LEGAL ASSISTANCE
FROM OPERATING TRUST FUND 1,000,000

1559B SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK
GRANT - AMERICAN RECOVERY AND REINVESTMENT
ACT OF 2009
FROM COMMUNITY SERVICES BLOCK
GRANT TRUST FUND 29,100,000

1560 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM GRANTS AND DONATIONS TRUST
FUND 11,700,000

1560A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WEATHERIZATION
ASSISTANCE PROGRAM - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM GRANTS AND DONATIONS TRUST
FUND 157,984,474

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES
FROM TRUST FUNDS 310,852,339

TOTAL POSITIONS 13.00
TOTAL ALL FUNDS 310,852,339

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
LAND ACQUISITION AND ADMINISTRATION

APPROVED SALARY RATE 728,520

1561 SALARIES AND BENEFITS POSITIONS 16.00
FROM FLORIDA COMMUNITIES TRUST
FUND 993,492

1562 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST
FUND 36,580

1563 EXPENSES
FROM FLORIDA COMMUNITIES TRUST
FUND 181,379

1564 OPERATING CAPITAL OUTLAY
FROM FLORIDA COMMUNITIES TRUST
FUND 1,920

1565 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA COMMUNITIES TRUST
FUND 2,313

1566 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA COMMUNITIES TRUST
FUND 6,879

TOTAL: LAND ACQUISITION AND ADMINISTRATION
FROM TRUST FUNDS 1,222,563

TOTAL POSITIONS 16.00
TOTAL ALL FUNDS 1,222,563

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

AFFORDABLE HOUSING FINANCING

1570 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE
CORPORATION (HFC) - STATE HOUSING
INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING
TRUST FUND 30,110,000

Funds in Specific Appropriation 1570 are provided to the Florida Housing Finance Corporation for the Florida Homebuyer Opportunity Program to assure the state of Florida derives the maximum possible economic benefit from all federal homebuyer assistance programs by providing loans to homebuyers in an amount equal to a homebuyer's anticipated federal assistance. After the expiration date for federal eligibility for the homebuyer assistance programs, funds shall be expended in accordance with sections 420.907 - 420.9079, Florida Statutes.

1573 SPECIAL CATEGORIES
PUBLIC HOUSING MITIGATION INITIATIVE
FROM LOCAL GOVERNMENT HOUSING
TRUST FUND 1,000,000

Funds in Specific Appropriation 1573 shall be used on a one to one match basis with the US Department of Housing and Urban Development (HUD) Stimulus Operating Funds distributed to Public Housing Authorities as defined in section 421.04, Florida Statutes, during Fiscal Year 2009-2010, in order to assist in the preservation and rehabilitation of dwellings which are 30 years or older under control by Public Housing Authorities.

TOTAL: AFFORDABLE HOUSING FINANCING
FROM TRUST FUNDS 31,110,000

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS 31,110,000

TOTAL: COMMUNITY AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND 8,263,900
FROM TRUST FUNDS 762,706,590

TOTAL POSITIONS 346.00
TOTAL ALL FUNDS 770,970,490
TOTAL APPROVED SALARY RATE 15,325,283

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 14,993,425

1574 SALARIES AND BENEFITS POSITIONS 299.00
FROM GENERAL REVENUE FUND 2,367,004
FROM ADMINISTRATIVE TRUST FUND . . . 16,474,564
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 71,172
FROM INLAND PROTECTION TRUST FUND . 208,438
FROM FEDERAL GRANTS TRUST FUND . . . 708,104
FROM INTERNAL IMPROVEMENT TRUST
FUND 431,980

1575 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 55,199
FROM ADMINISTRATIVE TRUST FUND . . . 595,015
FROM FEDERAL GRANTS TRUST FUND . . . 381,879
FROM INTERNAL IMPROVEMENT TRUST
FUND 523,332

1576 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 3,268,410
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 28,809
FROM INLAND PROTECTION TRUST FUND . 59,471
FROM FEDERAL GRANTS TRUST FUND . . . 910,283
FROM INTERNAL IMPROVEMENT TRUST
FUND 4,980

1577 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 16,275
FROM FEDERAL GRANTS TRUST FUND . . . 1,399

1578 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 317,309

1579 SPECIAL CATEGORIES
NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PROGRAM
FROM ADMINISTRATIVE TRUST FUND . . . 22,906

1580 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 184,000
FROM INTERNAL IMPROVEMENT TRUST
FUND 2,859,188

1581 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 4,066

1582 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 86,889

1583 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND . . . 9,910

1584 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND . 107,407

1585 SPECIAL CATEGORIES
PETROLEUM CLEANUP AUDITS
FROM INLAND PROTECTION TRUST FUND . 430,980

1586 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 21,377
FROM ADMINISTRATIVE TRUST FUND . . . 109,045
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 460
FROM INLAND PROTECTION TRUST FUND . 1,347
FROM FEDERAL GRANTS TRUST FUND . . . 4,573

1588 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 2,200,000

1589 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CLEAN MARINA
FROM FEDERAL GRANTS TRUST FUND . . . 2,261,610

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,443,580
FROM TRUST FUNDS 32,283,801

TOTAL POSITIONS 299.00
TOTAL ALL FUNDS 34,727,381

FLORIDA GEOLOGICAL SURVEY

APPROVED SALARY RATE 1,323,995

1590 SALARIES AND BENEFITS POSITIONS 29.50
FROM MINERALS TRUST FUND 1,415,576
FROM WATER QUALITY ASSURANCE TRUST
FUND 402,710

1591 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 166,082
FROM GRANTS AND DONATIONS TRUST
FUND 176,147
FROM WATER QUALITY ASSURANCE TRUST
FUND 50,000

1592 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 27,727
FROM GRANTS AND DONATIONS TRUST
FUND 110,905
FROM WATER QUALITY ASSURANCE TRUST
FUND 301,250

1593 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST
FUND 46,000
FROM MINERALS TRUST FUND 48,868
FROM WATER QUALITY ASSURANCE TRUST
FUND 19,838

1594 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 68,965
FROM GRANTS AND DONATIONS TRUST
FUND 128,077

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SPECIFIC
APPROPRIATION

FROM MINERALS TRUST FUND 5,700
FROM WATER QUALITY ASSURANCE TRUST FUND 120,000

1595 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MINERALS TRUST FUND 6,049

1596 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM MINERALS TRUST FUND 12,939
FROM WATER QUALITY ASSURANCE TRUST FUND 1,076

TOTAL: FLORIDA GEOLOGICAL SURVEY
FROM TRUST FUNDS 3,107,909

TOTAL POSITIONS 29.50
TOTAL ALL FUNDS 3,107,909

TECHNOLOGY AND INFORMATION SERVICES

APPROVED SALARY RATE 3,006,850

1597 SALARIES AND BENEFITS POSITIONS 64.00
FROM WORKING CAPITAL TRUST FUND . . 3,985,115

1598 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND . . 400,000

1599 EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 1,949,343

1600 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND . . 20,625

1601 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKING CAPITAL TRUST FUND . . 1,200,000

1602 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM WORKING CAPITAL TRUST FUND . . 28,957

1603 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND . . 2,165,655

TOTAL: TECHNOLOGY AND INFORMATION SERVICES
FROM TRUST FUNDS 9,749,695

TOTAL POSITIONS 64.00
TOTAL ALL FUNDS 9,749,695

PROGRAM: STATE LANDS

LAND ADMINISTRATION

APPROVED SALARY RATE 2,003,490

1604 SALARIES AND BENEFITS POSITIONS 44.00
FROM INTERNAL IMPROVEMENT TRUST FUND 2,539,771
FROM LAND ACQUISITION TRUST FUND . . 218,379
FROM WATER MANAGEMENT LANDS TRUST FUND 60,756

From the funds in Specific Appropriations 1604 through 1608, the department shall review and provide a report on leases of state-owned lands identifying sub-leases to non-state entities, the type of use, and the terms of the sub-lease. The report shall be submitted to the President of the Senate and the Speaker of the House of Representatives by December 1, 2009.

1605 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 70,000
FROM INTERNAL IMPROVEMENT TRUST FUND 300,000

1606 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 109,278
FROM INTERNAL IMPROVEMENT TRUST FUND 492,833
FROM LAND ACQUISITION TRUST FUND . . 18,394
FROM WATER MANAGEMENT LANDS TRUST FUND 6,648

1608 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 69,994

1609 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 445,895

1610 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,360,000

1612 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INTERNAL IMPROVEMENT TRUST FUND 20,071
FROM LAND ACQUISITION TRUST FUND . . 1,597
FROM WATER MANAGEMENT LANDS TRUST FUND 446

1616 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND . . 426,632,685

Funds provided in Specific Appropriation 1616 are for Fiscal Year 2009-2010 debt service on outstanding bonds authorized prior to July 1, 2009, including unissued bonds which were authorized in Specific Appropriation 1656 of chapter 2008-152, Laws of Florida. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1617 FIXED CAPITAL OUTLAY
DEBT SERVICE - SAVE OUR EVERGLADES BONDS
FROM SAVE OUR EVERGLADES TRUST FUND 17,064,309

Funds provided in Specific Appropriation 1617 are for Fiscal Year 2009-2010 debt service on bonds authorized pursuant to section 215.619, Florida Statutes, including any other continuing payments necessary or incidental to the repayment of the bonds, such as remarketing agent fees, tender agent fees, liquidity facility provider fees and similar fees and expenses. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Save Our Everglades Trust Fund an amount sufficient to pay such debt service.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
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1618 FIXED CAPITAL OUTLAY
DEBT SERVICE NEW ISSUES
FROM SAVE OUR EVERGLADES TRUST
FUND 4,991,600

1619 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND
ACQUISITION
FROM WATER MANAGEMENT LANDS TRUST
FUND 18,300,000

1620 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EVERGLADES RESTORATION
FROM SAVE OUR EVERGLADES TRUST
FUND 50,000,000

Funds in Specific Appropriation 1620 are provided for the design and construction of Comprehensive Everglades Restoration Plan Components, Lake Okeechobee Protection Plan Components, and Caloosahatchee and St. Lucie River Watershed Protection Plan Components and for the acquisition of lands for projects included in these plans.

From the funds in Specific Appropriation 1620, $3,000,000 is provided to the Department of Agriculture and Consumer Services for implementation of agricultural nonpoint source controls in the Okeechobee, Caloosahatchee, and St. Lucie River watersheds.

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 522,702,656

TOTAL POSITIONS 44.00
TOTAL ALL FUNDS 522,702,656

LAND MANAGEMENT

APPROVED SALARY RATE 4,373,110

1621 SALARIES AND BENEFITS POSITIONS 102.00
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 847,981
FROM INTERNAL IMPROVEMENT TRUST
FUND 5,045,226

1622 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 542,000
FROM GRANTS AND DONATIONS TRUST
FUND 574,024
FROM INTERNAL IMPROVEMENT TRUST
FUND 185,000

1623 EXPENSES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 139,844
FROM GRANTS AND DONATIONS TRUST
FUND 494,788
FROM INTERNAL IMPROVEMENT TRUST
FUND 799,128

1624 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST
FUND 150,000

1625 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE
PLANT INDUSTRY TRUST FUND
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 240,000

1626 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CONSERVATION AND RECREATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

LANDS TRUST FUND 20,000
FROM INTERNAL IMPROVEMENT TRUST
FUND 264,020

1627 SPECIAL CATEGORIES
STATE LANDS STEWARDSHIP
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 375,000
FROM INTERNAL IMPROVEMENT TRUST
FUND 200,000

1628 SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST
FUND 84,000

1629 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM
PROPERTY SALES
FROM INTERNAL IMPROVEMENT TRUST
FUND 350,000

1630 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST
FUND 99,591

1631 SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM INTERNAL IMPROVEMENT TRUST
FUND 100,000

1632 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL
TRUST FUND
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 21,733,338

1633 SPECIAL CATEGORIES
TRANSFER TO FISH AND WILDLIFE CONSERVATION
COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 18,787,994

1634 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS
AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 7,842,753

1635 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 6,559
FROM INTERNAL IMPROVEMENT TRUST
FUND 38,517

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 58,919,763

TOTAL POSITIONS 102.00
TOTAL ALL FUNDS 58,919,763

PROGRAM: DISTRICT OFFICES

WATER RESOURCE PROTECTION AND RESTORATION

APPROVED SALARY RATE 19,064,977

1636 SALARIES AND BENEFITS POSITIONS 461.00
FROM GENERAL REVENUE FUND 10,978,850
FROM ECOSYSTEM MANAGEMENT AND

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
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RESTORATION TRUST FUND		2,915,406
FROM FEDERAL GRANTS TRUST FUND . . .		836,024
FROM LAND ACQUISITION TRUST FUND . .		1,310,218
FROM PERMIT FEE TRUST FUND		9,744,491
1637 OTHER PERSONAL SERVICES		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		294,303
1638 EXPENSES		
FROM GENERAL REVENUE FUND	152,112	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		1,633,735
FROM FEDERAL GRANTS TRUST FUND . . .		36,826
FROM LAND ACQUISITION TRUST FUND . .		217,399
FROM PERMIT FEE TRUST FUND		354,937
1639 SPECIAL CATEGORIES		
WATER QUALITY MANAGEMENT/PLANNING GRANTS		
FROM FEDERAL GRANTS TRUST FUND . . .		2,654,072
FROM GRANTS AND DONATIONS TRUST FUND		288,000
1640 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	8,225	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		6,750
FROM FEDERAL GRANTS TRUST FUND . . .		30
FROM LAND ACQUISITION TRUST FUND . .		1,100
FROM PERMIT FEE TRUST FUND		5,370
1641 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		44,296
FROM FEDERAL GRANTS TRUST FUND . . .		3,045
FROM PERMIT FEE TRUST FUND		8,766
1642 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	101,080	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		27,644
FROM FEDERAL GRANTS TRUST FUND . . .		5,201
FROM LAND ACQUISITION TRUST FUND . .		9,458
FROM PERMIT FEE TRUST FUND		43,340
TOTAL: WATER RESOURCE PROTECTION AND RESTORATION		
FROM GENERAL REVENUE FUND	11,240,267	
FROM TRUST FUNDS		20,440,411
TOTAL POSITIONS	461.00	
TOTAL ALL FUNDS		31,680,678
AIR ASSESSMENT		
APPROVED SALARY RATE 655,429		
1643 SALARIES AND BENEFITS POSITIONS 16.00		
FROM AIR POLLUTION CONTROL TRUST FUND		890,044
FROM GRANTS AND DONATIONS TRUST FUND		101,383
1644 OTHER PERSONAL SERVICES		
FROM AIR POLLUTION CONTROL TRUST FUND		28,445
1645 EXPENSES		
FROM AIR POLLUTION CONTROL TRUST FUND		86,341

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1646 OPERATING CAPITAL OUTLAY		
FROM AIR POLLUTION CONTROL TRUST FUND		9,572
1647 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM AIR POLLUTION CONTROL TRUST FUND		5,300
1648 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM AIR POLLUTION CONTROL TRUST FUND		5,811
FROM GRANTS AND DONATIONS TRUST FUND		1,110
TOTAL: AIR ASSESSMENT		
FROM TRUST FUNDS		1,128,006
TOTAL POSITIONS	16.00	
TOTAL ALL FUNDS		1,128,006
AIR POLLUTION PREVENTION		
APPROVED SALARY RATE 3,607,283		
1649 SALARIES AND BENEFITS POSITIONS 79.00		
FROM AIR POLLUTION CONTROL TRUST FUND		4,631,318
1650 OTHER PERSONAL SERVICES		
FROM AIR POLLUTION CONTROL TRUST FUND		174,156
1651 EXPENSES		
FROM AIR POLLUTION CONTROL TRUST FUND		525,863
1652 OPERATING CAPITAL OUTLAY		
FROM AIR POLLUTION CONTROL TRUST FUND		88,735
1653 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM AIR POLLUTION CONTROL TRUST FUND		9,750
1654 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM AIR POLLUTION CONTROL TRUST FUND		19,860
1655 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM AIR POLLUTION CONTROL TRUST FUND		32,607
TOTAL: AIR POLLUTION PREVENTION		
FROM TRUST FUNDS		5,482,289
TOTAL POSITIONS	79.00	
TOTAL ALL FUNDS		5,482,289
WASTE CONTROL		
APPROVED SALARY RATE 6,938,366		
1656 SALARIES AND BENEFITS POSITIONS 162.00		
FROM INLAND PROTECTION TRUST FUND .		2,658,220
FROM FEDERAL GRANTS TRUST FUND . . .		1,232,278

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM PERMIT FEE TRUST FUND		672,626
FROM SOLID WASTE MANAGEMENT TRUST FUND		1,590,034
FROM WATER QUALITY ASSURANCE TRUST FUND		3,120,622
1657 OTHER PERSONAL SERVICES		
FROM INLAND PROTECTION TRUST FUND .		110,000
1658 EXPENSES		
FROM INLAND PROTECTION TRUST FUND .		591,982
FROM FEDERAL GRANTS TRUST FUND . . .		109,016
FROM PERMIT FEE TRUST FUND		40,204
FROM SOLID WASTE MANAGEMENT TRUST FUND		149,759
FROM WATER QUALITY ASSURANCE TRUST FUND		314,784
1659 OPERATING CAPITAL OUTLAY		
FROM SOLID WASTE MANAGEMENT TRUST FUND		60,919
1660 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM INLAND PROTECTION TRUST FUND .		1,860
FROM FEDERAL GRANTS TRUST FUND . . .		550
FROM SOLID WASTE MANAGEMENT TRUST FUND		6,550
FROM WATER QUALITY ASSURANCE TRUST FUND		16,145
1661 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND		120,594
1662 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM INLAND PROTECTION TRUST FUND .		119,294
FROM FEDERAL GRANTS TRUST FUND . . .		5,757
FROM SOLID WASTE MANAGEMENT TRUST FUND		9,056
1663 SPECIAL CATEGORIES		
RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
FROM SOLID WASTE MANAGEMENT TRUST FUND		14,000
1664 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM INLAND PROTECTION TRUST FUND .		18,904
FROM FEDERAL GRANTS TRUST FUND . . .		8,763
FROM PERMIT FEE TRUST FUND		5,316
FROM SOLID WASTE MANAGEMENT TRUST FUND		11,307
FROM WATER QUALITY ASSURANCE TRUST FUND		22,192
TOTAL: WASTE CONTROL		
FROM TRUST FUNDS		11,010,732
TOTAL POSITIONS	162.00	
TOTAL ALL FUNDS		11,010,732

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 4,189,947

1665 SALARIES AND BENEFITS POSITIONS	90.00	
FROM GENERAL REVENUE FUND	1,029,992	
FROM ADMINISTRATIVE TRUST FUND . . .		3,292,519

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM AIR POLLUTION CONTROL TRUST FUND		991,429
FROM SOLID WASTE MANAGEMENT TRUST FUND		306,711
1666 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND . . .		127,564
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		18,621
1667 EXPENSES		
FROM GENERAL REVENUE FUND	945,116	
FROM ADMINISTRATIVE TRUST FUND . . .		720,601
FROM AIR POLLUTION CONTROL TRUST FUND		286,560
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		21,337
FROM LAND ACQUISITION TRUST FUND . .		27,923
FROM SOLID WASTE MANAGEMENT TRUST FUND		58,316
1668 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND . . .		3,451
1669 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	44,795	
FROM ADMINISTRATIVE TRUST FUND . . .		90,085
FROM AIR POLLUTION CONTROL TRUST FUND		8,894
1670 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	123,109	
FROM ADMINISTRATIVE TRUST FUND . . .		59,709
1671 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	16,931	
FROM ADMINISTRATIVE TRUST FUND . . .		12,193
FROM AIR POLLUTION CONTROL TRUST FUND		6,777
FROM SOLID WASTE MANAGEMENT TRUST FUND		2,086
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,159,943	
FROM TRUST FUNDS		6,034,776
TOTAL POSITIONS	90.00	
TOTAL ALL FUNDS		8,194,719

WASTE CLEANUP

APPROVED SALARY RATE 44,154

1672 SALARIES AND BENEFITS POSITIONS	1.00	
FROM WATER QUALITY ASSURANCE TRUST FUND		104,198
1673 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND		69,941
1674 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM WATER QUALITY ASSURANCE TRUST FUND		401

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TOTAL: WASTE CLEANUP
FROM TRUST FUNDS 174,540

TOTAL POSITIONS 1.00
TOTAL ALL FUNDS 174,540

PROGRAM: ENVIRONMENTAL ASSESSMENT AND RESTORATION

WATER SCIENCE AND LABORATORY SERVICES

APPROVED SALARY RATE 7,898,585

1675 SALARIES AND BENEFITS POSITIONS 180.00
FROM GENERAL REVENUE FUND 1,438,161
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 4,688,202
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 381,612
FROM FEDERAL GRANTS TRUST FUND . . . 1,915,242
FROM LAND ACQUISITION TRUST FUND . . 65,086
FROM PERMIT FEE TRUST FUND 53,405
FROM WATER QUALITY ASSURANCE TRUST
FUND 2,243,383

1676 OTHER PERSONAL SERVICES
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 185,969
FROM FEDERAL GRANTS TRUST FUND . . . 60,039
FROM LAND ACQUISITION TRUST FUND . . 1,914,271
FROM WATER QUALITY ASSURANCE TRUST
FUND 70,950

1677 EXPENSES
FROM GENERAL REVENUE FUND 32,201
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 1,378,497
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 164,960
FROM FEDERAL GRANTS TRUST FUND . . . 11,339
FROM PERMIT FEE TRUST FUND 96,923
FROM WATER QUALITY ASSURANCE TRUST
FUND 272,602

1678 OPERATING CAPITAL OUTLAY
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 198,800
FROM FEDERAL GRANTS TRUST FUND . . . 13,002

1679 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 125,000
FROM WATER QUALITY ASSURANCE TRUST
FUND 1,798,745

1680 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY
SUPPORT
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 176,425

1681 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 469,471

1682 SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 2,320,000

1683 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 436,559

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SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 50,000

1684 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 339,150

1685 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 16,148

1686 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM FEDERAL GRANTS TRUST FUND . . . 78,500
FROM WATER QUALITY ASSURANCE TRUST
FUND 214,897

1686A SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND
AGRICULTURE SCIENCES (IFAS) - LAKEWATCH
FROM INTERNAL IMPROVEMENT TRUST
FUND 275,000

1687 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,624
FROM ENVIRONMENTAL LABORATORY
TRUST FUND 37,126
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 2,979
FROM FEDERAL GRANTS TRUST FUND . . . 18,614
FROM LAND ACQUISITION TRUST FUND . . 1,769
FROM PERMIT FEE TRUST FUND 401
FROM WATER QUALITY ASSURANCE TRUST
FUND 14,910

1688 FIXED CAPITAL OUTLAY
TOTAL MAXIMUM DAILY LOADS
FROM GENERAL REVENUE FUND 500,000
FROM INTERNAL IMPROVEMENT TRUST
FUND 500,000

1689 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - NON-POINT SOURCE (NPS)
MANAGEMENT PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 10,000,000
FROM WATER QUALITY ASSURANCE TRUST
FUND 1,000,000

TOTAL: WATER SCIENCE AND LABORATORY SERVICES
FROM GENERAL REVENUE FUND 1,979,986
FROM TRUST FUNDS 31,589,976

TOTAL POSITIONS 180.00
TOTAL ALL FUNDS 33,569,962

PROGRAM: WATER RESOURCE MANAGEMENT

BEACH MANAGEMENT

APPROVED SALARY RATE 3,141,515

1690 SALARIES AND BENEFITS POSITIONS 73.00
FROM GENERAL REVENUE FUND 222,232
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 3,371,737
FROM PERMIT FEE TRUST FUND 672,367

1691 OTHER PERSONAL SERVICES
FROM ECOSYSTEM MANAGEMENT AND

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SPECIFIC
APPROPRIATION

RESTORATION TRUST FUND		302,857
1692 EXPENSES		
FROM GENERAL REVENUE FUND	77,684	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		333,741
FROM PERMIT FEE TRUST FUND		307,101
1693 OPERATING CAPITAL OUTLAY		
FROM PERMIT FEE TRUST FUND		4,597
1693A SPECIAL CATEGORIES		
TRANSFER TO THE ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND FOR BEACH PROJECTS		
FROM GENERAL REVENUE FUND	5,500,000	
1694 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	3,144	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		26,233
FROM PERMIT FEE TRUST FUND		3,045
1695 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY BEACH PROJECTS - STATEWIDE		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		15,000,000

As part of the department's Beach Management Assistance Program, funds shall be allocated to those projects on the 2009-2010 Priority Projects List with a federal cost-share, according to their readiness-to-proceed and in such a manner as to maximize the federal dollars leveraged. Further, pursuant to s. 161.143(5)(a), F.S., the top three projects on the department's Inlet Management List shall be funded accordingly. Appropriated funds shall also be used for post-construction monitoring. To the extent state matching funds for monitoring requirements are not available, such unrealized state dollars may be considered as a local government cost credit toward future beach management projects or activities. The remaining dollars shall be used to fund projects on the department's Alternate Projects List for Fiscal Year 2009-2010 that received appropriations from Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, and Specific Appropriation 1834 of chapter 2007-72, Laws of Florida.

Pursuant to the 2008-2009 General Appropriations Act, Specific Appropriation 1748 Proviso Report submitted to the President of the Senate and Speaker of the House of Representatives, the department shall implement those recommendations pertaining to the project management provisions addressing funding, accountability, and transparency, for the 2009-2010 fiscal year.

TOTAL: BEACH MANAGEMENT		
FROM GENERAL REVENUE FUND	5,803,060	
FROM TRUST FUNDS		20,021,678
TOTAL POSITIONS	73.00	
TOTAL ALL FUNDS		25,824,738

WATER RESOURCE PROTECTION AND RESTORATION

APPROVED SALARY RATE 10,058,421

1696 SALARIES AND BENEFITS POSITIONS 210.50		
FROM GENERAL REVENUE FUND	828,987	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		335,796
FROM FEDERAL GRANTS TRUST FUND . . .		5,589,670
FROM LAND ACQUISITION TRUST FUND . .		577,348
FROM MINERALS TRUST FUND		2,261,725
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		1,348,070

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
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FROM PERMIT FEE TRUST FUND		1,095,543
FROM WATER QUALITY ASSURANCE TRUST FUND		1,383,215
1697 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	20,154	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		358,779
FROM LAND ACQUISITION TRUST FUND . .		40,000
FROM MINERALS TRUST FUND		105,648
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		59,938
FROM WATER QUALITY ASSURANCE TRUST FUND		225,168
1698 EXPENSES		
FROM LAND ACQUISITION TRUST FUND . .		97,750
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		495,041
FROM PERMIT FEE TRUST FUND		463,870
FROM WATER QUALITY ASSURANCE TRUST FUND		209,928
1699 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
FROM WATER MANAGEMENT LANDS TRUST FUND		453,000
1700 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
FROM WATER MANAGEMENT LANDS TRUST FUND		100,000
1701 OPERATING CAPITAL OUTLAY		
FROM MINERALS TRUST FUND		1,132
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		40,125
1702 SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS		
FROM FEDERAL GRANTS TRUST FUND . . .		3,426,190
FROM GRANTS AND DONATIONS TRUST FUND		500,000
1702A SPECIAL CATEGORIES DRINKING WATER PROGRAM ENHANCEMENTS AND IMPROVEMENTS - FEDERAL STIMULUS		
FROM FEDERAL GRANTS TRUST FUND . . .		2,300,000
1703 SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM		
FROM PERMIT FEE TRUST FUND		2,100,000
1704 SPECIAL CATEGORIES CONTRACTED SERVICES		
FROM MINERALS TRUST FUND		20,000
1705 SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND		2,399,943
1706 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	86,927	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		11,782
FROM MINERALS TRUST FUND		3,561
FROM PERMIT FEE TRUST FUND		11,782

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1707 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH FOR STATE
UNDERGROUND PETROLEUM ENVIRONMENTAL
RESPONSE ACT
FROM INLAND PROTECTION TRUST FUND . 1,028,157

1708 SPECIAL CATEGORIES
HABITAT RESTORATION
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 200,000

1709 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND . 200,000

1710 SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM WATER QUALITY ASSURANCE TRUST
FUND 1,431,061

1711 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 11,761
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 2,940
FROM FEDERAL GRANTS TRUST FUND . . . 33,999
FROM LAND ACQUISITION TRUST FUND . . 3,073
FROM MINERALS TRUST FUND 17,092
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 10,163
FROM PERMIT FEE TRUST FUND 8,687
FROM WATER QUALITY ASSURANCE TRUST
FUND 10,692

1712 SPECIAL CATEGORIES
WETLANDS PROTECTION
FROM FEDERAL GRANTS TRUST FUND . . . 284,459

1713 FIXED CAPITAL OUTLAY
HAZARDOUS SITES CLEANUP - PHOSPHATE/
MULBERRY/PINEY POINT
FROM NON-MANDATORY LAND
RECLAMATION TRUST FUND 15,740,000

1716 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - NON-POINT SOURCE (NPS)
MANAGEMENT PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 4,500,000
FROM GRANTS AND DONATIONS TRUST
FUND 500,000

1717 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION -
STATE REVOLVING LOAN
FROM DRINKING WATER REVOLVING LOAN
TRUST FUND 27,000,000

1717A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION -
STATE REVOLVING LOAN - FEDERAL STIMULUS
FROM DRINKING WATER REVOLVING LOAN
TRUST FUND 63,474,000

The Department of Environmental Protection shall provide a quarterly report on the distribution of funds provided in Specific Appropriation 1717A, 1718A and sections 17 and 18 of this act. The report shall be provided to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives beginning October 1, 2009, and continuing until all funds have been distributed.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1718 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
FROM WASTEWATER TREATMENT AND
STORMWATER MANAGEMENT REVOLVING
LOAN TRUST FUND 66,100,000

1718A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
- FEDERAL STIMULUS
FROM WASTEWATER TREATMENT AND
STORMWATER MANAGEMENT REVOLVING
LOAN TRUST FUND 97,286,374

1719 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SMALL COUNTY WASTEWATER TREATMENT GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 13,600,000

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 947,829
FROM TRUST FUNDS 317,445,701

TOTAL POSITIONS 210.50
TOTAL ALL FUNDS 318,393,530

WATER SUPPLY

APPROVED SALARY RATE 378,545

1721 SALARIES AND BENEFITS POSITIONS 7.00
FROM GENERAL REVENUE FUND 476,577

1722 EXPENSES
FROM GENERAL REVENUE FUND 177,008

1723 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE
PERMITTING PROGRAM
FROM WATER MANAGEMENT LANDS TRUST
FUND 2,240,000

1724 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER
MANAGEMENT DISTRICT OPERATIONS
FROM WATER MANAGEMENT LANDS TRUST
FUND 1,044,926

1725 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT
DISTRICTS - WETLANDS PROTECTION
FROM WATER MANAGEMENT LANDS TRUST
FUND 547,000

1726 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,767

TOTAL: WATER SUPPLY
FROM GENERAL REVENUE FUND 656,352
FROM TRUST FUNDS 3,831,926

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 4,488,278

PROGRAM: WASTE MANAGEMENT

WASTE CLEANUP

APPROVED SALARY RATE 4,262,510

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1727 SALARIES AND BENEFITS POSITIONS 97.00
FROM INLAND PROTECTION TRUST FUND . 4,004,826
FROM SOLID WASTE MANAGEMENT TRUST FUND 20
FROM WATER QUALITY ASSURANCE TRUST FUND 1,734,370

1728 EXPENSES
FROM INLAND PROTECTION TRUST FUND . 581,842
FROM SOLID WASTE MANAGEMENT TRUST FUND 117
FROM WATER QUALITY ASSURANCE TRUST FUND 198,562

1729 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND . 7,447
FROM WATER QUALITY ASSURANCE TRUST FUND 2,758

1730 SPECIAL CATEGORIES
TRANSFER TO DOT - KEEP AMERICA BEAUTIFUL AFFILIATES OF FLORIDA
FROM SOLID WASTE MANAGEMENT TRUST FUND 500,000

1731 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INLAND PROTECTION TRUST FUND . 2,545
FROM WATER QUALITY ASSURANCE TRUST FUND 1,200

1732 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND 1,907,327

1733 SPECIAL CATEGORIES
INLAND PROTECTION FINANCING CORPORATION
FROM INLAND PROTECTION TRUST FUND . 10,302,550

The funds in Specific Appropriation 1733 are for paying debt service or any other amounts payable with respect to up to $104 million of bonds and any administrative expenses of the Inland Protection Financing Corporation for the purpose of the rehabilitation of petroleum contamination sites pursuant to sections 376.30 through 376.317, Florida Statutes.

1734 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND 100,000

1735 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND . 12,155
FROM WATER QUALITY ASSURANCE TRUST FUND 5,212

1736 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND 231,092

1737 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND . 5,000,000

1738 SPECIAL CATEGORIES
LOCAL GOVERNMENT CLEANUP CONTRACTING
FROM INLAND PROTECTION TRUST FUND . 7,000,000

1738A SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP STIMULUS

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM FEDERAL GRANTS TRUST FUND . . . 11,036,000

1739 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INLAND PROTECTION TRUST FUND . 29,762
FROM WATER QUALITY ASSURANCE TRUST FUND 12,889

1740 FIXED CAPITAL OUTLAY
DRY CLEANING SOLVENT CONTAMINATED SITE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND 9,700,000

1741 FIXED CAPITAL OUTLAY
CLEANUP OF STATE OWNED LANDS
FROM INLAND PROTECTION TRUST FUND . 1,000,000

1742 FIXED CAPITAL OUTLAY
HAZARDOUS WASTE CONTAMINATED SITE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND 4,000,000

TOTAL: WASTE CLEANUP
FROM TRUST FUNDS 57,370,674

TOTAL POSITIONS 97.00
TOTAL ALL FUNDS 57,370,674

WASTE CONTROL

APPROVED SALARY RATE 6,477,896

1743 SALARIES AND BENEFITS POSITIONS 146.00
FROM INLAND PROTECTION TRUST FUND . 1,552,143
FROM FEDERAL GRANTS TRUST FUND . . . 2,169,017
FROM PERMIT FEE TRUST FUND 50,319
FROM SOLID WASTE MANAGEMENT TRUST FUND 2,306,093
FROM WATER QUALITY ASSURANCE TRUST FUND 2,679,964

1744 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND . 23,780
FROM FEDERAL GRANTS TRUST FUND . . . 266,193
FROM SOLID WASTE MANAGEMENT TRUST FUND 142,552
FROM WATER QUALITY ASSURANCE TRUST FUND 12,000

1745 EXPENSES
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 4,438
FROM INLAND PROTECTION TRUST FUND . 212,393
FROM FEDERAL GRANTS TRUST FUND . . . 636,909
FROM PERMIT FEE TRUST FUND 7,065
FROM SOLID WASTE MANAGEMENT TRUST FUND 374,602
FROM WATER QUALITY ASSURANCE TRUST FUND 260,992

1746 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOUTHERN WASTE INFORMATION EXCHANGE CLEARING HOUSE
FROM SOLID WASTE MANAGEMENT TRUST FUND 300,000

1747 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND 509,994

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1748 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND . 2,482
FROM SOLID WASTE MANAGEMENT TRUST FUND 44,094
FROM WATER QUALITY ASSURANCE TRUST FUND 8,265

1749 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND . 10,000,000

1750 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH FOR BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND 880,000

1751 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INLAND PROTECTION TRUST FUND . 6,500
FROM FEDERAL GRANTS TRUST FUND . . . 4,200
FROM SOLID WASTE MANAGEMENT TRUST FUND 2,500
FROM WATER QUALITY ASSURANCE TRUST FUND 900

1752 SPECIAL CATEGORIES
FEDERAL WASTE PLANNING GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 743,050

1753 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM FEDERAL GRANTS TRUST FUND . . . 1,999,847

1754 SPECIAL CATEGORIES
HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND EDUCATION
FROM SOLID WASTE MANAGEMENT TRUST FUND 100,000

1755 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - MOSQUITO CONTROL PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND 2,160,000

1756 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND . 4,133
FROM SOLID WASTE MANAGEMENT TRUST FUND 8,153
FROM WATER QUALITY ASSURANCE TRUST FUND 10,736

1757 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA - RESEARCH AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND 700,000

1758 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INLAND PROTECTION TRUST FUND . 10,481
FROM FEDERAL GRANTS TRUST FUND . . . 14,647
FROM PERMIT FEE TRUST FUND 340
FROM SOLID WASTE MANAGEMENT TRUST FUND 14,784
FROM WATER QUALITY ASSURANCE TRUST FUND 17,633

1759 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

TRANSFER TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - OPERATION CLEAN SWEEP
FROM SOLID WASTE MANAGEMENT TRUST FUND 100,000

1760 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND 2,600,000

TOTAL: WASTE CONTROL
FROM TRUST FUNDS 30,941,199

TOTAL POSITIONS 146.00
TOTAL ALL FUNDS 30,941,199

PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

APPROVED SALARY RATE 1,860,835

1761 SALARIES AND BENEFITS POSITIONS 48.00
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 41,388
FROM LAND ACQUISITION TRUST FUND . . 2,438,796

1762 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND . . 804,408

1763 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 43,689
FROM LAND ACQUISITION TRUST FUND . . 594,102

1764 OPERATING CAPITAL OUTLAY
FROM LAND ACQUISITION TRUST FUND . . 4,687

1765 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM LAND ACQUISITION TRUST FUND . . 100,000

1766 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND . . 187,624

1767 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 15,824
FROM LAND ACQUISITION TRUST FUND . . 85,166

1768 SPECIAL CATEGORIES
GREENWAYS CARL MANAGEMENT FUNDING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,609,403

1769 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 425
FROM LAND ACQUISITION TRUST FUND . . 23,328

1770A FIXED CAPITAL OUTLAY
RECREATION AND PARKS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 3,663,134

1771 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
NATIONAL RECREATIONAL TRAIL GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 3,600,000

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 13,211,974

TOTAL POSITIONS 48.00
TOTAL ALL FUNDS 13,211,974

RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS

APPROVED SALARY RATE 338,200

1772 SALARIES AND BENEFITS POSITIONS 7.00
FROM LAND ACQUISITION TRUST FUND . . 418,878

1773 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND . . 2,391

1774 EXPENSES
FROM LAND ACQUISITION TRUST FUND . . 34,548

1775 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF COMMUNITY
AFFAIRS - FLORIDA COMMUNITIES TRUST
FROM LAND ACQUISITION TRUST FUND . . 1,210,682

1776 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM LAND ACQUISITION TRUST FUND . . 3,071

1777 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FEDERAL LAND AND WATER CONSERVATION FUND
GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS
FROM TRUST FUNDS 2,669,570

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 2,669,570

STATE PARK OPERATIONS

APPROVED SALARY RATE 33,211,297

1779 SALARIES AND BENEFITS POSITIONS 1,066.00
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 1,239,380
FROM STATE PARK TRUST FUND 46,250,880

1780 OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 4,050,805

1781 EXPENSES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 40,861
FROM STATE PARK TRUST FUND 12,757,905

1782 OPERATING CAPITAL OUTLAY
FROM STATE PARK TRUST FUND 425,614

1783 SPECIAL CATEGORIES
OPERATIONAL INCENTIVES PROGRAM
FROM STATE PARK TRUST FUND 95,999

1784 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 700,000

1785 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
DISBURSE DONATIONS
FROM FEDERAL GRANTS TRUST FUND . . . 60,000
FROM GRANTS AND DONATIONS TRUST
FUND 250,000
FROM STATE PARK TRUST FUND 250,000

1786 SPECIAL CATEGORIES
LAND MANAGEMENT
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 1,529,552

1787 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE PARK TRUST FUND 28,007

1788 SPECIAL CATEGORIES
AMERICORPS PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 700,000

1789 SPECIAL CATEGORIES
OUTSOURCING/PRIVATIZATION
FROM STATE PARK TRUST FUND 4,891,903

1790 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM STATE PARK TRUST FUND 287,996

1791 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 2,181,420

1792 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 641,350
FROM STATE PARK TRUST FUND 2,467,283

1793 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM STATE PARK TRUST FUND 75,000

1794 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 12,902
FROM STATE PARK TRUST FUND 501,550

1795 FIXED CAPITAL OUTLAY
STATE PARK FACILITY IMPROVEMENTS
FROM GRANTS AND DONATIONS TRUST
FUND 500,000

1800 FIXED CAPITAL OUTLAY
DISASTER RELATED REPAIRS
FROM FEDERAL GRANTS TRUST FUND . . . 2,000,000

1801A FIXED CAPITAL OUTLAY
RECREATION AND PARKS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 4,932,448

1802 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM FEDERAL GRANTS TRUST FUND . . . 1,450,000
FROM GRANTS AND DONATIONS TRUST
FUND 1,000,000

1803 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND . . 5,000,000

1805 FIXED CAPITAL OUTLAY

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND . . 13,419,364

TOTAL: STATE PARK OPERATIONS
FROM TRUST FUNDS 107,740,219

TOTAL POSITIONS 1,066.00
TOTAL ALL FUNDS 107,740,219

COASTAL AND AQUATIC MANAGED AREAS

APPROVED SALARY RATE 4,199,225

1806 SALARIES AND BENEFITS POSITIONS 103.00
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 444,962
FROM FEDERAL GRANTS TRUST FUND . . . 1,637,333
FROM LAND ACQUISITION TRUST FUND . . 3,600,104

1807 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 176,608
FROM LAND ACQUISITION TRUST FUND . . 301,704

1808 EXPENSES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 184,858
FROM LAND ACQUISITION TRUST FUND . . 633,676

1809 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 9,292
FROM LAND ACQUISITION TRUST FUND . . 100

1810 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 141,135

1811 SPECIAL CATEGORIES
SUBMERGED RESOURCE DAMAGED RESTORATIONS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 57,834

1812 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 50,000
FROM LAND ACQUISITION TRUST FUND . . 67,303

1813 SPECIAL CATEGORIES
LITTLE PINE ISLAND MITIGATION BANK
FROM LAND ACQUISITION TRUST FUND . . 200,000

1814 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 3,837,883
FROM GRANTS AND DONATIONS TRUST
FUND 300,000
FROM LAND ACQUISITION TRUST FUND . . 303,389

1815 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 29,840
FROM FEDERAL GRANTS TRUST FUND . . . 2,223
FROM LAND ACQUISITION TRUST FUND . . 57,750

1816 SPECIAL CATEGORIES
COASTAL AND AQUATIC MANAGED AREAS (CAMA) -
CARL MANAGEMENT FUNDS
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 458,579

1817 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION
LANDS TRUST FUND 3,966
FROM FEDERAL GRANTS TRUST FUND . . . 11,706
FROM LAND ACQUISITION TRUST FUND . . 35,467

1819A FIXED CAPITAL OUTLAY
RECREATION AND PARKS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 2,583,391

TOTAL: COASTAL AND AQUATIC MANAGED AREAS
FROM TRUST FUNDS 15,129,103

TOTAL POSITIONS 103.00
TOTAL ALL FUNDS 15,129,103

PROGRAM: AIR RESOURCES MANAGEMENT

AIR ASSESSMENT

APPROVED SALARY RATE 1,651,313

1820 SALARIES AND BENEFITS POSITIONS 34.00
FROM AIR POLLUTION CONTROL TRUST
FUND 2,162,119

1821 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST
FUND 1,780,806

1822 EXPENSES
FROM AIR POLLUTION CONTROL TRUST
FUND 923,383

1823 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST
FUND 313,743

1824 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE
REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST
FUND 3,662,968

1825 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM AIR POLLUTION CONTROL TRUST
FUND 15,000

1826 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST
FUND 9,544

1827 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST
FUND 13,966

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 8,881,529

TOTAL POSITIONS 34.00
TOTAL ALL FUNDS 8,881,529

AIR POLLUTION PREVENTION

APPROVED SALARY RATE 2,452,620

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1828 SALARIES AND BENEFITS POSITIONS 50.00
FROM AIR POLLUTION CONTROL TRUST FUND 3,228,908

1829 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND 3,657,810

1830 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND 523,333

1831 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND 73,937

1832 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND 3,662,968

1833 SPECIAL CATEGORIES
ASBESTOS REMOVAL PROGRAM FEES
FROM AIR POLLUTION CONTROL TRUST FUND 150,000

1834 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND 7,000

1834A SPECIAL CATEGORIES
AIR QUALITY IMPROVEMENT/REDUCE EMISSIONS - FEDERAL STIMULUS
FROM AIR POLLUTION CONTROL TRUST FUND 1,730,000

1835 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND 9,504

1836 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND 20,766

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 13,064,226

TOTAL POSITIONS 50.00
TOTAL ALL FUNDS 13,064,226

UTILITIES SITING AND COORDINATION

APPROVED SALARY RATE 358,172

1837 SALARIES AND BENEFITS POSITIONS 6.00
FROM PERMIT FEE TRUST FUND 399,494

1838 EXPENSES
FROM PERMIT FEE TRUST FUND 48,246

1839 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PERMIT FEE TRUST FUND 1,000

1840 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PERMIT FEE TRUST FUND 2,413

TOTAL: UTILITIES SITING AND COORDINATION
FROM TRUST FUNDS 451,153

TOTAL POSITIONS 6.00
TOTAL ALL FUNDS 451,153

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

APPROVED SALARY RATE 3,137,715

1841 SALARIES AND BENEFITS POSITIONS 62.50
FROM GENERAL REVENUE FUND 1,495,365
FROM COASTAL PROTECTION TRUST FUND . 677,927
FROM INLAND PROTECTION TRUST FUND . 796,749
FROM SOLID WASTE MANAGEMENT TRUST FUND 1,405,833

1842 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND . 120,000

1843 EXPENSES
FROM COASTAL PROTECTION TRUST FUND . 85,344
FROM INLAND PROTECTION TRUST FUND . 781,421

1844 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND . 16,794

1845 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND . 76,350

1846 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INLAND PROTECTION TRUST FUND . 50,000
FROM GRANTS AND DONATIONS TRUST FUND 100,000

1847 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND . 17,558
FROM INLAND PROTECTION TRUST FUND . 247,846

1848 SPECIAL CATEGORIES
OVERTIME
FROM COASTAL PROTECTION TRUST FUND . 40,400
FROM INLAND PROTECTION TRUST FUND . 40,400

1849 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND . 130,134

1850 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM COASTAL PROTECTION TRUST FUND . 21,465
FROM INLAND PROTECTION TRUST FUND . 31,490

1851 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 20,181
FROM COASTAL PROTECTION TRUST FUND . 3,558
FROM INLAND PROTECTION TRUST FUND . 2,931

TOTAL: ENVIRONMENTAL INVESTIGATION
FROM GENERAL REVENUE FUND 1,515,546
FROM TRUST FUNDS 4,646,200

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

	TOTAL POSITIONS	62.50	
	TOTAL ALL FUNDS		6,161,746

PATROL ON STATE LANDS

APPROVED SALARY RATE 3,898,292

1852	SALARIES AND BENEFITS POSITIONS	93.00	
	FROM LAND ACQUISITION TRUST FUND . .		5,807,805
1853	OTHER PERSONAL SERVICES		
	FROM LAND ACQUISITION TRUST FUND . .		42,639
1854	EXPENSES		
	FROM LAND ACQUISITION TRUST FUND . .		216,853
1855	OPERATING CAPITAL OUTLAY		
	FROM LAND ACQUISITION TRUST FUND . .		73,445
1856	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM LAND ACQUISITION TRUST FUND . .		222,901
1857	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL VEHICLES		
	FROM FEDERAL GRANTS TRUST FUND . . .		300,000
	FROM LAND ACQUISITION TRUST FUND . .		211,218
1858	SPECIAL CATEGORIES		
	OVERTIME		
	FROM LAND ACQUISITION TRUST FUND . .		65,550
1859	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		70,568
	FROM LAND ACQUISITION TRUST FUND . .		132,092
1860	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM LAND ACQUISITION TRUST FUND . .		95,462
1861	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM LAND ACQUISITION TRUST FUND . .		41,384
TOTAL: PATROL ON STATE LANDS			
	FROM TRUST FUNDS		7,279,917
	TOTAL POSITIONS	93.00	
	TOTAL ALL FUNDS		7,279,917

EMERGENCY RESPONSE

APPROVED SALARY RATE 1,457,128

1862	SALARIES AND BENEFITS POSITIONS	28.00	
	FROM COASTAL PROTECTION TRUST FUND .		1,330,431
	FROM INLAND PROTECTION TRUST FUND .		526,695
1863	OTHER PERSONAL SERVICES		
	FROM COASTAL PROTECTION TRUST FUND .		195,411
1864	EXPENSES		
	FROM COASTAL PROTECTION TRUST FUND .		154,815
	FROM INLAND PROTECTION TRUST FUND .		57,190
1865	OPERATING CAPITAL OUTLAY		
	FROM COASTAL PROTECTION TRUST FUND .		7,818

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1866	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM COASTAL PROTECTION TRUST FUND .		63,594
1867	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM COASTAL PROTECTION TRUST FUND .		921,027
1868	SPECIAL CATEGORIES		
	ON-CALL FEES		
	FROM COASTAL PROTECTION TRUST FUND .		98,902
1869	SPECIAL CATEGORIES		
	PAYMENTS FOR RESTORATION AND DAMAGE		
	FROM COASTAL PROTECTION TRUST FUND .		25,000
1870	SPECIAL CATEGORIES		
	ABANDONED DRUM REMOVAL AND DISPOSAL		
	FROM COASTAL PROTECTION TRUST FUND .		100,000
1871	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INLAND PROTECTION TRUST FUND .		130,876
1872	SPECIAL CATEGORIES		
	UNDERGROUND STORAGE TANK CLEANUP		
	FROM INLAND PROTECTION TRUST FUND .		214,759
1873	SPECIAL CATEGORIES		
	TRANSFER TO MARINE RESOURCES CONSERVATION TRUST FUND IN THE FISH AND WILDLIFE CONSERVATION COMMISSION		
	FROM COASTAL PROTECTION TRUST FUND .		11,197,242
1874	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM COASTAL PROTECTION TRUST FUND .		8,585
	FROM INLAND PROTECTION TRUST FUND .		3,397
TOTAL: EMERGENCY RESPONSE			
	FROM TRUST FUNDS		15,035,742
	TOTAL POSITIONS	28.00	
	TOTAL ALL FUNDS		15,035,742
TOTAL: ENVIRONMENTAL PROTECTION, DEPARTMENT OF			
	FROM GENERAL REVENUE FUND	26,746,563	
	FROM TRUST FUNDS		1,320,345,365
	TOTAL POSITIONS	3,558.50	
	TOTAL ALL FUNDS		1,347,091,928
	TOTAL APPROVED SALARY RATE	144,983,295	

FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES

The Florida Fish and Wildlife Conservation Commission shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, chapter 2008-116, Laws of Florida.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 9,190,784

1875 SALARIES AND BENEFITS POSITIONS 213.50
FROM ADMINISTRATIVE TRUST FUND . . . 9,760,694
FROM MARINE RESOURCES CONSERVATION TRUST FUND 820,018
FROM NON-GAME WILDLIFE TRUST FUND . 296,019
FROM STATE GAME TRUST FUND 1,139,807
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 365,820

1876 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 329,527
FROM MARINE RESOURCES CONSERVATION TRUST FUND 18,171
FROM STATE GAME TRUST FUND 105,533

1877 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,393,605
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 20,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 626,701
FROM NON-GAME WILDLIFE TRUST FUND . 17,062
FROM SAVE THE MANATEE TRUST FUND . . 20,000
FROM STATE GAME TRUST FUND 638,196
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 121

1878 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 134,057
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,704
FROM STATE GAME TRUST FUND 16,557

1879 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 535,324

1880 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 123,205

1881 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 24,248

1882 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 451,509
FROM MARINE RESOURCES CONSERVATION TRUST FUND 234,514
FROM NON-GAME WILDLIFE TRUST FUND . 1,945
FROM STATE GAME TRUST FUND 1,987,955

1883 SPECIAL CATEGORIES
PAYMENT OF REWARDS
FROM ADMINISTRATIVE TRUST FUND . . . 5,000

1884 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 58,114
FROM MARINE RESOURCES CONSERVATION TRUST FUND 3,503
FROM STATE GAME TRUST FUND 2,991
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 4,468

1885 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND . . . 3,120

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1886 SPECIAL CATEGORIES
INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION
FROM ADMINISTRATIVE TRUST FUND . . . 2,177,974

1887 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 75,185
FROM MARINE RESOURCES CONSERVATION TRUST FUND 8,208
FROM NON-GAME WILDLIFE TRUST FUND . 2,005
FROM STATE GAME TRUST FUND 4,165
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,829

1888 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM ADMINISTRATIVE TRUST FUND . . . 1,000,000
FROM FEDERAL GRANTS TRUST FUND . . . 390,000
FROM GRANTS AND DONATIONS TRUST FUND 150,000

1889 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 2,000

TOTAL: OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES
FROM TRUST FUNDS 22,954,854

TOTAL POSITIONS 213.50
TOTAL ALL FUNDS 22,954,854

PROGRAM: LAW ENFORCEMENT

FISH, WILDLIFE AND BOATING LAW ENFORCEMENT

APPROVED SALARY RATE 38,939,623

1890 SALARIES AND BENEFITS POSITIONS 902.50
FROM GENERAL REVENUE FUND 23,611,331
FROM FEDERAL GRANTS TRUST FUND . . . 1,391,449
FROM MARINE RESOURCES CONSERVATION TRUST FUND 27,393,095
FROM STATE GAME TRUST FUND 1,962,766
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,025,444

1891 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 104,210
FROM FEDERAL GRANTS TRUST FUND . . . 58,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 236,348
FROM STATE GAME TRUST FUND 56,677

1892 EXPENSES
FROM GENERAL REVENUE FUND 1,648,910
FROM FEDERAL GRANTS TRUST FUND . . . 6,793,452
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,177,251
FROM STATE GAME TRUST FUND 525,536
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 313,415

1893 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 1,104,975
FROM MARINE RESOURCES CONSERVATION TRUST FUND 125,097
FROM STATE GAME TRUST FUND 812
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 62,500

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1893A LUMP SUM
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 6,381,518

1894 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,324,939

1895 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 977,415

1896 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 272,166

1897 SPECIAL CATEGORIES
800 MHZ RADIO LAW ENFORCEMENT SYSTEM EQUIPMENT AND MAINTENANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 44,760

1898 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 451,582
FROM MARINE RESOURCES CONSERVATION TRUST FUND 575,207
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,500

1899 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM FEDERAL GRANTS TRUST FUND . . . 431,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND 331,878
FROM STATE GAME TRUST FUND 143,750

1900 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 1,015,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,065,885
FROM STATE GAME TRUST FUND 128,447

1901 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 874,152
FROM MARINE RESOURCES CONSERVATION TRUST FUND 291,506
FROM STATE GAME TRUST FUND 112,903

1902 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 103,243
FROM MARINE RESOURCES CONSERVATION TRUST FUND 453,113
FROM STATE GAME TRUST FUND 59,100
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 20,160

1903 SPECIAL CATEGORIES
BOATING AND WATERWAYS ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,051,025

1904 SPECIAL CATEGORIES
BOATING AND WATERWAYS GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 200,000

1906 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 191,626
FROM FEDERAL GRANTS TRUST FUND . . . 1,197
FROM MARINE RESOURCES CONSERVATION TRUST FUND 156,411
FROM STATE GAME TRUST FUND 13,904
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 13,587

1907 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 10,421,166
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,277,132
FROM STATE GAME TRUST FUND 1,008,746

1908 SPECIAL CATEGORIES
BOATING SAFETY EDUCATION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 550,650

1909 FIXED CAPITAL OUTLAY
BOATING INFRASTRUCTURE
FROM FEDERAL GRANTS TRUST FUND . . . 3,206,342

1910 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA BOATING IMPROVEMENT PROGRAM
FROM STATE GAME TRUST FUND 1,250,000

TOTAL: FISH, WILDLIFE AND BOATING LAW ENFORCEMENT
FROM GENERAL REVENUE FUND 28,000,054
FROM TRUST FUNDS 80,992,474

TOTAL POSITIONS 902.50
TOTAL ALL FUNDS 108,992,528

PROGRAM: WILDLIFE

HUNTING AND GAME MANAGEMENT

APPROVED SALARY RATE 1,880,473

1911 SALARIES AND BENEFITS POSITIONS 45.00
FROM FEDERAL GRANTS TRUST FUND . . . 625,841
FROM STATE GAME TRUST FUND 1,557,143
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 467,866

1912 OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 222,303

1913 EXPENSES
FROM STATE GAME TRUST FUND 567,331
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,852

1914 OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 9,538

1916 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 48,015

1917 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 115,618

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1918 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE GAME TRUST FUND 305,710

1918A SPECIAL CATEGORIES
TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION
FROM STATE GAME TRUST FUND 150,000

1919 SPECIAL CATEGORIES
PUBLIC DOVE FIELD DEVELOPMENT
FROM STATE GAME TRUST FUND 49,000

1920 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 41,473
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,245

1921 SPECIAL CATEGORIES
WILDLIFE MANAGEMENT AREA USER PAY
FROM STATE GAME TRUST FUND 638,266

1922 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE GAME TRUST FUND 16,119
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 3,470

1923 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 1,002,029
FROM GRANTS AND DONATIONS TRUST FUND 129,450
FROM STATE GAME TRUST FUND 30,000

1924 SPECIAL CATEGORIES
WILD TURKEY PROJECTS
FROM STATE GAME TRUST FUND 300,000

TOTAL: HUNTING AND GAME MANAGEMENT
FROM TRUST FUNDS 6,283,269

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 6,283,269

PROGRAM: HABITAT AND SPECIES CONSERVATION

HABITAT AND SPECIES CONSERVATION

APPROVED SALARY RATE 14,362,054

1925 SALARIES AND BENEFITS POSITIONS 355.00
FROM INVASIVE PLANT CONTROL TRUST FUND 2,080,518
FROM FEDERAL GRANTS TRUST FUND . . . 2,979,580
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 220,592
FROM GRANTS AND DONATIONS TRUST FUND 52,196
FROM LAND ACQUISITION TRUST FUND . . 456,678
FROM MARINE RESOURCES CONSERVATION TRUST FUND 549,741
FROM NON-GAME WILDLIFE TRUST FUND . 1,744,929
FROM SAVE THE MANATEE TRUST FUND . . 820,552
FROM STATE GAME TRUST FUND 5,456,500
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 5,361,895

1926 OTHER PERSONAL SERVICES
FROM INVASIVE PLANT CONTROL TRUST FUND 457,080

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 138,094
FROM LAND ACQUISITION TRUST FUND . . 121,350
FROM MARINE RESOURCES CONSERVATION TRUST FUND 150,759
FROM NON-GAME WILDLIFE TRUST FUND . 198,903
FROM SAVE THE MANATEE TRUST FUND . . 176,047
FROM STATE GAME TRUST FUND 240,143
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 79,496

1927 EXPENSES
FROM INVASIVE PLANT CONTROL TRUST FUND 822,437
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 179,912
FROM LAND ACQUISITION TRUST FUND . . 89,831
FROM MARINE RESOURCES CONSERVATION TRUST FUND 107,590
FROM NON-GAME WILDLIFE TRUST FUND . 568,750
FROM SAVE THE MANATEE TRUST FUND . . 293,072
FROM STATE GAME TRUST FUND 1,152,989
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,197,637

1927A AID TO LOCAL GOVERNMENTS
MANATEE PROTECTION PLANNING GRANTS
FROM SAVE THE MANATEE TRUST FUND . . 68,185

1928 OPERATING CAPITAL OUTLAY
FROM INVASIVE PLANT CONTROL TRUST FUND 10,488
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND 6,250
FROM NON-GAME WILDLIFE TRUST FUND . 18,278
FROM SAVE THE MANATEE TRUST FUND . . 8,625
FROM STATE GAME TRUST FUND 59,422
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 10,625

1928A LUMP SUM
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
FROM FEDERAL GRANTS TRUST FUND . . . 10,590,878

1929 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM STATE GAME TRUST FUND 18,650

1930 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 5,102,519

1931 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 2,398,292

1932 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INVASIVE PLANT CONTROL TRUST FUND 204,250
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 20,912
FROM LAND ACQUISITION TRUST FUND . . 35,844
FROM NON-GAME WILDLIFE TRUST FUND . 40,010
FROM SAVE THE MANATEE TRUST FUND . . 20,771
FROM STATE GAME TRUST FUND 46,867
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 65,196

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

1933 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 3,984,291

1934 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6
FROM FEDERAL GRANTS TRUST FUND . . . 1,479,874

1935 SPECIAL CATEGORIES
LAND MANAGEMENT/SAVE OUR RIVERS
FROM STATE GAME TRUST FUND 298,412

1936 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 27,500

1937 SPECIAL CATEGORIES
DUCKS UNLIMITED MARSH PROJECT
FROM STATE GAME TRUST FUND 106,792

1938 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM INVASIVE PLANT CONTROL TRUST FUND 26,290,647
FROM FEDERAL GRANTS TRUST FUND . . . 800,000

1939 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 2,311
FROM LAND ACQUISITION TRUST FUND . . 2,425
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,290
FROM NON-GAME WILDLIFE TRUST FUND . 19,512
FROM SAVE THE MANATEE TRUST FUND . . 5,361
FROM STATE GAME TRUST FUND 93,698
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 47,325

1940 SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM
FROM INVASIVE PLANT CONTROL TRUST FUND 25,000

1941 SPECIAL CATEGORIES
HABITAT RESTORATION
FROM LAND ACQUISITION TRUST FUND . . 2,999,811

1942 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES/ IFAS/INVASIVE EXOTIC PLANT RESEARCH
FROM INVASIVE PLANT CONTROL TRUST FUND 844,171

1943 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INVASIVE PLANT CONTROL TRUST FUND 13,005
FROM FEDERAL GRANTS TRUST FUND . . . 2,932
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,912
FROM GRANTS AND DONATIONS TRUST FUND 401
FROM LAND ACQUISITION TRUST FUND . . 3,171
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,058
FROM NON-GAME WILDLIFE TRUST FUND . 17,418
FROM SAVE THE MANATEE TRUST FUND . . 6,999

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM STATE GAME TRUST FUND 68,770
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 45,150

1944 SPECIAL CATEGORIES
HABITAT CONSERVATION PLAN LANDS ACQUISITION PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 2,448,202

1945 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 7,025,264
FROM GRANTS AND DONATIONS TRUST FUND 509,436
FROM NON-GAME WILDLIFE TRUST FUND . 91,652
FROM STATE GAME TRUST FUND 165,201

TOTAL: HABITAT AND SPECIES CONSERVATION
FROM TRUST FUNDS 91,854,574

TOTAL POSITIONS 355.00
TOTAL ALL FUNDS 91,854,574

PROGRAM: FRESHWATER FISHERIES

FRESHWATER FISHERIES MANAGEMENT

APPROVED SALARY RATE 2,755,924

1947 SALARIES AND BENEFITS POSITIONS 69.50
FROM FEDERAL GRANTS TRUST FUND . . . 2,002,861
FROM STATE GAME TRUST FUND 1,619,112
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 129,435

1948 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 40,134
FROM STATE GAME TRUST FUND 26,035

1949 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 405,760
FROM STATE GAME TRUST FUND 304,903
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 20,000

1950 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 9,375
FROM STATE GAME TRUST FUND 20,514
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 15,625

1951 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM FEDERAL GRANTS TRUST FUND . . . 16,712
FROM STATE GAME TRUST FUND 5,571

1952 SPECIAL CATEGORIES
FISH AND WILDLIFE CONSERVATION COMMISSION YOUTH HUNTING AND FISHING PROGRAMS
FROM STATE GAME TRUST FUND 25,000

1953 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 60,819

1954 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 29,503
FROM STATE GAME TRUST FUND 38,046

1955 SPECIAL CATEGORIES
LAKE RESTORATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
FROM STATE GAME TRUST FUND 695,000

1956 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 90,808
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 5,087

1957 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM STATE GAME TRUST FUND 350,000

1958 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM STATE GAME TRUST FUND 28,406
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 1,023

1959 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 2,245,500

TOTAL: FRESHWATER FISHERIES MANAGEMENT
FROM TRUST FUNDS 8,185,229

TOTAL POSITIONS 69.50
TOTAL ALL FUNDS 8,185,229

PROGRAM: MARINE FISHERIES

MARINE FISHERIES MANAGEMENT

APPROVED SALARY RATE 1,395,991

1960 SALARIES AND BENEFITS POSITIONS 30.00
FROM FEDERAL GRANTS TRUST FUND . . . 562,869
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 1,357,926

1961 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 289,629

1962 EXPENSES
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 436,344

1962A OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 423

1963 SPECIAL CATEGORIES
FISH AND WILDLIFE CONSERVATION COMMISSION
YOUTH HUNTING AND FISHING PROGRAMS
FROM STATE GAME TRUST FUND 25,000

1964 SPECIAL CATEGORIES
AQUATIC RESOURCES EDUCATION
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 327,935

1965 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 38,608

1966 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 22,500

1967 SPECIAL CATEGORIES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION
MARINE RESEARCH GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 829,912

1968 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 19,719

1969 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM FEDERAL GRANTS TRUST FUND . . . 1,599
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 10,915

1970 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM FEDERAL GRANTS TRUST FUND . . . 1,037,470
FROM GRANTS AND DONATIONS TRUST
FUND 12,530

1971 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ARTIFICIAL FISHING REEF CONSTRUCTION
PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . 400,000
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 300,000

TOTAL: MARINE FISHERIES MANAGEMENT
FROM TRUST FUNDS 5,673,379

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 5,673,379

PROGRAM: RESEARCH

FISH AND WILDLIFE RESEARCH INSTITUTE

APPROVED SALARY RATE 14,169,706

1972 SALARIES AND BENEFITS POSITIONS 331.50
FROM GENERAL REVENUE FUND 1,632,089
FROM FEDERAL GRANTS TRUST FUND . . . 2,902,243
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 186,204
FROM GRANTS AND DONATIONS TRUST
FUND 531
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 8,777,372
FROM NON-GAME WILDLIFE TRUST FUND . 1,072,000
FROM SAVE THE MANATEE TRUST FUND . . 919,045
FROM STATE GAME TRUST FUND 3,165,291
FROM CONSERVATION AND RECREATION
LANDS PROGRAM TRUST FUND 158,599

1973 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 776,000
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 60,867
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 4,441,475
FROM NON-GAME WILDLIFE TRUST FUND . 337,491
FROM SAVE THE MANATEE TRUST FUND . . 735,000
FROM STATE GAME TRUST FUND 108,693

1974 EXPENSES
FROM GENERAL REVENUE FUND 565,674
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 86,245
FROM MARINE RESOURCES CONSERVATION
TRUST FUND 2,671,422
FROM NON-GAME WILDLIFE TRUST FUND . 413,459

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM SAVE THE MANATEE TRUST FUND . .		431,088
FROM STATE GAME TRUST FUND		497,745
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		3,952
1975 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	7,435	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		140,978
FROM NON-GAME WILDLIFE TRUST FUND .		7,335
FROM SAVE THE MANATEE TRUST FUND . .		8,125
FROM STATE GAME TRUST FUND		35,668
1976 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		12,500
1977 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		42,217
FROM SAVE THE MANATEE TRUST FUND . .		3,500
FROM STATE GAME TRUST FUND		17,141
1978 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		89,435
1980 SPECIAL CATEGORIES		
REEF GROUNDING SETTLEMENT		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		912
1980A SPECIAL CATEGORIES		
MARINE RESEARCH GRANTS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		174,285
1981 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,502
FROM MARINE RESOURCES CONSERVATION TRUST FUND		146,697
FROM NON-GAME WILDLIFE TRUST FUND .		17,883
FROM SAVE THE MANATEE TRUST FUND . .		9,486
FROM STATE GAME TRUST FUND		36,527
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,448
1982 SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		325,945
1983 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	9,624	
FROM FEDERAL GRANTS TRUST FUND . . .		3,082
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,658
FROM MARINE RESOURCES CONSERVATION TRUST FUND		102,790
FROM NON-GAME WILDLIFE TRUST FUND .		9,892
FROM SAVE THE MANATEE TRUST FUND . .		8,180
FROM STATE GAME TRUST FUND		25,810
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,411

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

Of the funds in Specific Appropriations 1972 through 1974, 1981, and 1983, $900,934 from the Marine Resources Conservation Trust Fund is contingent upon Senate Bill 1742 or similar legislation, related to the repeal of the shoreline exemption, becoming a law.

1984 SPECIAL CATEGORIES		
RED TIDE RESEARCH		
FROM GENERAL REVENUE FUND	1,000,000	
1985 SPECIAL CATEGORIES		
CONTRACT AND GRANT REIMBURSED ACTIVITIES		
FROM FEDERAL GRANTS TRUST FUND . . .		7,827,250
FROM GRANTS AND DONATIONS TRUST FUND		659,941
FROM MARINE RESOURCES CONSERVATION TRUST FUND		6,161,958
FROM NON-GAME WILDLIFE TRUST FUND .		115,112
FROM STATE GAME TRUST FUND		500,000
TOTAL: FISH AND WILDLIFE RESEARCH INSTITUTE		
FROM GENERAL REVENUE FUND	3,990,822	
FROM TRUST FUNDS		43,457,390
TOTAL POSITIONS	331.50	
TOTAL ALL FUNDS		47,448,212
TOTAL: FISH AND WILDLIFE CONSERVATION COMMISSION		
FROM GENERAL REVENUE FUND	31,990,876	
FROM TRUST FUNDS		259,401,169
TOTAL POSITIONS	1,947.00	
TOTAL ALL FUNDS		291,392,045
TOTAL APPROVED SALARY RATE	82,694,555	

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1997 through 2009, 2026 through 2034, 2036 through 2046, and 2085 through 2095 are provided from the named funds to the department to fund the five year Work Program developed pursuant to provisions of section 339.135, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT

APPROVED SALARY RATE 101,201,074

1986 SALARIES AND BENEFITS POSITIONS 1,794.00		
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		132,567,716
FROM TRANSPORTATION DISADVANTAGED TRUST FUND		878,279
1987 OTHER PERSONAL SERVICES		
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		699,246
FROM TRANSPORTATION DISADVANTAGED TRUST FUND		40,000
1988 EXPENSES		
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		7,825,576
FROM TRANSPORTATION DISADVANTAGED TRUST FUND		358,155
1989 OPERATING CAPITAL OUTLAY		
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,017,669
FROM TRANSPORTATION DISADVANTAGED TRUST FUND		10,000
1990 SPECIAL CATEGORIES		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 8,256,009

1991 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 3,513,343
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 308,000

1992 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,199,798

1993 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 88,500

1994 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 25,795

1995 SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 40,395,709

1996 SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED - MEDICAID SERVICES
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 65,969,126

1997 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 40,732,567

1998 FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 163,967,536

1999 FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 432,462,409

2000 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 272,084,899
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 139,809,724

2001 FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 15,000,000

2002 FIXED CAPITAL OUTLAY
SEAPORTS ACCESS PROGRAM
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 10,000,000

2003 FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 21,916,910

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

2004 FIXED CAPITAL OUTLAY
RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 44,492,270

2005 FIXED CAPITAL OUTLAY
INTERMODAL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 47,398,950

From the funds in Specific Appropriation 2005, $1,000,000 shall be provided for the costs associated with the implementation of a South Florida Intermodal Logistics Center that will serve South West, South Central, and South East Florida that may include, but is not limited to market feasibility, freight movement studies, site selection, site planning and environmental impact studies. The Department of Transportation shall implement this appropriation in consultation with Enterprise Florida and the Executive Office of the Governor's Office of Tourism, Trade, and Economic Development.

2006 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 405,084,648
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 9,027,404

2007 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 28,356,965
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 2,839,544

2008 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 24,893,458

2009 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 7,200,000
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 158,322,552

TOTAL: PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT
FROM TRUST FUNDS 2,086,742,757

TOTAL POSITIONS 1,794.00
TOTAL ALL FUNDS 2,086,742,757

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

APPROVED SALARY RATE 172,210,981

2010 SALARIES AND BENEFITS POSITIONS 4,094.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 232,298,542

2011 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 578,549

2012 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 26,782,767
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 83,597

2013 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

(PRIMARY) TRUST FUND 4,172,470
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 59,475

2014 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 7,409,393
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 272,500

2015 SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 180,600

2016 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,535,553

2017 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 6,595,593
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 16,280

2018 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,512,791

2019 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 5,093,416

2020 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 218,240

2021 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 34,891,205

From funds in Specific Appropriation 2021, $800 in nonrecurring funds from the State Transportation Trust Fund shall be used to erect suitable markers to designate a portion of State Road 60 beginning directly west of the Interstate 95 interchange in Indian River County and ending at State Road 441 in Osceola County as the "Stan Mayfield Memorial Highway."

From funds in Specific Appropriation 2021, $800 in nonrecurring funds from the State Transportation Trust Fund shall be used to erect suitable markers to designate a portion of State Road 9A in Duval County on the east side of Jacksonville between Interstate 95 south of Jacksonville and Interstate 95 north of Jacksonville as the "Ronald W. Reagan Memorial Highway."

2022 SPECIAL CATEGORIES
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 500,000

2023 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 818,831

2024 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 4,411

2025 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 4,719,575

2026 FIXED CAPITAL OUTLAY
STATE INFRASTRUCTURE BANK LOAN REPAYMENTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 15,242,486

2027 FIXED CAPITAL OUTLAY
SMALL COUNTY RESURFACE ASSISTANCE PROGRAM
(SCRAP)
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 25,313,783

2028 FIXED CAPITAL OUTLAY
SMALL COUNTY OUTREACH PROGRAM (SCOP)
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 23,451,468

2029 FIXED CAPITAL OUTLAY
COUNTY TRANSPORTATION PROGRAMS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 68,035,074

From the funds in Specific Appropriation 2029, $8,000,000 in nonrecurring funds in the State Transportation Trust Fund is provided for a transportation infrastructure pilot program to assist counties and school districts with transportation infrastructure issues. Counties that have at least a 3.75 percent average enrollment growth for the five year period ending with the 2007-08 school year are eligible to participate in this pilot program. Counties that receive funds under this pilot program shall submit a report, by the end of the fiscal year or upon completion of the project, to the Department of Transportation and the Department of Community Affairs describing in detail the infrastructure issues addressed through this pilot program. The departments of Transportation and Community Affairs shall review the reports from the counties and submit their findings and recommendations to the Legislature regarding the effectiveness of this infrastructure pilot program.

2030 FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 500,000

2031 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 337,573,844

From the funds in Specific Appropriation 2031, an amount not less than $8,440,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

From the funds in Specific Appropriation 2031, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

The department is specifically limited to an expenditure level of $2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of expressed legislative authority.

2032 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 803,531,256

From the funds in Specific Appropriation 2032, $3,000,000 shall be utilized by the Department of Transportation for a pilot program in District 6 and 7 for the retrofitting and reinforcement of traffic signalization. This program shall retrofit existing span wire signalization along evacuation routes or intersections located within one-half mile proximate to an interstate highway or state or federally designated evacuation route as determined by the Florida Division of Emergency Management, State Emergency Response Team. All procurements related to this pilot program shall be competitively bid by the department.

In order to provide and expedite the delivery of aggregate materials in Florida, the department may enter into a public-private partnership with a county or its development authority to develop a four year plan to construct a rail project to be owned by the county or its authority. Subject to Legislative Budget Commission approval, the department may provide up to $2,000,000 in FY 2009-2010 to the county or its authority for the engineering plans and environmental impact statements, which shall be repaid to the department over a 5 year period. Financial responsibility, such as maintenance and repair costs, or legal liability for the project shall not be borne by the state.

2033 FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 436,202,483

2034 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 156,989,733
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 3,077,000

2035 FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,625,000

2036 FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 145,289,382

Of the funds in Specific Appropriation 2036, $35,500,000 is contingent upon the receipt of nonrecurring federal incentive grant funds.

2037 FIXED CAPITAL OUTLAY
RESURFACING
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 821,432,807

2038 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 286,452,214
FROM RIGHT-OF-WAY ACQUISITION AND
BRIDGE CONSTRUCTION TRUST FUND . . 28,699,005

2039 FIXED CAPITAL OUTLAY
CONTRACT MAINTENANCE WITH THE DEPARTMENT
OF CORRECTIONS

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 18,046,000

2040 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING
TRUST FUND 40,123,850

2041 FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 10,383,845

2042 FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR,
OFFICE OF TOURISM, TRADE & ECONOMIC
DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 20,300,000

From the funds in Specific Appropriation 2042, $300,000 may be used by the Office of Tourism, Trade, and Economic Development for contract development and monitoring related to the Economic Development Transportation Program. The remaining funds in Specific Appropriation 2042 shall not be transferred to the Economic Development Transportation Trust Fund until the Office of Tourism, Trade, and Economic Development certifies that the transfer of funds is required to fulfill project commitments. The Department of Transportation may utilize any interest and temporarily use any balance of such funds for ongoing Department of Transportation expenditures until the transfer of funds is necessary.

2043 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 29,721,991

2044 FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 51,986,060

2045 FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 65,219,246

2046 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 12,876,130

TOTAL: PROGRAM: HIGHWAY OPERATIONS
FROM TRUST FUNDS 3,731,816,445

TOTAL POSITIONS 4,094.00
TOTAL ALL FUNDS 3,731,816,445

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 40,786,877

2047 SALARIES AND BENEFITS POSITIONS 794.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 53,729,717

2048 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,697,190

2049 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 9,230,539

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

2050 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 266,545

2051 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 96,572

2052 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,064,173

2053 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,341,943

2054 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 146,260

2055 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 97,747

2056 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 8,865,189

2057 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,188,903

2058 SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT
DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 2,000,000

2059 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR
HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 200,000

2060 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 343,106

2061 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 3,008,786
FROM TRANSPORTATION DISADVANTAGED
TRUST FUND 5,742

2062 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,401,738

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 86,684,150

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

TOTAL POSITIONS 794.00
TOTAL ALL FUNDS 86,684,150

INFORMATION TECHNOLOGY

The Department of Transportation shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education and Economic Development, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 12,194,450

2063 SALARIES AND BENEFITS POSITIONS 267.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 16,476,849

2064 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 100,000

2065 EXPENSES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 8,006,672

2066 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,713,986

2067 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 9,540,410

2068 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 66,243

2069 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 70,421

2070 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 6,533,897

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 42,508,478

TOTAL POSITIONS 267.00
TOTAL ALL FUNDS 42,508,478

FLORIDA'S TURNPIKE SYSTEMS

FLORIDA'S TURNPIKE ENTERPRISE

APPROVED SALARY RATE 22,092,703

2071 SALARIES AND BENEFITS POSITIONS 477.00
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 29,716,557

2072 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,239,952

2073 EXPENSES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
SPECIFIC
APPROPRIATION

FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 25,029,119

2074 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 584,470

2075 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 89,800

2076 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 1,429,028

2077 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 21,896,772

2078 SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 77,774,257

2079 SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 10,652,281

2080 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 19,311,625

2081 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 212,524

2082 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 349,850

2083 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 6,250,039

2084 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 379,498

2085 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 41,188,579

From the funds in Specific Appropriation 2085, an amount not less than $2,560,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

From the funds in Specific Appropriation 2085, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
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participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of $2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of expressed legislative authority.

2086 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND
REPLACEMENT TRUST FUND 5,195,088
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 109,724,004
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 150,000

2087 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND
REPLACEMENT TRUST FUND 27,891
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 17,456,492

2088 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 1,695,756

2089 FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND
REPLACEMENT TRUST FUND 9,549,565

2090 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND
REPLACEMENT TRUST FUND 1,100,000
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 3,700,000

2091 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND
REPLACEMENT TRUST FUND 9,452,589
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 63,362,053
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 14,399,408

2092 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 598,626

2093 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 3,166,395

2094 FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE GENERAL RESERVE
TRUST FUND 96,374,787

2095 FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION
(PRIMARY) TRUST FUND 27,286,458

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION
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TOTAL: FLORIDA'S TURNPIKE ENTERPRISE		
FROM TRUST FUNDS		599,343,463
TOTAL POSITIONS	477.00	
TOTAL ALL FUNDS		599,343,463
TOTAL: TRANSPORTATION, DEPARTMENT OF		
FROM TRUST FUNDS		6,547,095,293
TOTAL POSITIONS	7,426.00	
TOTAL ALL FUNDS		6,547,095,293
TOTAL APPROVED SALARY RATE	348,486,085	
TOTAL OF SECTION 5		
FROM GENERAL REVENUE FUND	169,174,778	
FROM TRUST FUNDS		9,124,309,953
TOTAL POSITIONS	16,936.25	
TOTAL ALL FUNDS		9,293,484,731

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Agency for Workforce Innovation, Department of Business and Professional Regulation, Department of Citrus, Department of Financial Services, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: ADMINISTERED FUNDS

2095A LUMP SUM		
CASUALTY INSURANCE PREMIUM DEFICIT		
FROM GENERAL REVENUE FUND	3,000,000	
FROM TRUST FUNDS		2,000,000
2096 LUMP SUM		
HUMAN RESOURCES OUTSOURCING CONTINGENCY		
FROM GENERAL REVENUE FUND	300,000	
2096A LUMP SUM		
STRENGTHENING DOMESTIC SECURITY		
FROM TRUST FUNDS		127,578,415

Funds provided in Specific Appropriation 2096A are contingent on federal grants being awarded. Should the amount awarded for each federal grant be less than the amount appropriated, funds shall be awarded in priority order for the individual projects as indicated in the Fiscal Year 2009-2010 Domestic Security Funding Request of the Domestic Security Oversight Board. Once federal funding is received and projects are funded in priority order, the Board may transfer funding between any of the funded projects. Funds may be allocated to projects not listed below with approval of the Legislative Budget Commission.

Department of Agriculture and Consumer Services	
Food and Agriculture Emergency Response Team Support.....	252,350
Food & Agriculture Laboratory Equip.Maint. Agreements.....	215,789
Food & Safety Laboratory & Info. Management System (LIMS)..	460,410
State Agriculture Response Team (SART) Support.....	279,500
Time Lapse Video Monitoring.....	125,000
Mobile VACIS Maintenance Contracts.....	444,000
Forestry - Incident Management Team Proj.-Prior Years.....	261,600
Department of Education	
Emergency Notification System/ Colleges & University.....	2,735,683
K-12 Target Hardening.....	2,854,919
Department of Environmental Protection	
CBRNE Capable Regional Forensic Response Team.....	103,000
Agency for Enterprise Information Technology	

SECTION 6 - GENERAL GOVERNMENT
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Sustainment Costs for Monitoring Center and Security Tools.	50,000
IT Security Incident Response Program.....	250,000
Department of Management Services	
FIN - Sustainment and Maintenance.....	3,193,000
Florida Interoperability Upgrade & Build Out.....	357,237
Department of Financial Services	
Build Out of Urban Search and Rescue Task Forces.....	282,320
Critical Needs/Urban Search & Rescue Taskforces/Haz Mat....	758,496
MARC Sustainment and Maintenance.....	106,599
Sustainment of Training for USAR, LTRT, and HazMat.....	2,283,276
Sustainment of USAR and HazMat Equipment.....	1,827,461
Enhance SWAT and EOD Regional Team Capabilities.....	67,005
Department of Health	
Sustainment of EMS Chemical Antidotes/Cyan Kits.....	624,995
Enhancement of Radiological Response.....	89,505
Expanding Hospital Surge Capacity.....	700,000
Preventative Radiological/Nuclear Detection Enhancement....	186,000
Florida Fish and Wildlife Conservation	
Statewide Waterborne Response Team.....	920,160
Preventative Radiological/Nuclear Detection/Marine Domain..	978,541
Department of Transportation	
Video Monitoring of Weigh Stations.....	102,060
Preventative Radiological/Nuclear Detection Enhancement....	564,000
Florida Department of Law Enforcement	
Sustain RDSTF Planners.....	600,000
Florida Law Enforcement eXchange (FLEX) Project.....	810,000
Critical Infrastructure Planners.....	600,000
Florida Fusion Center.....	310,950
Law Enforcement Analyst Training Program.....	450,000
dfacts-Query Tool.....	917,891
ThreatCom.....	50,000
FCIC/NCIC Validations Software.....	27,563
Metadata Planners.....	400,000
RDSTF Law Enforcement Planning Sessions.....	145,000
Rapid ID System Capacity Upgrade.....	513,000
Under Vehicle Surveillance Equipment Maintenance.....	10,500
Buffer Zone Protection Program (BZPP).....	800,000
Management & Administration.....	145,047
Division of Emergency Management	
Local Planning, Training, and Exercise.....	3,000,000
Emergency Management State Training and Exercise.....	765,000
Sustain RDSTF Planners.....	600,000
Aviation Response and Support Gap.....	1,251,846
Regional Security Team.....	505,889
CBRNE Capable Regional Forensic Response Team.....	260,939
EDICS and Edwards Sustainment and Maintenance.....	243,000
Region 1 Data Share Maintenance.....	99,000
Region 2 Fusion Center Analyst.....	200,000
Region 6 Fusion Center.....	300,000
Expansion/ Web Based Facial Recognition System/CJNet.....	385,000
Metadata Planners.....	486,038
Actionable Intelligence/Financial Investigation System.....	150,000
Actionable Intelligence - Guidestar.....	150,000
Region 5/Preventive Radiological/Nuclear Detection.....	26,990
SCADA Security Prevention Improvements.....	40,000
Region 7 - Operation Liberty Shield.....	800,000
Enhance SWAT and EOD Regional Team Capabilities.....	2,541,853
Management and Administration.....	1,162,788
Miami Urban Area Security Initiative.....	12,143,451
Orlando Urban Area Security Initiative.....	5,316,623
Jacksonville Urban Area Security Initiative.....	5,958,648
Tampa Urban Area Security Initiative.....	8,727,345
Ft. Lauderdale Urban Area Security Initiative.....	6,669,740
Metropolitan Medical Response Systems (MMRS).....	2,248,547
Citizen Corps Program (CCP).....	630,795
Urban Area Security Initiative Non-Profit Security Program.	4,271,623
Operation Stonegarden Program (OPSG).....	21,372,866
Emergency Operation Center Program (EOC).....	16,743,773
Transit Security Grant Program (TSGP).....	2,102,792
Supplemental Transit Security Grant Program (TSGP).....	896,012
Urban Area Security Initiative Non-Profit.....	675,000

2097A LUMP SUM
EMPLOYEE COMPENSATION AND BENEFITS

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FROM GENERAL REVENUE FUND	9,000,000	
FROM TRUST FUNDS		4,900,000

2098 LUMP SUM
STATE MATCH FOR FEDERAL FEMA FUNDING

FROM GENERAL REVENUE FUND	22,138,703	

2099 SPECIAL CATEGORIES
ASSOCIATION DUES

FROM GENERAL REVENUE FUND	215,170	

2100 SPECIAL CATEGORIES
DEFICIENCY

FROM GENERAL REVENUE FUND	400,000	

2101 SPECIAL CATEGORIES
EMERGENCY

FROM GENERAL REVENUE FUND	250,000	

2102 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS

FROM GENERAL REVENUE FUND	4,756	

2103 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND

FROM GENERAL REVENUE FUND	5,377,664	

TOTAL: PROGRAM: ADMINISTERED FUNDS		
FROM GENERAL REVENUE FUND	40,686,293	
FROM TRUST FUNDS		134,478,415
TOTAL ALL FUNDS		175,164,708

AGENCY FOR WORKFORCE INNOVATION

From the funds in Specific Appropriations 2104 through 2162, any expenditure from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Family Services, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

The agency head or a designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

From funds in Specific Appropriations 2104 through 2162, the Agency for Workforce Innovation shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education and Economic Development, providing for the efficient transfer of all data center service resources allocated to data center functions within the agency to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

No federal or state funds shall be used to pay for space being leased by a Regional Workforce Board, Workforce Florida, Inc., or the Agency for Workforce Innovation if it has been determined by whichever entity is the lessee that there is no longer a need for the leased space. All leases, and performance and obligations under the leases, are subject to and contingent upon an annual appropriation by the Florida Legislature. In the event that such annual appropriation does not occur, or in the alternative, there is either a reduction in funding from the prior annual appropriation or the entity which is the lessee determines that

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION

the annual appropriation is insufficient to meet the requirements of the leases, then the lessee has the right to terminate the lease upon written notice by the lessee and the lessee shall have no further obligations under the contracts.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

EXECUTIVE LEADERSHIP

APPROVED SALARY RATE 2,295,624

2104 SALARIES AND BENEFITS	POSITIONS	34.00	
FROM GENERAL REVENUE FUND		226,102	
FROM ADMINISTRATIVE TRUST FUND . . .			2,754,175
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			179,102
2105 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			20,000
2106 EXPENSES			
FROM GENERAL REVENUE FUND		16,358	
FROM ADMINISTRATIVE TRUST FUND . . .			478,571
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			55,071
2107 OPERATING CAPITAL OUTLAY			
FROM ADMINISTRATIVE TRUST FUND . . .			5,866
2108 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		5,000	
FROM ADMINISTRATIVE TRUST FUND . . .			30,000
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND			116,600
2109 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		99	
FROM ADMINISTRATIVE TRUST FUND . . .			7,207
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			391
2110 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND		564	
FROM ADMINISTRATIVE TRUST FUND . . .			9,761
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			707
2110A SPECIAL CATEGORIES			
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009			
FROM ADMINISTRATIVE TRUST FUND . . .			172,000
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			80,000
2110B SPECIAL CATEGORIES			
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009			
FROM ADMINISTRATIVE TRUST FUND . . .			111,560
TOTAL: EXECUTIVE LEADERSHIP			
FROM GENERAL REVENUE FUND		248,123	
FROM TRUST FUNDS			4,021,011
TOTAL POSITIONS		34.00	
TOTAL ALL FUNDS			4,269,134

AGENCY SUPPORT SERVICES

APPROVED SALARY RATE 7,491,716

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2111	SALARIES AND BENEFITS POSITIONS 142.50		
	FROM GENERAL REVENUE FUND	408,238	
	FROM ADMINISTRATIVE TRUST FUND . . .		8,608,510
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		430,694
	FROM REVOLVING TRUST FUND		887,961
2112	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .		172,049
	FROM REVOLVING TRUST FUND		50,000
2113	EXPENSES		
	FROM GENERAL REVENUE FUND	409,748	
	FROM ADMINISTRATIVE TRUST FUND . . .		1,471,260
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		90,141
	FROM REVOLVING TRUST FUND		1,510,076
2114	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . .		123,375
2115	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND . . .		2,090
2116	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	139,464	
	FROM ADMINISTRATIVE TRUST FUND . . .		3,079,709
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		300,000
	FROM REVOLVING TRUST FUND		946,300
2117	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	168	
	FROM ADMINISTRATIVE TRUST FUND . . .		30,144
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		926
	FROM REVOLVING TRUST FUND		5,549
2118	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	1,688	
	FROM ADMINISTRATIVE TRUST FUND . . .		43,935
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		1,371
	FROM REVOLVING TRUST FUND		5,369
2118A	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM ADMINISTRATIVE TRUST FUND . . .		235,824
2118B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM ADMINISTRATIVE TRUST FUND . . .		560,501
2118C	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM ADMINISTRATIVE TRUST FUND . . .		427,404
2119	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM ADMINISTRATIVE TRUST FUND . . .		72,484
2120	FIXED CAPITAL OUTLAY		
	REED ACT BUILDINGS PROJECTS - STATEWIDE		

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APPROPRIATION

	FROM REVOLVING TRUST FUND		650,500
TOTAL: AGENCY SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	959,306	
	FROM TRUST FUNDS		19,706,172
	TOTAL POSITIONS	142.50	
	TOTAL ALL FUNDS		20,665,478

PROGRAM: WORKFORCE SERVICES

PROGRAM SUPPORT

It is the intent of the Legislature that the administration and delivery of workforce services and programs that are currently provided by agency employees working in One Stop Career Centers operated by the Regional Workforce Boards may be transferred from the Agency for Workforce Innovation to the Regional Workforce Boards. Such transfers shall only occur if the agency determines that the Regional Workforce Boards would more effectively and efficiently deliver services and if such transfers comply with applicable federal regulations. For all transfers made, the agency shall submit budget amendments pursuant to chapter 216, Florida Statutes, to move positions to the Executive Office of the Governor's reserve and realign the budget into the appropriate operating budget appropriation categories to implement the transfer of programs and service delivery to the Regional Workforce Boards.

From the funds in Specific Appropriations 2121 through 2162, the Agency for Workforce Innovation shall determine whether any funds provided for specific workforce programs, projects or initiatives are not an allowable use of federal funds. If the agency finds that any project or initiative for which funds are specifically appropriated in this act is not an allowable use of federal funds, the agency shall notify the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on Education and Economic Development.

APPROVED SALARY RATE 23,550,245

2121	SALARIES AND BENEFITS POSITIONS 627.50		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		32,188,743
	FROM WELFARE TRANSITION TRUST FUND .		1,214,969
	FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		597,494
2122	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		2,831,599
	FROM WELFARE TRANSITION TRUST FUND .		65,313
2123	EXPENSES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,240,507
	FROM WELFARE TRANSITION TRUST FUND .		1,105,389
	FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		62,078
2124	OPERATING CAPITAL OUTLAY		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		112,914
	FROM WELFARE TRANSITION TRUST FUND .		26,424
	FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		204,422
2124A	LUMP SUM		
	RISK MANAGEMENT INSURANCE RESERVE FOR WORKERS' COMPENSATION - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		250,000
2124B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WORKFORCE PROJECTS		

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APPROPRIATION
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 850,000

From the funds in Specific Appropriation 2124B, $100,000 in nonrecurring funds is provided for the Connections Job Development Program.

From the funds in Specific Appropriation 2124B, $500,000 in nonrecurring funds is provided for the Florida Goodwill Association.

From the funds in Specific Appropriation 2124B, $250,000 in nonrecurring funds is provided for the Goodwill Industries of South Florida.

2124C SPECIAL CATEGORIES
NON CUSTODIAL PARENT PROGRAM
FROM WELFARE TRANSITION TRUST FUND . 1,416,000

From the funds provided in Specific Appropriation 2124C, $750,000 from the Welfare Transition Trust Fund is provided for the Noncustodial Parent Program in Pinellas, Pasco and Hillsborough counties. The Pinellas Workforce Board (WorkNet) shall administer the funds, which shall be maintained as a single project for the three counties.

From the funds in Specific Appropriation 2124C, $666,000 from the Welfare Transition Trust Fund is provided to continue Gulf Coast Community Care's current Noncustodial Parent Program in Miami-Dade County, which shall be administered by the South Florida Workforce Board.

2125 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 21,418,161
FROM WELFARE TRANSITION TRUST FUND . 575,000
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 3,389,401

From funds in Specific Appropriation 2125, the nonrecurring sum of $2,000,000 from the Special Employment Security Administration Trust Fund shall be used by Workforce Florida, Inc. to contract with the Department of Military Affairs for the purpose of providing the About Face and Forward March programs.

2126 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL WORKFORCE
BOARDS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 169,991,182
FROM WELFARE TRANSITION TRUST FUND . 89,012,178
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 800,000

Funds provided in Specific Appropriation 2126 from the Welfare Transition Trust Fund shall be allocated for workforce services based on a plan approved by Workforce Florida, Inc. The plan shall identify funds provided for state-level and discretionary initiatives, and shall maximize funds distributed directly to the Regional Workforce Boards. The plan shall provide for equitable distribution of funds to the boards based on anticipated client caseload and the achievement of performance standards. Copies of the proposed allocation shall be provided to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on Education and Economic Development.

From the Welfare Transition Trust Fund in Specific Appropriation 2126, $2,000,000 is provided for the Passport to Economic Progress programs in Hillsborough, Manatee, and Sarasota counties and $500,000 in nonrecurring funds is provided for the Passport to Economic Progress program in Duval County. Other funds provided to the Regional Workforce Boards in Specific Appropriation 2126 may be used for Passport to Economic Progress programs in other counties.

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION
2127 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM DISPLACED HOMEMAKER TRUST
FUND 2,060,024

2128 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 398,076
FROM WELFARE TRANSITION TRUST FUND . 13,092
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 35

2129 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 276,229
FROM WELFARE TRANSITION TRUST FUND . 6,627
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 581

2130 SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 HURRICANES -
STATE OPERATIONS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 960,000

2131 SPECIAL CATEGORIES
GRANTS AND AIDS - 2008-09 HURRICANES -
PASS THROUGH OF STATE AND FEDERAL FUNDS TO
LOCAL GOVERNMENTS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 11,040,000

2131A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 9,382,676

2131B SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES -
AMERICAN RECOVERY AND REINVESTMENT ACT OF
2009
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 12,323,973

2131C SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL WORKFORCE
BOARDS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 78,477,655

2131D SPECIAL CATEGORIES
SALARIES AND BENEFITS - AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,105,381

2132 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 150,000
FROM WELFARE TRANSITION TRUST FUND . 200,000

TOTAL: PROGRAM SUPPORT
FROM TRUST FUNDS 443,746,123

TOTAL POSITIONS 627.50
TOTAL ALL FUNDS 443,746,123

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UNEMPLOYMENT COMPENSATION

APPROVED SALARY RATE 22,260,783

2133 SALARIES AND BENEFITS POSITIONS 587.00
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 33,217,029

2134 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 8,474,756

2135 EXPENSES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 11,847,249

2136 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 389,258

2137 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 60,185,817

2138 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 146,548

2139 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 249,826

2139A SPECIAL CATEGORIES
STATE OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,000,000

2139B QUALIFIED EXPENDITURE CATEGORY
UNEMPLOYMENT COMPENSATION CLAIMS AND
BENEFITS INFORMATION SYSTEM
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 2,000,000

Funds provided in Specific Appropriation 2139B are contingent upon passage of Senate Bill 1782 or similar legislation authorizing implementation of the Unemployment Compensation Claims and Benefits Information System in accordance with section 216.023(4)(a), Florida Statutes.

2141 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 4,130,211

TOTAL: UNEMPLOYMENT COMPENSATION
FROM TRUST FUNDS 121,640,694

TOTAL POSITIONS 587.00
TOTAL ALL FUNDS 121,640,694

WORKFORCE FLORIDA, INC.

APPROVED SALARY RATE 721,538

2142 SALARIES AND BENEFITS POSITIONS 9.00
FROM ADMINISTRATIVE TRUST FUND . . . 909,004

2143 SPECIAL CATEGORIES

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WORKFORCE FLORIDA INC. OPERATIONS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,374,290
FROM WELFARE TRANSITION TRUST FUND . 1,039,271
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 537,418

2144 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 538
FROM WELFARE TRANSITION TRUST FUND . 406
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 213

2145 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 2,451

2146 SPECIAL CATEGORIES
QUICK RESPONSE TRAINING
FROM GENERAL REVENUE FUND 3,300,000

2147 SPECIAL CATEGORIES
INCUMBENT WORKER TRAINING PROGRAM
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 2,000,000

2147A SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE FLORIDA INC.
OPERATIONS - AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 227,500

2147B SPECIAL CATEGORIES
INCUMBENT WORKER TRAINING - AMERICAN
RECOVERY AND REINVESTMENT ACT OF 2009
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 2,000,000

TOTAL: WORKFORCE FLORIDA, INC.
FROM GENERAL REVENUE FUND 3,300,000
FROM TRUST FUNDS 8,091,091

TOTAL POSITIONS 9.00
TOTAL ALL FUNDS 11,391,091

UNEMPLOYMENT APPEALS COMMISSION

APPROVED SALARY RATE 2,215,984

2148 SALARIES AND BENEFITS POSITIONS 35.00
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 2,851,902

2149 SPECIAL CATEGORIES
UNEMPLOYMENT APPEALS COMMISSION OPERATIONS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 553,751

2150 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 14,972

2151 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 14,129

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TOTAL: UNEMPLOYMENT APPEALS COMMISSION
FROM TRUST FUNDS 3,434,754

TOTAL POSITIONS 35.00
TOTAL ALL FUNDS 3,434,754

EARLY LEARNING

EARLY LEARNING SERVICES

APPROVED SALARY RATE 4,573,450

2152 SALARIES AND BENEFITS POSITIONS 83.00
FROM GENERAL REVENUE FUND 2,983,415
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 2,950,439

2153 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,000
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 87,000

2154 EXPENSES
FROM GENERAL REVENUE FUND 293,679
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 755,353
FROM WELFARE TRANSITION TRUST FUND . 265,163

2155 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND
GRANTS
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 500,000

2156 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,785
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 15,000

2157 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL READINESS
SERVICES
FROM GENERAL REVENUE FUND 138,696,181
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 353,586,808
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 500,000
FROM WELFARE TRANSITION TRUST FUND . 116,353,182
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 6,306,411

From the Child Care and Development Block Grant Trust Fund in Specific Appropriation 2157, a minimum of $3,000,000 shall be used to enhance the quality of child care through the Teacher Education and Compensation Helps Program (T.E.A.C.H.).

From the funds in Specific Appropriation 2157 in the Welfare Transition Trust Fund, $1,400,000 from recurring funds is provided for the Home Instruction Program for Pre-School Youngsters (HIPPY).

Funds in Specific Appropriation 2157 from the Child Care and Development Block Grant Trust Fund may be used to provide a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.

Funds in Specific Appropriation 2157 require a match from local sources for working poor eligible participants of six percent on child care slots. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The Agency for Workforce Innovation may adopt a policy to grant a waiver of the six percent match requirement to a rural county that demonstrates a significant hardship in meeting the match requirement. Progress towards meeting this requirement shall be

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monitored by the Agency for Workforce Innovation, and shall be considered satisfactorily attained if the six percent requirement is met on a statewide basis.

From the funds in Specific Appropriation 2157, the Agency for Workforce Innovation shall designate an amount to be used for the Child Care Executive Partnership Program, as defined in section 411.0102, Florida Statutes, as match to expand the provision of services to low income families at or below 200 percent of the federal poverty level. Funds for this program may be used to match funds for statewide contracts.

Funds in Specific Appropriations 2157 and 2161B provided for school readiness programs as defined in chapter 411, Florida Statutes, are allocated based on June 30, 2008, funding level with any additional funding above that level allocated by use of the School Readiness Allocation Formula submitted to the Legislature on December 29, 2008, pursuant to section 411.01(9), Florida Statutes.

2158 SPECIAL CATEGORIES
GRANTS AND AIDS - DATA SYSTEMS FOR SCHOOL
READINESS
FROM GENERAL REVENUE FUND 240,595
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 868,403

2159 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,854
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 17,350

2160 SPECIAL CATEGORIES
GRANTS AND AIDS - VOLUNTARY
PREKINDERGARTEN PROGRAM
FROM EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 366,789,114

Funds in Specific Appropriation 2160 shall be allocated and distributed in accordance with the proviso associated with Specific Appropriation 74 in this act.

2161 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 14,616
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 6,481

2161A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES -
AMERICAN RECOVERY AND REINVESTMENT ACT OF
2009
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 18,251,254

2161B SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL READINESS -
AMERICAN RECOVERY AND REINVESTMENT ACT OF
2009
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 50,000,000

2161C QUALIFIED EXPENDITURE CATEGORY
EARLY LEARNING INFO SYSTEM DEVELOPMENT
(ELIS)
FROM CHILD CARE AND DEVELOPMENT
BLOCK GRANT TRUST FUND 5,000,000
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 1,000,000

Funds provided in Specific Appropriation 2161C from the Child Care and Development Block Grant Trust Fund include $5,000,000 in nonrecurring

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federal funds expected from the American Recovery and Reinvestment Act of 2009.

2162 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 7,715

TOTAL: EARLY LEARNING SERVICES
FROM GENERAL REVENUE FUND 142,243,125
FROM TRUST FUNDS 923,259,673

TOTAL POSITIONS 83.00
TOTAL ALL FUNDS 1,065,502,798

TOTAL: AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND 146,750,554
FROM TRUST FUNDS 1,523,899,518

TOTAL POSITIONS 1,518.00
TOTAL ALL FUNDS 1,670,650,072
TOTAL APPROVED SALARY RATE 63,109,340

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 7,848,239

2163 SALARIES AND BENEFITS POSITIONS 156.50
FROM ADMINISTRATIVE TRUST FUND . . . 10,468,383

2164 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 730,757

2165 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,892,586

2166 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 213,664

2167 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 300,587

2168 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 272,780

2169 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND . . . 6,500

2170 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 76,508

2171 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND . . . 5,060

2172 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 66,298

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 14,033,123

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TOTAL POSITIONS 156.50
TOTAL ALL FUNDS 14,033,123

INFORMATION TECHNOLOGY

The Department of Business and Professional Regulation shall work with the Agency for Enterprise Information Technology and the Northwood Shared Resource Center in the development and submission of a transition plan that will relocate the department's computing resources to the Northwood Shared Resource Center by November 30, 2010. The department shall have one trustee with one vote on the board of the Northwood Shared Resource Center during Fiscal Year 2009-2010.

The Department of Business and Professional Regulation shall submit a plan by October 1, 2009 to the Southwood Shared Resource Center (SSRC), the Northwood Shared Resource Center (NSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC and the NSRC, pursuant to section 17, chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 2,978,942

2173 SALARIES AND BENEFITS POSITIONS 56.00
FROM ADMINISTRATIVE TRUST FUND . . . 3,996,346

2174 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 94,096

2175 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,534,292

2176 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 100,000

2177 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 2,832,663

2178 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 16,285

2179 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 22,530

2180 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 100,000

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 8,696,212

TOTAL POSITIONS 56.00
TOTAL ALL FUNDS 8,696,212

PROGRAM: SERVICE OPERATION

CUSTOMER CONTACT CENTER

APPROVED SALARY RATE 3,050,173

2181 SALARIES AND BENEFITS POSITIONS 93.00
FROM ADMINISTRATIVE TRUST FUND . . . 4,241,066

2182 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 225,000

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2183 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 542,993

2184 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 3,000

2185 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 20,794

2186 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 38,087

TOTAL: CUSTOMER CONTACT CENTER
FROM TRUST FUNDS 5,070,940

TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 5,070,940

CENTRAL INTAKE

APPROVED SALARY RATE 3,500,742

2187 SALARIES AND BENEFITS POSITIONS 109.50
FROM ADMINISTRATIVE TRUST FUND . . . 4,954,339

2188 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 372,954

2189 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 661,195

2190 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 3,000

2191 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 800,000

2192 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 26,503

2193 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 50,173

TOTAL: CENTRAL INTAKE
FROM TRUST FUNDS 6,868,164

TOTAL POSITIONS 109.50
TOTAL ALL FUNDS 6,868,164

TESTING AND CONTINUING EDUCATION

APPROVED SALARY RATE 1,526,373

2194 SALARIES AND BENEFITS POSITIONS 44.00
FROM PROFESSIONAL REGULATION TRUST FUND 2,111,619

2195 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND 381,041

2196 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND 3,000

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2197 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND 1,022,138

2198 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND 1,000

2199 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND 5,912

2200 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND 18,328

TOTAL: TESTING AND CONTINUING EDUCATION
FROM TRUST FUNDS 3,543,038

TOTAL POSITIONS 44.00
TOTAL ALL FUNDS 3,543,038

PROGRAM: PROFESSIONAL REGULATION

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 9,591,792

2201 SALARIES AND BENEFITS POSITIONS 241.00
FROM PROFESSIONAL REGULATION TRUST FUND 13,303,197

2202 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND 562,880

2203 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND 3,069,963

2204 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND 23,000

2205 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND 251,900

From the funds provided in Specific Appropriation 2205, the department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2205A SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND 899,080

2206 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND 1,280,050

From the funds in Specific Appropriation 2206, up to $400,000 from the Professional Regulation Trust Fund is provided to the Department of

SECTION 6 - GENERAL GOVERNMENT
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Business and Professional Regulation to prevent, combat, and publicize the dangers of unlicensed real estate activity in Florida. The department shall develop, implement, and maintain an unlicensed activity campaign in consultation with a corporation that is registered under chapter 617, Florida Statutes, as a not-for-profit corporation and qualified under the Internal Revenue Service Code as a 501(c)(6) corporation, and that represents the largest number of licensed Florida real estate professionals. The campaign shall encompass media production, advertising, and other techniques that the department may wish to utilize after first consulting with the not-for-profit corporation. Special emphasis shall be placed on the investigation and prosecution of unlicensed real estate activities. To further the purpose of the unlicensed activity campaign, the department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

From the funds in Specific Appropriation 2206, up to $200,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to chapter 473, Florida Statutes; (2) that some services provided by unlicensed individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain services may only be performed by a licensed Florida Certified Public Accountant. The department shall develop the campaign in consultation with a corporation that is registered under chapter 617, Florida Statutes, as a not-for-profit corporation and qualified under the Internal Revenue Service Code as a 501(c)(6) corporation, and that represents the largest number of licensed Florida Certified Public Accountants. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

From the funds in Specific Appropriation 2206, the Department of Business and Professional Regulation shall submit a report to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care by December 15, 2009, detailing the unlicensed activity functions performed by the department during Fiscal Year 2008-2009. The report shall contain a detailed breakout of activities, revenues, and expenditures by board and/or profession, and include any relevant information to indicate the department's compliance with section 455.2281, Florida Statutes.

2207 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND 600,000

2207A SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND 100,000

2208 SPECIAL CATEGORIES
TRANSFER ARCHITECT & INTERIOR DESIGN ACTIVITIES CH. 2002-274
FROM PROFESSIONAL REGULATION TRUST FUND 425,239

2209 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND 116,590

2210 SPECIAL CATEGORIES

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OPERATION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND 239,136

2211 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND 147,581

2211A SPECIAL CATEGORIES
MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING
FROM PROFESSIONAL REGULATION TRUST FUND 100,000

2212 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND 108,248

2212A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND 2,070,000

From the funds in Specific Appropriation 2212A, a task force shall be established to develop legislative recommendations relating to stormwater management system design in the state. The Board of Landscape Architecture, the Board of Professional Engineers, the Florida Engineering Society, the Florida Chapter of the American Society of Landscape Architects, the Secretaries of the Department of Environmental Protection, the Department of Transportation, and the Department of Business and Professional Regulation shall each appoint one member to the task force. The task force shall: review the Joint Professional Engineers and Landscape Architecture Committee Report conducted pursuant to section 17 of chapter 88-347, Laws of Florida, and determine the current validity of the report and the need to revise any of the conclusions or recommendations; determine how a licensed and registered professional might demonstrate competency for stormwater system management designing; and determine how the Board of Professional Engineers and the Board of Landscape Architecture might administer certification tests or continuing education requirements for stormwater management system design. Members of the task force may not be reimbursed for travel per diem, or any other costs associated with serving in the task force. The task force shall meet a minimum of four times either in person or via teleconference; however, a minimum of two meetings shall be held as public hearings with testimony. The task force shall provide its findings and legislative recommendations to the President of the Senate and the Speaker of the House of Representatives by November 1, 2009.

2213 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND 450,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 23,746,864

TOTAL POSITIONS 241.00
TOTAL ALL FUNDS 23,746,864

FLORIDA BOXING COMMISSION

APPROVED SALARY RATE 222,062

2224 SALARIES AND BENEFITS POSITIONS 4.00
FROM PROFESSIONAL REGULATION TRUST FUND 298,036

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2225 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST
FUND 82,551

2226 EXPENSES
FROM PROFESSIONAL REGULATION TRUST
FUND 166,826

2227 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST
FUND 2,000

2228 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST
FUND 537

2229 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST
FUND 4,690

TOTAL: FLORIDA BOXING COMMISSION
FROM TRUST FUNDS 554,640

TOTAL POSITIONS 4.00
TOTAL ALL FUNDS 554,640

PROGRAM: PARI-MUTUEL WAGERING

PARI-MUTUEL WAGERING

APPROVED SALARY RATE 2,788,947

2230 SALARIES AND BENEFITS POSITIONS 67.00
FROM PARI-MUTUEL WAGERING TRUST
FUND 3,814,197

2231 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 1,558,666

2232 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST
FUND 718,759

2233 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST
FUND 15,532

2234 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST
FUND 24,802

From the funds provided in Specific Appropriation 2234, the department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2235 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 7,317

2236 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST
FUND 22,000

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2237 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST
FUND 271,963

2238 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST
FUND 60,725

2238A SPECIAL CATEGORIES
RACING ANIMAL MEDICIAL RESEARCH
FROM PARI-MUTUEL WAGERING TRUST
FUND 100,000

2239 SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 2,266,000

2240 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST
FUND 45,385

2241 SPECIAL CATEGORIES
CONTRACT FOR PARI-MUTUEL WAGERING
COMPLIANCE AND AUDIT SYSTEM
FROM PARI-MUTUEL WAGERING TRUST
FUND 296,476

TOTAL: PARI-MUTUEL WAGERING
FROM TRUST FUNDS 9,201,822

TOTAL POSITIONS 67.00
TOTAL ALL FUNDS 9,201,822

SLOT MACHINE REGULATION

APPROVED SALARY RATE 2,084,631

2242 SALARIES AND BENEFITS POSITIONS 53.00
FROM PARI-MUTUEL WAGERING TRUST
FUND 2,835,908

From positions and funds in specific appropriations 2242 through 2252, $365,809 in salary rate, eleven positions and $567,496 are provided and shall be placed in reserve for the Slot Machine Regulatory Program. Upon receipt of an application fee for licensure by a slot machine facility in Miami-Dade County, the Department of Business and Professional Regulation is authorized to submit a budget amendment for the release of positions and funds pursuant to chapter 216, Florida Statutes.

2243 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 10,000

2244 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST
FUND 488,549

2245 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST
FUND 25,537

2246 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST
FUND 15,000

From the funds provided in Specific Appropriation 2246, the

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department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2246A SPECIAL CATEGORIES
COMPULSIVE AND ADDICTIVE GAMBLING
PREVENTION CONTRACT
FROM PARI-MUTUEL WAGERING TRUST
FUND 750,000

The Department of Business and Professional Regulation is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2246A in the event a slot machine facility in Miami-Dade County applies for licensure and submits the compulsive gambling prevention fee.

2247 SPECIAL CATEGORIES
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW
ENFORCEMENT - SLOT INVESTIGATIONS
FROM PARI-MUTUEL WAGERING TRUST
FUND 430,268

2248 SPECIAL CATEGORIES
TRANSFER TO THE OFFICE OF THE STATE
ATTORNEY - SLOT INVESTIGATIONS AND
PROSECUTIONS
FROM PARI-MUTUEL WAGERING TRUST
FUND 183,097

2249 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST
FUND 265,000

2250 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST
FUND 16,000

2251 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST
FUND 5,772

2252 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST
FUND 20,774

TOTAL: SLOT MACHINE REGULATION
FROM TRUST FUNDS 5,045,905

TOTAL POSITIONS 53.00
TOTAL ALL FUNDS 5,045,905

PROGRAM: HOTELS AND RESTAURANTS

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 11,034,402

2253 SALARIES AND BENEFITS POSITIONS 296.00
FROM HOTEL AND RESTAURANT TRUST
FUND 15,201,864

2254 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST
FUND 6,200

2255 EXPENSES
FROM HOTEL AND RESTAURANT TRUST

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FUND 1,759,314

2256 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST
FUND 8,500

2256A LUMP SUM
HOSPITALITY EDUCATION PROGRAM - SCHOOL TO
CAREER
POSITIONS 6.00
FROM HOTEL AND RESTAURANT TRUST
FUND 706,698

From the funds in Specific Appropriation 2256A, up to one-fourth of the funds and the positions shall be released for operational purposes prior to the effective date of House Bill 425 or similar legislation becoming law. Should House Bill 425 or similar legislation become law, the balance of funds shall be placed in a special category related to the Hospitality Education Program and the positions placed in reserve.

2257 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH FOR
EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST
FUND 607,149

2258 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HOTEL AND RESTAURANT TRUST
FUND 92,900

2259 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST
FUND 390,794

2260 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST
FUND 224,669

2261 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM HOTEL AND RESTAURANT TRUST
FUND 116,759

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 19,114,847

TOTAL POSITIONS 302.00
TOTAL ALL FUNDS 19,114,847

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 8,905,075

2262 SALARIES AND BENEFITS POSITIONS 193.75
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 12,112,280

2263 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 7,075

2264 EXPENSES
FROM ALCOHOLIC BEVERAGE AND
TOBACCO TRUST FUND 1,631,987
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 34,330

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2264A OPERATING CAPITAL OUTLAY
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 54,670

2265 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 315,644
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 56,000

From the funds provided in Specific Appropriation 2265, from the Alcoholic Beverages and Tobacco Trust Fund the department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2266 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 30,231

2267 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 783,675

2268 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 801,795

2269 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 224,676

2270 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 140,000

2271 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 78,443

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 16,270,806

TOTAL POSITIONS 193.75
TOTAL ALL FUNDS 16,270,806

STANDARDS AND LICENSURE

APPROVED SALARY RATE 2,349,892

2272 SALARIES AND BENEFITS POSITIONS 60.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 3,351,553

2273 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 800

2274 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 550,324

2275 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 5,000

2276 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 17,733

2277 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 15,997

2278 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 24,301

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 3,965,708

TOTAL POSITIONS 60.00
TOTAL ALL FUNDS 3,965,708

TAX COLLECTION

APPROVED SALARY RATE 3,183,024

2279 SALARIES AND BENEFITS POSITIONS 83.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 4,436,096

2280 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 723,741

2281 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 21,180

2282 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 976,505

2283 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 13,575

2284 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 33,696

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 6,204,793

TOTAL POSITIONS 83.00
TOTAL ALL FUNDS 6,204,793

PROGRAM: FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 4,579,871

2285 SALARIES AND BENEFITS POSITIONS 118.00
FROM DIVISION OF FLORIDA

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CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 6,278,769

2286 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 65,230

2287 EXPENSES
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 1,078,438

2287A OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 1,298

2288 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 17,500

2289 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 29,561

2290 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 47,073

2291 SPECIAL CATEGORIES
GRANTS AND AIDS - CONDOMINIUM/COOPERATIVE
ASSOCIATION MANAGEMENT EDUCATION
FROM DIVISION OF FLORIDA
CONDOMINIUMS, TIMESHARES AND
MOBILE HOMES TRUST FUND 50,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 7,567,869

TOTAL POSITIONS 118.00
TOTAL ALL FUNDS 7,567,869

TOTAL: BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT
OF
FROM TRUST FUNDS 129,884,731

TOTAL POSITIONS 1,580.75
TOTAL ALL FUNDS 129,884,731
TOTAL APPROVED SALARY RATE 63,644,165

PROGRAM: CITRUS, DEPARTMENT OF

In order to achieve cost savings and efficiencies, the Department of Citrus, currently located in the Florida Department of Citrus headquarters building in Lakeland, Florida, shall relocate to the Bob Crawford Building, located in Bartow, Florida. The department shall develop a plan in conjunction with the Department of Agriculture and Consumer Services for implementing this relocation, and is authorized to submit a budget amendment for review and approval pursuant to chapter 216, Florida Statutes, for expenditures related to this purpose.

The Board of Trustees of the Internal Improvement Trust Fund in conjunction with the Department of Management Services shall surplus the Florida Department of Citrus headquarters building and land located at 1115 East Memorial Boulevard, Lakeland, Florida, pursuant to the requirements of s. 253.025, Florida Statutes. Proceeds from the sale shall be deposited in the Citrus Advertising Trust Fund.

CITRUS RESEARCH

APPROVED SALARY RATE 1,368,951

2299 SALARIES AND BENEFITS POSITIONS 21.00
FROM CITRUS ADVERTISING TRUST FUND . 1,738,727

2300 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 78,000

2301 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND . 1,011,896

2302 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND . 251,000

2303 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 9,920,494

2304 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND . 182,000

2305 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND . 9,283

TOTAL: CITRUS RESEARCH
FROM TRUST FUNDS 13,191,400

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 13,191,400

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,662,965

2306 SALARIES AND BENEFITS POSITIONS 30.00
FROM CITRUS ADVERTISING TRUST FUND . 2,369,260

2307 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 78,000

2308 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND . 1,221,931

2309 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND . 137,500

2310 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS ADVERTISING TRUST FUND . 810,000

2311 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND . 75,000

2312 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND . 32,237

2313 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND . 14,186

2314 DATA PROCESSING SERVICES

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REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND . . . 8,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 4,746,114

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 4,746,114

AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE 1,364,065

2315 SALARIES AND BENEFITS POSITIONS 17.00
FROM CITRUS ADVERTISING TRUST FUND . . . 1,918,676

2316 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND . . . 17,000

2317 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND . . . 1,161,331

From the funds provided in Specific Appropriation 2317, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 for the cost of citrus juice dispensed at the Florida Welcome Stations.

2318 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM CITRUS ADVERTISING TRUST FUND . . . 100,000

2319 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND . . . 45,695,526

2320 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND . . . 8,306

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM TRUST FUNDS 48,900,839

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 48,900,839

TOTAL: PROGRAM: CITRUS, DEPARTMENT OF
FROM TRUST FUNDS 66,838,353

TOTAL POSITIONS 68.00
TOTAL ALL FUNDS 66,838,353
TOTAL APPROVED SALARY RATE 4,395,981

FINANCIAL SERVICES, DEPARTMENT OF

PROGRAM: OFFICE OF CHIEF FINANCIAL OFFICER AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 7,619,777

2321 SALARIES AND BENEFITS POSITIONS 174.50
FROM ADMINISTRATIVE TRUST FUND . . . 10,940,692

2322 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 111,201

2323 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 1,801,734

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2324 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 30,066

2325 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 458,497
FROM ANTI-FRAUD TRUST FUND 19,100

2326 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 86,412

2327 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 72,230

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 13,519,932

TOTAL POSITIONS 174.50
TOTAL ALL FUNDS 13,519,932

LEGAL SERVICES

APPROVED SALARY RATE 4,385,614

2328 SALARIES AND BENEFITS POSITIONS 87.50
FROM ADMINISTRATIVE TRUST FUND . . . 5,809,313

2329 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 169,388

2330 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 944,433

2331 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 3,639

2332 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 410,537

2333 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 163,306

2334 SPECIAL CATEGORIES
HOLOCAUST VICTIMS ASSISTANCE ADMINISTRATION
FROM ADMINISTRATIVE TRUST FUND . . . 308,007

2335 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 13,379

2336 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 36,317

TOTAL: LEGAL SERVICES
FROM TRUST FUNDS 7,858,319

TOTAL POSITIONS 87.50
TOTAL ALL FUNDS 7,858,319

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 6,027,257

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2337 SALARIES AND BENEFITS POSITIONS 126.00
FROM ADMINISTRATIVE TRUST FUND . . . 8,149,688

2338 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 98,834

2339 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 3,354,972

2340 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 1,028,196

2341 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 4,625,514

2342 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 29,244

2343 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 53,672

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 17,340,120

TOTAL POSITIONS 126.00
TOTAL ALL FUNDS 17,340,120

CONSUMER ADVOCATE

APPROVED SALARY RATE 735,761

2344 SALARIES AND BENEFITS POSITIONS 10.00
FROM INSURANCE REGULATORY TRUST
FUND 858,381

2345 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 95,229

2346 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 76,765

2346A OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 5,000

2347 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 112,971

2348 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 1,285

2349 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 3,980

TOTAL: CONSUMER ADVOCATE
FROM TRUST FUNDS 1,153,611

TOTAL POSITIONS 10.00
TOTAL ALL FUNDS 1,153,611

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INFORMATION TECHNOLOGY - FLAIR INFRASTRUCTURE

APPROVED SALARY RATE 4,828,201

2350 SALARIES AND BENEFITS POSITIONS 108.00
FROM GENERAL REVENUE FUND 6,584,120
FROM ADMINISTRATIVE TRUST FUND . . . 90,002

2351 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,000

2352 EXPENSES
FROM GENERAL REVENUE FUND 1,988,613
FROM ADMINISTRATIVE TRUST FUND . . . 149,292

2353 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 215,794

2354 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,100,316
FROM ADMINISTRATIVE TRUST FUND . . . 5,400

2355 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,319

2356 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 43,179

TOTAL: INFORMATION TECHNOLOGY - FLAIR INFRASTRUCTURE
FROM GENERAL REVENUE FUND 11,952,341
FROM TRUST FUNDS 244,694

TOTAL POSITIONS 108.00
TOTAL ALL FUNDS 12,197,035

PROGRAM: TREASURY

DEPOSIT SECURITY

APPROVED SALARY RATE 1,043,608

2357 SALARIES AND BENEFITS POSITIONS 26.50
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,534,683

2358 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,500

2359 EXPENSES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 275,081

2360 OPERATING CAPITAL OUTLAY
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,783

2361 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 80,205

2362 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 68,548

2363 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 10,687

TOTAL: DEPOSIT SECURITY
FROM TRUST FUNDS 1,972,487

TOTAL POSITIONS 26.50
TOTAL ALL FUNDS 1,972,487

STATE FUNDS MANAGEMENT AND INVESTMENT

APPROVED SALARY RATE 1,183,429

2364 SALARIES AND BENEFITS POSITIONS 28.50
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,693,347

2365 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 17,500

2366 EXPENSES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 370,619

2367 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 495,179
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 848,785

2368 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 11,516

TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT
FROM TRUST FUNDS 3,436,946

TOTAL POSITIONS 28.50
TOTAL ALL FUNDS 3,436,946

SUPPLEMENTAL RETIREMENT PLAN

APPROVED SALARY RATE 437,759

2369 SALARIES AND BENEFITS POSITIONS 12.50
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 642,207

2370 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 100

2371 EXPENSES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 120,786

2372 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 252

2373 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND
INVESTMENT TRUST FUND 4,689

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TOTAL: SUPPLEMENTAL RETIREMENT PLAN
FROM TRUST FUNDS 768,034

TOTAL POSITIONS 12.50
TOTAL ALL FUNDS 768,034

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING

APPROVED SALARY RATE 7,730,622

2374 SALARIES AND BENEFITS POSITIONS 164.00
FROM GENERAL REVENUE FUND 9,336,146
FROM ADMINISTRATIVE TRUST FUND . . . 968,650

2375 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,994

2376 EXPENSES
FROM GENERAL REVENUE FUND 1,222,587
FROM ADMINISTRATIVE TRUST FUND . . . 421,300

2377 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,000
FROM ADMINISTRATIVE TRUST FUND . . . 3,000

2378 SPECIAL CATEGORIES
POSTCONVICTION CAPITAL COLLATERAL CASES -
REGISTRY ATTORNEYS
FROM ADMINISTRATIVE TRUST FUND . . . 2,075,388

2379 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 405,949
FROM ADMINISTRATIVE TRUST FUND . . . 116,104

From the funds in Specific Appropriation 2379, up to $50,000 shall be used to contract for the independent verification of tobacco settlement receipts received by the state.

2380 SPECIAL CATEGORIES
DEBT SERVICE - FLAIR ACCOUNTING AND CASH
MANAGEMENT SYSTEM REPLACEMENT
FROM INSURANCE REGULATORY TRUST
FUND 5,257,840

2381 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,796

2382 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 700

2383 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 61,586
FROM ADMINISTRATIVE TRUST FUND . . . 5,595

2384 SPECIAL CATEGORIES
TRANSFER TO THE PRISON INDUSTRY
ENHANCEMENT (PIE) PROGRAM
FROM PRISON INDUSTRIES TRUST FUND . 750,000

Funds in Specific Appropriation 2384 are provided for transfer to the Prison Industries Enhancement Program. Funds in the Prison Industries Trust Fund may be expended by the corporation for allowable expenditures under sections 946.522 and 946.523, Florida Statutes. Such funds may be paid by warrants drawn by the Chief Financial Officer upon receipt of a corporate resolution that has been duly authorized by the board of

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directors of the corporation, authorized under part II of chapter 946, Florida Statutes.

2385 SPECIAL CATEGORIES
FLORIDA CLERKS OF COURT OPERATIONS
CORPORATION
FROM ADMINISTRATIVE TRUST FUND . . . 1,700,000

Specific Appropriation 2385 is contingent upon SB 2108 not becoming law.

TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY
ACCOUNTING
FROM GENERAL REVENUE FUND 11,100,758
FROM TRUST FUNDS 11,297,877

TOTAL POSITIONS 164.00
TOTAL ALL FUNDS 22,398,635

RECOVERY AND RETURN OF UNCLAIMED PROPERTY

APPROVED SALARY RATE 2,333,950

2386 SALARIES AND BENEFITS POSITIONS 60.00
FROM UNCLAIMED PROPERTY TRUST FUND . 2,893,777

2387 OTHER PERSONAL SERVICES
FROM UNCLAIMED PROPERTY TRUST FUND . 180,000

2388 EXPENSES
FROM UNCLAIMED PROPERTY TRUST FUND . 766,657

2389 OPERATING CAPITAL OUTLAY
FROM UNCLAIMED PROPERTY TRUST FUND . 7,500

2390 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM UNCLAIMED PROPERTY TRUST FUND . 176,794

2391 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM UNCLAIMED PROPERTY TRUST FUND . 7,711

2392 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM UNCLAIMED PROPERTY TRUST FUND . 24,823

TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY
FROM TRUST FUNDS 4,057,262

TOTAL POSITIONS 60.00
TOTAL ALL FUNDS 4,057,262

PROGRAM: FIRE MARSHAL

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 2,690,628

2393 SALARIES AND BENEFITS POSITIONS 69.50
FROM INSURANCE REGULATORY TRUST
FUND 3,590,734

2394 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 15,339

2395 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 601,711

2396 OPERATING CAPITAL OUTLAY

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APPROPRIATION
FROM INSURANCE REGULATORY TRUST
FUND 9,144

2397 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 68,000

From the funds provided in Specific Appropriation 2397, the department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2398 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 18,405

2399 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST
FUND 8,000

2400 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 27,973

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 4,339,306

TOTAL POSITIONS 69.50
TOTAL ALL FUNDS 4,339,306

FIRE AND ARSON INVESTIGATIONS

APPROVED SALARY RATE 6,021,022

2401 SALARIES AND BENEFITS POSITIONS 128.00
FROM INSURANCE REGULATORY TRUST
FUND 8,400,355

2402 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 33,391

2403 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 1,607,720

2404 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 82,409

2405 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 405,000

From the funds provided in Specific Appropriation 2405, the department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2406 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 155,374

2406A SPECIAL CATEGORIES

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DOMESTIC SECURITY
FROM INSURANCE REGULATORY TRUST
FUND 679,365

2407 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE REGULATORY TRUST
FUND 250,000

2408 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST
FUND 144,174

2409 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST
FUND 5,000

2410 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 51,722

TOTAL: FIRE AND ARSON INVESTIGATIONS
FROM TRUST FUNDS 11,814,510

TOTAL POSITIONS 128.00
TOTAL ALL FUNDS 11,814,510

PROFESSIONAL TRAINING AND STANDARDS

APPROVED SALARY RATE 1,186,241

2411 SALARIES AND BENEFITS POSITIONS 31.00
FROM INSURANCE REGULATORY TRUST
FUND 1,724,376

2412 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 240,000

2413 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 634,868

2414 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 23,294

2415 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 133,697

2416 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM INSURANCE REGULATORY TRUST
FUND 400,000

2417 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST
FUND 17,500

2418 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 16,146

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TOTAL: PROFESSIONAL TRAINING AND STANDARDS
FROM TRUST FUNDS 3,189,881

TOTAL POSITIONS 31.00
TOTAL ALL FUNDS 3,189,881

FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES

APPROVED SALARY RATE 897,529

2419 SALARIES AND BENEFITS POSITIONS 21.00
FROM INSURANCE REGULATORY TRUST
FUND 1,403,699

2420 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 9,102

2421 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 414,860

2422 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 12,000

2423 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 126,189

2424 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 171,084

2425 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST
FUND 7,500

2426 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 8,972

TOTAL: FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES
FROM TRUST FUNDS 2,153,406

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,153,406

PROGRAM: STATE PROPERTY AND CASUALTY CLAIMS

STATE SELF-INSURED CLAIMS ADJUSTMENT

APPROVED SALARY RATE 3,724,974

2427 SALARIES AND BENEFITS POSITIONS 101.00
STATE RISK MANAGEMENT TRUST FUND . . 5,281,449

2428 OTHER PERSONAL SERVICES
STATE RISK MANAGEMENT TRUST FUND . . 35,000

2429 EXPENSES
STATE RISK MANAGEMENT TRUST FUND . . 912,363

2430 OPERATING CAPITAL OUTLAY
STATE RISK MANAGEMENT TRUST FUND . . 1,805

2431 SPECIAL CATEGORIES
CONTRACTED SERVICES

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STATE RISK MANAGEMENT TRUST FUND . . 271,970

2432 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
STATE RISK MANAGEMENT TRUST FUND . . 10,871,000

2433 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
STATE RISK MANAGEMENT TRUST FUND . . 85,600

2434 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
STATE RISK MANAGEMENT TRUST FUND . . 40,725

TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT
FROM TRUST FUNDS 17,499,912

TOTAL POSITIONS 101.00
TOTAL ALL FUNDS 17,499,912

PROGRAM: LICENSING AND CONSUMER PROTECTION

INSURANCE COMPANY REHABILITATION AND LIQUIDATION

APPROVED SALARY RATE 464,307

2435 SALARIES AND BENEFITS POSITIONS 8.00
FROM INSURANCE REGULATORY TRUST
FUND 635,295

2436 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 45,691

2437 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 112,031

2438 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 1,120

2439 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 258,352

2440 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 2,837

2441 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 3,567

TOTAL: INSURANCE COMPANY REHABILITATION AND LIQUIDATION
FROM TRUST FUNDS 1,058,893

TOTAL POSITIONS 8.00
TOTAL ALL FUNDS 1,058,893

LICENSURE, SALES APPOINTMENT AND OVERSIGHT

APPROVED SALARY RATE 5,906,147

2442 SALARIES AND BENEFITS POSITIONS 160.00
FROM INSURANCE REGULATORY TRUST
FUND 7,804,704

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2443 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 28,938

2444 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 1,040,520

2445 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 2,500

2446 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 46,750

From the funds provided in Specific Appropriation 2446, the department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2447 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 3,338,892

2448 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 72,682

2449 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 66,016

TOTAL: LICENSURE, SALES APPOINTMENT AND OVERSIGHT
FROM TRUST FUNDS 12,401,002

TOTAL POSITIONS 160.00
TOTAL ALL FUNDS 12,401,002

INSURANCE FRAUD

APPROVED SALARY RATE 9,395,596

2450 SALARIES AND BENEFITS POSITIONS 197.00
FROM INSURANCE REGULATORY TRUST
FUND 12,688,016

2451 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 45,000

2452 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 2,092,515

2453 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 1,700

2454 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST
FUND 297,000

From the funds provided in Specific Appropriation 2454, $111,636 is provided to the department for a law enforcement surveillance vehicle. The remaining funds may be used by the department to purchase one or

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more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2455 SPECIAL CATEGORIES
TRANSFER TO JUSTICE ADMINISTRATION
COMMISSION FOR PROSECUTION OF PIP FRAUD
FROM INSURANCE REGULATORY TRUST
FUND 1,016,043

Funds provided in Specific Appropriation 2455 from the Insurance Regulatory Trust Fund are provided for transfer to the Justice Administrative Commission for the specific purpose of funding attorneys and paralegals dedicated solely to the prosecution of insurance fraud cases in Duval, Orange, Miami-Dade, Hillsborough, Palm Beach and Broward counties. These funds may not be used for any purpose other than the funding of positions and activities that prosecute crimes of insurance fraud.

2456 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 214,617

2457 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 357,848

2458 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST
FUND 236,256

2459 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 81,033

TOTAL: INSURANCE FRAUD
FROM TRUST FUNDS 17,030,028

TOTAL POSITIONS 197.00
TOTAL ALL FUNDS 17,030,028

CONSUMER ASSISTANCE

APPROVED SALARY RATE 5,573,594

2460 SALARIES AND BENEFITS POSITIONS 136.50
FROM ADMINISTRATIVE TRUST FUND . . . 31,324
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 33,646
FROM INSURANCE REGULATORY TRUST
FUND 6,968,211
FROM REGULATORY TRUST FUND 302,646

2461 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 167,731

2462 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 16,463
FROM INSURANCE REGULATORY TRUST
FUND 1,543,608
FROM REGULATORY TRUST FUND 23,655

2463 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 2,200

2463A SPECIAL CATEGORIES
TRANSFER TO FLORIDA CATASTROPHIC STORM
RISK MANAGEMENT CENTER AT FLORIDA STATE
UNIVERSITY
FROM INSURANCE REGULATORY TRUST
FUND 975,000

Funds in Specific Appropriation 2463A, are provided to meet the requirements set forth in section 1004.647, Florida Statutes.

2464 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 120
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 355
FROM INSURANCE REGULATORY TRUST
FUND 1,245,374
FROM REGULATORY TRUST FUND 2,766

2465 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 60,978

2466 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 525
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 350
FROM INSURANCE REGULATORY TRUST
FUND 54,336
FROM REGULATORY TRUST FUND 2,719

TOTAL: CONSUMER ASSISTANCE
FROM TRUST FUNDS 11,432,007

TOTAL POSITIONS 136.50
TOTAL ALL FUNDS 11,432,007

FUNERAL AND CEMETERY SERVICES

APPROVED SALARY RATE 1,076,235

2467 SALARIES AND BENEFITS POSITIONS 24.00
FROM REGULATORY TRUST FUND 1,459,562

2468 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 25,000

2469 EXPENSES
FROM REGULATORY TRUST FUND 413,942

2470 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 9,500

2471 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 149,425

2472 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 4,382

2473 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 15,387

TOTAL: FUNERAL AND CEMETERY SERVICES
FROM TRUST FUNDS 2,077,198

TOTAL POSITIONS 24.00

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TOTAL ALL FUNDS 2,077,198

PROGRAM: WORKERS' COMPENSATION

WORKERS' COMPENSATION

APPROVED SALARY RATE 13,254,932

2474 SALARIES AND BENEFITS POSITIONS 353.00
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 17,750,667
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 956,202

2475 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 237,570
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 17,550

2476 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,765,747
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 131,882

2477 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 200,021
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 16,851

2478 SPECIAL CATEGORIES
TRANSFER TO DISTRICT COURTS OF APPEAL -
WORKERS' COMPENSATION APPEALS
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 1,981,688

Funds in Specific Appropriation 2478 are provided for transfer to the First District Court of Appeal for workload associated with workers' compensation appeals and the workers' compensation appeals unit.

2478A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES FOR THE FIRST DISTRICT COURT OF
APPEAL COURTHOUSE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,494,088

The funds in Specific Appropriation 2478A are provided for transfer to the Department of Management Services to fund the debt service on bond proceeds used for the First District Court of Appeals building currently under construction.

2478B SPECIAL CATEGORIES
WORKERS' COMPENSATION RESEARCH INSTITUTE
STUDY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 195,000

2478C SPECIAL CATEGORIES
TRANSFER TO JUSTICE ADMINISTRATION
COMMISSION FOR PROSECUTION OF WORKERS'
COMPENSATION FRAUD
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 273,372

The funds provided in Specific Appropriation 2478C from the Workers' Compensation Administrative Trust Fund are provided for transfer to the Justice Administrative Commission for the specific purpose of funding attorneys and paralegals in the Ninth and Eleventh Judicial Circuits for the prosecution of workers' compensation insurance fraud. These funds may not be used for any purpose other than the funding of positions and activities that prosecute crimes of workers' compensation fraud.

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2479 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,627,499
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 186,360

2480 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 243,357

2481 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 139,786
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 8,359

TOTAL: WORKERS' COMPENSATION
FROM TRUST FUNDS 32,225,999

TOTAL POSITIONS 353.00
TOTAL ALL FUNDS 32,225,999

PROGRAM: FINANCIAL SERVICES COMMISSION

OFFICE OF INSURANCE REGULATION

COMPLIANCE AND ENFORCEMENT - INSURANCE

APPROVED SALARY RATE 12,308,455

2482 SALARIES AND BENEFITS POSITIONS 265.00
FROM INSURANCE REGULATORY TRUST
FUND 15,685,412

2483 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 175,000

2484 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 2,869,133

2485 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST
FUND 2,000

2486 SPECIAL CATEGORIES
FLORIDA PUBLIC HURRICANE LOSS MODEL -
OFFICE OF INSURANCE REGULATION
FROM INSURANCE REGULATORY TRUST
FUND 623,512

The funds in Specific Appropriation 2486 shall be placed in reserve should legislation become law requiring the Florida Public Hurricane Loss Model to be updated every odd year rather than annually.

2487 SPECIAL CATEGORIES
FINANCIAL EXAMINATION CONTRACTS - PROPERTY
AND CASUALTY EXAMINATIONS
FROM INSURANCE REGULATORY TRUST
FUND 4,651,763

2488 SPECIAL CATEGORIES
FINANCIAL EXAMINATION CONTRACTS - LIFE AND
HEALTH EXAMINATIONS
FROM INSURANCE REGULATORY TRUST
FUND 50,000

2489 SPECIAL CATEGORIES

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CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 728,016

2490 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST
FUND 173,368

2491 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 110,555

TOTAL: COMPLIANCE AND ENFORCEMENT - INSURANCE
FROM TRUST FUNDS 25,068,759

TOTAL POSITIONS 265.00
TOTAL ALL FUNDS 25,068,759

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,078,180

2492 SALARIES AND BENEFITS POSITIONS 35.00
FROM INSURANCE REGULATORY TRUST
FUND 2,649,575

2493 EXPENSES
FROM INSURANCE REGULATORY TRUST
FUND 151,969

2494 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST
FUND 117,710

2495 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST
FUND 15,449

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 2,934,703

TOTAL POSITIONS 35.00
TOTAL ALL FUNDS 2,934,703

OFFICE OF FINANCIAL REGULATION

SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

APPROVED SALARY RATE 6,714,951

2496 SALARIES AND BENEFITS POSITIONS 132.00
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 8,788,282

2497 OTHER PERSONAL SERVICES
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 872,000

2498 EXPENSES
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 1,847,054

2499 OPERATING CAPITAL OUTLAY
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 15,130

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2500 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 367,012

2501 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 22,482

2502 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM FINANCIAL INSTITUTIONS
REGULATORY TRUST FUND 52,551

TOTAL: SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM
FROM TRUST FUNDS 11,964,511

TOTAL POSITIONS 132.00
TOTAL ALL FUNDS 11,964,511

FINANCIAL INVESTIGATIONS

APPROVED SALARY RATE 2,987,120

2503 SALARIES AND BENEFITS POSITIONS 64.00
FROM ADMINISTRATIVE TRUST FUND . . . 1,967,254
FROM REGULATORY TRUST FUND 1,691,106

2504 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 5,321

2505 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 387,736
FROM REGULATORY TRUST FUND 329,936
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 51,758

2506 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 10,600

2507 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 10,418
FROM REGULATORY TRUST FUND 5,936

2508 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 8,868
FROM REGULATORY TRUST FUND 3,325

2509 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 14,486
FROM REGULATORY TRUST FUND 10,880

TOTAL: FINANCIAL INVESTIGATIONS
FROM TRUST FUNDS 4,497,624

TOTAL POSITIONS 64.00
TOTAL ALL FUNDS 4,497,624

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,785,594

2510 SALARIES AND BENEFITS POSITIONS 49.00
FROM ADMINISTRATIVE TRUST FUND . . . 2,113,703
FROM REGULATORY TRUST FUND 1,395,940

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION

2511 EXPENSES
FROM ADMINISTRATIVE TRUST FUND . . . 242,862
FROM REGULATORY TRUST FUND 186,300

2512 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 4,134
FROM REGULATORY TRUST FUND 6,914

2513 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND . . . 8,766
FROM REGULATORY TRUST FUND 569

2514 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 11,639
FROM REGULATORY TRUST FUND 7,785

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 3,978,612

TOTAL POSITIONS 49.00
TOTAL ALL FUNDS 3,978,612

FINANCE REGULATION

APPROVED SALARY RATE 5,831,266

2515 SALARIES AND BENEFITS POSITIONS 130.00
FROM REGULATORY TRUST FUND 7,674,843

2516 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 383,430

2517 EXPENSES
FROM REGULATORY TRUST FUND 1,374,988

2518 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 13,631

2519 SPECIAL CATEGORIES
MORTGAGE BROKER EXAMAINATIONS - OFFICE OF FINANCIAL REGULATION
FROM REGULATORY TRUST FUND 1,401,030

2520 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 3,641,565

2521 SPECIAL CATEGORIES
MONEY SERVICES BUSINESS EXAMINATIONS
FROM REGULATORY TRUST FUND 500,000

2522 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 21,338

2523 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 52,134

2524 DATA PROCESSING SERVICES
REGULATORY ENFORCEMENT AND LICENSING SYSTEM - OFFICE OF FINANCIAL REGULATION
FROM REGULATORY TRUST FUND 1,974,670

2524A DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM REGULATORY TRUST FUND 132,091

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

TOTAL: FINANCE REGULATION
FROM TRUST FUNDS 17,169,720

TOTAL POSITIONS 130.00
TOTAL ALL FUNDS 17,169,720

SECURITIES REGULATION

APPROVED SALARY RATE 4,118,792

2525 SALARIES AND BENEFITS POSITIONS 92.00
FROM REGULATORY TRUST FUND 5,586,283

2526 OTHER PERSONAL SERVICES
FROM ANTI-FRAUD TRUST FUND 61,730
FROM REGULATORY TRUST FUND 4,466

2527 EXPENSES
FROM ANTI-FRAUD TRUST FUND 187,885
FROM REGULATORY TRUST FUND 761,576

2528 OPERATING CAPITAL OUTLAY
FROM ANTI-FRAUD TRUST FUND 31,802
FROM REGULATORY TRUST FUND 4,566

2529 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ANTI-FRAUD TRUST FUND 90,049
FROM REGULATORY TRUST FUND 4,500

2530 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 16,956

2531 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 39,318

TOTAL: SECURITIES REGULATION
FROM TRUST FUNDS 6,789,131

TOTAL POSITIONS 92.00
TOTAL ALL FUNDS 6,789,131

TOTAL: FINANCIAL SERVICES, DEPARTMENT OF
FROM GENERAL REVENUE FUND 23,053,099
FROM TRUST FUNDS 249,274,484

TOTAL POSITIONS 2,793.50
TOTAL ALL FUNDS 272,327,583
TOTAL APPROVED SALARY RATE 123,341,541

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Executive Office of the Governor, Executive Direction and Support Services shall submit a plan by October 1, 2009 to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the Commission to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

2532 SALARIES AND BENEFITS POSITIONS 116.00
FROM GENERAL REVENUE FUND 7,612,124
FROM GRANTS AND DONATIONS TRUST FUND 213,181

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION

2533 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 1,895,433
FROM GRANTS AND DONATIONS TRUST
FUND 488,236

2534 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
WASHINGTON OFFICE
FROM GENERAL REVENUE FUND 111,605

2535 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 10,852

2536 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 27,930

2537 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,951
FROM GRANTS AND DONATIONS TRUST
FUND 6,359

2538 SPECIAL CATEGORIES
CHILD ABUSE PREVENTION
FROM GENERAL REVENUE FUND 212,432

2539 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 51,904
FROM GRANTS AND DONATIONS TRUST
FUND 1,314

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 9,959,231
FROM TRUST FUNDS 709,090

TOTAL POSITIONS 116.00
TOTAL ALL FUNDS 10,668,321

DRUG CONTROL COORDINATION

2540 SALARIES AND BENEFITS POSITIONS 7.00
FROM GENERAL REVENUE FUND 464,113

2541 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 78,523

2542 SPECIAL CATEGORIES
GRANTS AND AIDS - ANTI-GANG INITIATIVES
FROM GRANTS AND DONATIONS TRUST
FUND 1,000,000

2543 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,053

2544 SPECIAL CATEGORIES
ENFORCING UNDERAGE DRINKING LAWS - BLOCK
GRANT
FROM GRANTS AND DONATIONS TRUST
FUND 439,062

2545 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,441

TOTAL: DRUG CONTROL COORDINATION
FROM GENERAL REVENUE FUND 546,130
FROM TRUST FUNDS 1,439,062

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 1,985,192

LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND
BUDGETING SUBSYSTEM

2546 SALARIES AND BENEFITS POSITIONS 48.00
FROM PLANNING AND BUDGETING SYSTEM
TRUST FUND 4,412,514

2547 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING
AND BUDGETING SUBSYSTEM
FROM PLANNING AND BUDGETING SYSTEM
TRUST FUND 1,303,753

2548 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PLANNING AND BUDGETING SYSTEM
TRUST FUND 16,398

2549 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PLANNING AND BUDGETING SYSTEM
TRUST FUND 17,886

TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND
BUDGETING SUBSYSTEM
FROM TRUST FUNDS 5,750,551

TOTAL POSITIONS 48.00
TOTAL ALL FUNDS 5,750,551

EXECUTIVE PLANNING AND BUDGETING

2550 SALARIES AND BENEFITS POSITIONS 105.00
FROM GENERAL REVENUE FUND 8,364,030

2552 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE
OF PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 3,604,568

2553 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 9,215

2554 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 32,512

2555 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 43,572

TOTAL: EXECUTIVE PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 12,053,897

TOTAL POSITIONS 105.00
TOTAL ALL FUNDS 12,053,897

FLORIDA ENERGY AND CLIMATE COMMISSION

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2556	SALARIES AND BENEFITS POSITIONS 14.00		
	FROM GENERAL REVENUE FUND	674,936	
	FROM GRANTS AND DONATIONS TRUST FUND		552,190
2557	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - FLORIDA ENERGY AND CLIMATE COMMISSION		
	FROM GENERAL REVENUE FUND	112,327	
	FROM GRANTS AND DONATIONS TRUST FUND		452,094
2558	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ENERGY EFFICIENCY CONSERVATION BLOCK GRANT - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND		2,752,640
2559A	SPECIAL CATEGORIES		
	ENERGY CONSERVATION INITIATIVES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND		9,408,000
2559B	SPECIAL CATEGORIES		
	ENERGY EFFICIENCY APPLIANCE REBATE PROGRAM - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND		18,000,000
2560	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GRANTS AND DONATIONS TRUST FUND		1,838
2561	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	1,194	
	FROM GRANTS AND DONATIONS TRUST FUND		2,852
2561A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AIDS - STATE ENERGY PROGRAM - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND		126,089,000
2561B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AIDS - ENERGY CONSERVATION BLOCK GRANT - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND		18,240,960
2562	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	UNITED STATES DEPARTMENT OF ENERGY SPECIAL PROJECTS		
	FROM GRANTS AND DONATIONS TRUST FUND		850,000
TOTAL:	FLORIDA ENERGY AND CLIMATE COMMISSION		
	FROM GENERAL REVENUE FUND	788,457	
	FROM TRUST FUNDS		176,349,574
	TOTAL POSITIONS	14.00	
	TOTAL ALL FUNDS		177,138,031

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,282,876

2563	SALARIES AND BENEFITS POSITIONS 21.00		
	FROM GENERAL REVENUE FUND	705,398	
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		476,996
	FROM GRANTS AND DONATIONS TRUST FUND		37
	FROM TOURISM PROMOTION TRUST FUND .		448,257
2564	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT		
	FROM GENERAL REVENUE FUND	969,274	
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		300,000
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		102,512
	FROM GRANTS AND DONATIONS TRUST FUND		750
	FROM TOURISM PROMOTION TRUST FUND .		111,840
2565	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,759	
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		981
	FROM TOURISM PROMOTION TRUST FUND .		2,344
2566	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	4,068	
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		2,733
	FROM TOURISM PROMOTION TRUST FUND .		2,566
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	1,680,499	
	FROM TRUST FUNDS		1,449,016
	TOTAL POSITIONS	21.00	
	TOTAL ALL FUNDS		3,129,515

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2567	LUMP SUM		
	ECONOMIC DEVELOPMENT TOOLS		
	FROM GENERAL REVENUE FUND	17,410,000	
	FROM ECONOMIC DEVELOPMENT TRUST FUND		4,227,500

Funds in Specific Appropriation 2567 shall be allocated as follows:

From nonrecurring general revenue:
Economic Development Tools..... 16,910,000

From nonrecurring trust funds:
Economic Development Tools - Local Match..... 4,227,500

Funds provided in Specific Appropriation 2567 for Economic Development Tools include funding for Qualified Targeted Industries, Qualified Defense Contractors and High Impact Performance Incentives. These funds shall not be released for any other purpose and shall only be disbursed when projects meet the contracted performance requirements.

Funds from the Economic Development Trust Fund in Specific Appropriation 2567 represent local match funds.

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From the funds in Specific Appropriation 2567, $500,000 in nonrecurring general revenue shall be provided to the Florida Manufacturing Extension Partnership for the purpose of leveraging federal and private resources for the support and delivery of services to the manufacturing community, which will provide economic stimulus through job creation and retention and assist Florida manufacturers to become more efficient and globally competitive.

2568 SPECIAL CATEGORIES
GRANTS AND AIDS - BLACK BUSINESS
INVESTMENT BOARD
FROM GENERAL REVENUE FUND 2,750,000

From the funds in Specific Appropriation 2568, $350,000 is provided to the Black Business Investment Board for operations and administration of the board, $48,000 is provided to the Office of Tourism, Trade and Economic Development for the administration of the Black Business Loan Program, and $2,352,000 is provided for the Black Business Loan Program.

2569 SPECIAL CATEGORIES
HISPANIC BUSINESS INITIATIVE FUND OUTREACH
PROGRAM
FROM GENERAL REVENUE FUND 200,000

2570 SPECIAL CATEGORIES
QUICK ACTION CLOSING FUND
FROM GENERAL REVENUE FUND 13,460,830

2571 SPECIAL CATEGORIES
GRANTS AND AIDS - ADVOCATING INTERNATIONAL
RELATIONSHIPS
FROM GENERAL REVENUE FUND 800,000

Funds provided in Specific Appropriation 2571 shall be allocated as follows:

Florida Association of Volunteer Action/Caribbean &
Americas (FAVACA)..... 300,000
Southeast US/Japan & FLOR/KOR..... 250,000
Gateway Florida..... 250,000

2571A SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT PROJECTS
FROM GENERAL REVENUE FUND 650,000

Funds provided in Specific Appropriation 2571A shall be allocated as follows:

Small Business Development Center Network..... 250,000
CAMACOL Film..... 150,000
FIU Democracy Conference..... 250,000

2572 SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 200,000

2573 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS
FOUNDATION
FROM PROFESSIONAL SPORTS
DEVELOPMENT TRUST FUND 2,500,000

Funds provided in Specific Appropriation 2573 are contingent upon the negotiation of a Funding and Program Agreement between the Office of Tourism, Trade and Economic Development and the Florida Sports Foundation. The agreement shall specify that the expenditure of funds shall promote the economic development of the state and that funds shall be allocated to events that will maximize revenues to the state. The agreement must direct the foundation to promote leisure and recreational sports that contribute to economic growth of the state. The Attachment B - Performance Measures of the agreement shall include outcomes that indicate economic value. The terms of the agreement shall address conditions of sponsorships, including disposition of any event tickets

SECTION 6 - GENERAL GOVERNMENT
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APPROPRIATION

or other promotional items associated with a sponsorship. The term of the contract shall cover the period from July 1, 2009, to June 30, 2010.

2574 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA
PROGRAM
FROM GENERAL REVENUE FUND 6,500,000
FROM FLORIDA INTERNATIONAL TRADE
AND PROMOTION TRUST FUND 4,900,000

From the funds in Specific Appropriation 2574, $300,000 in nonrecurring general revenue shall be provided to the Florida Trade and Exhibition Center.

2575 SPECIAL CATEGORIES
GRANTS AND AIDS - MILITARY BASE PROTECTION
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 2575 shall be allocated as follows:

Military Base Protection..... 150,000
Defense Reinvestment..... 850,000

2576 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON
TOURISM
FROM GENERAL REVENUE FUND 4,250,000
FROM TOURISM PROMOTION TRUST FUND . 20,750,000

2576A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 410

2577 SPECIAL CATEGORIES
FILM AND ENTERTAINMENT
FROM GENERAL REVENUE FUND 10,800,000

2578 SPECIAL CATEGORIES
GRANTS AND AIDS - BROWNFIELDS
REDEVELOPMENT PROJECT
FROM GENERAL REVENUE FUND 1,348,320
FROM ECONOMIC DEVELOPMENT TRUST
FUND 337,080

2579 SPECIAL CATEGORIES
GRANTS AND AIDS - SPACE FLORIDA
FROM GENERAL REVENUE FUND 3,839,943

2580 SPECIAL CATEGORIES
RURAL COMMUNITY DEVELOPMENT
FROM GENERAL REVENUE FUND 400,000
FROM ECONOMIC DEVELOPMENT TRUST
FUND 900,000

2581 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE
FROM GENERAL REVENUE FUND 1,650,000

Funds provided in Specific Appropriation 2581 shall be allocated as follows:

Defense Infrastructure..... 500,000
Rural Infrastructure..... 1,150,000

2582 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT
TRANSPORTATION TRUST FUND 20,000,000

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APPROPRIATION
TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND 65,259,503
FROM TRUST FUNDS 53,614,580

TOTAL ALL FUNDS 118,874,083

PROGRAM: AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The Agency for Enterprise Information Technology (AEIT) shall facilitate and coordinate the consolidation of the computing resources in the Department of Business and Professional Regulation and the Department of Juvenile Justice into the Northwood Shared Resource Center and the Florida Parole Commission into the Department of Corrections Office of Information Technology.

The AEIT shall form workgroups consisting of staff with appropriate areas of expertise from affected agencies, including but not limited to budget and technical expertise, for the purpose of developing transition plans for each transfer. The transition plans shall be submitted to the legislative appropriations committee chairs and the Governor. The transition plans shall establish timetables for each transfer, identify the costs and savings associated with each transfer, the positions and resources to be moved and the necessary budget adjustments required to accomplish the consolidation.

The transition plan for consolidation of the Department of Business and Professional Regulation's computing resources into the Northwood Shared Resource Center shall be submitted December 1, 2009 and shall be based on completing the consolidation by November 30, 2010.

The transition plan for consolidation of the Department of Juvenile Justice's computing resources into the Northwood Shared Resource Center shall be submitted December 1, 2009 and shall be based on completing consolidation by July 1, 2010.

The transition plan for consolidation of the Florida Parole Commission's computing resources into the Department of Corrections Office of Information Technology shall be submitted as soon as possible and shall be based on completing consolidation by July 1, 2009.

Computing resources being transferred comprise all data center functions necessary to provide full managed services for customer agencies. Computing resources include hardware, software, staff, contracted services, and facilities resources that collectively enable or perform data center management, operations, security, production control, backup and recovery, disaster recovery, system administration, data base administration, system programming, job control, production control, print, storage, technical support, help desk and managed services.

By October 1, 2009, the Agency for Enterprise Information Technology shall submit a proposal for reducing the service cost per user and overall cost of the current electronic mail customers of the Southwood Shared Resource Center (SSRC). The proposal shall be submitted for approval to the Legislative Budget Commission along with any necessary budget amendments. The proposal shall consist of a recommendation to provide the least costly electronic mail solution which maintains current service levels for existing SSRC customers. The proposed solution shall be funded from current resources. The proposal shall, at a minimum, be based on a review of the following options:

1. Allow the SSRC to contract with another state agency for use of its electronic mail system with similar electronic mail services to temporarily provide electronic mail services for existing customers.

2. Allow the SSRC to procure an externally sourced system option that can be used to provide temporary electronic mail services for the existing customers.

3. Transition of additional electronic mail customers onto the existing service platform at the SSRC to reduce the service cost per user.

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APPROPRIATION
The proposal shall include an analysis of:

1. The ability of each option to meet major requirements of each customer;

2. A description of the scope of functionality and operations; and

3. A description of the required resources associated with each option, including one-time acquisition costs, mail migration costs, and ongoing operations, administrative overhead, and staffing costs.

If the option results in increased electronic mail costs for any customer, the proposal shall identify those costs and the funding sources proposed to pay those costs. In order to develop the proposal, the Agency for Enterprise Information Technology shall consult with and, as necessary, form workgroups consisting of agency staff from affected state agencies. State agencies shall cooperate with the Agency for Enterprise Technology in its development of the proposal.

APPROVED SALARY RATE 992,584

2583 SALARIES AND BENEFITS POSITIONS 14.00
FROM GENERAL REVENUE FUND 1,198,659

2584 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,000

2585 EXPENSES
FROM GENERAL REVENUE FUND 130,639

2586 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,000

2587 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,000

2588 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,928

2589 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,068

TOTAL: AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 1,344,294

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 1,344,294

TOTAL: GOVERNOR, EXECUTIVE OFFICE OF THE
FROM GENERAL REVENUE FUND 91,632,011
FROM TRUST FUNDS 239,311,873

TOTAL POSITIONS 325.00
TOTAL ALL FUNDS 330,943,884
TOTAL APPROVED SALARY RATE 2,275,460

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 10,051,361

2590 SALARIES AND BENEFITS POSITIONS 276.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND 13,657,632
FROM FEDERAL GRANTS TRUST FUND . . . 200,279
FROM LAW ENFORCEMENT TRUST FUND . . 143,035

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APPROPRIATION

2591 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 89,196
FROM FEDERAL GRANTS TRUST FUND . . . 50,000

2592 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 979,730
FROM FEDERAL GRANTS TRUST FUND . . . 51,863
FROM LAW ENFORCEMENT TRUST FUND . . 7,516

2593 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 133,878

2594 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 118,730

2595 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 324,293

2596 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 360,689

2597 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 275,529

2598 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 84,169

2599 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,971,136

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 18,447,675

TOTAL POSITIONS 276.00
TOTAL ALL FUNDS 18,447,675

PROGRAM: FLORIDA HIGHWAY PATROL

HIGHWAY SAFETY

APPROVED SALARY RATE 100,043,496

2600 SALARIES AND BENEFITS POSITIONS 2,205.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 148,523,189
FROM FEDERAL GRANTS TRUST FUND . . . 619,836
FROM GAS TAX COLLECTION TRUST FUND . 260,628
FROM LAW ENFORCEMENT TRUST FUND . . 368,871

2601 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 11,423,904
FROM FEDERAL GRANTS TRUST FUND . . . 553,000
FROM LAW ENFORCEMENT TRUST FUND . . 69,000

2602 EXPENSES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

FROM HIGHWAY SAFETY OPERATING
TRUST FUND 7,835,345
FROM FEDERAL GRANTS TRUST FUND . . . 843,726
FROM LAW ENFORCEMENT TRUST FUND . . 65,475
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 1,056,193

2603 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 428,505
FROM FEDERAL GRANTS TRUST FUND . . . 521,410
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 252,572

2604 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,867,965

2605 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL COMMUNICATION
SYSTEMS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,500,000

2606 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,056,287
FROM FEDERAL GRANTS TRUST FUND . . . 100,000
FROM LAW ENFORCEMENT TRUST FUND . . 50,000
FROM FEDERAL LAW ENFORCEMENT TRUST
FUND 173,340

2606A SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 749,984

2607 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 12,514,517
FROM FEDERAL GRANTS TRUST FUND . . . 20,250
FROM LAW ENFORCEMENT TRUST FUND . . 1,456,801

2608 SPECIAL CATEGORIES
AUXILLIARY UNIFORMS AND EQUIPMENT
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 138,238

2609 SPECIAL CATEGORIES
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS
FROM HIGHWAY PATROL INSURANCE
TRUST FUND 325,995

2610 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 4,207,505

2611 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,397,348
FROM FEDERAL GRANTS TRUST FUND . . . 15,600

2612 SPECIAL CATEGORIES
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST
FUND
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 325,995

2613 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,176,092

2614 SPECIAL CATEGORIES
MOBILE DATA TERMINAL SYSTEM
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,348,410

TOTAL: HIGHWAY SAFETY
FROM TRUST FUNDS 204,245,981

TOTAL POSITIONS 2,205.00
TOTAL ALL FUNDS 204,245,981

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,808,376

2615 SALARIES AND BENEFITS POSITIONS 27.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,465,232

2616 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 260,735

2617 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 8,000

2617A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 19,838

2618 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 4,135

2619 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 7,790

2620 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 49,392

2621 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 20,315

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 2,835,437

TOTAL POSITIONS 27.00
TOTAL ALL FUNDS 2,835,437

PROGRAM: LICENSES, TITLES AND REGULATIONS

DRIVER LICENSURE

No funds are provided in Specific Appropriations 2622 through 2634 for Fiscal Year 2009-2010 with regard to any existing contracts, leases or other contractual obligations held by the state or any of its agencies and entities associated with the following Driver's License Offices: Crawfordville #B12, Miami-Dade Bunche Park #S01, Jacksonville-Dunn Avenue #E02, Cross City #D06, and Green Cove Springs #E12.

No funds are provided in Specific Appropriations 2622 through 2634 for Fiscal Year 2009-2010 to make payments for the use of the properties after December 1, 2009, on any existing contracts, leases or other contractual obligations held by the state or any of its agencies and entities associated with the Jacksonville Southside #E03, and Wauchula #M06, Driver's License Office.

APPROVED SALARY RATE 34,345,463

2622 SALARIES AND BENEFITS POSITIONS 1,201.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 48,031,415
FROM FEDERAL GRANTS TRUST FUND . . . 6,528

No funds are provided in Specific Appropriation 2622 for Drivers License Roving/Specialty Team Examiners.

2623 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 415,753
FROM FEDERAL GRANTS TRUST FUND . . . 159,850

2624 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 9,115,630
FROM FEDERAL GRANTS TRUST FUND . . . 56,610

2625 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 103,238
FROM FEDERAL GRANTS TRUST FUND . . . 156,856

2627A SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE PROJECTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 300,000

2628 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,800,941
FROM FEDERAL GRANTS TRUST FUND . . . 1,302,120

2628A SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 8,693,758

2629 SPECIAL CATEGORIES
AUTOMATED UNIFORM TRAFFIC ACCOUNTING
SYSTEM
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 913,905

2630 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,752,015

2631 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 10,867,313

2632 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,353,662

2633 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 125,426

2634 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TRANSFER TO TRANSPORTATION SECURITY
ADMINISTRATION AND FLORIDA DEPARTMENT OF
LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,371,000

TOTAL: DRIVER LICENSURE
FROM TRUST FUNDS 87,526,020

TOTAL POSITIONS 1,201.00
TOTAL ALL FUNDS 87,526,020

MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE

APPROVED SALARY RATE 1,346,764

2635 SALARIES AND BENEFITS POSITIONS 51.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,023,251

2636 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 273,104

2637 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 5,150

2638 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 57,603

TOTAL: MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE
FROM TRUST FUNDS 2,359,108

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 2,359,108

IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS

APPROVED SALARY RATE 6,559,716

2639 SALARIES AND BENEFITS POSITIONS 205.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 9,307,980
FROM FEDERAL GRANTS TRUST FUND . . . 5,858

2640 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 324,881
FROM FEDERAL GRANTS TRUST FUND . . . 700,917

2641 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 724,929
FROM FEDERAL GRANTS TRUST FUND . . . 1,039,862

2642 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 17,680
FROM FEDERAL GRANTS TRUST FUND . . . 405,428

2643 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 693,874

From the funds in Specific Appropriation 2643, $500,000 in nonrecurring funds is provided for the purpose of promoting motorcycle safety awareness through public information and education campaigns. The department may contract with private entities for this purpose.

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2644 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 223,210

TOTAL: IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS
FROM TRUST FUNDS 13,444,619

TOTAL POSITIONS 205.00
TOTAL ALL FUNDS 13,444,619

MOBILE HOME COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 943,680

2645 SALARIES AND BENEFITS POSITIONS 26.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,262,417

2646 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 145,444

2647 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 10,000

2648 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,403

2649 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 19,891

TOTAL: MOBILE HOME COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 1,440,155

TOTAL POSITIONS 26.00
TOTAL ALL FUNDS 1,440,155

VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES

The Department of Highway Safety and Motor Vehicles is directed to study vehicle registration decals affixed to license plates and recommend the most effective decal solution for law enforcement needs and registration renewal purposes, and to submit a report to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on Education and Economic Development by January 30, 2010.

APPROVED SALARY RATE 11,945,213

2650 SALARIES AND BENEFITS POSITIONS 387.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 13,895,925
FROM GAS TAX COLLECTION TRUST FUND . 2,875,805

2651 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 122,706
FROM FEDERAL GRANTS TRUST FUND . . . 40,000
FROM GAS TAX COLLECTION TRUST FUND . 11,438

2652 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,870,812
FROM FEDERAL GRANTS TRUST FUND . . . 170,000
FROM GAS TAX COLLECTION TRUST FUND . 558,948

2653 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TRUST FUND 34,531
FROM FEDERAL GRANTS TRUST FUND . . . 80,000
FROM GAS TAX COLLECTION TRUST FUND . 5,001

2655A SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE PROJECTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,100,000

2656 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 609,087
FROM GAS TAX COLLECTION TRUST FUND . 3,040

2657 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,109,750

2658 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 8,175,197

2659 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 180,753
FROM GAS TAX COLLECTION TRUST FUND . 35,429

2660 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 86,311

2661 SPECIAL CATEGORIES
TRANSFER TO TRANSPORTATION SECURITY ADMINISTRATION AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 161,656

TOTAL: VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES
FROM TRUST FUNDS 33,126,389

TOTAL POSITIONS 387.00
TOTAL ALL FUNDS 33,126,389

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,798,732

2662 SALARIES AND BENEFITS POSITIONS 31.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 2,400,132

2663 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 36,863

2664 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 168,322

2665 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 69,417

2666 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 4,659

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2667 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 33,062

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 2,712,455

TOTAL POSITIONS 31.00
TOTAL ALL FUNDS 2,712,455

PROGRAM: KIRKMAN DATA CENTER

INFORMATION TECHNOLOGY

The Department of Highway Safety and Motor Vehicles shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education and Economic Development, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, Chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 7,680,860

2668 SALARIES AND BENEFITS POSITIONS 175.00
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 10,216,132
FROM FEDERAL GRANTS TRUST FUND . . . 832

2669 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 266,740

2670 EXPENSES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 5,104,787
FROM GAS TAX COLLECTION TRUST FUND . 213,265
FROM LAW ENFORCEMENT TRUST FUND . . 3,752

2671 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 467,431

2672 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 1,355,804
FROM GAS TAX COLLECTION TRUST FUND . 17,333

2673 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 32,916

2674 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 5,465,289

2675 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 3,327,143

2676 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM HIGHWAY SAFETY OPERATING
TRUST FUND 724,178

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 27,195,602

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 175.00
TOTAL ALL FUNDS 27,195,602

TOTAL: HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF
FROM TRUST FUNDS 393,333,441

TOTAL POSITIONS 4,584.00
TOTAL ALL FUNDS 393,333,441
TOTAL APPROVED SALARY RATE 176,523,661

LEGISLATIVE BRANCH

SENATE

2677 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 34,479,099

HOUSE OF REPRESENTATIVES

2678 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 53,917,791

LEGISLATIVE SUPPORT SERVICES

2679 LUMP SUM
JOINT LEGISLATIVE SUNSET COMMITTEE
FROM GENERAL REVENUE FUND 448,847

2680 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - SENATE
FROM GENERAL REVENUE FUND 18,679,767
FROM GRANTS AND DONATIONS TRUST
FUND 987,471
FROM LEGISLATIVE LOBBYIST
REGISTRATION TRUST FUND 149,064

2681 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - HOUSE
FROM GENERAL REVENUE FUND 18,308,943
FROM GRANTS AND DONATIONS TRUST
FUND 950,883
FROM LEGISLATIVE LOBBYIST
REGISTRATION TRUST FUND 143,295

2682 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 262,474
FROM LEGISLATIVE LOBBYIST
REGISTRATION TRUST FUND 341

TOTAL: LEGISLATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 37,700,031
FROM TRUST FUNDS 2,231,054

TOTAL ALL FUNDS 39,931,085

ADMINISTRATIVE PROCEDURES COMMITTEE

2683 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,218,795

2684 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,671

TOTAL: ADMINISTRATIVE PROCEDURES COMMITTEE
FROM GENERAL REVENUE FUND 1,220,466

TOTAL ALL FUNDS 1,220,466

INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
ON

2685 LUMP SUM
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL
RELATIONS
FROM GENERAL REVENUE FUND 778,571

2686 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,040

TOTAL: INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE
ON
FROM GENERAL REVENUE FUND 779,611

TOTAL ALL FUNDS 779,611

OFFICE OF PUBLIC COUNSEL

2687 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,535,251

2688 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 24,955

TOTAL: OFFICE OF PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,560,206

TOTAL ALL FUNDS 2,560,206

ETHICS, COMMISSION ON

2689 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY
REGISTRATION TRUST FUND 138,461

2690 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 2,271,585

2691 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 42,642

2692 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,861
FROM EXECUTIVE BRANCH LOBBY
REGISTRATION TRUST FUND 247

TOTAL: ETHICS, COMMISSION ON
FROM GENERAL REVENUE FUND 2,317,088
FROM TRUST FUNDS 138,708

TOTAL ALL FUNDS 2,455,796

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM
STATE LAWS

2693 EXPENSES
FROM GENERAL REVENUE FUND 70,738

PROGRAM POLICY ANALYSIS AND GOVERNMENT
ACCOUNTABILITY, OFFICE OF

2694 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT
ACCOUNTABILITY
FROM GENERAL REVENUE FUND 8,189,354

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2695 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,439

TOTAL: PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF
FROM GENERAL REVENUE FUND 8,200,793

TOTAL ALL FUNDS 8,200,793

AUDITOR GENERAL

2696 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 33,347,859

2697 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 71,151

TOTAL: AUDITOR GENERAL
FROM GENERAL REVENUE FUND 33,419,010

TOTAL ALL FUNDS 33,419,010

AUDITING COMMITTEE

2698 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 365,089

2699 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 514

TOTAL: AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 365,603

TOTAL ALL FUNDS 365,603

TOTAL: LEGISLATIVE BRANCH
FROM GENERAL REVENUE FUND 175,030,436
FROM TRUST FUNDS 2,369,762

TOTAL ALL FUNDS 177,400,198

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

The Department of Lottery shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, chapter 2008-116, Laws of Florida.

The Department of the Lottery is directed to study the retailer commission structure for all games and to develop alternatives for rewarding retailers performance. One of the alternatives shall include a fixed fee payment structure based on the number of tickets sold and an incentive for exceeding performance targets to attract and retain quality retailers who help the Department of Lottery maximize the dollars transferred to education. The study shall include a benchmark analysis of U.S. lotteries and consider alternatives that provide retailers commission increases commensurate with increases in inflation since Fiscal Year 2000-01. The study shall be provided to the chair of the Senate Committee on General Government Appropriations and the chair of the House Government Operations Appropriations Committee no later than January 31, 2010.

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study to examine the effectiveness of major advertising and promotion campaigns for lottery games. The study will determine the return on investment for advertising purchases whenever possible and also include an analysis of sales, advertising and player data by game and type of media outlet. The study shall be provided to the chair of the Senate Committee on General Government Appropriations and the chair of the House Government Operations Appropriations Committee no later than January 31, 2010.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study to examine the cost effectiveness of alternatives for providing field support services, including outsourcing field support operations and the impact, at a minimum, on the department's staffing, fleet vehicles, district offices, retailer network, and services. The study shall include advantages and disadvantages of each option reported; the fiscal impact of each option if ascertainable; and other relevant information. The study shall be provided to the chair of the Senate Committee on General Government Appropriations and the chair of the House Government Operations Appropriations Committee no later than January 31, 2010.

APPROVED SALARY RATE 18,204,213

2700 SALARIES AND BENEFITS POSITIONS 438.00
FROM OPERATING TRUST FUND 26,436,061

2701 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 484,796

2702 EXPENSES
FROM OPERATING TRUST FUND 6,468,137

From the funds provided in Specific Appropriation 2702, the Department of the Lottery is directed to continue to develop a plan to consolidate its lease of office space where economical and sublet excess office and warehouse space to suitable tenants. In addition, the department shall continue to report its progress, at least annually, to the chair of the Senate Committee on General Government Appropriations, the chair of the House Government Operations Appropriations Committee, the Office of Program Policy Analysis and Government Accountability, and the Joint Legislative Auditing Committee.

2703 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 1,000

2704 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 3,450,000

2705 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM OPERATING TRUST FUND 30,900,000

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2705 in the event instant ticket sales are greater than the projected sales used to calculate the amount appropriated.

2705A SPECIAL CATEGORIES
ADVERTISING AGENCY FEES
FROM OPERATING TRUST FUND 3,486,945

2705B SPECIAL CATEGORIES
COMPULSIVE GAMBLING PROGRAM
FROM OPERATING TRUST FUND 1,119,000

From the funds provided in Specific Appropriation 2705B, the Department of the Lottery shall contract with an appropriate Florida organization to conduct a compulsive gambling program.

2706 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM OPERATING TRUST FUND 30,263,508

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

From the funds provided in Specific Appropriation 2706, the Department of the Lottery shall not expend in excess of $200,000 for the development, publication and distribution of any report by the department for the purpose of carrying out the provisions of section 24.1215, Florida Statutes.

2707 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM OPERATING TRUST FUND 30,340,321

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2707 in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2707 to acquire up to 500 additional ticket terminals. Prior to the submission of any budget amendment that increases the size of the lottery retailer network, the Revenue Estimating Conference shall determine if sales will increase sufficiently to cover the cost of the machines, offset any losses to the existing network, and generate additional revenue that benefits the state. The budget amendments will be contingent upon the agency's submission of a plan that includes not only a positive Revenue Estimating Conference impact analysis, but also identifies the specific terminal needs and a plan for distribution of the additional terminals.

2707A SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM OPERATING TRUST FUND 3,900,000

2708 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM OPERATING TRUST FUND 1,750,000

2709 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 319,768

2710 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM OPERATING TRUST FUND 21,060

2711 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 175,249

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS 139,115,845

TOTAL POSITIONS 438.00
TOTAL ALL FUNDS 139,115,845

TOTAL: LOTTERY, DEPARTMENT OF THE
FROM TRUST FUNDS 139,115,845

TOTAL POSITIONS 438.00
TOTAL ALL FUNDS 139,115,845
TOTAL APPROVED SALARY RATE 18,204,213

MANAGEMENT SERVICES, DEPARTMENT OF

PROGRAM: ADMINISTRATION PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Department of Management Services shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 4,639,940

2712 SALARIES AND BENEFITS POSITIONS 82.00
FROM GENERAL REVENUE FUND 150,587
FROM ADMINISTRATIVE TRUST FUND . . . 6,246,820

2713 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 38,329

2714 EXPENSES
FROM GENERAL REVENUE FUND 45,652
FROM ADMINISTRATIVE TRUST FUND . . . 913,268

2715 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND . . . 24,688

2716 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND . . . 26,338

2717 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 120,000
FROM ADMINISTRATIVE TRUST FUND . . . 102,700

2718 SPECIAL CATEGORIES
MAIL SERVICES
FROM ADMINISTRATIVE TRUST FUND . . . 150,016

2719 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 98
FROM ADMINISTRATIVE TRUST FUND . . . 33,914

2720 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM ADMINISTRATIVE TRUST FUND . . . 45,470

2721 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 922
FROM ADMINISTRATIVE TRUST FUND . . . 36,696

2722 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ADMINISTRATIVE TRUST FUND . . . 701,961

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 317,259
FROM TRUST FUNDS 8,320,200

TOTAL POSITIONS 82.00
TOTAL ALL FUNDS 8,637,459

STATE EMPLOYEE LEASING

APPROVED SALARY RATE 261,344

2723 SALARIES AND BENEFITS POSITIONS 4.00
FROM ADMINISTRATIVE TRUST FUND . . . 427,122

2724 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND . . . 1,907

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL: STATE EMPLOYEE LEASING
FROM TRUST FUNDS 429,029

TOTAL POSITIONS 4.00
TOTAL ALL FUNDS 429,029

PROGRAM: FACILITIES PROGRAM

FACILITIES MANAGEMENT

APPROVED SALARY RATE 9,920,289

2725 SALARIES AND BENEFITS POSITIONS 300.50
FROM SUPERVISION TRUST FUND 13,656,486

2726 OTHER PERSONAL SERVICES
FROM SUPERVISION TRUST FUND 17,000

2727 EXPENSES
FROM SUPERVISION TRUST FUND 4,795,664

2728 OPERATING CAPITAL OUTLAY
FROM SUPERVISION TRUST FUND 73,727

2729 SPECIAL CATEGORIES
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW
ENFORCEMENT - CAPITOL POLICE
FROM SUPERVISION TRUST FUND 5,970,155

2730 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM SUPERVISION TRUST FUND 8,082,662

2731 SPECIAL CATEGORIES
DEPARTMENT OF MANAGEMENT SERVICES
PROVISIONS FOR FACILITIES SECURITY
FROM SUPERVISION TRUST FUND 1,148,387

2731A SPECIAL CATEGORIES
INTERIOR REFURBISHMENT - LEASE SPACE
FROM SUPERVISION TRUST FUND 1,344,170

2732 SPECIAL CATEGORIES
MASTER LEASE SPACE TENANT IMPROVEMENT
FUNDS
FROM OPERATING TRUST FUND 1,929,367

From the funds provided in Specific Appropriation 2732, $929,367 shall be placed in reserve until the department submits to the chair of the Senate Committee on General Government Appropriations and the chair of the House Government Operations Appropriations Committee an updated project plan that includes, but is not limited to, all expenditures related to the proposed projects and the associated funding sources. The plan shall also include: a prioritization of all outstanding requests by agencies for improvement projects in spaces leased under the Tallahassee area private sector master leases; identify all out-year projects required to improve and maintain the leased space for the duration of the 15-year leases; and provide an explanation of why improvements are required or not required for each fiscal year. No earlier than 14 days after submission of the plan to the legislative committees the department may request the release of the funds pursuant to the provisions of chapter 216, Florida Statutes.

From the funds provided in Specific Appropriation 2732, $1,000,000 shall be used for the Northwood Data Center UPS supply upgrade project.

2733 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SUPERVISION TRUST FUND 234,011

2734 SPECIAL CATEGORIES
STATE UTILITY PAYMENTS
FROM SUPERVISION TRUST FUND 20,784,781

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
The Department of Management Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2734 in the event utility costs exceed the amount of budget authority appropriated.

2735 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM SUPERVISION TRUST FUND 684,878

2736 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM SUPERVISION TRUST FUND 115,458

2737 SPECIAL CATEGORIES
STATE CAPITOL - MAINTENANCE AND REPAIRS
FROM SUPERVISION TRUST FUND 50,000

2738 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM SUPERVISION TRUST FUND 169,243

2739 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 343,121

2740 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL -
DMS MGD
FROM SUPERVISION TRUST FUND 7,370,106

2740A FIXED CAPITAL OUTLAY
OLD CAPITOL RENOVATION - DMS MGD
FROM GENERAL REVENUE FUND 215,000

2741 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM GENERAL REVENUE FUND 2,819,409
FROM FLORIDA FACILITIES POOL
CLEARING TRUST FUND 32,444,031
FROM PUBLIC FACILITIES FINANCING
TRUST FUND 2,471,529

From the funds in Specific Appropriation 2741, the amount of $2,494,088 from the Florida Facilities Pool Clearing Trust Fund is provided to the Department of Management Services to satisfy debt service requirements on bond proceeds for the First District Court of Appeals facility as authorized by the Legislature in chapter 2007-196, Laws of Florida, section 64.

TOTAL: FACILITIES MANAGEMENT
FROM GENERAL REVENUE FUND 3,034,409
FROM TRUST FUNDS 101,684,776

TOTAL POSITIONS 300.50
TOTAL ALL FUNDS 104,719,185

BUILDING CONSTRUCTION

Funds in Specific Appropriations 2742 through 2747 from the Architects Incidental Trust Fund are based on an assessment against each fixed capital outlay appropriation in which the Department of Management Services serves as the owner-representative on behalf of the state. The assessments for appropriations made for the 2009-2010 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by chapter 91-193, Laws of Florida.

APPROVED SALARY RATE 443,835

2742 SALARIES AND BENEFITS POSITIONS 10.00
FROM ARCHITECTS INCIDENTAL TRUST

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FUND 725,110

2743 EXPENSES
FROM ARCHITECTS INCIDENTAL TRUST
FUND 222,943

2744 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ARCHITECTS INCIDENTAL TRUST
FUND 46,341

2745 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ARCHITECTS INCIDENTAL TRUST
FUND 19,194

2746 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ARCHITECTS INCIDENTAL TRUST
FUND 4,228

2747 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM ARCHITECTS INCIDENTAL TRUST
FUND 21,150

2748 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS
THAN $100,000 STATEWIDE - DMS MGD
FROM ARCHITECTS INCIDENTAL TRUST
FUND 700,000

TOTAL: BUILDING CONSTRUCTION
FROM TRUST FUNDS 1,738,966

TOTAL POSITIONS 10.00
TOTAL ALL FUNDS 1,738,966

PROGRAM: SUPPORT PROGRAM

AIRCRAFT MANAGEMENT

APPROVED SALARY RATE 585,432

2749 SALARIES AND BENEFITS POSITIONS 11.00
FROM GENERAL REVENUE FUND 756,626

2750 EXPENSES
FROM GENERAL REVENUE FUND 157,406
FROM BUREAU OF AIRCRAFT TRUST FUND . 630,625

2751 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 257,547

2752 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,963

2753 SPECIAL CATEGORIES
SPECIAL CATEGORIES- AIRCRAFT MAINTENANCE
AND REPAIRS
FROM GENERAL REVENUE FUND 230,000

2753A SPECIAL CATEGORIES
ADMINISTRATIVE OVERHEAD
FROM GENERAL REVENUE FUND 109,297

2754 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM GENERAL REVENUE FUND 531,750

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2755 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 5,765

2756 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 6,175

TOTAL: AIRCRAFT MANAGEMENT
FROM GENERAL REVENUE FUND 2,056,529
FROM TRUST FUNDS 630,625

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 2,687,154

FEDERAL PROPERTY ASSISTANCE

APPROVED SALARY RATE 172,201

2757 SALARIES AND BENEFITS POSITIONS 5.00
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 239,511

2758 EXPENSES
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 63,679

2759 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 6,379

2760 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 1,157

2761 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 1,921

2762 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM SURPLUS PROPERTY REVOLVING
TRUST FUND 4,804

TOTAL: FEDERAL PROPERTY ASSISTANCE
FROM TRUST FUNDS 317,451

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 317,451

MOTOR VEHICLE AND WATERCRAFT MANAGEMENT

APPROVED SALARY RATE 416,520

2763 SALARIES AND BENEFITS POSITIONS 8.00
FROM OPERATING TRUST FUND 679,132

2764 EXPENSES
FROM OPERATING TRUST FUND 141,419

2765 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 232

2766 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 1,028

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2767 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 3,460

2768 SPECIAL CATEGORIES
PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES
FROM OPERATING TRUST FUND 650,000

2769 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 296,861

TOTAL: MOTOR VEHICLE AND WATERCRAFT MANAGEMENT
FROM TRUST FUNDS 1,772,132

TOTAL POSITIONS 8.00
TOTAL ALL FUNDS 1,772,132

PURCHASING OVERSIGHT

APPROVED SALARY RATE 3,163,268

2770 SALARIES AND BENEFITS POSITIONS 62.00
FROM GENERAL REVENUE FUND 842,137
FROM OPERATING TRUST FUND 3,423,623

To improve vendor oversight and contract management, the department shall ensure that private prisons resolve any violations cited by the Department of Corrections related to security, infirmary, and contraband operations audits. The department must, through attrition of staff, hire managers and contract monitors with adult corrections expertise. The department must provide relevant training as recommended by the Department of Corrections to all current and future staff responsible for overseeing the private prisons, including training in prison safety and security procedures, inmate manipulation resistance, defensive tactics, and contraband detection and control.

2771 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,200
FROM OPERATING TRUST FUND 53,720

2772 EXPENSES
FROM GENERAL REVENUE FUND 179,445
FROM OPERATING TRUST FUND 492,185

2773 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,690
FROM OPERATING TRUST FUND 29,859

2774 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 23,056
FROM OPERATING TRUST FUND 91,267

2775 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,253
FROM OPERATING TRUST FUND 6,101

2776 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM GENERAL REVENUE FUND 77,736
FROM OPERATING TRUST FUND 120,000

2777 SPECIAL CATEGORIES
WEB-BASED E-PROCUREMENT SYSTEM
FROM OPERATING TRUST FUND 15,457,000

The Department of Management Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2777 in the event revenues available for payment under the MyFloridaMarketPlace contract exceed the amount of budget authority appropriated.

2779 SPECIAL CATEGORIES
PROJECT MANAGEMENT PROFESSIONAL - TRAINING
FROM OPERATING TRUST FUND 250,000

2780 SPECIAL CATEGORIES
ADMINISTRATIVE OVERHEAD
FROM GENERAL REVENUE FUND 103,673

2781 SPECIAL CATEGORIES
PRIVATE PRISONS - MAINTENANCE AND REPAIR REIMBURSEMENT
FROM OPERATING TRUST FUND 959,588

2782 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 6,070
FROM OPERATING TRUST FUND 18,839

2783 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 10,016
FROM OPERATING TRUST FUND 1,069,473

TOTAL: PURCHASING OVERSIGHT
FROM GENERAL REVENUE FUND 1,262,276
FROM TRUST FUNDS 21,971,655

TOTAL POSITIONS 62.00
TOTAL ALL FUNDS 23,233,931

OFFICE OF SUPPLIER DIVERSITY

APPROVED SALARY RATE 432,514

2784 SALARIES AND BENEFITS POSITIONS 11.00
FROM OPERATING TRUST FUND 624,532

2785 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 4,000

2786 EXPENSES
FROM OPERATING TRUST FUND 107,155

2787 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 54,170

2788 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 4,117

2789 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 4,125

2790 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 24,412

TOTAL: OFFICE OF SUPPLIER DIVERSITY
FROM TRUST FUNDS 822,511

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 822,511

WORKFORCE PROGRAMS

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
PROGRAM: HUMAN RESOURCE MANAGEMENT

APPROVED SALARY RATE 2,710,568

2791 SALARIES AND BENEFITS POSITIONS 47.00
FROM GENERAL REVENUE FUND 387,400
FROM STATE PERSONNEL SYSTEM TRUST
FUND 3,289,650

Funds in Specific Appropriations 2791 through 2803 from the State Personnel System Trust Fund are based upon a human resources services assessment to state entities at the following rates:

FTE	$398.55
OPS	$130.63
Justice Administrative Commission	$284.96
State Court System	$246.77
County Health Department	$284.96

2792 OTHER PERSONAL SERVICES
FROM STATE PERSONNEL SYSTEM TRUST
FUND 10,000

2793 EXPENSES
FROM GENERAL REVENUE FUND 140,236
FROM OPERATING TRUST FUND 107,426
FROM STATE PERSONNEL SYSTEM TRUST
FUND 357,418

2794 OPERATING CAPITAL OUTLAY
FROM STATE PERSONNEL SYSTEM TRUST
FUND 5,000

2795 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 82,715
FROM STATE PERSONNEL SYSTEM TRUST
FUND 45,151

2796 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,850
FROM STATE PERSONNEL SYSTEM TRUST
FUND 26,987

2797 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM STATE PERSONNEL SYSTEM TRUST
FUND 190,000

2798 SPECIAL CATEGORIES
ADMINISTRATIVE OVERHEAD
FROM GENERAL REVENUE FUND 28,739

2799 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE PERSONNEL SYSTEM TRUST
FUND 6,283

2800 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,125
FROM STATE PERSONNEL SYSTEM TRUST
FUND 16,799

2801 SPECIAL CATEGORIES
HUMAN RESOURCES SERVICES / STATEWIDE
CONTRACT
FROM STATE PERSONNEL SYSTEM TRUST
FUND 44,153,424

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2802 SPECIAL CATEGORIES
STATE EMPLOYEE'S CHARITABLE CAMPAIGN
FROM GENERAL REVENUE FUND 17,000
FROM STATE PERSONNEL SYSTEM TRUST
FUND 50,000

2803 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 17,750
FROM STATE PERSONNEL SYSTEM TRUST
FUND 43,657

TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT
FROM GENERAL REVENUE FUND 680,815
FROM TRUST FUNDS 48,301,795

TOTAL POSITIONS 47.00
TOTAL ALL FUNDS 48,982,610

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

APPROVED SALARY RATE 1,336,453

2804 SALARIES AND BENEFITS POSITIONS 23.00
FROM PRETAX BENEFITS TRUST FUND . . 421,981
FROM STATE EMPLOYEES LIFE
INSURANCE TRUST FUND 20,657
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 1,304,254
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 27,038

2805 OTHER PERSONAL SERVICES
FROM PRETAX BENEFITS TRUST FUND . . 2,500
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 2,500

2806 EXPENSES
FROM PRETAX BENEFITS TRUST FUND . . 81,165
FROM STATE EMPLOYEES LIFE
INSURANCE TRUST FUND 3,484
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 438,704
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 5,375

2807 OPERATING CAPITAL OUTLAY
FROM PRETAX BENEFITS TRUST FUND . . 10,000
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 10,000

2808 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 16,304

2809 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM PRETAX BENEFITS TRUST FUND . . 348,505
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 411,482

2810 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR
HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 20,600,000

2811 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 336,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2812 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PRETAX BENEFITS TRUST FUND . . 7,124
FROM STATE EMPLOYEES LIFE
INSURANCE TRUST FUND 1,239
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 21,992
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 619

2813 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 25,000

2814 SPECIAL CATEGORIES
PAYMENT OF EMPLOYER CONTRIBUTIONS TO
HEALTH SAVINGS ACCOUNT CUSTODIAN
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 786,443

2814A SPECIAL CATEGORIES
CONTRACTED BANK SERVICES
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 110,580

2815 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 4,174

2816 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PRETAX BENEFITS TRUST FUND . . 4,984
FROM STATE EMPLOYEES LIFE
INSURANCE TRUST FUND 348
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 12,818
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 166

2817 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM PRETAX BENEFITS TRUST FUND . . 38,399
FROM STATE EMPLOYEES LIFE
INSURANCE TRUST FUND 8,099
FROM STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND 96,464
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 15,006

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION
FROM TRUST FUNDS 25,173,404

TOTAL POSITIONS 23.00
TOTAL ALL FUNDS 25,173,404

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

APPROVED SALARY RATE 7,701,611

2818 SALARIES AND BENEFITS POSITIONS 194.00
FROM OPERATING TRUST FUND 9,686,974
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 137,824
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 776,238
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 40,564

Funds in Specific Appropriations 2818 through 2827 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2819 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 6,029
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 100

2820 EXPENSES
FROM OPERATING TRUST FUND 3,095,298
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 14,133
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 64,889
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 11,370

2821 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 170,373
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 4,000
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 2,500

2822 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM OPERATING TRUST FUND 39,298

2823 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 35,519
FROM OPERATING TRUST FUND 4,365,468
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 189,355
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 30,000

2824 SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 122,571

2825 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 61,265

2826 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM OPERATING TRUST FUND 159,872
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 100

2827 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 68,887
FROM OPTIONAL RETIREMENT PROGRAM
TRUST FUND 712
FROM POLICE AND FIREFIGHTER'S
PREMIUM TAX TRUST FUND 5,085
FROM RETIREE HEALTH INSURANCE
SUBSIDY TRUST FUND 283

2828 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM OPERATING TRUST FUND 169,662

2829 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 751,432

2830 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 14,123,390

2831 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 901,128

2832 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 1,930

TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION
FROM GENERAL REVENUE FUND 15,813,399
FROM TRUST FUNDS 19,222,850

TOTAL POSITIONS 194.00
TOTAL ALL FUNDS 35,036,249

PROGRAM: TECHNOLOGY PROGRAM

TELECOMMUNICATIONS SERVICES

APPROVED SALARY RATE 3,849,246

2833 SALARIES AND BENEFITS POSITIONS 75.00
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,875,542
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 427,433

2834 OTHER PERSONAL SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 29,486

2835 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 866,868
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 744,829

2836 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - WIRELESS 911 TELEPHONE SYSTEMS
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 58,482,388

2837 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO SERVICE PROVIDERS - WIRELESS 911 TELEPHONE SYSTEMS
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 22,514,643

2838 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - NON-WIRELESS E911
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 56,764,411

2839 OPERATING CAPITAL OUTLAY
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 92,159

2840 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 122,449,588

2841 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 2,079,845
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 161,649

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
2842 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 9,635
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 808

2843 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 92,159

2844 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 29,098
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 971

2845 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,127,890
FROM EMERGENCY COMMUNICATIONS NUMBER E911 SYSTEM TRUST 4,140

TOTAL: TELECOMMUNICATIONS SERVICES
FROM TRUST FUNDS 270,753,542

TOTAL POSITIONS 75.00
TOTAL ALL FUNDS 270,753,542

WIRELESS SERVICES

APPROVED SALARY RATE 846,762

2846 SALARIES AND BENEFITS POSITIONS 13.00
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 88,402
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,056,009

2847 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 7,813
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 414,150

2848 OPERATING CAPITAL OUTLAY
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 22,000

2849 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 3,000,000

2849A SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM GRANTS AND DONATIONS TRUST FUND 4,200,543

Funds in Specific Appropriation 2849A from the Grants and Donations Trust Fund shall be released in full.

2850 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 537
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,334

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2851 SPECIAL CATEGORIES
CONTRACTED LEGAL SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND 20,000

2852 SPECIAL CATEGORIES
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
CONTRACT PAYMENT
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND 18,220,000

2853 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNICATIONS WORKING
CAPITAL TRUST FUND 872
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND 4,588

2854 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM LAW ENFORCEMENT RADIO SYSTEM
TRUST FUND 2,009

TOTAL: WIRELESS SERVICES
FROM TRUST FUNDS 27,038,257

TOTAL POSITIONS 13.00
TOTAL ALL FUNDS 27,038,257

PROGRAM: SOUTHWOOD SHARED RESOURCE CENTER

SOUTHWOOD SHARED RESOURCE CENTER

The Southwood Shared Resource Center (SSRC) shall notify and coordinate with customer agencies, provide a standard format for submitting data, and facilitate the efforts of those customer agencies who are required to develop transition plans, relating to the transfer of agency data center service resources to the primary data center, for submittal to the SSRC on October 1, 2009, pursuant to section 17, chapter 2008-116, Laws of Florida. Not later than November 15, 2009, the SSRC shall submit a transition plan for absorbing the transfer of customer agency data center resources to the SSRC by July 1, 2010. The plan shall include Fiscal Year 2010-11 legislative budget request adjustments submitted from each customer agency as well as budget adjustments required by the SSRC to accomplish the efficient transfer of the data center service resources, pursuant to section 17, chapter 2008-116, Laws of Florida. The plan shall describe and make recommendations relating to issues that must be resolved to accomplish the transfer. The plan shall be provided to the Agency for Enterprise Information Technology, the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.

APPROVED SALARY RATE 3,266,996

2855 SALARIES AND BENEFITS POSITIONS 70.00
FROM WORKING CAPITAL TRUST FUND . . 4,505,373

From the positions and funds provided in Specific Appropriation 2855, four full time equivalent positions and $300,000 in Working Capital Trust Funds associated with the mainframe consolidation in the Southwood Shared Resource Center, are funded through June 30, 2010.

2856 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND . . 404,389

2857 EXPENSES
FROM WORKING CAPITAL TRUST FUND . . 4,949,145

2858 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND . . 228,564

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2859 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKING CAPITAL TRUST FUND . . 3,954,968

2860 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND . . 7,862

2862 SPECIAL CATEGORIES
DATA PROCESSING CONTRACTS FOR DATA CENTER
FROM WORKING CAPITAL TRUST FUND . . 903,631

2863 SPECIAL CATEGORIES
DEFERRED-PAYMENT COMMODITY CONTRACTS
FROM WORKING CAPITAL TRUST FUND . . 1,393,228

From the funds provided in Specific Appropriations 2863 and 2863A $421,804 is provided for additional power capacity improvements to the Southwood Shared Resource Center. Funds are provided contingent on the Southwood Shared Resource Center Board approval to proceed with the improvements. The board shall coordinate with the Agency for Enterprise Information Technology on the timeframe for proceeding with the planned data center consolidations to maximize cost savings for the state.

2863A SPECIAL CATEGORIES
ADDITIONAL POWER CAPACITY - SOUTHWOOD
SHARED RESOURCE CENTER
FROM WORKING CAPITAL TRUST FUND . . 250,000

2864 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM WORKING CAPITAL TRUST FUND . . 31,559

TOTAL: SOUTHWOOD SHARED RESOURCE CENTER
FROM TRUST FUNDS 16,628,719

TOTAL POSITIONS 70.00
TOTAL ALL FUNDS 16,628,719

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

PUBLIC EMPLOYEES RELATIONS

APPROVED SALARY RATE 1,971,275

2866 SALARIES AND BENEFITS POSITIONS 29.00
FROM GENERAL REVENUE FUND 1,334,033
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 1,273,854

2867 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,277
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 53,628

2868 EXPENSES
FROM GENERAL REVENUE FUND 27,587
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 358,952

2869 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,399
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 5,721

2870 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 35,070
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 32,500

2871 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,952	
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		14,952
2872 SPECIAL CATEGORIES		
ADMINISTRATIVE OVERHEAD		
FROM GENERAL REVENUE FUND	34,314	
2873 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	6,987	
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		6,024
2874 DATA PROCESSING SERVICES		
SOUTHWOOD SHARED RESOURCE CENTER		
FROM GENERAL REVENUE FUND	14,719	
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		17,498
TOTAL: PUBLIC EMPLOYEES RELATIONS		
FROM GENERAL REVENUE FUND	1,484,338	
FROM TRUST FUNDS		1,763,129
TOTAL POSITIONS	29.00	
TOTAL ALL FUNDS		3,247,467

PROGRAM: COMMISSION ON HUMAN RELATIONS

HUMAN RELATIONS

APPROVED SALARY RATE 2,271,830

2875 SALARIES AND BENEFITS POSITIONS 55.50		
FROM GENERAL REVENUE FUND	2,340,152	
FROM OPERATING TRUST FUND		854,282
2876 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	37,800	
FROM OPERATING TRUST FUND		1,040
2877 EXPENSES		
FROM GENERAL REVENUE FUND	130,685	
FROM OPERATING TRUST FUND		245,402
2878 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	1,736	
2879 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	594,903	
2880 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	28,506	
FROM OPERATING TRUST FUND		1,000
2881 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	26,263	
FROM OPERATING TRUST FUND		6,339
2882 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	20,126	
FROM OPERATING TRUST FUND		5,574
2883 DATA PROCESSING SERVICES		

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

SOUTHWOOD SHARED RESOURCE CENTER		
FROM OPERATING TRUST FUND		43,896
TOTAL: HUMAN RELATIONS		
FROM GENERAL REVENUE FUND	3,180,171	
FROM TRUST FUNDS		1,157,533
TOTAL POSITIONS	55.50	
TOTAL ALL FUNDS		4,337,704

ADMINISTRATIVE HEARINGS

PROGRAM: ADJUDICATION OF DISPUTES

APPROVED SALARY RATE 5,495,631

2884 SALARIES AND BENEFITS POSITIONS 68.00		
FROM OPERATING TRUST FUND		7,057,409
2885 OTHER PERSONAL SERVICES		
FROM OPERATING TRUST FUND		30,091
2886 EXPENSES		
FROM OPERATING TRUST FUND		1,119,104
2887 OPERATING CAPITAL OUTLAY		
FROM OPERATING TRUST FUND		65,000
2888 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM OPERATING TRUST FUND		191,723
2889 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM OPERATING TRUST FUND		51,305
2890 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM OPERATING TRUST FUND		27,482
TOTAL: PROGRAM: ADJUDICATION OF DISPUTES		
FROM TRUST FUNDS		8,542,114
TOTAL POSITIONS	68.00	
TOTAL ALL FUNDS		8,542,114

PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS

APPROVED SALARY RATE 10,083,945

2891 SALARIES AND BENEFITS POSITIONS 198.00		
FROM OPERATING TRUST FUND		13,444,546
2892 OTHER PERSONAL SERVICES		
FROM OPERATING TRUST FUND		33,725
2893 EXPENSES		
FROM OPERATING TRUST FUND		3,250,679
2894 OPERATING CAPITAL OUTLAY		
FROM OPERATING TRUST FUND		28,796
2895 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM OPERATING TRUST FUND		1,136,549
2896 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM OPERATING TRUST FUND		66,758
2897 SPECIAL CATEGORIES		

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
CONTRACTED LEGAL SERVICES
FROM OPERATING TRUST FUND 2,500

2898 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 80,066

TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS
FROM TRUST FUNDS 18,043,619

TOTAL POSITIONS 198.00
TOTAL ALL FUNDS 18,043,619

TOTAL: MANAGEMENT SERVICES, DEPARTMENT OF
FROM GENERAL REVENUE FUND 27,829,196
FROM TRUST FUNDS 574,312,307

TOTAL POSITIONS 1,266.00
TOTAL ALL FUNDS 602,141,503
TOTAL APPROVED SALARY RATE 59,569,660

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

DRUG INTERDICTION AND PREVENTION

2899 EXPENSES
FROM FEDERAL GRANTS TRUST FUND . . . 75,000
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 345,000

2900 OPERATING CAPITAL OUTLAY
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 100,000

2901 SPECIAL CATEGORIES
ACCOUNTING SERVICES
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 10,000

2902 SPECIAL CATEGORIES
PROJECTS, CONTRACTS AND GRANTS
FROM FEDERAL GRANTS TRUST FUND . . . 6,600,000

2903 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 50,000

2904 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM FEDERAL LAW ENFORCEMENT TRUST FUND 20,000

TOTAL: DRUG INTERDICTION AND PREVENTION
FROM TRUST FUNDS 7,200,000

TOTAL ALL FUNDS 7,200,000

MILITARY READINESS AND RESPONSE

APPROVED SALARY RATE 3,190,310

2905 SALARIES AND BENEFITS POSITIONS 92.00
FROM GENERAL REVENUE FUND 3,203,084
FROM CAMP BLANDING MANAGEMENT TRUST FUND 1,083,918

2906 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TRUST FUND 18,172

2907 EXPENSES
FROM GENERAL REVENUE FUND 4,760,585
FROM CAMP BLANDING MANAGEMENT TRUST FUND 90,000

2908 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 162,810

2909 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 15,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND 113,678

2910 SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 1,781,900

2911 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 333,500
FROM CAMP BLANDING MANAGEMENT TRUST FUND 25,000

2912 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM GENERAL REVENUE FUND 171,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND 25,000

2913 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CAMP BLANDING MANAGEMENT TRUST FUND 89,895

2914 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 27,523
FROM CAMP BLANDING MANAGEMENT TRUST FUND 9,330

2914A FIXED CAPITAL OUTLAY
CONSTRUCTION - STORAGE FACILITY - ST. AUGUSTINE ARMORY - DMS MGD
FROM GENERAL REVENUE FUND 205,000

2915A FIXED CAPITAL OUTLAY
CONSTRUCTION AMMUNITION STORAGE POINT - CAMP BLANDING, JOINT TRAINING CENTER, FLORIDA
FROM FEDERAL GRANTS TRUST FUND . . . 12,371,000

2915B FIXED CAPITAL OUTLAY
CAMP BLANDING JOINT TRAINING CENTER CONVOY AMBUSH LIVE FIRE COMPLEX - DESIGN
FROM FEDERAL GRANTS TRUST FUND . . . 260,000

2915C FIXED CAPITAL OUTLAY
DESIGN - MULTI PURPOSE MACHINE GUN RANGE - CAMP BLANDING
FROM FEDERAL GRANTS TRUST FUND . . . 800,000

TOTAL: MILITARY READINESS AND RESPONSE
FROM GENERAL REVENUE FUND 10,660,402
FROM TRUST FUNDS 14,885,993

TOTAL POSITIONS 92.00
TOTAL ALL FUNDS 25,546,395

EXECUTIVE DIRECTION AND SUPPORT SERVICES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
APPROVED SALARY RATE 2,832,482

2916 SALARIES AND BENEFITS POSITIONS 52.00
FROM GENERAL REVENUE FUND 3,726,287
FROM FEDERAL GRANTS TRUST FUND . . . 316,200

2917 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 54,533

2918 EXPENSES
FROM GENERAL REVENUE FUND 829,409
FROM FEDERAL GRANTS TRUST FUND . . . 9,521

2919 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,126
FROM CAMP BLANDING MANAGEMENT
TRUST FUND 85,722
FROM FEDERAL GRANTS TRUST FUND . . . 32,500

2920 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 25,000

2921 SPECIAL CATEGORIES
INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 77,000

2922 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM GENERAL REVENUE FUND 55,000

2923 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM CAMP BLANDING MANAGEMENT
TRUST FUND 2,926

2924 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 30,200

2925 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM GENERAL REVENUE FUND 22,000

2926 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 675,706

2927 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 19,275
FROM FEDERAL GRANTS TRUST FUND . . . 1,757

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,547,536
FROM TRUST FUNDS 448,626

TOTAL POSITIONS 52.00
TOTAL ALL FUNDS 5,996,162

FEDERAL/STATE COOPERATIVE AGREEMENTS

APPROVED SALARY RATE 6,546,809

2928 SALARIES AND BENEFITS POSITIONS 196.00
FROM FEDERAL GRANTS TRUST FUND . . . 8,698,747

2929 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 87,000

2930 EXPENSES

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 221,540
FROM FEDERAL GRANTS TRUST FUND . . . 11,901,857

2931 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 327,500

2932 FOOD PRODUCTS
FROM FEDERAL GRANTS TRUST FUND . . . 450,000

2933 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL GRANTS TRUST FUND . . . 45,000

2934 SPECIAL CATEGORIES
LABORATORY SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 70,000

2935 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 443,150
FROM FEDERAL GRANTS TRUST FUND . . . 8,980,000

From funds in Specific Appropriation 2935, $2,000,000 of nonrecurring funds from the Federal Grants Trust Fund are provided for the Forward March and About Face Programs. These funds are contingent upon the execution of a contractual agreement between the Department of Military Affairs and the Agency for Workforce Innovation. The program is to be funded with funds transferred from the Agency for Workforce Innovation.

2937 SPECIAL CATEGORIES
ENGINEERING CONSULTANTS
FROM FEDERAL GRANTS TRUST FUND . . . 30,000

2938 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM FEDERAL GRANTS TRUST FUND . . . 920,000

2939 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM FEDERAL GRANTS TRUST FUND . . . 84,601

TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS
FROM GENERAL REVENUE FUND 664,690
FROM TRUST FUNDS 31,594,705

TOTAL POSITIONS 196.00
TOTAL ALL FUNDS 32,259,395

TOTAL: MILITARY AFFAIRS, DEPARTMENT OF
FROM GENERAL REVENUE FUND 16,872,628
FROM TRUST FUNDS 54,129,324

TOTAL POSITIONS 340.00
TOTAL ALL FUNDS 71,001,952
TOTAL APPROVED SALARY RATE 12,569,601

PUBLIC SERVICE COMMISSION

PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE

The Public Service Commission shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC, pursuant to section 17, chapter 2008-116, Laws of Florida.

APPROVED SALARY RATE 16,663,041

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2940 SALARIES AND BENEFITS POSITIONS 328.00
FROM REGULATORY TRUST FUND 22,150,091

2941 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 200,588

2942 EXPENSES
FROM REGULATORY TRUST FUND 4,280,019

2943 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 387,546

2944 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 72,055

From the funds provided in Specific Appropriation 2944, the department may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 200,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2945 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM REGULATORY TRUST FUND 479,706

2946 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 87,433

2947 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 132,588

2948 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 76,708

TOTAL: PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE
FROM TRUST FUNDS 27,866,734

TOTAL POSITIONS 328.00
TOTAL ALL FUNDS 27,866,734

TOTAL: PUBLIC SERVICE COMMISSION
FROM TRUST FUNDS 27,866,734

TOTAL POSITIONS 328.00
TOTAL ALL FUNDS 27,866,734
TOTAL APPROVED SALARY RATE 16,663,041

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 13,410,755

2949 SALARIES AND BENEFITS POSITIONS 261.00
FROM GENERAL REVENUE FUND 10,102,925
FROM FEDERAL GRANTS TRUST FUND . . . 5,106,805
FROM OPERATING TRUST FUND 2,499,955

2950 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 73,740

2951 EXPENSES
FROM GENERAL REVENUE FUND 462,254
FROM CHILD SUPPORT INCENTIVE TRUST FUND 302,233
FROM FEDERAL GRANTS TRUST FUND . . . 461,726

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM OPERATING TRUST FUND 1,346,164

2952 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,929
FROM CHILD SUPPORT INCENTIVE TRUST FUND 1,600,718
FROM OPERATING TRUST FUND 117,985

2953 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM FEDERAL GRANTS TRUST FUND . . . 883,767
FROM OPERATING TRUST FUND 524,268

2954 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 199,466
FROM FEDERAL GRANTS TRUST FUND . . . 281,028
FROM OPERATING TRUST FUND 1,053,170

2954A SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM CHILD SUPPORT INCENTIVE TRUST FUND 348,753

2955 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 117,260
FROM FEDERAL GRANTS TRUST FUND . . . 6,514
FROM OPERATING TRUST FUND 93,374

2957 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,684,789
FROM FEDERAL GRANTS TRUST FUND . . . 183,572
FROM OPERATING TRUST FUND 288,499

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 12,573,623
FROM TRUST FUNDS 15,172,271

TOTAL POSITIONS 261.00
TOTAL ALL FUNDS 27,745,894

PROGRAM: PROPERTY TAX OVERSIGHT PROGRAM

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 5,032,353

2958 SALARIES AND BENEFITS POSITIONS 111.00
FROM GENERAL REVENUE FUND 6,578,119

2959 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,455

2960 EXPENSES
FROM GENERAL REVENUE FUND 1,299,215

2961 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,012

2962 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 401,393

2963 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 72,982

TOTAL: COMPLIANCE DETERMINATION

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	8,380,176	
TOTAL POSITIONS	111.00	
TOTAL ALL FUNDS		8,380,176

COMPLIANCE ASSISTANCE

APPROVED SALARY RATE 2,809,416

2964 SALARIES AND BENEFITS POSITIONS	66.00	
FROM GENERAL REVENUE FUND	3,843,704	
FROM CERTIFICATION PROGRAM TRUST FUND		200,902
2965 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	9,715	
2966 EXPENSES		
FROM GENERAL REVENUE FUND	132,459	
2967 AID TO LOCAL GOVERNMENTS		
AERIAL PHOTOGRAPHY AND MAPPING		
FROM GENERAL REVENUE FUND	450,000	
FROM CERTIFICATION PROGRAM TRUST FUND		876,266
2968 SPECIAL CATEGORIES		
PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM		
FROM CERTIFICATION PROGRAM TRUST FUND		485,000
2969 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	327,600	
2970 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	33,776	
2971 SPECIAL CATEGORIES		
FISCALLY CONSTRAINED COUNTIES		
FROM GENERAL REVENUE FUND	23,200,000	
TOTAL: COMPLIANCE ASSISTANCE		
FROM GENERAL REVENUE FUND	27,997,254	
FROM TRUST FUNDS		1,562,168
TOTAL POSITIONS	66.00	
TOTAL ALL FUNDS		29,559,422

PROGRAM: CHILD SUPPORT ENFORCEMENT PROGRAM

CASE PROCESSING

APPROVED SALARY RATE 30,081,883

2972 SALARIES AND BENEFITS POSITIONS	1,041.00	
FROM GENERAL REVENUE FUND	12,817,285	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		832,068
FROM FEDERAL GRANTS TRUST FUND . . .		27,247,174
2973 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	59,699	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		84,936
FROM FEDERAL GRANTS TRUST FUND . . .		280,762
2974 EXPENSES		
FROM GENERAL REVENUE FUND	3,277,505	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		325,044
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		7,014
FROM FEDERAL GRANTS TRUST FUND . . .		7,046,453
2975 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	65,998	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		1,298,857
FROM FEDERAL GRANTS TRUST FUND . . .		2,669,423
2976 SPECIAL CATEGORIES		
CHILD SUPPORT ENFORCEMENT ANNUAL FEE		
FROM GENERAL REVENUE FUND	1,980,000	
2977 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	260,752	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		11,001,318
FROM FEDERAL GRANTS TRUST FUND . . .		27,137,109
2978 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	156,418	
FROM FEDERAL GRANTS TRUST FUND . . .		303,635
2978A DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	1,313,124	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		55,745
FROM FEDERAL GRANTS TRUST FUND . . .		2,409,856
2979 DATA PROCESSING SERVICES		
NORTHWOOD SHARED RESOURCE CENTER		
FROM GENERAL REVENUE FUND	933,468	
FROM FEDERAL GRANTS TRUST FUND . . .		2,059,383
TOTAL: CASE PROCESSING		
FROM GENERAL REVENUE FUND	20,864,249	
FROM TRUST FUNDS		82,758,777
TOTAL POSITIONS	1,041.00	
TOTAL ALL FUNDS		103,623,026

REMITTANCE AND DISTRIBUTION

APPROVED SALARY RATE 1,872,703

2980 SALARIES AND BENEFITS POSITIONS	63.00	
FROM GENERAL REVENUE FUND	989,776	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		27,859
FROM FEDERAL GRANTS TRUST FUND . . .		1,975,725
2981 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	8,298	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		2,161
FROM FEDERAL GRANTS TRUST FUND . . .		20,304
2982 EXPENSES		
FROM GENERAL REVENUE FUND	141,467	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		127,008
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		786
FROM FEDERAL GRANTS TRUST FUND . . .		522,681

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

2983 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	4,862	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		328,571
FROM FEDERAL GRANTS TRUST FUND . . .		647,253
2984 SPECIAL CATEGORIES		
TRANSFER GENERAL REVENUE TO CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	2,241,987	
2985 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	106,660	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		10,033,069
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		1,800,000
FROM FEDERAL GRANTS TRUST FUND . . .		23,537,573
2986 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	9,648	
FROM FEDERAL GRANTS TRUST FUND . . .		18,729
2987 FINANCIAL ASSISTANCE PAYMENTS		
CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
FROM CHILD SUPPORT INCENTIVE TRUST FUND		750,000
2987A DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	1,250,602	
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,022
FROM FEDERAL GRANTS TRUST FUND . . .		2,192,059
2988 DATA PROCESSING SERVICES		
NORTHWOOD SHARED RESOURCE CENTER		
FROM GENERAL REVENUE FUND	889,023	
FROM FEDERAL GRANTS TRUST FUND . . .		1,961,330
TOTAL: REMITTANCE AND DISTRIBUTION		
FROM GENERAL REVENUE FUND	5,642,323	
FROM TRUST FUNDS		43,955,130
TOTAL POSITIONS	63.00	
TOTAL ALL FUNDS		49,597,453

ESTABLISHMENT

APPROVED SALARY RATE 19,395,058

2989 SALARIES AND BENEFITS POSITIONS	564.00	
FROM GENERAL REVENUE FUND	8,741,114	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		276,152
FROM FEDERAL GRANTS TRUST FUND . . .		17,507,974
2990 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	17,162	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		69,158
FROM FEDERAL GRANTS TRUST FUND . . .		167,561
2991 EXPENSES		
FROM GENERAL REVENUE FUND	2,373,525	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		127,008
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		2,411
FROM FEDERAL GRANTS TRUST FUND . . .		4,887,696
2992 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	31,638	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		338,127
FROM FEDERAL GRANTS TRUST FUND . . .		729,041
2993 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	612,540	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		11,014,552
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		710,773
FROM FEDERAL GRANTS TRUST FUND . . .		25,909,184
2994 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	85,827	
FROM FEDERAL GRANTS TRUST FUND . . .		166,605
2994A DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	1,109,457	
FROM FEDERAL GRANTS TRUST FUND . . .		1,944,661
2995 DATA PROCESSING SERVICES		
NORTHWOOD SHARED RESOURCE CENTER		
FROM GENERAL REVENUE FUND	788,687	
FROM FEDERAL GRANTS TRUST FUND . . .		1,739,971
TOTAL: ESTABLISHMENT		
FROM GENERAL REVENUE FUND	13,759,950	
FROM TRUST FUNDS		65,590,874
TOTAL POSITIONS	564.00	
TOTAL ALL FUNDS		79,350,824

COMPLIANCE

APPROVED SALARY RATE 21,095,649

2996 SALARIES AND BENEFITS POSITIONS	644.00	
FROM GENERAL REVENUE FUND	10,358,128	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		230,132
FROM FEDERAL GRANTS TRUST FUND . . .		19,800,124
2997 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	16,841	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		47,745
FROM FEDERAL GRANTS TRUST FUND . . .		125,373
2998 EXPENSES		
FROM GENERAL REVENUE FUND	2,324,535	
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		3,125
FROM FEDERAL GRANTS TRUST FUND . . .		4,534,039
2999 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	29,531	
FROM CHILD SUPPORT INCENTIVE TRUST FUND		15,496

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM FEDERAL GRANTS TRUST FUND . . . 93,468

3000 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 470,275
FROM CHILD SUPPORT INCENTIVE TRUST FUND 6,498,022
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 371,449
FROM FEDERAL GRANTS TRUST FUND . . . 15,529,797

3001 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 95,162
FROM FEDERAL GRANTS TRUST FUND . . . 184,728

TOTAL: COMPLIANCE
FROM GENERAL REVENUE FUND 13,294,472
FROM TRUST FUNDS 47,433,498

TOTAL POSITIONS 644.00
TOTAL ALL FUNDS 60,727,970

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

TAX PROCESSING

APPROVED SALARY RATE 13,594,877

3002 SALARIES AND BENEFITS POSITIONS 444.00
FROM GENERAL REVENUE FUND 17,281,736
FROM FEDERAL GRANTS TRUST FUND . . . 2,962,416
FROM OPERATING TRUST FUND 3,107,039

3003 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 35,263
FROM OPERATING TRUST FUND 22,157

3004 EXPENSES
FROM GENERAL REVENUE FUND 767,991
FROM FEDERAL GRANTS TRUST FUND . . . 788,991
FROM OPERATING TRUST FUND 3,033,172

3005 AID TO LOCAL GOVERNMENTS
GRANTS AND AID TO LOCAL GOVERNMENT/ DISTRIBUTION TO CLERKS OF COURT
FROM THE CLERKS OF THE COURT TRUST FUND 31,500,000

Funds in Specific Appropriation 3005, from the Clerks of the Court Trust Fund are contingent upon Senate Bill 2108, relating to the Clerks of the Court, not becoming law.

3006 AID TO LOCAL GOVERNMENTS
EMERGENCY DISTRIBUTIONS
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND . . . 16,167,042

3007 AID TO LOCAL GOVERNMENTS
INMATE SUPPLEMENTAL DISTRIBUTION
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND . . . 592,958

3008 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 240,988
FROM FEDERAL GRANTS TRUST FUND . . . 5,377
FROM OPERATING TRUST FUND 190,466

3009 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 769,584
FROM FEDERAL GRANTS TRUST FUND . . . 268,642

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM OPERATING TRUST FUND 722,581

3010 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 97,049

3011 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 131,425
FROM OPERATING TRUST FUND 50,120

TOTAL: TAX PROCESSING
FROM GENERAL REVENUE FUND 19,191,724
FROM TRUST FUNDS 59,543,273

TOTAL POSITIONS 444.00
TOTAL ALL FUNDS 78,734,997

TAXPAYER AID

APPROVED SALARY RATE 5,121,359

3012 SALARIES AND BENEFITS POSITIONS 126.00
FROM GENERAL REVENUE FUND 6,579,525
FROM FEDERAL GRANTS TRUST FUND . . . 142,203
FROM OPERATING TRUST FUND 384,022

3013 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 14,195
FROM OPERATING TRUST FUND 5,042

3014 EXPENSES
FROM GENERAL REVENUE FUND 985,571
FROM FEDERAL GRANTS TRUST FUND . . . 298,627
FROM OPERATING TRUST FUND 681,889

3015 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND . . . 2,161
FROM OPERATING TRUST FUND 54,485

3016 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 320,938
FROM FEDERAL GRANTS TRUST FUND . . . 126,315
FROM OPERATING TRUST FUND 138,216

3017 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 39,000

3018 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 52,812
FROM OPERATING TRUST FUND 20,142

TOTAL: TAXPAYER AID
FROM GENERAL REVENUE FUND 7,938,846
FROM TRUST FUNDS 1,906,297

TOTAL POSITIONS 126.00
TOTAL ALL FUNDS 9,845,143

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 48,370,498

3019 SALARIES AND BENEFITS POSITIONS 1,104.50
FROM GENERAL REVENUE FUND 36,748,066
FROM FEDERAL GRANTS TRUST FUND . . . 8,385,343
FROM OPERATING TRUST FUND 13,060,920

3020 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 90,767
FROM OPERATING TRUST FUND 46,147

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

3021 EXPENSES
FROM GENERAL REVENUE FUND 972,599
FROM FEDERAL GRANTS TRUST FUND . . . 2,323,782
FROM OPERATING TRUST FUND 8,914,917

3022 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,350
FROM FEDERAL GRANTS TRUST FUND . . . 38,845
FROM OPERATING TRUST FUND 318,788

3023 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,571,983
FROM FEDERAL GRANTS TRUST FUND . . . 652,281
FROM OPERATING TRUST FUND 3,535,127

3024 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 249,900

3025 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 338,413
FROM OPERATING TRUST FUND 129,058

TOTAL: COMPLIANCE DETERMINATION
FROM GENERAL REVENUE FUND 39,632,411
FROM TRUST FUNDS 37,745,875

TOTAL POSITIONS 1,104.50
TOTAL ALL FUNDS 77,378,286

COMPLIANCE RESOLUTION

APPROVED SALARY RATE 20,546,470

3026 SALARIES AND BENEFITS POSITIONS 565.50
FROM GENERAL REVENUE FUND 15,420,420
FROM FEDERAL GRANTS TRUST FUND . . . 3,885,929
FROM OPERATING TRUST FUND 11,371,117

Of the funds in Specific Appropriation 3026, $6,200,000 from the Operating Trust Fund is contingent upon Senate Bill 1748 or similar legislation, relating to the noncompliant taxpayer fee, becoming a law.

3027 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,292
FROM FEDERAL GRANTS TRUST FUND . . . 41,347
FROM OPERATING TRUST FUND 39,606

3028 EXPENSES
FROM GENERAL REVENUE FUND 2,748,064
FROM FEDERAL GRANTS TRUST FUND . . . 932,694
FROM OPERATING TRUST FUND 1,970,688

3029 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,218
FROM FEDERAL GRANTS TRUST FUND . . . 6,318
FROM OPERATING TRUST FUND 109,342

3030 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 704,314
FROM FEDERAL GRANTS TRUST FUND . . . 310,497
FROM OPERATING TRUST FUND 433,371

3031 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM OPERATING TRUST FUND 114,051

3032 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 154,445
FROM OPERATING TRUST FUND 58,903

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL: COMPLIANCE RESOLUTION
FROM GENERAL REVENUE FUND 19,055,753
FROM TRUST FUNDS 19,273,863

TOTAL POSITIONS 565.50
TOTAL ALL FUNDS 38,329,616

PROGRAM: INFORMATION SERVICES PROGRAM

INFORMATION TECHNOLOGY

The Department of Revenue shall submit a plan by October 1, 2009, to data centers in which it has computing equipment including the Southwood Shared Resource Center (SSRC), the Northwood Shared Resource Center (NSRC) and the Northwest Regional Data Center, providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the Southwood Shared Resource Center, the Northwood Shared Resource Center, and the Northwest Regional Data Center (NWRDC). All data center functions performed, managed, operated, or supported by the Department of Revenue with resources and equipment currently located in one of the data centers, excluding application development, shall be transferred to the data center where its equipment is located by July 1, 2010. The department shall submit issues in its legislative budget request for Fiscal Year 2010-2011 to accomplish these transfers. These plans shall also be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.

APPROVED SALARY RATE 7,963,631

3033 SALARIES AND BENEFITS POSITIONS 188.00
FROM GENERAL REVENUE FUND 7,099,466
FROM FEDERAL GRANTS TRUST FUND . . . 1,105,903
FROM OPERATING TRUST FUND 2,634,965

3034 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 172,260
FROM OPERATING TRUST FUND 29,252

3035 EXPENSES
FROM GENERAL REVENUE FUND 5,125
FROM FEDERAL GRANTS TRUST FUND . . . 212,063
FROM OPERATING TRUST FUND 2,288,234

3036 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,233
FROM FEDERAL GRANTS TRUST FUND . . . 34,094
FROM OPERATING TRUST FUND 1,469,809

3037 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 688
FROM FEDERAL GRANTS TRUST FUND . . . 784,476
FROM OPERATING TRUST FUND 3,435,729

3038 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 44,165
FROM OPERATING TRUST FUND 29,699

3039 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 74,714
FROM OPERATING TRUST FUND 309,286

3040 DATA PROCESSING SERVICES
SOUTHWOOD SHARED RESOURCE CENTER
FROM GENERAL REVENUE FUND 167,761
FROM OPERATING TRUST FUND 186,812

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 7,566,412

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
FROM TRUST FUNDS 12,520,322

TOTAL POSITIONS 188.00
TOTAL ALL FUNDS 20,086,734

TOTAL: REVENUE, DEPARTMENT OF
FROM GENERAL REVENUE FUND 195,897,193
FROM TRUST FUNDS 387,462,348

TOTAL POSITIONS 5,178.00
TOTAL ALL FUNDS 583,359,541
TOTAL APPROVED SALARY RATE 189,294,652

STATE, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

From funds in Specific Appropriations 3041 through 3049, the Department of State shall submit plans by October 1, 2009, to the Southwood Shared Resource Center (SSRC) and the Northwood Shared Resource Center (NSRC) providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC and NSRC, respectively, pursuant to section 17, Chapter 2008-116, Laws of Florida. These plans shall also be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education and Economic Development.

APPROVED SALARY RATE 4,989,560

3041 SALARIES AND BENEFITS POSITIONS 96.00
FROM GENERAL REVENUE FUND 5,125,685
FROM GRANTS AND DONATIONS TRUST FUND 1,273,676
FROM RECORDS MANAGEMENT TRUST FUND . 80,410

3042 EXPENSES
FROM GENERAL REVENUE FUND 614,711

3043 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,250

3044 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 2,090

3045 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 28,640

3047 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,413

3048 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 38,184
FROM GRANTS AND DONATIONS TRUST FUND 5,353

3049 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 15,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,837,973
FROM TRUST FUNDS 1,359,439

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 96.00
TOTAL ALL FUNDS 7,197,412

PROGRAM: ELECTIONS

ELECTIONS

APPROVED SALARY RATE 2,149,735

3050 SALARIES AND BENEFITS POSITIONS 55.00
FROM GENERAL REVENUE FUND 1,127,536
FROM GRANTS AND DONATIONS TRUST FUND 1,843,872

3051 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 87,150
FROM GRANTS AND DONATIONS TRUST FUND 300,000

3052 EXPENSES
FROM GENERAL REVENUE FUND 844,947
FROM GRANTS AND DONATIONS TRUST FUND 597,882

3053 AID TO LOCAL GOVERNMENTS
SPECIAL ELECTIONS
FROM GENERAL REVENUE FUND 344,256

3054 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 73,086
FROM GRANTS AND DONATIONS TRUST FUND 3,125

3055 SPECIAL CATEGORIES
VOTER INFORMATION
FROM GENERAL REVENUE FUND 75,000

3056 SPECIAL CATEGORIES
VOTING SYSTEMS ASSISTANCE
FROM GRANTS AND DONATIONS TRUST FUND 525,000

3057 SPECIAL CATEGORIES
STATEWIDE VOTER REGISTRATION SYSTEM - HELP AMERICA VOTE ACT (HAVA)
FROM GRANTS AND DONATIONS TRUST FUND 2,802,347

3058 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 328,541
FROM GRANTS AND DONATIONS TRUST FUND 550,058

3059 SPECIAL CATEGORIES
ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES
FROM GRANTS AND DONATIONS TRUST FUND 800,000

3060 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 55,886

3061 SPECIAL CATEGORIES
ELECTION FRAUD PREVENTION
FROM GENERAL REVENUE FUND 445,379

3062 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ELECTION ACTIVITIES (HELP AMERICA VOTE ACT)
FROM GRANTS AND DONATIONS TRUST FUND 2,000,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

Funds in Specific Appropriation 3062 shall be distributed to county supervisors of elections to be used for election administration activities such as voter education; pollworker recruitment and training; revisions to the statewide pollworker curriculum; standardizing elections results reporting; or other federal election administrative activities as approved by the Department of State.

County supervisors of elections will receive funds only after providing the Department of State a detailed description of the programs that will be implemented. Funds distributed to county supervisors of elections for voter education or pollworker recruitment and training will require a certification from the county that matching funds will be provided in an amount equal to fifteen percent of the amount to be received from the state.

To be eligible, a county must segregate federal funds and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Funds shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended. Supervisors of elections shall report to the Department of State any unspent funds remaining at June 30, 2010.

3063 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 11,222
FROM GRANTS AND DONATIONS TRUST FUND 8,632

3063A DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GRANTS AND DONATIONS TRUST FUND 40,000

TOTAL: ELECTIONS
FROM GENERAL REVENUE FUND 3,393,003
FROM TRUST FUNDS 9,470,916

TOTAL POSITIONS 55.00
TOTAL ALL FUNDS 12,863,919

PROGRAM: HISTORICAL RESOURCES

HISTORICAL RESOURCES PRESERVATION AND EXHIBITION

APPROVED SALARY RATE 1,826,637

3065 SALARIES AND BENEFITS POSITIONS 50.00
FROM GENERAL REVENUE FUND 1,133,888
FROM GRANTS AND DONATIONS TRUST FUND 1,146,019
FROM OPERATING TRUST FUND 323,043

3066 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 29,317
FROM GRANTS AND DONATIONS TRUST FUND 1,161,176
FROM OPERATING TRUST FUND 506,051

3067 EXPENSES
FROM GENERAL REVENUE FUND 498,855
FROM GRANTS AND DONATIONS TRUST FUND 737,761
FROM OPERATING TRUST FUND 304,862

3068 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 15,625

3069 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 96,275
FROM GRANTS AND DONATIONS TRUST FUND 143,655
FROM OPERATING TRUST FUND 189,307

3070 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC PRESERVATION GRANTS
FROM GENERAL REVENUE FUND 550,000
FROM OPERATING TRUST FUND 112,450

From funds in Specific Appropriation 3070, $125,000 in nonrecurring general revenue is provided for the Holocaust Museum.

3071 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 18,712
FROM OPERATING TRUST FUND 19,531

3072 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,103
FROM GRANTS AND DONATIONS TRUST FUND 11,260
FROM OPERATING TRUST FUND 2,979

3073 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND 34,746

TOTAL: HISTORICAL RESOURCES PRESERVATION AND EXHIBITION
FROM GENERAL REVENUE FUND 2,342,150
FROM TRUST FUNDS 4,708,465

TOTAL POSITIONS 50.00
TOTAL ALL FUNDS 7,050,615

PROGRAM: CORPORATIONS

COMMERCIAL RECORDINGS AND REGISTRATIONS

APPROVED SALARY RATE 3,621,890

3075 SALARIES AND BENEFITS POSITIONS 106.00
FROM GENERAL REVENUE FUND 4,921,060

3076 EXPENSES
FROM GENERAL REVENUE FUND 2,260,942

3077 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 25,920

3078 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 332,539

3079 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM GENERAL REVENUE FUND 322,797

3080 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,847

3081 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 52,605

3081A DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 160,000

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

3082 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	215,445	
TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS		
FROM GENERAL REVENUE FUND	8,328,155	
TOTAL POSITIONS	106.00	
TOTAL ALL FUNDS		8,328,155

PROGRAM: LIBRARY AND INFORMATION SERVICES

LIBRARY, ARCHIVES AND INFORMATION SERVICES

APPROVED SALARY RATE 3,414,063

3084 SALARIES AND BENEFITS POSITIONS	93.00	
FROM GENERAL REVENUE FUND	1,769,566	
FROM LIBRARY SERVICES TRUST FUND . .		1,474,763
FROM RECORDS MANAGEMENT TRUST FUND .		1,386,181
3085 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	156,592	
FROM LIBRARY SERVICES TRUST FUND . .		267,075
FROM RECORDS MANAGEMENT TRUST FUND .		52,412
3086 EXPENSES		
FROM GENERAL REVENUE FUND	1,775,565	
FROM LIBRARY SERVICES TRUST FUND . .		328,045
FROM RECORDS MANAGEMENT TRUST FUND .		785,866
3086A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - LIBRARY COOPERATIVES		
FROM GENERAL REVENUE FUND	1,200,000	
3087 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - LIBRARY GRANTS		
FROM GENERAL REVENUE FUND	21,253,978	
FROM LIBRARY SERVICES TRUST FUND . .		3,142,039
3088 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	24,960	
FROM LIBRARY SERVICES TRUST FUND . .		40,498
FROM RECORDS MANAGEMENT TRUST FUND .		9,740
3089 LUMP SUM		
ELECTRONIC PUBLICATIONS - FLORIDA		
ADMINISTRATIVE CODE/FLORIDA ADMINISTRATIVE		
WEEKLY		
FROM RECORDS MANAGEMENT TRUST FUND .		401,000
3090 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	126,764	
FROM LIBRARY SERVICES TRUST FUND . .		494,687
FROM RECORDS MANAGEMENT TRUST FUND .		37,059
3091 SPECIAL CATEGORIES		
LIBRARY RESOURCES		
FROM GENERAL REVENUE FUND	532,289	
FROM LIBRARY SERVICES TRUST FUND . .		3,043,270
3092 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	72,329	
3093 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	22,725	
FROM LIBRARY SERVICES TRUST FUND . .		12,430
FROM RECORDS MANAGEMENT TRUST FUND .		11,963

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION

TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES		
FROM GENERAL REVENUE FUND	26,934,768	
FROM TRUST FUNDS		11,487,028
TOTAL POSITIONS	93.00	
TOTAL ALL FUNDS		38,421,796

PROGRAM: CULTURAL AFFAIRS

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,406,242

3094 SALARIES AND BENEFITS POSITIONS	39.00	
FROM GENERAL REVENUE FUND	825,741	
FROM FINE ARTS COUNCIL TRUST FUND .		320,723
FROM GRANTS AND DONATIONS TRUST		
FUND		764,726
3095 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	35,693	
FROM FINE ARTS COUNCIL TRUST FUND .		20,600
FROM GRANTS AND DONATIONS TRUST		
FUND		31,244
3096 EXPENSES		
FROM GENERAL REVENUE FUND	244,835	
FROM FINE ARTS COUNCIL TRUST FUND .		163,330
FROM GRANTS AND DONATIONS TRUST		
FUND		693,754
3097 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	675	
3098 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	91,089	
FROM FINE ARTS COUNCIL TRUST FUND .		40,000
3099 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,425	
3100 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	15,468	
FROM FINE ARTS COUNCIL TRUST FUND .		2,614
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	1,227,926	
FROM TRUST FUNDS		2,036,991
TOTAL POSITIONS	39.00	
TOTAL ALL FUNDS		3,264,917

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

3101 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - ARTS GRANTS		
FROM FINE ARTS COUNCIL TRUST FUND .		297,200
3102 SPECIAL CATEGORIES		
GRANTS AND AIDS - CULTURAL AND MUSEUM		
GRANTS		
FROM GENERAL REVENUE FUND	2,500,000	
TOTAL: CULTURAL SUPPORT AND DEVELOPMENT GRANTS		
FROM GENERAL REVENUE FUND	2,500,000	
FROM TRUST FUNDS		297,200
TOTAL ALL FUNDS		2,797,200

SECTION 6 - GENERAL GOVERNMENT
SPECIFIC
APPROPRIATION
TOTAL: STATE, DEPARTMENT OF
FROM GENERAL REVENUE FUND 50,563,975
FROM TRUST FUNDS 29,360,039

TOTAL POSITIONS 439.00
TOTAL ALL FUNDS 79,924,014
TOTAL APPROVED SALARY RATE 17,408,127

TOTAL OF SECTION 6

FROM GENERAL REVENUE FUND 768,315,385

FROM TRUST FUNDS 3,951,637,174

TOTAL POSITIONS 18,858.25

TOTAL ALL FUNDS 4,719,952,559

SECTION 7 - JUDICIAL BRANCH

The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

APPROVED SALARY RATE 5,848,635

3105 SALARIES AND BENEFITS POSITIONS 97.00
FROM GENERAL REVENUE FUND 1,574,291
FROM STATE COURTS REVENUE TRUST
FUND 5,967,177

3106 OTHER PERSONAL SERVICES
FROM STATE COURTS REVENUE TRUST
FUND 90,059

3107 EXPENSES
FROM STATE COURTS REVENUE TRUST
FUND 599,632

3108 OPERATING CAPITAL OUTLAY
FROM STATE COURTS REVENUE TRUST
FUND 19,371

3109 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST
FUND 464,679

3110 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM STATE COURTS REVENUE TRUST
FUND 15,000

Funds in Specific Appropriation 3110 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.

3111 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 37,124

3112 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM STATE COURTS REVENUE TRUST
FUND 248,018

3113 SPECIAL CATEGORIES

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,244
FROM STATE COURTS REVENUE TRUST
FUND 23,901

TOTAL: COURT OPERATIONS - SUPREME COURT
FROM GENERAL REVENUE FUND 1,613,659
FROM TRUST FUNDS 7,427,837

TOTAL POSITIONS 97.00
TOTAL ALL FUNDS 9,041,496

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,428,239

3114 SALARIES AND BENEFITS POSITIONS 174.50
FROM GENERAL REVENUE FUND 109,720
FROM STATE COURTS REVENUE TRUST
FUND 8,199,014
FROM COURT EDUCATION TRUST FUND . . 1,170,791
FROM MEDIATION AND ARBITRATION
TRUST FUND 649,873
FROM FEDERAL GRANTS TRUST FUND . . . 1,204,751
FROM OPERATING TRUST FUND 146,529

3115 OTHER PERSONAL SERVICES
FROM STATE COURTS REVENUE TRUST
FUND 70,981
FROM COURT EDUCATION TRUST FUND . . 105,540
FROM MEDIATION AND ARBITRATION
TRUST FUND 165,000
FROM FEDERAL GRANTS TRUST FUND . . . 241,560
FROM OPERATING TRUST FUND 115,104

From the funds in Specific Appropriation 3115, $175,000 is provided from the Federal Grants Trust Fund for the administration and data collection for the expansion of drug courts to divert certain offenders who would otherwise be incarcerated. The Office of State Courts Administrator, in conjunction with the Florida Association of Drug Court Managers, shall develop a two-year plan for implementing the expansion of drug courts. The plan shall identify the circuits and counties proposed for drug court expansion. The plan shall be submitted by the Chief Justice to the Legislative Budget Commission for review and approval prior to the expenditure of these funds.

3116 EXPENSES
FROM STATE COURTS REVENUE TRUST
FUND 1,039,729
FROM COURT EDUCATION TRUST FUND . . 1,863,355
FROM MEDIATION AND ARBITRATION
TRUST FUND 315,824
FROM FEDERAL GRANTS TRUST FUND . . . 467,170
FROM GRANTS AND DONATIONS TRUST
FUND 89,493
FROM OPERATING TRUST FUND 146,688

3117 OPERATING CAPITAL OUTLAY
FROM STATE COURTS REVENUE TRUST
FUND 492,829
FROM COURT EDUCATION TRUST FUND . . 10,000
FROM MEDIATION AND ARBITRATION
TRUST FUND 1,500
FROM FEDERAL GRANTS TRUST FUND . . . 111,376

3118 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST
FUND 104,290
FROM COURT EDUCATION TRUST FUND . . 158,448
FROM MEDIATION AND ARBITRATION
TRUST FUND 125,000

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION

FROM FEDERAL GRANTS TRUST FUND . . .		167,518
FROM GRANTS AND DONATIONS TRUST FUND		10,000
FROM OPERATING TRUST FUND		51,000
3119 SPECIAL CATEGORIES		
FLORIDA CASES SOUTHERN 2ND REPORTER		
FROM STATE COURTS REVENUE TRUST FUND		589,570
3120 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	46,860	
3121 SPECIAL CATEGORIES		
COMPUTER SUBSCRIPTION SERVICES		
FROM STATE COURTS REVENUE TRUST FUND		181,450
3122 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	682	
FROM STATE COURTS REVENUE TRUST FUND		34,964
FROM COURT EDUCATION TRUST FUND . .		4,608
FROM MEDIATION AND ARBITRATION TRUST FUND		1,633
FROM FEDERAL GRANTS TRUST FUND . . .		4,707
FROM OPERATING TRUST FUND		246
3123 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM STATE COURTS REVENUE TRUST FUND		1,013,387
FROM FEDERAL GRANTS TRUST FUND . . .		905,000
FROM OPERATING TRUST FUND		338,000

From the funds in Specific Appropriation 3123, $825,000 is provided from the Federal Grants Trust Fund for the administration and data collection for the expansion of drug courts. The Office of State Courts Administrator, in conjunction with the Florida Association of Drug Court Managers, shall develop a two-year plan for implementing the expansion of drug courts to divert certain offenders who would otherwise be incarcerated. The plan shall identify the circuits and counties proposed for drug court expansion. The plan shall be submitted by the Chief Justice to the Legislative Budget Commission for review and approval prior to the expenditure of these funds.

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	157,262	
FROM TRUST FUNDS		20,296,928
TOTAL POSITIONS	174.50	
TOTAL ALL FUNDS		20,454,190

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

3124 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
POSITIONS 22.00

The positions authorized in Specific Appropriation 3124 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION
216.177, Florida Statutes.

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - APPELLATE COURTS

APPROVED SALARY RATE 28,288,294

3125 SALARIES AND BENEFITS POSITIONS 436.00		
FROM GENERAL REVENUE FUND	12,621,798	
FROM STATE COURTS REVENUE TRUST FUND		21,911,270
FROM OPERATING TRUST FUND		1,849,261
3126 OTHER PERSONAL SERVICES		
FROM STATE COURTS REVENUE TRUST FUND		121,733
3127 EXPENSES		
FROM STATE COURTS REVENUE TRUST FUND		1,813,685
FROM OPERATING TRUST FUND		95,198
3128 OPERATING CAPITAL OUTLAY		
FROM STATE COURTS REVENUE TRUST FUND		90,364
FROM OPERATING TRUST FUND		27,000
3129 SPECIAL CATEGORIES		
COMPENSATION TO RETIRED JUDGES		
FROM STATE COURTS REVENUE TRUST FUND		51,790
3130 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM STATE COURTS REVENUE TRUST FUND		561,429
3131 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	106,019	
3132 SPECIAL CATEGORIES		
DISTRICT COURT OF APPEAL LAW LIBRARY		
FROM STATE COURTS REVENUE TRUST FUND		204,797
3133 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	17,310	
FROM STATE COURTS REVENUE TRUST FUND		93,447
FROM OPERATING TRUST FUND		2,480
3134 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM STATE COURTS REVENUE TRUST FUND		171,100
TOTAL: COURT OPERATIONS - APPELLATE COURTS		
FROM GENERAL REVENUE FUND	12,745,127	
FROM TRUST FUNDS		26,993,554
TOTAL POSITIONS	436.00	
TOTAL ALL FUNDS		39,738,681

PROGRAM: TRIAL COURTS

COURT OPERATIONS - CIRCUIT COURTS

APPROVED SALARY RATE 191,339,527

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION

3135 SALARIES AND BENEFITS POSITIONS 2,947.00
FROM GENERAL REVENUE FUND 58,558,107
FROM STATE COURTS REVENUE TRUST FUND 166,873,631
FROM MEDIATION AND ARBITRATION TRUST FUND 7,792,931
FROM FEDERAL GRANTS TRUST FUND . . . 5,749,084
FROM OPERATING TRUST FUND 6,057,644

3136 OTHER PERSONAL SERVICES
FROM FEDERAL GRANTS TRUST FUND . . . 125,748

3137 EXPENSES
FROM STATE COURTS REVENUE TRUST FUND 8,146,888
FROM MEDIATION AND ARBITRATION TRUST FUND 315,618
FROM FEDERAL GRANTS TRUST FUND . . . 110,616
FROM GRANTS AND DONATIONS TRUST FUND 23,750
FROM OPERATING TRUST FUND 61,959

3138 OPERATING CAPITAL OUTLAY
FROM STATE COURTS REVENUE TRUST FUND 286,883

3139 SPECIAL CATEGORIES
CIVIL TRAFFIC INFRACTION HEARING OFFICERS
FROM STATE COURTS REVENUE TRUST FUND 1,339,864

3140 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ADVOCACY CENTERS
FROM GENERAL REVENUE FUND 138,240

3141 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM STATE COURTS REVENUE TRUST FUND 2,130,834
FROM GRANTS AND DONATIONS TRUST FUND 51,250

3142 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST FUND 1,199,534

3143 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,248,264

3144 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 143,310

3145 SPECIAL CATEGORIES
MEDIATION/ARBITRATION SERVICES
FROM MEDIATION AND ARBITRATION TRUST FUND 3,307,332

3146 SPECIAL CATEGORIES
STATE COURTS DUE PROCESS COSTS
FROM STATE COURTS REVENUE TRUST FUND 19,962,266
FROM OPERATING TRUST FUND 1,104,930

3148 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 163,120
FROM STATE COURTS REVENUE TRUST FUND 566,571
FROM MEDIATION AND ARBITRATION

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION

TRUST FUND 498
FROM FEDERAL GRANTS TRUST FUND . . . 36,621

3148A QUALIFIED EXPENDITURE CATEGORY
DRUG COURT EXPANSION
FROM FEDERAL GRANTS TRUST FUND . . . 18,250,000

Funds in Specific Appropriation 3148A, are provided to support the expansion of drug courts. The Office of State Courts Administrator, in conjunction with the Florida Association of Drug Court Managers, shall develop a two-year plan for implementing the expansion of drug courts and providing for case management, drug testing, and drug treatment services to divert certain offenders who would otherwise be incarcerated. The plan shall identify the circuits and counties proposed for drug court expansion. The State Courts System is prohibited from providing funds to counties that will use the funds to supplant existing county resources. The plan shall be submitted by the Chief Justice to the Legislative Budget Commission for review and approval prior to the expenditure of these funds.

3149 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM STATE COURTS REVENUE TRUST FUND 104,160

TOTAL: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND 60,251,041
FROM TRUST FUNDS 243,598,612

TOTAL POSITIONS 2,947.00
TOTAL ALL FUNDS 303,849,653

COURT OPERATIONS - COUNTY COURTS

APPROVED SALARY RATE 54,968,832

3150 SALARIES AND BENEFITS POSITIONS 644.00
FROM GENERAL REVENUE FUND 58,725,997
FROM STATE COURTS REVENUE TRUST FUND 14,829,706

3151 EXPENSES
FROM GENERAL REVENUE FUND 1
FROM STATE COURTS REVENUE TRUST FUND 3,217,163

3151A SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM STATE COURTS REVENUE TRUST FUND 75,000

3152 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE COURTS REVENUE TRUST FUND 204,000

3153 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 87,763

3154 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 83,266
FROM STATE COURTS REVENUE TRUST FUND 78,002

TOTAL: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND 58,897,027
FROM TRUST FUNDS 18,403,871

TOTAL POSITIONS 644.00
TOTAL ALL FUNDS 77,300,898

SECTION 7 - JUDICIAL BRANCH
SPECIFIC
APPROPRIATION
PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

APPROVED SALARY RATE 306,608

3155 SALARIES AND BENEFITS POSITIONS 5.00
FROM GENERAL REVENUE FUND 389,816

3156 EXPENSES
FROM GENERAL REVENUE FUND 148,694

3157 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,638

3158 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 190,475

3159 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,031

3160 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 181,294

Funds in Specific Appropriation 3160 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process.

3161 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,247

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS
FROM GENERAL REVENUE FUND 926,195

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 926,195

TOTAL: STATE COURT SYSTEM
FROM GENERAL REVENUE FUND 134,590,311
FROM TRUST FUNDS 316,720,802

TOTAL POSITIONS 4,325.50
TOTAL ALL FUNDS 451,311,113
TOTAL APPROVED SALARY RATE 289,180,135

TOTAL OF SECTION 7

FROM GENERAL REVENUE FUND 134,590,311

FROM TRUST FUNDS 316,720,802

TOTAL POSITIONS 4,325.50

TOTAL ALL FUNDS 451,311,113

SECTION 8. SALARIES AND BENEFITS - FISCAL YEAR 2009 - 2010

Statement of Purpose:

This section provides instructions for implementing the Fiscal Year 2009-2010 salary and benefit adjustments provided in this act. All allocations, distributions and uses of these funds are to be made in strict accordance with the provisions of this act.

(1) EMPLOYEE AND OFFICER COMPENSATION

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(a) Effective July 1, 2009, the annual base rate of pay for each employee with an annual base rate of pay in excess of $45,000 shall be reduced by 2 percent; however, in no instance shall the employee's annual base rate of pay be reduced below $45,000 solely by implementation of this paragraph. For part-time employees, the full-time equivalent value of the base rate of pay shall be used to determine the reduction.

(b) The elected officers, full-time members of commissions and designated employees shall be paid at the annual rate shown for the 2009-2010 fiscal year; however, these salaries may be reduced on a voluntary basis.

	7/1/09
Governor	$ 130,273
Lieutenant Governor	$ 124,851
Chief Financial Officer	$ 128,972
Attorney General	$ 128,972
Agriculture, Commissioner of	$ 128,972
Supreme Court Justice	$ 157,976
Judges-District Courts of Appeal	$ 150,077
Judges-Circuit Courts	$ 142,178
Judges-County Courts	$ 134,280
State Attorneys	$ 150,077
Public Defenders	$ 150,077
Commissioner-Public Service Commission	$ 130,036
Public Employees Relations Commission Chair	$ 95,789
Public Employees Relations Commission Commissioners	$ 90,724
Commissioner - Parole and Probation	$ 90,724
Criminal Conflict and Civil Regional Counsels	$ 98,000

None of the officers, commission members, or employees whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

(a) STATE LIFE INSURANCE AND STATE DISABILITY INSURANCE

Funds are provided in each agency's budget to continue paying the state share of the State Life Insurance Program and the State's Disability Insurance Program premiums. Additionally, effective July 1, 2009, $1,400,000 shall be transferred from the State Employee Disability Insurance Trust Fund to the State Employees Life Insurance Trust Fund.

(b) STATE HEALTH INSURANCE PLANS AND BENEFITS FOR THE PERIOD JULY 1, 2009 THROUGH JUNE 30, 2010

1. For the period July 1, 2009, through June 30, 2010, the Department of Management Services shall continue within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a State-contracted Health Maintenance Organization Standard Plan, and a State-contracted Health Maintenance Organization High Deductible Health Plan. The State-contracted Health Maintenance Organization High Deductible Health Plan may be offered by each of the Health Maintenance Organizations under contract with the Department of Management Services for the 2010 Plan Year.

2. The benefits provided under the State Group Health Insurance Standard Plan, the State Group Health Insurance High Deductible Health Plan, the State-contracted Health Maintenance Organization Standard Plan, and the State-contracted Health Maintenance Organization High Deductible Health Plan, as appropriate, shall be those benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, current Health Maintenance Organization contracts, and other such health insurance benefits as approved by the Legislature. No reductions to the level of benefits may be implemented unless specifically authorized by the Legislature.

3. The State Group Health Insurance High Deductible Health Plan and the State-contracted Health Maintenance Organization High Deductible Health Plan shall continue to include an integrated Health Savings Account. Such plans and accounts shall be administered in accordance with the

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requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The state shall make a monthly contribution to an employee's health savings account as authorized in section 110.123(12), Florida Statutes.

(c) STATE HEALTH INSURANCE PREMIUMS FOR THE PERIOD JULY 1, 2009, THROUGH JUNE 30, 2010

1. State Paid Premiums

a. For the coverage period July 1, 2009, through May 31, 2010, the state share of the State Group Health Insurance Program premiums to the executive, legislative and judicial branch agencies shall continue at $448.68 per month for individual coverage and $947.74 per month for family coverage.

b. For the coverage period beginning June 1, 2010, the state share of the State Group Health Insurance Program premiums to the executive, legislative and judicial branch agencies shall increase, effective May 1, 2010, from $448.68 to $473.62 per month for individual coverage and from $947.74 to $1,004.14 per month for family coverage.

c. Funds are provided in each agency's budget to continue paying the State Group Health Insurance Program premiums for the fiscal year. Funds are provided in Specific Appropriation 2097A for distribution to agencies to pay the incremental cost of the premium increase, effective May 1, 2010.

2. Premiums Paid By Employees

a. For the coverage period July 1, 2009, through June 30, 2010, the employee's share of the health insurance premiums for the standard plans shall continue at $50 per month for individual coverage and $180 per month for family coverage.

b. For the coverage period July 1, 2009, through June 30, 2010, the employee's share of the health insurance premium for the high deductible health plans shall continue at $15 per month for individual coverage and $64.30 per month for family coverage.

3. Premiums Paid By Medicare Participants

a. For the coverage period July 1, 2009, through May 31, 2010, the monthly premiums for Medicare participants participating in the State Health Insurance Standard Plan shall continue to be $264.78 for "one eligible", $763.46 for "one under/one over", and $529.56 for "both eligible."

b. For the coverage period beginning June 1, 2010, the monthly premiums for Medicare participants participating in the State Group Health Insurance Standard Plan shall increase, effective May 1, 2010 from $264.78 to $278.02 for "one eligible", from $763.46 to $801.64 for "one under/one over", and from $529.56 to $556.04 for "both eligible."

c. For the coverage period July 1, 2009, through June 30, 2010, the monthly premiums for Medicare participants enrolled in a State-contracted Health Maintenance Organization Standard Plan or a State-contracted Health Maintenance Organization High Deductible Plan shall be equal to the negotiated monthly premium for the State-contracted Health Maintenance Organization. For the coverage period January 1, 2010, through June 30, 2010, it is the intent of the Legislature that the premiums for Medicare participants participating in the Health Maintenance Organization Standard Plan and the Health Maintenance Organization High Deductible Plan may increase, effective December 1, 2009, by no more than 10 percent over the 2009 plan year premiums for the selected state-contracted health maintenance organization. If the Department of Management Services is not able to limit such increases to less than 10 percent, the Secretary of the Department of Management Services shall notify the presiding officers of the Legislature and the Executive Officer of the Governor in writing of the circumstances.

d. For the coverage period July 1, 2009, through May 31, 2010, the monthly premiums for Medicare participants participating in the State

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Group Health Insurance High Deductible Plan shall continue to be $199.58 for "one eligible, $659.40 for "one under/one over", and $399.16 for "both eligible."

e. For the coverage period beginning June 1, 2010, the monthly premiums for Medicare participants participating in the State Group Health Insurance High Deductible Plan shall increase, effective May 1, 2010 from $199.58 to $209.56 for "one eligible", from $659.40 to $656.52 for "one under/one over", and from $399.16 to $419.12 for "both eligible."

4. Premiums paid by "Early Retirees"

a. For the coverage period July 1, 2009, through June 30, 2010, an "early retiree" participating in a standard plan shall pay a monthly premium equal to 100 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

b. For the coverage period July 1, 2009, through May 31, 2010, an "early retiree" participating in a high deductible plan shall pay a monthly premium equal to $422.02 for single coverage and $928.72 for family coverage.

c. For the coverage period beginning June 1, 2010, the monthly premium for an "early retiree" participating in a high deductible plan shall increase, effective May 1, 2010, from $422.02 to $446.96 for single coverage and $928.72 to $985.11 for family coverage.

5. Premiums Paid by COBRA Participants

a. For the coverage period July 1, 2009, through June 30, 2010, a COBRA participant participating in a standard plan shall continue to pay a monthly premium equal to 102 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

b. For the coverage period July 1, 2009, through May 31, 2010, a COBRA participant participating in a high deductible plan shall pay a monthly premium equal to $430.45 for single coverage and $947.28 for family coverage.

c. For the coverage period beginning June 1, 2010, the monthly premium for a COBRA participant participating in a high deductible plan shall increase, effective May 1, 2010, from $430.45 to $455.90 for single coverage and $947.28 to $1,004.81 for family coverage.

(d) STATE EMPLOYEES' PRESCRIPTION DRUG PROGRAM

Under the State Employees' Prescription Drug Program, the following shall apply:

1. Supply limits shall continue as provided in section 110.12315, Florida Statutes.

2. Co-payments and coinsurance shall be charged as provided in section 110.12315(7), Florida Statutes.

3. The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

(3) OTHER BENEFITS

(a) The following items shall be implemented in accordance with the provisions of this act and with the applicable negotiated collective bargaining agreement:

1. The state shall provide up to six (6) credit hours of tuition-free courses per term at a state university, state college or community college to full-time employees on a space available basis as authorized by law.

2. The state shall continue to reimburse, at current levels, for replacement of personal property.

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3. The state shall continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

4. Each state agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for attorneys employed by the state as legal staff. Each state agency shall report the amounts expended for these purposes to the legislature by February 1, 2010.

(b) All state branches, departments and agencies which have established or approved personnel policies for employees related to the payment of accumulated and unused annual leave, shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

(c) Upon termination of employees in the Senior Management Service, Selected Exempt, or positions with comparable benefits, payments for unused annual leave credits accrued on the member's last anniversary date shall be prorated at 1/12th of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

(4) PAY ADDITIVES AND OTHER INCENTIVE PROGRAMS

The following pay additives and other incentive programs are authorized for the 2009-10 fiscal year from existing agency resources consistent with provisions of sections 110.2035 and 216.251, Florida Statutes, the applicable administrative rules promulgated by the Department of Management Services, and negotiated collective bargaining agreements.

(a) Each agency is authorized to continue to pay, at the levels in effect on June 30, 2007, on-call fees and shift differentials as necessary to perform normal operations of the agency.

(b) Each agency that had a training program in existence on June 30, 2006, which included granting pay additives to participating employees, is authorized to continue such training program for the 2009-10 fiscal year. Such additives shall be granted under the provisions of the law, administrative rules, and collective bargaining agreements.

(c) The Department of Corrections may continue to grant hazardous duty pay additives, as necessary, to those employees assigned to the Department of Corrections institutions' Rapid Response Teams (including the baton, shotgun, and chemical agent teams) and the Correctional Emergency Response Teams.

(d) The Fish and Wildlife Conservation Commission may continue to grant temporary special duty pay additives to law enforcement officers who perform additional duties as K-9 handlers, as regional recruiters/media coordinators and as breath test operators/inspectors.

(e) The Fish and Wildlife Conservation Commission and the Department of Highway Safety and Motor Vehicles are authorized to grant critical market pay additives to employees residing in and assigned to Lee County, Collier County, or Monroe County, at the levels that the employing agency granted salary increases for similar purposes prior to July 1, 2006. These pay additives shall be granted only during the time in which the employee resides in, and is assigned to duties within, those counties. In no instance may the employee receive an adjustment to the employee's base rate of pay and a critical market pay additive based on the employee residing in and being assigned in the specified counties.

(f) The Department of Transportation is authorized to continue its training program for employees in the field of transportation engineering under the same guidelines established for the training program prior to June 30, 2006.

(g) The Department of Transportation is authorized to continue its training program for employees in the areas of right-of-way acquisition, relocation benefits administration, right-of-way property management, real estate appraisal, and business valuation under the same guidelines established for the training program prior to June 30, 2006.

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(h) The Department of Transportation is authorized to continue to grant a pay additive of $75 per pay period for law enforcement officers assigned to the Office of Motor Carrier Compliance who maintain certification by the Commercial Vehicle Safety Alliance.

(i) Each agency is authorized to continue to grant temporary special duties pay additives to employees assigned additional duties as a result of another employee being absent from work pursuant to the Family Medical Leave Act or authorized military leave. The notification process described in section 110.2035(6)(c), Florida Statutes, does not apply to additives authorized in this paragraph.

(j) Each agency is authorized to grant merit pay increases based on the employee's exemplary performance as evidenced by a performance evaluation conducted pursuant to chapter 60L-35, Florida Administrative Code, or a similar performance evaluation applicable to other pay plans.

(k) Contingent upon the availability of funds and at the agency head's discretion, each agency is authorized to grant a temporary special duties pay additive, of up to 15 percent of the employee's base rate of pay, to each employee temporarily deployed to a facility or area closed due to emergency conditions from another area of the state that is not closed.

(5) COLLECTIVE BARGAINING

(a) All collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the Florida Nurses Association relating to wages and other economic issues shall be resolved herein pursuant to the instructions provided under Item "(1) EMPLOYEE AND OFFICER COMPENSATION", Item "(3) OTHER BENEFITS", and Item "(4) PAY ADDITIVES AND OTHER INCENTIVE PROGRAMS."

(b) All collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the Florida Nurses Association relating to insurance benefits shall be resolved herein pursuant to the instructions provided under Item "(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE" and the relevant provisions of any legislation enacted to implement this act. Association relating to insurance benefits shall be resolved herein pursuant to the instructions provided under Item "(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE" and the relevant provisions of any legislation enacted to implement this act.

SECTION 9. The sum of $2,000,000 from unexpended funds in Specific Appropriation 658A of chapter 2008-152, Laws of Florida, provided to the Department of Health for Statewide Tobacco Prevention and Education Fixed Capital Outlay shall revert immediately and is appropriated for the 2009-2010 fiscal year to provide nicotine replacement therapy in the Tobacco Education and Use Prevention Program in the Department of Health.

SECTION 10. The unexpended balance of nonrecurring general revenue funds appropriated to the Agency for Health Care Administration in chapter 2008-32, Laws of Florida, related to the Florida Health Choices Program, shall revert immediately and is appropriated for the 2009-2010 fiscal year for the purpose of the original appropriation.

SECTION 11. In order to support Specific Appropriation 190 of this act, the sum of $123,577,163 from unexpended funds as provided in paragraph two of Specific Appropriation 208 of chapter 2008-152, Laws of Florida, provided for Medicaid low-income pool payments to hospitals provider access systems shall revert immediately.

SECTION 12. The non-recurring sum of $5,520,518 from unexpended general revenue funds in Specific Appropriation 7210 of chapter 2008-152, Laws of Florida, appropriated to the Department of Corrections for lease purchase payments anticipated to begin in FY 2008-09 shall revert immediately. Specifically, $2,020,518 appropriated for lease purchase payments for work release centers and work camps, and $3,500,000 for

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lease purchase payments for a 2,000 bed correctional facility shall revert. These funds are reappropriated to the Department of Corrections to expand the food service facility at Lowell Correctional Institution to support the inmate population.

SECTION 13. The sum of $172,949,134 from unexpended funds in Specific Appropriation 760 of Chapter 2008-152, Laws of Florida, provided to the Department of Corrections for construction, renovation and equipping of correctional facilities shall revert on June 30, 2009. The Department of Corrections and the Department of Management Services are authorized pursuant to Chapters 944, 287 and 255, Florida Statutes, to enter into one or more amendments to the amended and restated master lease purchase agreement previously executed by the Department of Management Services to finance or refinance construction and equipping of the following correctional facilities: Mayo CI annex and open bay dorms, Suwannee CI annex, Lowell Reception Center, Liberty work camp, Franklin work camp, Cross City work camp, Okeechobee work camp, Madison CI work camp, New River CI work camp, Santa Rosa work camp, open bay dorms at the Columbia annex, and Lancaster secure housing unit. The sum of $7,414,664 in recurring General Revenue is appropriated for Fiscal Year 2009-10 for payments required under the amended and restated master lease purchase agreement. Payments under such amendment or amendments to the amended and restated master lease purchase agreement may commence prior to the completion of the facilities.

SECTION 14. The sum of $1,817,349 is transferred from the State Attorney Due Process appropriations category to the Child Dependency and Civil Conflict Case appropriations category within the Justice Administrative Commission to offset projected Fiscal Year 2008-09 deficits.

The sum of $1,947,938 is transferred from the Public Defender Due Process appropriations category to the Criminal Conflict and Dependency Counsel Liability appropriations category within the Justice Administrative Commission to offset projected Fiscal Year 2008-09 deficits.

The sum of $2,882,841 is transferred to the Criminal Conflict Case Costs appropriations category as follows: $411,320 from the Civil Commitment Costs appropriations category, $513,911 from the Public Defender Due Process appropriations category, $310,860 from the State Attorney Due Process appropriations category and $1,083,750 from the Transfer to the Department of Financial Services for the Postconviction Capital Collateral Cases - Registry Attorneys appropriations category within the Justice Administrative Commission, and $463,000 from the Regional Conflict Counsel Office - First, and $100,000 from the Regional Conflict Counsel Office - Fourth to offset projected Fiscal Year 2008-09 deficits. This section shall take effect upon becoming a law.

SECTION 15. The unexpended balance of funds provided to the Department of Law Enforcement for domestic security issues in Specific Appropriation 2174A of chapter 2008-152, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to budget amendment EOG# 0014, shall revert immediately and is appropriated for the 2009-2010 fiscal year for the purpose of the original appropriations within the Department of Law Enforcement.

SECTION 16. The State Courts System is authorized to transfer up to $7,000,000 from the unobligated cash balance in the Mediation and Arbitration Trust Fund to satisfy outstanding obligations through June 30, 2010, in the State Courts Revenue Trust Fund. This section shall take effect upon becoming law.

SECTION 17. There is appropriated $23,300,000 in nonrecurring funds from the Drinking Water Revolving Trust Fund in the Department of Environmental Protection for Fiscal Year 2008-09 for anticipated federal funding provided as a result of the American Recovery and Reinvestment Act of 2009. From the funds provided, the department is authorized to request an increase in Fixed Capital Outlay appropriations for the Drinking Water Facility Construction - State Revolving Loan and operating appropriations to administer the grant. This section shall take effect upon becoming law.

SECTION 18. There is appropriated $35,000,000 in nonrecurring funds from the Wastewater Treatment and Stormwater Management Revolving Loan
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Trust Fund in the Department of Environmental Protection for Fiscal Year 2008-09 for anticipated federal funding provided as a result of the American Recovery and Reinvestment Act of 2009. From the funds provided, the department is authorized to request an increase in Fixed Capital Outlay appropriations for the Wastewater Treatment Facility Construction - State Revolving Loan and operating appropriations to administer the grant. This section shall take effect upon becoming law.

SECTION 19. The sum of $67,932 from unexpended funds appropriated in chapter 2004-475, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 20. The sum of $709,602 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects shall revert immediately.

SECTION 21. The sum of $332,412 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 22. The sum of $558,700 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects shall revert immediately.

SECTION 23. The sum of $2,606,156 from unexpended funds appropriated in chapter 2004-475, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 24. The sum of $106,376 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for statewide beach management project support in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year shall revert immediately.

SECTION 25. The sum of $52,190 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for statewide beach management project support in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately.

SECTION 26. The sum of $154,659 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for statewide beach management project support in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 27. The sum of $16,775 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for statewide beach management project support in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year shall revert immediately.

SECTION 28. The sum of $911,980 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for St. Andrews Bay IMP in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year shall revert immediately.

SECTION 29. The sum of $10,212 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for St. Andrews Bay IMP in the

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Beach Management Funding Assistance Program for the 2005-2006 fiscal year shall revert immediately.

SECTION 30. The sum of $100,000 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for Mexico Beach IMP in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year shall revert immediately.

SECTION 31. The sum of $113,910 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Lover's Key Dune Walkovers in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 32. The sum of $184,900 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Flagler Beach Innovative Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 33. The sum of $3,129,845 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Alligator Point Beach Restoration in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 34. The sum of $1,500,000 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Ponte Vedra Emergency Dune Restoration in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 35. The sum of $98,636 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Marathon Beach Nourishment in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 36. The sum of $3,484 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Jupiter Island Nourishment in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately.

SECTION 37. The sum of $152,397 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Avalon State Park Beach Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately.

SECTION 38. The sum of $150,000 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Lake Worth IMP in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 39. The sum of $100,000 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for feasibility studies for Mash Island Park and Shellpoint in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately and is

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appropriated as a transfer to the Ecosystems Management and Restoration Trust Fund in the Department of Environmental Protection.

SECTION 40. The sum of $6,700 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for St. Mary's Sand Transfer in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year shall revert immediately.

SECTION 41. The sum of $400,000 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for the Lee County-Gasparilla Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year shall revert immediately.

SECTION 42. The sum of $120,000 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for Brevard County project design in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year shall revert immediately.

SECTION 43. The sum of $30,000 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for Brevard County feasibility study in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year shall revert immediately.

SECTION 44. The sum of $32,000 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for Brevard County post-construction monitoring in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year shall revert immediately.

SECTION 45. The sum of $492,830 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for Lee County Gasparilla Project in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year shall revert immediately.

SECTION 46. The sum of $75,000 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for Stump Pass Groin Feasibility in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year shall revert immediately.

SECTION 47. The sum of $75,000 from unexpended funds appropriated in Specific Appropriation 1772C of chapter 2008-152, Laws of Florida, for Chattahoochee Rosedale Water provided to the Department of Environmental Protection, shall revert immediately and is appropriated for the 2009-2010 fiscal year for the purpose of eliminating existing debt service related to the system.

SECTION 48. The unexpended balance of funds appropriated in section 76, chapter 2008-152, Laws of Florida, provided to the Department of Financial Services, shall revert and is appropriated for the 2009-2010 fiscal year for strengthening Domestic Security support by the State Fire Marshal. Additionally, the unexpended balance of funds provided in Specific Appropriation 2174A of chapter 2008-152, Laws of Florida, and budget amendment EOG# B2009-0014, provided to the Department of Financial Services, shall revert and is appropriated for the 2009-2010 fiscal year for the original purpose.

SECTION 49. The unexpended balance of funds appropriated in section 66 of chapter 2008-152, Laws of Florida, to the Department of Management Services, shall revert immediately and is appropriated for the 2009-2010 fiscal year for the original purpose.

SECTION 50. The unexpended balance of funds appropriated in Specific Appropriation 2174A of chapter 2008-152, Laws of Florida, provided to the Department of Management Services for the maintenance and sustainment of the Florida Interoperability Network, shall revert immediately and is appropriated for the 2009-2010 fiscal year for the original purpose.

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SECTION 51. The unexpended balance of funds appropriated in Specific Appropriation 2806 of chapter 2008-152, Laws of Florida, provided to the Department of Management Services for the Merchants Row Road Paving Project, shall revert immediately and is appropriated for the 2009-2010 fiscal year for the original purpose.

SECTION 52. The unexpended balance from Specific Appropriation 1859 of chapter 2007-72, Laws of Florida, provided to DeSoto County for Phase II Regional Wastewater Plant shall revert immediately and is appropriated for the 2009-2010 fiscal year for the purpose of relocating water and sewer lines as required for the widening of U.S. 17.

SECTION 53. The unexpended balance of funds appropriated in Specific Appropriation 1821 of chapter 2006-25, Laws of Florida, for Harris Chain of Lakes Restoration provided to the Department of Environmental Protection, and previously transferred to the St. Johns River Water Management District, are authorized for use by the Lake County Water Authority for the purpose of implementing the Harris Chain of Lakes Restoration.

SECTION 54. The unexpended balance of funds appropriated in Specific Appropriation 1859 of chapter 2007-72, Laws of Florida, for Chassahowitzka Area Drinking Water System provided to the Department of Environmental Protection, shall revert immediately and is appropriated for the 2009-2010 fiscal year for costs incurred prior to July 1, 2007, related to the project.

SECTION 55. The unexpended balance of funds appropriated in Specific Appropriation 1772C of chapter 2008-152, Laws of Florida, for Citrus County Chassahowitzka Area Drinking Water System provided to the Department of Environmental Protection, shall revert immediately and is appropriated for the 2009-2010 fiscal year for costs incurred prior to July 1, 2007, related to the project.

SECTION 56. The reimbursement to the Department of Revenue's Child Support Enforcement Program from the U.S. Department of Health and Human Services as a result of the cost allocation approved for the period of July 1, 2005 through December 31, 2007 in the amount of $10,623,938 is immediately transferred from the department's Federal Grants Trust Fund to the Child Support Incentive Trust Fund.

SECTION 57. The sum of $2,000,000 from the Ecosystem Management and Restoration Trust Fund in Specific Appropriation 1776 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection shall revert immediately.

SECTION 58. The sum of $5,256,265 in nonrecurring funds is appropriated from the Operating Trust Fund for Fiscal Year 2008-09 to the Department of Management Services in the Web-Based E-Procurement System appropriation category for the payment of outstanding invoice obligations relating to the MyFloridaMarketPlace service provider. This section shall take effect upon becoming law.

SECTION 59. Pursuant to section 215.32(2)(b)4.a., Florida Statutes, $588,023,958 from unobligated cash balance amounts specified from the following trust funds shall be transferred to the General Revenue Fund for Fiscal Year 2009-2010:

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Licensing Trust Fund..... 6,000,000
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Conservation and Recreation Lands Trust Fund..... 69,500,000
Land Acquisition Trust Fund..... 20,000,000
Inland Protection Trust Fund..... 135,000,000
Internal Improvement Trust Fund..... 8,000,000
Lake Okeechobee Trust Fund..... 130,000
FISH AND WILDLIFE CONSERVATION COMMISSION
Marine Resources Conservation Trust Fund..... 2,440,000
Invasive Plant Control Trust Fund..... 6,000,000
AGENCY FOR HEALTH CARE ADMINISTRATION
Health Care Trust Fund..... 5,000,000
Grants and Donations Trust Fund..... 7,460,900
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Grants and Donations Trust Fund..... 3,200,000

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Operations and Maintenance Trust Fund..... 4,000,000
Social Services Block Grant Trust Fund..... 6,000,000
Welfare Transition Trust Fund..... 7,000,000
DEPARTMENT OF HEALTH
Administrative Trust Fund..... 1,000,000
Biomedical Research Trust Fund Interest..... 1,800,000
Donations Trust Fund..... 2,000,000
Emergency Medical Services Trust Fund..... 1,000,000
Medical Quality Assurance Trust Fund..... 1,000,000
Planning and Evaluation Trust Fund..... 500,000
PUBLIC SERVICE COMMISSION
Regulatory Trust Fund..... 4,500,000
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Hotel and Restaurant Trust Fund..... 5,000,000
Professional Regulation Trust Fund..... 1,500,000
Florida Division of Condominiums, Timeshares
and Mobile Homes Trust Fund..... 6,000,000
DEPARTMENT OF FINANCIAL SERVICES
Financial Institutions Regulatory Trust Fund (OFR)..... 5,000,000
Insurance Regulatory Trust Fund..... 13,000,000
Worker's Compensation Administrative Trust Fund..... 5,000,000
DEPARTMENT OF MANAGEMENT SERVICES
Operating Trust Fund DOAH-Workers' Compensation Appeals.... 1,000,000
Law Enforcement Radio System Trust Fund..... 1,500,000
DEPARTMENT OF REVENUE
Child Support Incentive Trust Fund..... 4,893,058
EXECUTIVE OFFICE OF THE GOVERNOR
Planning and Budgeting System Trust Fund..... 1,500,000
DEPARTMENT OF TRANSPORTATION
State Transportation Trust Fund..... 120,200,000
Toll Facilities Revolving Trust Fund..... 40,000,000
DEPARTMENT OF COMMUNITY AFFAIRS
Local Government Housing Trust Fund..... 55,070,000
State Housing Trust Fund..... 36,830,000

Funds specified above from each trust fund shall be transferred in four equal installments on a quarterly basis during the fiscal year, except for the Local Government Housing Trust Fund, which shall be transferred by June 30, 2010.

SECTION 60. There is appropriated for transfer to the Operating Trust Fund in the Department of Community Affairs $1,844,178 from the following trust funds in the amounts specified:
Department of Community Affairs:
Administrative Trust Fund.....$ 500,000
State Housing Trust Fund.....$ 97,739
Grants and Donations Trust Fund.....$ 246,439
Emergency Management Preparedness and
Assistance Trust Fund.....$1,000,000

SECTION 61. The entire unexpended balance of the funds appropriated in section 70 of Chapter 2008-152, Laws of Florida, to the Department of Community Affairs shall revert and is appropriated for the 2009-2010 fiscal year for the original purpose.

SECTION 62. The unexpended funds provided to the Department of Community Affairs for domestic security issues in Specific Appropriation 2174A of Chapter 2008-152, Laws of Florida, and subsequently distributed to the Department of Community Affairs pursuant to budget amendment EOG# B2009-0014, and the unexpended balance of funds provided to the Department of Community Affairs pursuant to budget amendment EOG# B2009-0533 and section 68 of Chapter 2008-152, Laws of Florida, shall revert immediately and are appropriated for the 2009-2010 fiscal year to the Department of Community Affairs for the purpose of the original appropriations or reallocations between any of the funded projects approved by the Domestic Security Oversight Council.

SECTION 63. The unexpended balance of fixed capital outlay funds appropriated in Specific Appropriation 1589A of Chapter 2006-25, Laws of Florida, and provided in section 6 of HB 7121 of the 2006 Legislative session for the Lake County Emergency Operations Center shall immediately revert and be reappropriated for the same purpose.

SECTION 64. There is hereby appropriated $17,457,005 in nonrecurring

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funds from the Community Development Block Grant Trust Fund to the Department of Community Affairs for Fiscal Year 2008-2009. The Division of Housing and Community Development shall use the funds to support the state's long-term disaster recovery from 2008 storms. This section shall take effect upon becoming a law.

SECTION 65. The entire unexpended balance of the funds appropriated in Specific Appropriation 2153 of chapter 2008-152, Laws of Florida, to the Tampa Bay Area Regional Transportation Authority shall revert immediately and is appropriated for the 2009-2010 fiscal year for the original purpose.

SECTION 66. The Office of Program Policy Analysis and Government Accountability shall conduct a review of Florida Statute, Chapter 310 relating to Harbor Pilots. The report shall include efficacy, fiscal impacts, and national trends of harbor pilotage considering industry and technological improvements since the statute was originally implemented.

SECTION 67. The unexpended balance of funds provided pursuant to approved budget amendment: EOG #W2009-0082, dated April 15, 2009, for the Transportation Infrastructure - American Recovery and Reinvestment Act of 2009 (088825) appropriation category in the Department of Transportation shall revert immediately and is appropriated for the 2009-2010 fiscal year to the Department of Transportation for the same purpose.

No later than September 1, 2009, the Secretary of the Department of Transportation or his or her designee shall convene an informal workgroup comprised of representatives of utilities, including but not limited to, electric utilities, telecommunications and cable companies, gas companies, and other owners of facilities located in the state right of way, to develop consensus in the implementation of relocations of these facilities which shall be conducted with funding from the monies received from the American Recovery and Reinvestment Act of 2009.

SECTION 68. The unexpended balance of funds and the remaining funds released for projects appropriated in Specific Appropriation 2635 and

Section 74 of Chapter 2008-152, Laws of Florida, shall revert immediately and is appropriated in the 2008-2009 fiscal year to the Executive Office of the Governor, Office of Tourism, Trade and Economic Development for the purpose of creating high-wage jobs and business recruitment to Florida. This section shall take effect upon becoming a law.

SECTION 69. The lesser of the unexpended balance, or $2,077,500, of the funds provided in Specific Appropriation 2799B of Chapter 2007-72, Laws of Florida, to the Department of Highway Safety and Motor Vehicles shall revert immediately and is appropriated for the 2009-2010 fiscal year to the Department of Highway Safety and Motor Vehicles for the renovation of the Al Lofton Building.

SECTION 70. The unexpended balance of funds provided in Specific Appropriations 2747 and 2749 of Chapter 2008-152, Laws of Florida, for the implementation and planning requirements of the Federal REAL ID Act, from the Highway Safety Operating Trust Fund to the Department of Highway Safety and Motor Vehicles, shall revert immediately, and is appropriated for Fiscal Year 2009-2010 for the original purpose.

SECTION 71. The unexpended balance of funds provided in Specific Appropriations 2745, 2746 and 2747 of Chapter 2008-152,Laws of Florida, and distributed by approved budget amendment EOG #B0355, for the customer queuing system to enhance customer service, from the Highway Safety Operating Trust Fund to the Department of Highway Safety and Motor Vehicles, shall revert immediately and is appropriated for Fiscal Year 2009-2010 for the original purpose.

SECTION 72. From funds appropriated in Specific Appropriation 1742 of Chapter 98-422, Laws of Florida, Enterprise Florida, Inc. shall transfer $600,000 to the Institute for Commercialization of Public Research for its operations.

SECTION 73. Pursuant to section 1013.40, Florida Statutes, the specified Florida College System colleges are authorized to acquire or construct

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the following facilities from non-PECO sources, which could require general revenue funds for operation and maintenance. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Education must be received before any funds may be expended to acquire the property.

1. Daytona State College - Acquire land/facilities located at 221 North Beach Street, Daytona Beach, for classrooms, labs, offices, support space and parking in conjunction with courses offered at the State Board of Education approved main Daytona Beach Campus.

2. Edison State College - Acquire land/facilities and/or construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Charlotte County Campus.

3. Edison State College - Acquire land/facilities and/or construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Hendry/Glades Special Purpose Center.

4. Edison State College - Acquire land/facilities and/or construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Lee County (Main) Campus.

SECTION 74. Whichever is less, the unexpended balance or $1,000,000, from funds provided in Specific Appropriation 20 of chapter 2008-152, Laws of Florida, for Valencia Community College for Joint-use Classrooms/Labs/Student Services w/UCF - West complete (ce) for $11,250,000, shall revert immediately and is appropriated to Valencia Community College for Renovation/Remodel in Buildings 7 and 9, West Campus.

SECTION 75. From the unexpended balance of funds appropriated in Specific Appropriation 20 of chapter 2008-152, Laws of Florida, for Indian River Community College for Major Renovation/Remodel, Emergency Replacement-Brick - Bldgs. 18 & 19 - Main Complete for $2,100,000, the lesser of the unexpended balance or $1,300,000 shall revert immediately and is appropriated to Indian River State College for Remodel/Renovation Classrooms/Labs Buildings 9, 21, 38 and 39 - Main Campus.

SECTION 76. From the unexpended balance of funds appropriated in Specific Appropriation 26 of chapter 2007-72, Laws of Florida, for Florida Community College at Jacksonville for Remodel/Renovation Classrooms/Labs-Ace Building-Cecil for $3,617,805, the lesser of the unexpended balance or $700,000 shall revert immediately and is appropriated to Florida State College at Jacksonville for General Renovation/Remodeling Collegewide.

SECTION 77. Pursuant to sections 1013.74 and 1013.78, Florida Statutes, the following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operation.

1. UF - Minor Projects for UF Facilities
2. UF/HSC - Minor Projects for HSC Facilities
3. UF/IFAS - Minor Projects for IFAS Facilities
4. UF/IFAS - Extension Professional Developmental Center
5. UF - Graduate Studies Building
6. UF - Harn Addition
7. UF - Graduate Studies Building Phase II
8. UF - Small Animal Hospital Phase II
9. FSU - Minor Projects FSU Facilities
10. FSU - Sliger Building
11. FSU - Johnson Building
12. FSU - Shaw Building
13. FSU - Commonwealth 2 Building
14. UCF - University Tower
15. UCF - Bio-Molecular Annex

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16. UCF - Bio-Medical Enhancement
17. UCF - Laboratory Instruction
18. UCF - Biological Transgenic Green House
19. UCF - Bennett Building
20. UCF - Visitor Information Building
21. UCF - Medical Library
22 UCF - Honors Living and Learning Center
23. UCF - Bio-Medical Science Center
24. UCF - Research Pavilion
25. UCF - University Tech Center (Suites 300/360/390/200)
26. UCF - Orlando Tech Center
27. UCF - Academic Center
28. UCF - AMPAC Building
29. UCF - Wild Animal Facility
30. USF - Johnnie B. Byrd Center
31. USF - Rehabilitative Robotics Technologies Phase I
32. USF - Sun Dome Renovation
33. FAU - Aristotle Center
34. UWF - B.E.S.T. House
35. UWF - Arbona Building
36. UWF - Beacon Building
37. UWF - Cevallos House
38. UWF - McVoy House
39. UWF - Romana House
40. UWF - La Valle Cook House
41. FIU - Department of Health FIU Public Health Building
42. FAMU - Old Developmental Research School
43. UNF - Museum of Contemporary Art
44. UNF - Tyco International/ADT Building

SECTION 78. Pursuant to section 1010.62, Florida Statutes, and section 11(d) and (f), Art. VII of the State Constitution, the following fixed capital outlay projects may be constructed, acquired, and financed by a university or university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors.

FIU Department of Health/FIU Public Health Building
FSU Student Wellness Center/Nursing/Health Facility

SECTION 79. Whichever is less, the unexpended balance or $500,000, from funds appropriated in Specific Appropriation 15A of chapter 2008-152, Laws of Florida, for the Florida International University for Exp & Ren of East Wing/Lobby, Reception, Rstrms - PharmEd shall revert immediately and is appropriated for the 2009-2010 fiscal year to Florida International University for Stadium/Student Meeting Rooms.

SECTION 80. Whichever is less, the unexpended balance or $1,000,000, from funds appropriated in Specific Appropriation 15A of chapter 2008-152, Laws of Florida, for the Florida State University for Phase II Rec SportsPlex - Main shall revert immediately and is appropriated for the 2009-2010 fiscal year to the Florida State University for the Student Success Building - Main.

SECTION 81. The unexpended balance of funds appropriated in Specific Appropriation 27 of chapter 2007-72, Laws of Florida, for the University of North Florida for Education Building shall revert immediately and is appropriated for the 2009-2010 fiscal year to the University of North Florida for Utilities/Infrastructure/Capital Renewal/Roofs.

SECTION 82. The unexpended balance of funds provided to the Department of Management Services in Specific Appropriation 2288A of Chapter 2007-72, Laws of Florida, and subsequently transferred to the Agency for Enterprise Information Technology by budget amendment EOG #0014, shall immediately revert and is appropriated to the Agency for Enterprise Information Technology for sustainment of monitoring center and security tools, and information security planning sessions.

SECTION 83. The unexpended balance of funds provided to the Agency for Enterprise Information Technology in Specific Appropriation 2174A of Chapter 2008-152, Laws of Florida, and subsequently allocated by budget amendment EOG #0014, shall immediately revert and is appropriated to the Agency for Enterprise Information Technology for information security planning sessions-sustainment; and sustainment costs for monitoring center and security tools.

SECTION 84. From the unexpended balance of funds appropriated in Specific Appropriation 2 of chapter 2008-152, Laws of Florida, $35,849,912 shall revert immediately.

SECTION 85. The unexpended balances of funds appropriated by the Legislative Budget Commission in its meeting on April 15, 2009 shall revert immediately and are reappropriated for the 2009-2010 fiscal year for the same purposes.

SECTION 86. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or specific appropriations contained in this act.

SECTION 87. Except as otherwise provided herein, this act shall take effect July 1, 2009, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2009, then it shall operate retroactively to July 1, 2009.

TOTAL THIS GENERAL APPROPRIATION ACT

FROM GENERAL REVENUE FUND	21,193,756,748	
FROM TRUST FUNDS		45,342,603,350
TOTAL POSITIONS	128,131.25	
TOTAL ALL FUNDS		66,536,360,098
TOTAL APPROVED SALARY RATE	5,163,242,157	

On motion by Senator Alexander, the Conference Committee Report on **SB 2600** was adopted. **SB 2600** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—32

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Baker	Garcia	Richter
Bennett	Gardiner	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—8

Aronberg	Joyner	Sobel
Deutch	Justice	Storms
Gelber	Rich	

SPECIAL GUESTS

The President recognized George H. Sheldon, Secretary of the Florida Department of Children and Families, who was present in the gallery.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2602

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2602, same being:

An act relating to implementing the 2009-2010 General Appropriations Act

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (399700) to SB 2602 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel

s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
s/ Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (399700)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2009-2010 fiscal year.*

Section 2. *In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 617, 631, 644, and 1112 of the 2009-2010 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and that are associated with opening or operating a facility under the authority of the department. The amount paid for any facility may not exceed 1 percent of the cost to construct the facility, less building impact fees imposed by the municipality or county. This section expires July 1, 2010.*

Section 3. In order to implement Specific Appropriations 607 through 705 and 738 through 773 of the 2009-2010 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the *2009-2010* ~~2008-2009~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the *April 30, 2009* ~~February 15, 2008~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires *July 1, 2010* ~~July 1, 2009~~.

Section 4. *In order to implement Specific Appropriations 1266 and 1267 of the 2009-2010 General Appropriations Act, the Department of Legal Affairs is authorized to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years. This section expires July 1, 2010.*

Section 5. *In order to implement Specific Appropriations 1231, 1244, 1251, 1272, and 1282 of the 2009-2010 General Appropriations Act, the Department of Legal Affairs is authorized to transfer cash remaining after required disbursements for Attorney General case numbers 16-2008-CA-01-3142CV-C and CACE08022328 from FLAIR account 41-74-2-601001-41100100-00-181076-00 to the Operating Trust Fund to pay salaries and benefits. This section expires July 1, 2010.*

Section 6. *In order to implement section 7 of the 2009-2010 General Appropriations Act, the Chief Justice of the Supreme Court may request a loan of funds pursuant to s. 215.18, Florida Statutes, notwithstanding the trust fund's ability to repay the loan by the end of the fiscal year, if, at any time during the 2009-2010 fiscal year, the Revenue Estimating Conference projects that revenue deposited into the State Courts Revenue Trust Fund will be less than 98 percent of the amount appropriated from the trust fund in the General Appropriations Act for the 2009-2010 fiscal year.*

Section 7. In order to implement Specific Appropriations 1169 and 1175 of the 2009-2010 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the *2009-2010* ~~2008-2009~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, *2010* ~~2009~~.

Section 8. In order to implement section 59 of the 2009-2010 General Appropriations Act, paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052. Funds for the intercity bus program provided for under s. 5311(f) of the federal nonurbanized area formula program shall be administered and allocated directly to eligible bus carriers as defined in s. 341.031(12) at the state level rather than the district. In order to provide state funding to support the intercity bus program provided for under provisions of the federal 5311(f) program, the department shall allocate an amount equal to the federal share of the 5311(f) program from amounts calculated pursuant to s. 206.46(3).

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Strategic Intermodal System created pursuant to s. 339.61. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

3. Notwithstanding subparagraph 1. and ss. 206.46(3), 334.044(26), and 339.2819(3), and for the 2009-2010 fiscal year only, the department shall reduce work program levels to balance the finance plan to the revised funding levels resulting from any reduction in the 2009-2010 General Appropriations Act. This subparagraph expires July 1, 2010.

4. For the 2009-2010 fiscal year only, prior to any project or phase thereof being deferred, the department's cash balances shall be as provided in s. 339.135(6)(b), and the reductions in subparagraph 3. shall be made to financial projects not programmed for contract letting as identified with a work program contract class code 8 and the box code RV. These reductions shall not negatively impact safety or maintenance or project contingency percentage levels as of April 21, 2009. This subparagraph expires July 1, 2010.

Section 9. In order to implement Specific Appropriation 2042 of the 2009-2010 General Appropriations Act, subsection (5) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(5)~~(a)~~ ADOPTION OF THE WORK PROGRAM.—

(a) The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any roll forwards approved pursuant to paragraph (6)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any transportation project of the department which is identified by specific appropriation in the General Appropriations Act shall be deducted from the funds annually distributed to the respective district pursuant to paragraph (4)(a). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

(b) Notwithstanding paragraph (a), and for the *2009-2010* ~~2008-2009~~ fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to *$20,300,000* ~~$36,750,000~~ for the purpose of funding transportation-related needs of economic development projects~~, space and aerospace infrastructure, and other economic development projects~~. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, *2009* ~~2008~~, in the Department of Transportation's 5-year work program. This paragraph expires July 1, *2010* ~~2009~~.

~~(c) Notwithstanding paragraph (a) or subparagraph (4)(a)1., and for the 2008-2009 fiscal year only, the Department of Transportation shall fund projects in Specific Appropriations 2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-2009 General Appropriations Act. Funding for these specific appropriations shall be from projects or phases thereof within the department's fiscal year 2008-2009 work program not programmed for contract letting as identified with a work program contract class code 8 and the box code RV. This funding shall not negatively impact safety, preservation, maintenance, or project contingency levels as of July 1, 2008. This paragraph expires July 1, 2009.~~

Section 10. In order to implement sections 2 through 7 of the 2009-2010 General Appropriations Act, subsection (5) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(5)(a) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation.

(b) Notwithstanding paragraph (a), and for the 2009-2010 fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Government through the American Recovery and Reinvestment Act of 2009. All actions taken pursuant to the authority granted in the paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2010.

~~(b) Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, 1561-DR-FL, 1595-DR-FL, 1602-DR-FL, 1609-DR-FL, and EM3259-FL. All actions taken pursuant to the authority granted in this paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2008.~~

Section 11. *In order to implement sections 2 through 7 of the 2009-2010 General Appropriations Act, the Executive Office of the Governor is authorized to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 (ARRA) in traditional appropriation categories in the 2009-2010 General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated for the ARRA.*

Section 12. In order to implement Specific Appropriations 316 through 347 of the 2009-2010 General Appropriations Act, paragraphs (b) and (c) of subsection (3) of section 394.908, Florida Statutes, are amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity in the funding of substance abuse and mental health services for the department's districts and regions and to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be used:

(3)

(b) Notwithstanding paragraph (a) and for the *2009-2010* ~~2008-2009~~ fiscal year only, funds appropriated for forensic mental health treatment services shall be allocated to the areas of the state having the greatest demand for services and treatment capacity. This paragraph expires July 1, *2010* ~~2009~~.

(c) Notwithstanding paragraph (a) and for the *2009-2010* ~~2008-2009~~ fiscal year only, additional funds appropriated for *substance abuse and* mental health services from funds available through the Community-Based Medicaid Administrative Claiming Program shall be allocated as provided in the *2009-2010* ~~2008-2009~~ General Appropriations Act and in proportion to contributed provider earnings. ~~Where these mental health funds are used in lieu of funds from the General Revenue Fund, the allocation of funds shall be unchanged from the allocation for those funds for the 2007-2008 fiscal year.~~ This paragraph expires July 1, *2010* ~~2009~~.

Section 13. In order to implement Specific Appropriation 219 of the 2009-2010 General Appropriations Act, paragraph (e) is added to subsection (2) of section 400.179, Florida Statutes, to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(e) For the 2009-2010 fiscal year only, the provisions of paragraph (d) shall not apply. This paragraph expires July 1, 2010.

Section 14. In order to implement Specific Appropriations 448, 450, 456, 458, and 459 of the 2009-2010 General Appropriations Act:

(1) The Department of Health shall issue a request for proposals, as defined in s. 287.012, Florida Statutes, and shall enter into a contract no later than March 1, 2010, for a replacement facility for the A.G. Holley State Hospital and for the provision of inpatient hospital services and other operations currently provided by the A.G. Holley State Hospital.

(2) The request for proposals shall specify that responses may include proposals to design and construct a new hospital, to move the location of the hospital, or to co-locate the hospital with existing state, public, or private facilities. The request for proposals shall specify that any proposals to construct a new hospital on the existing A.G. Holley State Hospital campus shall be limited to using no more than 15 acres of the existing campus. Proposals may not address future uses for the existing campus, other than the portion of the campus which may be used for a replacement facility.

(3) The request for proposals shall specify that qualified respondents shall have experience in the administration of inpatient services and shall document a plan for securing staff having expertise in the treatment of patients who have active tuberculosis. Hospital operations may not include public health functions related to tuberculosis control and prevention. Such functions shall remain the responsibility of the Department of Health. The provision of hospital services shall commence upon the availability of the replacement facility. The request for proposals shall require that the number of beds for the replacement facility be limited to the highest average census for the last 5 fiscal years. A qualified respondent shall submit an application for accreditation to the Joint Commission on Accreditation of Healthcare Organizations within 6 months after commencing the operation of its facility and must receive accreditation within 18 months after commencing the operation of its facility.

(4) The request for proposals shall specify that the treatment and all other hospital operations may not exceed $9 million annually. Qualifying proposals must identify one or more methods for financing the costs of relocation or new construction, which may include, but are not limited to, sponsoring the issuance of tax-exempt certificates of participation or other securities, or a lease-purchase agreement with the state.

(5) This section expires July 1, 2010.

Section 15. In order to support Specific Appropriation 190 of the 2009-2010 General Appropriations Act, the second paragraph of Specific Appropriation 208 of section 3 of chapter 2008-152, Laws of Florida, is amended to read:

SECTION 3 — HUMAN SERVICES

From the funds in Specific Appropriation 208, *$262,640,763* ~~$389,222,032~~ from the Grants and Donations Trust Fund and *$486,477,214* ~~$483,473,107~~ from the Medical Care Trust Fund are provided for Medicaid low-income pool payments to hospitals provider access systems. The funding shall be distributed in a *three-step* ~~two-step~~ allocation process. The first phase of the allocation process will distribute payments to qualified hospitals based on the amount of local government funding provided for the uninsured and underinsured. Payments to qualified hospitals will be capped at 117.4 percent of the amount of local government funding it would have received for the uninsured and underinsured without the Low Income Pool program. The second phase of the allocation process is to distribute *$32,634,201 to qualifying hospitals that received a payment in the first phase of the allocation. These funds shall be distributed to the qualifying hospitals proportionally based on the amount that each hospital earned in the first phase of the allocation which was in excess of the local government funding. The third phase of the allocation process shall distribute $122,814,911* ~~the remaining funds~~ based on a hospital's Medicaid days, charity care days, and 50 percent of bad debt days to the total Medicaid days, charity care days, and 50 percent of bad debt days of all qualifying hospitals. To receive funds in this distribution, the hospital's Medicaid days, charity care days and 50 percent of bad debt days divided by the hospital's total days must equal or exceed 10 percent. Of the funds allocated in the *third* ~~second~~ phase $2,419,573 shall be allocated to the rural hospitals and the remaining funds allocated to the remaining hospitals that qualify for a distribution. All hospitals with accepted 2006 FHURS data are eligible for the *third* ~~second~~ phase of the allocation process.

Section 16. Effective June 29, 2009, in order to implement Specific Appropriation 269 through 365 of the 2009-2010 General Appropriations

Act, subsection (3) of section 1 of chapter 2007-174, Laws of Florida, is amended to read:

Section l. Flexibility for the Department of Children and Family Services.—

(3) This section expires *July 1, 2010* ~~June 30, 2008~~.

Section 17. *In order to implement Specific Appropriations 278A and 288A of the 2009-2010 General Appropriations Act, the Department of Children and Family Services must ensure that all public and private agencies and institutions participating in child welfare cases enter information, specified by department rule, into the Florida Safe Families Network in order to maintain the accuracy and usefulness of the system. The network is intended to be the department's automated child welfare case-management system designed to provide child welfare workers with a mechanism for managing child welfare cases more efficiently and tracking children and families more effectively. The department shall coordinate with the Office of the State Courts Administrator to provide any judge or magistrate with access to information in the network relating to a child welfare case which is required to be filed with the court pursuant to chapter 39, Florida Statutes, by the date of the network's release during the 2009-2010 fiscal year. The department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2010, with respect to progress on providing access to the Florida Safe Families Network as provided in this section. This section expires July 1, 2010.*

Section 18. In order to implement Specific Appropriation 315 of the 2009-2010 General Appropriations Act:

(1) Any contract between the Department of Children and Family Services and a community-based agency which is authorized in s. 409.1671, Florida Statutes, must be funded by a grant of general revenue, other state trust funds, and applicable federal funding sources. Community-based agencies must document federal funds earned. Any federal funds earned which are not documented must be returned to the department. Notwithstanding s. 409.1671(8), Florida Statutes, the amount of the annual contract for a community-based agency may be increased by excess federal funds earned in accordance with s. 216.181(11), Florida Statutes. Notwithstanding any other provision of law to the contrary, a community-based agency may make expenditures for staff cellular telephone allowances, contracts requiring deferred payments and maintenance agreements, security deposits for office leases, related professional membership dues, and costs of promotional materials not used for fundraising. The method of payment for a fixed-price contract with a community-based agency shall include provisions for a 2-month advance payment at the beginning of each fiscal year and equal monthly payments thereafter.

(2) This section expires July 1, 2010.

Section 19. *In order to implement Specific Appropriation 202 of the 2009-2010 General Appropriations Act and for the 2009-2010 fiscal year only:*

(1) In conducting the hospitalist program as required in s. 409.905(5)(d), Florida Statutes, the Agency for Health Care Administration shall exclude the University of Miami at Cedars Hospital in Miami-Dade County from participation in the program. The agency is authorized to modify appropriate contractual arrangements or federal waivers, as necessary, to effect this exclusion.

(2) The Agency for Health Care Administration is authorized to continue the physician lock-in program for recipients who participate in the pharmacy lock-in program.

(3) This section expires July 1, 2010.

Section 20. *Notwithstanding the proviso contained in Specific Appropriation 438 of the 2009-2010 General Appropriations Act, no more than a maximum of .25 percent of the funds in that Specific Appropriation shall be spent on contract management per direct client service provider per year; a maximum of 2.5 percent shall be spent on direct services per direct client services provider per year; and a minimum of 85 percent of all moneys spent shall be spent on overall direct client service providers.*

Section 21. *In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2009-2010 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2010.*

Section 22. *In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2009-2010 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2010.*

Section 23. *In order to implement the reduction in employee compensation mandated in the 2009-2010 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in the appropriation category "Salaries and Benefits" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted to each agency with the reductions that must be made by each agency pursuant to the 2009-2010 General Appropriations Act. All actions taken pursuant to the authority granted in this section are subject to the review and approval of the Legislative Budget Commission. This section expires July 1, 2010.*

Section 24. In order to implement Specific Appropriation 2971, subsection (3) is added to section 218.12, Florida Statutes, to read:

218.12 Appropriations to offset reductions in ad valorem tax revenue in fiscally constrained counties.—

(3) In determining the reductions in ad valorem tax revenues occurring as a result of the implementation of the revisions to Art. VII of the State Constitution approved in the special election held on January 29, 2008, the value of assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the State Constitution shall include only the reduction in taxable value for homesteads established January 1, 2009.

Section 25. *The amendment to s. 218.12, Florida Statutes, shall expire July 1, 2010, and the text of that section shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 26. In order to implement Specific Appropriations 2299 through 2320 of the 2009-2010 General Appropriations Act, present subsection (14) of section 253.034, Florida Statutes, is redesignated as subsection (15), and a new subsection (14) is added to that section, to read:

253.034 State-owned lands; uses.—

(14) Notwithstanding the provisions of this section, funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund. This subsection expires July 1, 2010.

Section 27. In order to implement Specific Appropriation 2741 of the 2009-2010 General Appropriations Act, paragraph (b) of subsection (1) of section 255.518, Florida Statutes, is reenacted to read:

255.518 Obligations; purpose, terms, approval, limitations.—

(1)

(b) Payment of debt service charges on obligations during the construction of any facility financed by such obligations shall be made from funds other than proceeds of obligations.

Section 28. *The amendment to s. 255.518(1)(b), Florida Statutes, as carried forward by this act from chapter 2008-153, Laws of Florida, shall expire July 1, 2010, and the text of that paragraph shall revert to that in existence on June 30, 2008, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 29. In order to implement Specific Appropriations 2725 through 2738 of the 2009-2010 General Appropriations Act, paragraph (b) of subsection (7) of section 255.503, Florida Statutes, is amended to read:

255.503 Powers of the Department of Management Services.—The Department of Management Services shall have all the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

(7)

(b) No later than the date upon which the department recommends to the Division of State Lands of the Department of Environmental Protection the disposition of any facility within the Florida Facilities Pool, the department shall provide to the President of the Senate, the Speaker of the House of Representatives, the Executive Office of the Governor, and the Division of Bond Finance of the State Board of Administration an analysis that includes:

1. The cost benefit of the proposed facility disposition, including the facility's current operating expenses, condition, and market value, and viable alternatives for work space for impacted state employees.

2. The effect of the proposed facility disposition on the financial status of the Florida Facilities Pool, including the effect on rental rates and coverage requirement for the bonds.

This paragraph expires July 1, *2010* ~~2009~~.

Section 30. In order to implement Specific Appropriation 1619 of the 2009-2010 General Appropriations Act, subsection (12) is added to section 373.59, Florida Statutes, to read:

373.59 Water Management Lands Trust Fund.—

(12) Notwithstanding the provisions of subsection (8) and for the 2009-2010 fiscal year only, the moneys from the Water Management Lands Trust Fund shall be allocated as follows:

(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds;

(b) Eight million dollars to be transferred to the General Revenue Fund; and

(c) The remaining funds to be distributed equally between the Suwannee River Water Management District and the Northwest Florida Water Management District.

This subsection expires July 1, 2010.

Section 31. In order to implement Specific Appropriation 1733 of the 2009-2010 General Appropriations Act, paragraph (c) of subsection (5) of section 376.3071, Florida Statutes, is amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(5) SITE SELECTION AND CLEANUP CRITERIA.—

(c) The department shall require source removal, if warranted and cost-effective, at each site eligible for restoration funding from the Inland Protection Trust Fund.

1. Funding for free product recovery may be provided in advance of the order established by the priority ranking system under paragraph (a) for site cleanup activities. However, a separate prioritization for free product recovery shall be established consistent with paragraph (a). No more than $5 million shall be encumbered from the Inland Protection Trust Fund in any fiscal year for free product recovery conducted in advance of the priority order under paragraph (a) established for site cleanup activities.

2. Funding for limited interim soil-source removals for sites that will become inaccessible for future remediation due to road infrastructure and right-of-way restrictions resulting from a pending Department of Transportation road construction project or for secondary containment upgrading of underground storage tanks required under chapter 62-761, Florida Administrative Code, may be provided in advance of the order established by the priority ranking system under paragraph (a) for site cleanup activities. The department shall provide written guidance on the limited source removal information and technical evaluation necessary to justify a request for a limited source removal in advance of the priority order pursuant to paragraph (a) established for site cleanup activities. Prioritization for limited source removal projects associated with a secondary containment upgrade in any fiscal year shall be determined on a first-come, first-served basis according to the approval date issued under s. 376.30711 for the limited source removal. Funding for limited source removals associated with secondary containment upgrades shall be limited to 10 sites in each fiscal year for each facility owner and any related person. The limited source removal for secondary containment upgrades shall be completed no later than 6 months after the department issues its approval of the project, and the approval automatically expires at the end of the 6 months. Funding for Department of Transportation and secondary containment upgrade source removals may not exceed $50,000 for a single facility unless the department makes a determination that it is cost-effective and environmentally beneficial to exceed this amount, but in no event shall the department authorize costs in excess of $100,000 for a single facility. Department funding for limited interim soil-source removals associated with Department of Transportation projects and secondary containment upgrades shall be limited to supplemental soil assessment, soil screening, soil removal, backfill material, treatment or disposal of the contaminated soil, dewatering related to the contaminated soil removal in an amount of up to 10 percent of the total interim soil-source removal project costs, treatment, and disposal of the contaminated groundwater and preparation of the source removal report. No other costs associated with the facility upgrade may be paid with department funds. No more than $1 million for Department of Transportation limited source removal projects and $10 million for secondary containment upgrade limited source removal projects conducted in advance of the priority order established under paragraph (a) for site cleanup activities shall be encumbered from the Inland Protection Trust Fund in any fiscal year. This subparagraph is repealed effective June 30, *2010* ~~2009~~.

3. Once free product removal and other source removal identified in this paragraph are completed at a site, and notwithstanding the order established by the priority ranking system under paragraph (a) for site cleanup activities, the department may reevaluate the site to determine the degree of active cleanup needed to continue site rehabilitation. Further, the department shall determine if the reevaluated site qualifies for natural attenuation monitoring or no further action. If additional site rehabilitation is necessary to reach no further action status, the site rehabilitation shall be conducted in the order established by the priority ranking system under paragraph (a) and the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

Section 32. In order to implement Specific Appropriations 1690, 1691, 1692, 1694, and 1695, paragraph (g) is added to subsection (1) of section 403.1651, Florida Statutes, to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(g) Funding activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212.

Section 33. *The amendment to s. 403.1651(1), Florida Statutes, made by this act shall expire July 1, 2010, and the text of that subsection shall revert to that in existence on June 30, 2009, except that any amendments*

to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 34. In order to implement Specific Appropriations 1294 through 1454 of the 2009-2010 General Appropriations Act, subsection (2) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(2) For the *2009-2010* ~~2008-2009~~ fiscal year only and notwithstanding any other provision of law to the contrary, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, *2010* ~~2009~~.

Section 35. In order to implement Specific Appropriation 1760 of the 2009-2010 General Appropriations Act, present subsection (7) of section 403.7095, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

403.7095 Solid waste management grant program.—

(7) Notwithstanding any provision of this section to the contrary, and for the 2009-2010 fiscal year only, the Department of Environmental Protection shall award the sum of $2,600,000 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2010.

Section 36. *In order to implement Specific Appropriation 1407 of the 2009-2010 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services, at its discretion, may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2010.*

Section 37. *(1) In order to implement proviso following Specific Appropriation 471 of the 2009-2010 General Appropriations Act, and for the 2009-2010 fiscal year only, notwithstanding any law to the contrary, a state agency may not adopt or implement a rule or policy that:*

(a) Mandates or establishes new nitrogen-reduction limits that apply to existing or new onsite sewage treatment systems;

(b) Has the effect of requiring the use of performance-based treatment systems; or

(c) Increases the cost of treatment for nitrogen reduction from onsite systems,

before the study and report required in proviso following Specific Appropriation 471 is completed.

(2) This section is repealed July 1, 2010.

Section 38. In order to implement Specific Appropriation 2577 of the 2009-2010 General Appropriations Act, paragraphs (c) and (d) of subsection (4) of section 288.1254, Florida Statutes, are amended to read:

288.1254 Entertainment industry financial incentive program.—

(4) PRIORITY FOR INCENTIVE FUNDING; WITHDRAWAL OF ELIGIBILITY; QUEUES.—

(c) *Independent Florida filmmaker queue.— Ten* ~~Five~~ percent of incentive funding appropriated in any state fiscal year must be dedicated to the independent Florida filmmaker queue. *If there are no qualified applications in the queue, any funding in the queue shall be made available to a qualified project in the digital media projects queue.* A production certified under this queue is eligible for a reimbursement equal to 15 percent of its actual qualified expenditures. An independent Florida film that meets the criteria of this queue and demonstrates a minimum of $100,000, but not more than $625,000, in total qualified expenditures is eligible for incentive funding. To qualify for this queue, a qualified production must:

1. Be planned as a feature film or documentary of no less than 70 minutes in length.

2. Provide evidence of 50 percent of the financing for its total budget in an escrow account or other form dedicated to the production.

3. Do all major postproduction in this state.

4. Employ Florida workers in at least six of the following key positions: writer, director, producer, director of photography, star or one of the lead actors, unit production manager, editor, or production designer. As used in this subparagraph, the term "Florida worker" means a person who has been a resident of this state for at least 1 year before a production's application under subsection (3) was submitted or a person who graduated from a film school, college, university, or community college in this state no more than 5 years before such submittal or who is enrolled full-time in such a school, college, or university.

(d) *Digital media projects queue.—Five* ~~Ten~~ percent of incentive funding appropriated in any state fiscal year shall be dedicated to the digital media projects queue. A production certified under this queue is eligible for a reimbursement equal to 10 percent of its actual qualified expenditures. A qualified production that is a digital media project that demonstrates a minimum of $300,000 in total qualified expenditures is eligible for a maximum of $1 million in incentive funding. As used in this paragraph, the term "qualified expenditures" means the wages or salaries paid to a resident of this state for working on a single qualified digital media project, up to a maximum of $200,000 in wages or salaries paid per resident. A qualified production company producing digital media projects may not qualify for more than three projects in any 1 fiscal year. Projects that extend beyond a fiscal year must reapply each fiscal year in order to be eligible for incentive funding for that year.

Section 39. In order to implement section 72 of the 2009-2010 General Appropriations Act, subsections (2) and (3) of section 288.95155, Florida Statutes, are amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(2)*(a)* Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

(b) For the 2009-2010 fiscal year only, Enterprise Florida, Inc., shall advance up to $600,000 from the account to the Institute for Commercialization of Public Research for its operations. This paragraph expires July 1, 2010.

(3) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for loan guarantees, letter of credit guarantees, cash reserves for loan and letter of credit guarantees, payments of claims pursuant to contracts for guarantees, subordinated loans, loans with warrants, royalty investments, equity investments, *grant of awards to companies under the auspices of the Institute for Commercialization of Public Research,* and operations of the program. Any claim against the program shall be paid solely from the account. Neither the credit nor the taxing power of the state shall be pledged to secure the account or moneys in the account, other than from moneys appropriated or assigned to the account, and the state shall not be liable or obligated in any way for any claims against the account or against Enterprise Florida, Inc.

Section 40. *The amendment to s. 288.95155(3), Florida Statutes, made by this act shall expire July 1, 2010, and the text of that subsection shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 41. In order to implement section 65 of the 2009-2010 General Appropriations Act, paragraph (n) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System. This paragraph expires July 1, *2010* ~~2009~~.

Section 42. In order to implement Specific Appropriation 2029 of the 2009-2010 General Appropriations Act, paragraph (p) is added to subsection (1) of section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(p) To pay for county and school district transportation infrastructure improvements. This paragraph expires July 1, 2010.

Section 43. In order to implement section 59 of the 2009-2010 General Appropriations Act, subsection (4) is added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(4) For the 2009-2010 fiscal year only and notwithstanding the provisions of this section and ss. 339.09(1) and 215.32(2)(b)4., funds may be transferred from the State Transportation Trust Fund to the General Revenue Fund as specified in the General Appropriations Act. Notwithstanding ss. 206.46(3) and 206.606(2), the total amount transferred shall be reduced from total state revenues deposited into the State Transportation Trust Fund for the calculation requirements of ss. 206.46(3) and 206.606(2). This subsection expires July 1, 2010.

Section 44. In order to implement Specific Appropriations 2124A and 2131C of the 2009-2010 General Appropriations Act, subsection (11) is added to section 445.009, Florida Statutes, to read:

445.009 One-stop delivery system.—

(11)(a) A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

(b) This subsection expires July 1, 2010.

Section 45. In order to implement Specific Appropriation 1998 of the 2009-2010 General Appropriations Act, subsection (8) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to fund security projects*, including operational and maintenance assistance,* at publicly owned public-use airports. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. This subsection shall expire on June 30, 2012.

Section 46. *The amendment to s. 332.007(8), Florida Statutes, made by this act shall expire July 1, 2010, and the text of that subsection shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 47. *In order to implement Specific Appropriation 1570 of the 2009-2010 General Appropriations Act:*

(1) The intent of the Legislature is to ensure that residents of the state derive the maximum possible economic benefit from the federal first-time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first-time homebuyers for owner-occupied primary residences which can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be called the "Florida Homebuyer Opportunity Program."

(2) The Florida Housing Finance Corporation shall administer the Florida Homebuyer Opportunity Program to optimize eligibility for conventional, VA, USDA, FHA, and other loan programs through the State Housing Initiatives Partnership program in accordance with ss. 420.907-420.9079, Florida Statutes, and the provisions of this section.

(3) Prior to December 1, 2009, or any later date established by the Internal Revenue Service for such purchases, counties and eligible municipalities receiving funds shall expend the funds appropriated under Specific Appropriation 1570A only to provide subordinate loans to prospective first-time homebuyers under the Florida Homebuyer Opportunity Program pursuant to this section, except that up to 10 percent of such funds may be used to cover administrative expenses of the counties and eligible municipalities to implement the Florida Homebuyer Opportunity Program, and not more than .25 percent may be used to compensate the Florida Housing Finance Corporation for the expenses associated with compliance monitoring. The funds appropriated under Specific Appropriation 1570A may not be used for any other program currently existing under ss. 420.907-420.9079, Florida Statutes. Thereafter, the funds shall be expended in accordance with ss. 420.907-420.9079, Florida Statutes.

(4) Notwithstanding s. 420.9075, Florida Statutes, for purposes of the Florida Homebuyer Opportunity Program, the following exceptions shall apply:

(a) The maximum income limit shall be an adjusted gross income of $75,000 for single taxpayer households or $150,000 for joint-filing taxpayer households, which is equal to that permitted by the American Recovery and Reinvestment Act of 2009;

(b) There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of the funds for awards to low-income persons;

(c) There is no requirement to expend 75 percent of funds for construction, rehabilitation, or emergency repair; and

(d) The principal balance of the loans provided may not exceed 10 percent of the purchase price or $8,000, whichever is less.

(5) Funds shall be expended under a newly created strategy in the local housing assistance plan to implement the Florida Homebuyer Opportunity Program.

(6) The homebuyer shall be expected to use their federal income tax refund to fully repay the loan. If the county or eligible municipality receives repayment from the homebuyer within 18 months after the closing date of the loan, the county or eligible municipality shall waive all interest charges. A homebuyer who fails to fully repay the loan within the earlier of 18 months or 10 days after the receipt of their federal income tax refund, shall be subject to repayment terms provided in the local housing assistance plan, including penalties for not using his or her refund for repayment. Penalties may not exceed 10 percent of the loan amount and shall be included in the loan agreement with the homebuyer.

(7) All funds repaid to a county or eligible municipality shall be considered "program income" as defined in s. 420.9071(24), Florida Statutes.

(8) In order to maximize the effect of the funding, the counties and eligible municipalities are encouraged to work with private lenders to provide additional funds to support the initiative. However, in all instances, the counties and eligible municipalities shall make and hold the subordinate loan.

(9) This section expires July 1, 2010.

Section 48. *In order to implement Specific Appropriations 2677 and 2678 of the 2009-2010 General Appropriations Act:*

(1) Notwithstanding the provisions of s. 11.13(1), Florida Statutes, relating to the annual adjustment of salaries for members of the Legislature, to the contrary, for the 2009-2010 fiscal year only, the authorized salaries of members of the Legislature in effect on June 30, 2009, shall be reduced by 7 percent.

(2) Effective June 30, 2010, the annual salaries of members of the Legislature shall be set at the amounts authorized and in effect on June 30, 2009, pursuant to subsection (2) of section 52 of chapter 2008-153, Laws of Florida.

(3) This section expires July 1, 2010.

Section 49. In order to implement specific appropriations for salaries and benefits in the 2009-2010 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option shall be eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the *2009-2010* ~~2008-2009~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be $41.66 and the monthly contribution for employees having family coverage shall be $83.33.

2. A member participating in this health insurance plan option shall be eligible to deposit the member's own funds into a health savings account.

Section 50. In order to implement Specific Appropriations for salaries and benefits in the 2009-2010 General Appropriations Act, paragraph (b) of subsection (3) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(b)1. The assignment of an employee of a state agency either on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

2. For the *2009-2010* ~~2008-2009~~ fiscal year only, the assignment of an employee of a state agency as provided in subparagraph 1. may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the *Senate Policy and Steering Committee on Ways and Means and the House Full Appropriations Council on General Government and Health Care* ~~Senate Fiscal Policy and Calendar Committee and the House Policy and Budget Council~~. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subparagraph expires July 1, *2010* ~~2009~~.

Section 51. *In order to implement the appropriations provided in the 2009-2010 General Appropriations Act to each agency for cellular phone equipment and services, and to ensure the cost-effective acquisition and use of wireless devices:*

(1) Each agency shall develop a wireless device assignment plan that limits use of cellular telephones, personal digital assistants (PDAs), and other devices to only those employees who, as part of their official assigned duties, must routinely be immediately available to citizens, supervisors, or subordinates; be available to respond to emergency situations; be available to calls outside of regular working hours; have access to the technology in order to productively perform job duties in the field; or have limited or no access to a standard phone, or have no ability to use a personal cell phone, if needed. The plan shall result in reducing the number of wireless devices used in each agency.

(2) Each agency must review the use of cellular telephones, PDAs, and other wireless devices by employees and submit a report to the President of the Senate and the Speaker of the House of Representatives by September 1, 2009. The report shall include:

(a) The criteria that the agency has developed to limit assignment of wireless devices;

(b) The results of implementing the wireless device assignment plan, including the reduction in the number of wireless devices used and the cost of such devices;

(c) The number of wireless devices that remain in use by type and expenditures by type of device and total agency expenditures for wireless devices;

(d) The procurement method used to procure wireless devices and the rationale for procuring wireless devices by any mechanism other than statewide term contracts and side-by-side comparison of costs for services purchased through the statewide term contracts and the mechanisms otherwise used by the agency; and

(e) A description of innovative techniques the agency has used to manage wireless devices that have improved efficiency or reduced costs, which may be applicable for implementation by other agencies.

(3) This section expires July 1, 2010.

Section 52. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2009-2010 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)

1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 53. Paragraph (b) of subsection (4) of section 215.5601, Florida Statutes, is reenacted to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow shall be included within the investment plan adopted under paragraph (a). Withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection.

Section 54. In order to implement Specific Appropriations 2558, 2559A, 2559B, 2561A and 2561B, paragraph (a) of subsection (1) of section 377.6015, Florida Statutes, is amended to read:

377.6015 Florida Energy and Climate Commission.—

(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.

(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.

1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.

2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.

3. Members shall be appointed to 3-year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3-year terms, two members to 2-year terms, and one member to a 1-year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 3-year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.

4. The Governor shall select from the membership of the commission one person to serve as chair.

5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.

6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive

calendar days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.

7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the vacancy occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.

8. The Governor or the Governor's successor may recall an appointee.

9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.

Section 55. *The amendment to s. 377.6015(1)(a), Florida Statutes, made by this act applies retroactively to May 1, 2009.*

Section 56. *Section 49 of chapter 2008-153, Laws of Florida, is repealed.*

Section 57. *In order to implement the issuance of new debt authorized in the 2009-2010 General Appropriations Act, and pursuant to the requirements of s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2009-2010 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.*

Section 58. *In order to implement the funds appropriated in the 2009-2010 General Appropriations Act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, shall be limited during the 2009-2010 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2010.*

Section 59. *A section of this act which implements a specific appropriation or specifically identified proviso language in the 2009-2010 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2009-2010 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 60. *If any other act passed during the 2009 Regular Session contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.*

Section 61. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 62. Except as otherwise expressly provided in this act and except for this section, which shall take effect June 29, 2009, this act shall take effect July 1, 2009; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; authorizing the Department of Corrections and the Department of Juvenile Justice to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; providing for the expiration of the authority to seek a budget amendment; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; authorizing the Department of Legal Affairs to transfer certain funds from certain cases to the Operating Trust Fund to pay salaries and benefits; providing an expiration date for the transfer of funds; authorizing the Chief Justice of the Supreme Court to request a loan of funds from the General Revenue Fund to be deposited into the State Courts Revenue Trust Fund under certain circumstances; amending s. 932.7055, F.S.; delaying the expiration of provisions authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; amending s. 339.135, F.S.; providing for use of transportation revenues; providing for revised funding levels for Department of Transportation projects; requiring that the Department of Transportation transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding transportation-related needs of economic development; deleting obsolete provisions; amending s. 216.292, F.S.; permitting the Legislative Budget Commission to review and approve recommendations by the Governor for fixed capital outlay projects funded by grants awarded from the American Recovery and Reinvestment Act of 2009; providing for future expiration; authorizing the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 in traditional appropriation categories in the General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated for the act; amending s. 394.908, F.S.; delaying the expiration of provisions requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; amending s. 400.179, F.S; revising provisions relating to liability for Medicaid underpayments and overpayments; providing that certain provisions relating to the transfer of a facility that has been leased by the transferor do not apply; providing for future expiration; requiring that the Department of Health issue a request for proposals and enter into a contract for a replacement facility for the A.G. Holley State Hospital and for inpatient services and other operations provided by such hospital; providing requirements for the request for proposals; providing for future expiration; amending Specific Appropriation 208 of s. 3, chapter 2008-152, Laws of Florida, relating to Medicaid low-income pool payments to hospitals provider access systems; providing that funding be distributed in a three-step allocation process; amending s. 1, chapter 2007-174, Laws of Florida; delaying the expiration of provisions authorizing the Department of Children and Family Services to begin the process of reorganization; requiring that the Department of Children and Family Services ensure that information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; requiring that contracts between the Department of Children and Family Services and community-based care agencies be funded by a grant of general revenue, other state trust funds, and applicable federal funding sources; requiring that community-based care agencies document federal funds earned and return undocumented federal funds earned; authorizing an increase in the amount of the annual contract for a community-based care agency by using excess federal funds; authorizing certain expenditures; providing requirements for fixed-price contracts; providing for future expiration; authorizing the Agency for Health Care Administration to exclude the University of Miami at Cedars Hospital in Miami-Dade County from participating in the hospitalist program; authorizing the agency to continue the physician lock-in program for participating recipients of

such program; providing for future expiration; providing an exception to proviso language contained in Specific Appropriation 438 of the 2009-2010 General Appropriations Act; requiring that a maximum of 2.5 percent be spent on direct services per direct client service provider per year; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning the budget authority granted to each agency with the reductions in employee compensation; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; providing for reversion of statutory text of certain provisions; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; providing for the expiration of such authorization; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; providing for reversion of statutory text of certain provisions; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; providing an expiration date; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 403.1651, F.S.; providing that funds from the Ecosystem Management and Restoration Trust Fund be used for the purpose of funding activities to preserve and repair the state's beaches; providing for reversion of statutory text of certain provisions; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 403.7095, F.S.; requiring that the Department of Environmental Protection award a specified amount in grants equally to certain counties for waste tire and litter prevention, recycling education, and general solid waste programs; providing for future expiration; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion agriculture; providing for future expiration; prohibiting any state agency from adopting or implementing a rule or policy mandating or establishing new nitrogen-reduction limits under certain circumstances; providing for the future repeal of such prohibition; amending s. 288.1254, F.S.; revising provisions relating to the entertainment industry financial incentive program; increasing the amount of incentive funding to be appropriated in any state fiscal year for the independent Florida filmmaker queue and the digital media projects queue; providing that funding from such queue be made available to a qualified project in the digital media projects queue under certain circumstances; amending s. 288.95155, F.S.; revising provisions relating to the Florida Small Business Technology Growth Program; requiring that Enterprise Florida, Inc., advance a specified amount from the small business technology growth account within the Florida Technology Research Investment Fund to the Institute for Commercialization of Public Research; providing for future expiration; providing for reversion of statutory text of certain provisions; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of moneys in the State Transportation Trust Fund for certain administrative expenses; authorizing the Department of Transportation to use moneys from the State Transportation Trust Fund to pay for county and school district transportation infrastructure improvements; authorizing the transfer of funds from the State Transportation Trust Fund to the General Revenue Fund under certain circumstances; providing for future expiration of such authorization; amending s. 445.009, F.S.; providing that a participant in an adult or youth work experience activity under ch. 445, F.S., is an employee of the state for purposes of workers' compensation coverage; providing for future expiration; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund operational and maintenance assistance security projects at publicly owned public-use airports; providing for the future expiration of such authority and the reversion of statutory text; creating the Florida Homebuyer Opportunity Program within the Florida Housing Finance Corporation; providing legislative intent; defining the term "anticipated federal assistance"; providing duties for the corporation to implement and administer the program; providing certain requirements for the program; requiring that the administration of the program be consistent with certain Federal Housing Administration requirements; requiring that the corporation negotiate with private lenders to borrow additional funds to support the program; providing for future expiration of the program; providing that the annual salary of the members of the Legislature be reduced by 7 percent; providing for future expiration; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; requiring that each agency develop a wireless device assignment plan limiting the use of cellular telephones, personal digital assistants, and other devices; requiring that each agency review such use and submit a report to the Legislature by a specified date; providing that the report contain certain information; providing for future expiration of such provisions; reenacting s. 215.32(2)(b), F.S., relating to the transfer of moneys from trust funds to the General Revenue Fund; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; amending s. 377.6015, F.S.; revising provisions relating to initial appointments to the Florida Energy and Climate Commission; providing for retroactive application; repealing s. 49, chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 215.5601(4), F.S., and abrogating the revision of the text of that subsection to that in existence on June 30, 2009, with specified exceptions; providing a statement of public interest with respect to the issuance of new debt to address a critical state emergency; limiting the use of state funds for travel by state employees to activities that are critical to each state agency's mission; requiring that each agency head approve such travel in writing; providing exceptions; providing for future expiration; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for other acts passed during the 2009 Regular Session which contain provisions that are substantively the same as the provisions of this act to take precedence under certain circumstances; providing for severability; providing effective dates.

On motion by Senator Alexander, the Conference Committee Report on **SB 2602** was adopted. **SB 2602** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1658

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1658, same being:

An act relating to the health care

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (691880) to CS for SB 1658 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

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Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder

Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (691880)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 395.7017, Florida Statutes, is created to read:

395.7017 Rulemaking authority.—The agency may adopt rules pursuant to ss. 120.536 and 120.54 to implement the provisions of this part, which shall include the authority to define terms and determine the date of imposition and the determination of the process for determination, collection, and imposition of the Public Medical Assistance Trust Fund assessment and related fines.

Section 2. Paragraphs (g) and (q) of subsection (2) of section 409.815, Florida Statutes, are amended, and paragraph (w) is added to that subsection, to read:

409.815 Health benefits coverage; limitations.—

(2) BENCHMARK BENEFITS.—In order for health benefits coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.820, the health benefits coverage, except for coverage under Medicaid and Medikids, must include the following minimum benefits, as medically necessary.

(g) *Behavioral health services.—*

1. Mental health benefits include:

a. Inpatient services, limited to ~~not more than~~ 30 inpatient days per contract year for psychiatric admissions, or residential services in facilities licensed under s. 394.875(6) or s. 395.003 in lieu of inpatient psychiatric admissions; however, a minimum of 10 of the 30 days shall be available only for inpatient psychiatric services *if* ~~when~~ authorized by a physician; and

b. Outpatient services, including outpatient visits for psychological or psychiatric evaluation, diagnosis, and treatment by a licensed mental health professional, limited to ~~a maximum of~~ 40 outpatient visits each contract year.

2. Substance abuse services include:

a. Inpatient services, limited to ~~not more than~~ 7 inpatient days per contract year for medical detoxification only and 30 days of residential services; and

b. Outpatient services, including evaluation, diagnosis, and treatment by a licensed practitioner, limited to ~~a maximum of~~ 40 outpatient visits per contract year.

Effective October 1, 2009, covered services include inpatient and outpatient services for mental and nervous disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Such benefits include psychological or psychiatric evaluation, diagnosis, and treatment by a licensed mental health professional and inpatient, outpatient, and residential treatment of substance abuse disorders. Any benefit limitations, including duration of services, number of visits, or number of days for hospitalization or residential services, shall not be any less favorable than those for physical illnesses generally. The program may also implement appropriate financial incentives, peer review, utilization requirements, and other methods used for the management of benefits provided for other medical conditions in order to reduce service costs and utilization without compromising quality of care.

(q) *Dental services.—Effective October 1, 2009,* dental services shall be covered *as required under federal law* and may *also* include those

dental benefits provided to children by the Florida Medicaid program under s. 409.906(6).

(w) Reimbursement of federally qualified health centers and rural health clinics.—Effective October 1, 2009, payments for services provided to enrollees by federally qualified health centers and rural health clinics under this section shall be reimbursed using the Medicaid Prospective Payment System as provided for under s. 2107(e)(1)(D) of the Social Security Act. If such services are paid for by health insurers or health care providers under contract with the Florida Healthy Kids Corporation, such entities are responsible for this payment. The agency may seek any available federal grants to assist with this transition.

Section 3. Paragraph (c) of subsection (3) of section 409.818, Florida Statutes, is amended to read:

409.818 Administration.—In order to implement ss. 409.810-409.820, the following agencies shall have the following duties:

(3) The Agency for Health Care Administration, under the authority granted in s. 409.914(1), shall:

(c) Monitor compliance with quality assurance and access standards developed under s. 409.820 *and in accordance with s. 2103(f) of the Social Security Act, 42 U.S.C. 1397cc(f).*

The agency is designated the lead state agency for Title XXI of the Social Security Act for purposes of receipt of federal funds, for reporting purposes, and for ensuring compliance with federal and state regulations and rules.

Section 4. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Effective January 1, 2006, and Subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care services, hospice services, or home and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage. This subsection expires *December 31, 2010* ~~June 30, 2009~~.

(2)(a) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. This *paragraph* ~~subsection~~ expires *December 31, 2010* ~~June 30, 2009~~.

(b) Effective *January 1, 2011* ~~July 1, 2009~~, a pregnant woman or a child younger than 21 years of age who would be eligible under any group listed in s. 409.903, except that the income or assets of such group exceed established limitations. For a person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A person eligible under the coverage known as the "medically needy" is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.

Section 5. Subsections (4) and (5) of section 409.905, Florida Statutes, are amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(4) HOME HEALTH CARE SERVICES.—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides services pursuant to this subsection shall be licensed under part III of chapter 400. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility.

(a) In providing home health care services, the agency may require prior authorization of care based on diagnosis*, utilization rates, or billing rates. The agency shall require prior authorization for visits for home health services that are not associated with a skilled nursing visit when the home health agency billing rates exceed the state average by 50 percent or more. The home health agency must submit the recipient's plan of care and documentation that supports the recipient's diagnosis to the agency when requesting prior authorization.*

(b) The agency shall implement a comprehensive utilization management program that requires prior authorization of all private duty nursing services, an individualized treatment plan that includes information about medication and treatment orders, treatment goals, methods of care to be used, and plans for care coordination by nurses and other health professionals. The utilization management program shall also include a process for periodically reviewing the ongoing use of private duty nursing services. The assessment of need shall be based on a child's condition, family support and care supplements, a family's ability to provide care, and a family's and child's schedule regarding work, school, sleep, and care for other family dependents. When implemented, the private duty nursing utilization management program shall replace the current authorization program used by the Agency for Health Care Administration and the Children's Medical Services program of the Department of Health. The agency may competitively bid on a contract to select a qualified organization to provide utilization management of private duty nursing services. The agency is authorized to seek federal waivers to implement this initiative.

(c) The agency may not pay for home health services unless the services are medically necessary and:

1. The services are ordered by a physician.

2. The written prescription for the services is signed and dated by the recipient's physician before the development of a plan of care and before any request requiring prior authorization.

3. The physician ordering the services is not employed, under contract with, or otherwise affiliated with the home health agency rendering the services. However, this subparagraph does not apply to a home health agency affiliated with a retirement community, of which the parent corporation or a related legal entity owns a rural health clinic certified under 42 C.F.R. part 491, subpart A, ss. 1-11, a nursing home licensed under part II of chapter 400, or an apartment or single-family home for independent living. For purposes of this subparagraph, the agency may, on a case-by-case basis, provide an exception for medically fragile children who are younger than 21 years of age.

4. The physician ordering the services has examined the recipient within the 30 days preceding the initial request for the services and biannually thereafter.

5. The written prescription for the services includes the recipient's acute or chronic medical condition or diagnosis, the home health service

required, and, for skilled nursing services, the frequency and duration of the services.

6. The national provider identifier, Medicaid identification number, or medical practitioner license number of the physician ordering the services is listed on the written prescription for the services, the claim for home health reimbursement, and the prior authorization request.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(c) The agency ~~for Health Care Administration~~ shall adjust a hospital's current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995;

2. The hospital's Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year; or

3. The hospital is located in a county that has *six* ~~five~~ or fewer *general acute care* hospitals, began offering obstetrical services on or after September 1999, and has submitted a request in writing to the agency for a rate adjustment after July 1, 2000, but before September 30, 2000, in which case such hospital's Medicaid inpatient per diem rate shall be adjusted to cost, effective July 1, 2002.

By ~~No later than~~ October 1 of each year, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem *rate* ~~pursuant to this paragraph~~ to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Appropriations Committee. Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the General Appropriations Act to support the increase in cost as estimated by the agency.

Section 6. Subsection (23) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(23) VISUAL SERVICES.—The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist. *Eyeglass frames* ~~Eyeglasses~~ for adult recipients shall be limited to *one pair* ~~two pairs per year~~ per recipient *every 2 years*, except a *second* ~~third~~ pair may be provided *during that period* after prior authorization. *Eyeglass lenses for adult recipients shall be limited to one pair per year except a second pair may be provided during that period after prior authorization.*

Section 7. Paragraph (d) is added to subsection (3) of section 409.9082, Florida Statutes, as created by section 1 of chapter 2009-4, Laws of Florida, and subsections (4) and (6) of that section are amended, to read:

409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies.—

(3)

(d) Effective July 1, 2009, the agency may exempt from the quality assessment or apply a lower quality assessment rate to a qualified public, nonstate-owned or operated nursing home facility whose total annual indigent census days are greater than 25 percent of the facility's total annual census days.

(4) The purpose of the nursing home facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for nursing home facility services up to the amount of nursing home facility Medicaid rates as calculated in accordance with the approved state Medicaid plan in effect on December 31, 2007. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority:

(a) To reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost;

(b) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores the rate reductions implemented January 1, 2008, ~~and~~ January 1, 2009*, and March 1, 2009*;

(c) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores any rate reductions for the *2009-2010* ~~2008-2009~~ fiscal year; and

(d) To increase each nursing home facility's Medicaid rate that accounts for the portion of the total assessment not included in paragraphs (a)-(c) which begins a phase-in to a pricing model for the operating cost component.

(6) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the nursing facility quality assessment if ~~any of the following occur:~~

~~(a)~~ the agency does not obtain necessary federal approval for the nursing home facility quality assessment or the payment rates required by subsection (4)~~; or~~

~~(b) The weighted average Medicaid rate paid to nursing home facilities is reduced below the weighted average Medicaid rate to nursing home facilities in effect on December 31, 2008, plus any future annual amount of the quality assessment and the applicable matching federal funds~~. Upon termination ~~of the quality assessment~~, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the nursing facilities that paid them.

Section 8. Section 409.9083, Florida Statutes, is created to read:

409.9083 Quality assessment on privately operated intermediate care facilities for the developmentally disabled; exemptions; purpose; federal approval required; remedies.—

(1) As used in this section, the term:

(a) "Intermediate care facility for the developmentally disabled" or "ICF/DD" means a privately operated intermediate care facility for the developmentally disabled licensed under part VIII of chapter 400.

(b) "Net patient service revenue" means gross revenues from services provided to ICF/DD facility residents, less reductions from gross revenue resulting from an inability to collect payment of charges. Net patient service revenue excludes nonresident care revenues such as gain or loss on asset disposal, prior year revenue, donations, and physician billings, and all outpatient revenues. Reductions from gross revenue include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions.

(c) "Resident day" means a calendar day of care provided to an ICF/DD facility resident, including the day of admission and excluding the day of discharge, except that, when admission and discharge occur on the same day, 1 day of care exists.

(2) Effective October 1, 2009, there is imposed upon each intermediate care facility for the developmentally disabled a quality assessment. The aggregated amount of assessments for all ICF/DDs in a given year shall be an amount not exceeding the maximum percentage allowed under federal law of the total aggregate net patient service revenue of assessed facilities. The agency shall calculate the quality assessment rate annually on a per-resident-day basis as reported by the facilities. The per-resident-day assessment rate shall be uniform. Each facility shall report monthly to the agency its total number of resident days and shall remit an amount equal to the assessment rate times the reported number of days. The agency shall collect, and each facility shall pay, the quality assessment each month. The agency shall collect the assessment from facility providers no later than the 15th of the next succeeding calendar month. The agency shall notify providers of the quality assessment rate and provide a standardized form to complete and submit with payments. The collection of the quality assessment shall commence no sooner than 15 days after the agency's initial payment to the facilities that implement the increased Medicaid rates containing the elements prescribed in subsection (3) and monthly thereafter. Intermediate care facilities for the developmentally disabled may increase their rates to incorporate the assessment but may not create a separate line-item charge for the purpose of passing through the assessment to residents.

(3) The purpose of the facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for ICF/DD services up to the amount of the Medicaid rates for such facilities as calculated in accordance with the approved state Medicaid plan in effect on April 1, 2008. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority to:

(a) Reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost.

(b) Increase each privately operated ICF/DD Medicaid rate, as needed, by an amount that restores the rate reductions implemented on October 1, 2008.

(c) Increase each ICF/DD Medicaid rate, as needed, by an amount that restores any rate reductions for the 2008-2009 fiscal year and the 2009-2010 fiscal year.

(d) Increase payments to such facilities to fund covered services to Medicaid beneficiaries.

(4) The agency shall seek necessary federal approval in the form of state plan amendments in order to implement the provisions of this section.

(5)(a) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the quality assessment if the agency does not obtain necessary federal approval for the facility quality assessment or the payment rates required by subsection (3).

(b) Upon termination of the quality assessment, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the facilities that paid such assessments.

(6) The agency may seek any of the following remedies for failure of any ICF/DD provider to timely pay its assessment:

(a) Withholding any medical assistance reimbursement payments until the assessment amount is recovered.

(b) Suspending or revoking the facility's license.

(c) Imposing a fine of up to $1,000 per day for each delinquent payment, not to exceed the amount of the assessment.

(7) The agency shall adopt rules necessary to administer this section.

(8) This section is repealed October 1, 2011.

Section 9. Paragraph (a) of subsection (2) of section 409.911, Florida Statutes, is amended, present subsections (5), (6), (7), (8), and (9) are renumbered as subsections (6), (7), (8), (9), and (10), respectively, and a new subsection (5) is added to that section, to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the ~~2002,~~ 2003, ~~and~~ 2004*, and 2005* audited disproportionate share data to determine each hospital's Medicaid days and charity care for the *2009-2010* ~~2008-2009~~ state fiscal year.

(5) The following formula shall be used to pay disproportionate share dollars to provider service network (PSN) hospitals:

DSHP = TAAPSNH X (IHPSND X THPSND)

Where:

DSHP = Disproportionate share hospital payments.

TAAPSNH = Total amount available for PSN hospitals.

IHPSND = Individual hospital PSN days.

THPSND = Total of all hospital PSN days.

For purposes of this paragraph, the PSN inpatient days shall be provided in the General Appropriations Act.

Section 10. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the agency ~~for Health Care Administration~~ shall design and implement a system *for* ~~of~~ making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. *The* ~~This~~ system of payments *must* ~~shall~~ conform *to* ~~with~~ federal requirements and ~~shall~~ distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding ~~the provisions of~~ s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the *2009-2010* state fiscal year ~~2008-2009~~, the agency *may* ~~shall~~ not distribute moneys under the regional perinatal intensive care centers disproportionate share program.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the department and agency, in a form and manner to be prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the ~~department's~~ county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals which fail to comply with any of the conditions in subsection (3) or the applicable rules of the department and agency *may* ~~shall~~ not receive any payments under this section until full compliance is achieved. A hospital which is not in compliance in two or more consecutive quarters *may* ~~shall~~ not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 11. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the agency ~~for Health Care Administration~~ shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments *must* ~~shall~~ conform *to* ~~with~~ federal requirements and ~~shall~~ distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the *2009-2010* state fiscal year ~~2008-2009~~, the agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program. The funds provided for statutorily defined teaching hospitals shall be distributed in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed or as otherwise provided in the General Appropriations Act. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the agency ~~for Health Care Administration~~ shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of *the following* three primary factors, divided by three~~. The primary factors are~~:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the agency ~~for Health Care Administration~~ to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

TAP = THAF x A

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 12. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the *2009-2010* state fiscal year ~~2008-2009~~, the agency shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, *and* payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that *hospitals may not be prevented* ~~nothing shall prevent the hospital~~ from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 13. Section 409.9119, Florida Statutes, is amended to read:

409.9119 Disproportionate share program for specialty hospitals for children.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall develop and implement a system under which disproportionate share payments are made to those hospitals that are licensed by the state as specialty hospitals for children and were licensed on January 1, 2000, as specialty hospitals for children. This system of payments must conform to federal requirements and must distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals that serve a disproportionate share of low-income patients. *The agency may make disproportionate share payments to specialty hospitals for children as provided for* ~~Payments are subject to specific appropriations~~ in the General Appropriations Act.

(1) *Unless specified in the General Appropriations Act,* the agency shall use the following formula to calculate the total amount earned for

hospitals that participate in the specialty hospital for children disproportionate share program:

$$TAE = DSR \times BMPD \times MD$$

Where:

TAE = total amount earned by a specialty hospital for children.

DSR = disproportionate share rate.

BMPD = base Medicaid per diem.

MD = Medicaid days.

(2) The agency shall calculate the total additional payment for hospitals that participate in the specialty hospital for children disproportionate share program as follows:

$$TAP = \left(\frac{TAE \times TA}{STAE}\right)$$

Where:

TAP = total additional payment for a specialty hospital for children.

TAE = total amount earned by a specialty hospital for children.

TA = total appropriation for the specialty hospital for children disproportionate share program.

STAE = sum of total amount earned by each hospital that participates in the specialty hospital for children disproportionate share program.

(3) A hospital may not receive any payments under this section until it achieves full compliance with the applicable rules of the agency. A hospital that is not in compliance for two or more consecutive quarters may not receive its share of the funds. Any forfeited funds must be distributed to the remaining participating specialty hospitals for children that are in compliance.

Section 14. Paragraph (g) is added to subsection (5) of section 409.912, Florida Statutes, and subsection (8) of that section, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(5) The Agency for Health Care Administration, in partnership with the Department of Elderly Affairs, shall create an integrated, fixed-payment delivery program for Medicaid recipients who are 60 years of age or older or dually eligible for Medicare and Medicaid. The Agency for Health Care Administration shall implement the integrated program initially on a pilot basis in two areas of the state. The pilot areas shall be Area 7 and Area 11 of the Agency for Health Care Administration. Enrollment in the pilot areas shall be on a voluntary basis and in accordance with approved federal waivers and this section. The agency and its program contractors and providers shall not enroll any individual in the integrated program because the individual or the person legally responsible for the individual fails to choose to enroll in the integrated program. Enrollment in the integrated program shall be exclusively by affirmative choice of the eligible individual or by the person legally responsible for the individual. The integrated program must transfer all Medicaid services for eligible elderly individuals who choose to participate into an integrated-care management model designed to serve Medicaid recipients in the community. The integrated program must combine all funding for Medicaid services provided to individuals who are 60 years of age or older or dually eligible for Medicare and Medicaid into the integrated program, including funds for Medicaid home and community-based waiver services; all Medicaid services authorized in ss. 409.905 and 409.906, excluding funds for Medicaid nursing home services unless the agency is able to demonstrate how the integration of the funds will improve coordinated care for these services in a less costly manner; and Medicare coinsurance and deductibles for persons dually eligible for Medicaid and Medicare as prescribed in s. 409.908(13).

(g) The implementation of the integrated, fixed-payment delivery program created under this subsection is subject to an appropriation in the General Appropriations Act.

(8)*(a)* The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law.

(b) For a period of no longer than 24 months after the effective date of this paragraph, when a member of an exclusive provider organization that is contracted by the agency to provide health care services to Medicaid recipients in rural areas without a health maintenance organization obtains services from a provider that participates in the Medicaid program in this state, the provider shall be paid in accordance with the appropriate fee schedule for services provided to eligible Medicaid recipients. The agency may seek waiver authority to implement this paragraph.

Section 15. Paragraph (e) of subsection (3) and subsection (12) of section 409.91211, Florida Statutes, are amended to read:

409.91211 Medicaid managed care pilot program.—

(3) The agency shall have the following powers, duties, and responsibilities with respect to the pilot program:

(e) To implement policies and guidelines for phasing in financial risk for approved provider service networks *that, for purposes of this paragraph, include the Children's Medical Services Network,* over a *5-year* ~~3-year~~ period. These policies and guidelines must include an option for a provider service network to be paid fee-for-service rates. For any provider service network established in a managed care pilot area, the option to be paid fee-for-service rates *must* ~~shall~~ include a savings-settlement mechanism that is consistent with s. 409.912(44). This model *must* ~~shall~~ be converted to a risk-adjusted capitated rate *by* ~~no later than~~ the beginning of the *sixth* ~~fourth~~ year of operation, and may be converted earlier at the option of the provider service network. Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.

(12) For purposes of this section, the term "capitated managed care plan" includes health insurers authorized under chapter 624, exclusive provider organizations authorized under chapter 627, health maintenance organizations authorized under chapter 641, the Children's Medical Services Network under chapter 391, and provider service networks that elect to be paid fee-for-service for up to *5* ~~3~~ years as authorized under this section.

Section 16. Paragraph (e) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(e) Medicaid recipients who are already enrolled in a managed care plan or MediPass shall be offered the opportunity to change managed care plans or MediPass providers on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to make a choice of managed care plans or MediPass providers. ~~In counties that have two or more managed care plans, a recipient already enrolled in MediPass who fails to make a choice during the annual period shall be assigned to a managed care plan if he or she is eligible for enrollment in the managed care plan. The agency shall apply for a state plan amendment or federal waiver authority, if necessary, to implement the provisions of this paragraph. All newly eligible Medicaid recipients shall have 30 days in which to make a choice of managed care plans or MediPass providers.~~ Those Medicaid recipients who do not make a choice shall be assigned in accordance with paragraph (f). To facilitate continuity of care, for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a managed care plan or MediPass, the agency shall determine whether the SSI recipient has an ongoing relationship with a MediPass provider or managed care plan*, and if so, the agency shall assign the SSI recipient to that MediPass provider or managed care plan*. ~~If the SSI recipient has an ongoing relationship with a managed care plan, the agency shall assign the recipient to that managed care plan.~~ Those SSI recipients who do not have such a provider relationship shall be assigned to a managed care plan or MediPass provider in accordance with paragraph (f).

Section 17. Subsection (4) is added to section 409.916, Florida Statutes, to read:

409.916 Grants and Donations Trust Fund.—

(4) Quality assessment fees received from Medicaid providers shall be deposited into the Grants and Donations Trust Fund and used for purposes established by law and the General Appropriations Act.

Section 18. Subsection (18) is added to section 430.04, Florida Statutes, to read:

430.04 Duties and responsibilities of the Department of Elderly Affairs.—The Department of Elderly Affairs shall:

(18) Administer all Medicaid waivers and programs relating to elders and their appropriations. The waivers include, but are not limited to:

(a) The Alzheimer's Dementia-Specific Medicaid Waiver as established in s. 430.502(7), (8), and (9).

(b) The Assisted Living for the Frail Elderly Waiver.

(c) The Aged and Disabled Adult Waiver.

(d) The Adult Day Health Care Waiver.

(e) The Consumer Directed Care Plus Program as defined in s. 409.221.

(f) The Program for All-inclusive Care for the Elderly.

(g) The Long-Term Care Community-Based Diversion Pilot Project as described in s. 430.705.

(h) The Channeling Services Waiver for Frail Elders.

Section 19. Section 430.707, Florida Statutes, is amended to read:

430.707 Contracts.—

(1) The department, in consultation with the agency, shall select and contract with managed care organizations and, on a prepaid basis, with other qualified providers as defined in s. 430.703(7) to provide long-term care within community diversion pilot project areas. All providers shall report quarterly to the department regarding the entity's compliance with all the financial and quality assurance requirements of the contract.

(2) The department, in consultation with the agency, may contract with entities *that* ~~which~~ have submitted an application as a community nursing home diversion project as of July 1, 1998, to provide benefits pursuant to the "Program of All-inclusive Care for the Elderly" as established in Pub. L. No. 105-33. For the purposes of this community nursing home diversion project, such entities *are* ~~shall be~~ exempt from the requirements of chapter 641~~,~~ if the entity is a private, nonprofit, superior-rated nursing home *and if* ~~with~~ at least 50 percent of its residents *are* eligible for Medicaid. *The agency, in consultation with the department, shall accept and forward to the Centers for Medicare and Medicaid Services an application for expansion of the pilot project from an entity that provides benefits pursuant to the Program of All-inclusive Care for the Elderly and that is in good standing with the agency, the department, and the Centers for Medicare and Medicaid Services.*

Section 20. *Notwithstanding s. 430.707, Florida Statutes, and subject to federal approval of the application to be a site for the Program of All-inclusive Care for the Elderly, the Agency for Health Care Administration shall contract with one private, not-for-profit hospice organization located in Hillsborough County, which provides comprehensive services, including hospice care for frail and elderly persons. Such an entity shall be exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to an appropriation, shall approve up to 100 initial enrollees in the Program of All-inclusive Care for the Elderly in Hillsborough County.*

Section 21. *The Agency for Health Care Administration shall develop and implement a home health agency monitoring pilot project in Miami-Dade County by January 1, 2010. The agency shall contract with a vendor to verify the utilization and the delivery of home health services and provide an electronic billing interface for such services. The contract must require the creation of a program to submit claims for the home health services electronically. The program must verify visits for the delivery of home health services telephonically using voice biometrics. The agency may seek amendments to the Medicaid state plan and waivers of federal law, as necessary, to implement the pilot project. Notwithstanding s. 287.057(5)(f), Florida Statutes, the agency must award the contract through the competitive solicitation process. The agency shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the pilot project by February 1, 2011.*

Section 22. *The Agency for Health Care Administration shall implement a comprehensive care management pilot project in Miami-Dade County for home health services by January 1, 2010, which includes face-to-face assessments by a state-licensed nurse, consultation with physicians ordering services to substantiate the medical necessity for services, and on-site or desk reviews of recipients' medical records. The agency may enter into a contract with a qualified organization to implement the pilot*

project. The agency may seek amendments to the Medicaid state plan and waivers of federal law, as necessary, to implement the pilot project.

Section 23. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the health care; creating s. 395.7017, F.S.; authorizing the Agency for Health Care Administration to adopt rules related to the Public Medical Assistance Trust Fund; amending s. 409.815, F.S.; revising behavioral health services and dental services coverage under the Kidcare program; revising methods by which payments are made to federally qualified health centers and rural health clinics; amending s. 409.818, F.S.; revising the manner by which quality assurance and access standards are monitored in the Kidcare program; amending s. 409.904, F.S.; revising the expiration date of provisions authorizing the federal waiver for certain persons age 65 and over or who have a disability; revising the expiration date of provisions authorizing a specified medically needy program; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; revising the criteria for adjusting a hospital's inpatient per diem rate; amending s. 409.906, F.S., relating to optional Medicaid services; providing limitations on the provision of adult vision services; amending s. 409.9082, F.S.; authorizing an exemption from the nursing home quality assessment to a nursing facility that has a certain number of indigent census days; revising the purposes of the use of quality assessment and federal matching funds; deleting an option for discontinuing the nursing home quality assessment; creating s. 409.9083, F.S.; providing definitions; providing for a quality assessment to be imposed upon privately operated intermediate care facility providers for the developmentally disabled; requiring the agency to calculate the quality assessment rate annually; providing requirements for reporting and collecting the assessment; specifying the purposes of the assessment and an order of priority; requiring that the agency seek federal authorization to implement the act; specifying circumstances requiring discontinuance of the quality assessment; authorizing the agency to impose certain penalties against providers that fail to pay the assessment; requiring the agency to adopt rules; providing for future repeal; amending s. 409.911, F.S.; updating the data to be used in calculating disproportionate share; providing a formula for payment of disproportionate share dollars to provider service network hospitals; amending s. 409.9112, F.S.; continuing the prohibition against distributing moneys under the perinatal intensive care centers disproportionate share program; amending s. 409.9113, F.S.; continuing authorization for the distribution of moneys to teaching hospitals under the disproportionate share program; amending s. 409.9117, F.S.; continuing the prohibition against distributing moneys for the primary care disproportionate share program; amending s. 409.9119, F.S.; authorizing the agency to make disproportionate share payments to certain hospitals; amending s. 409.912, F.S.; providing that the continuance of the integrated, fixed-payment delivery pilot program for certain elderly or dually eligible recipients is contingent upon an appropriation; providing that certain providers be paid in accordance with the appropriate fee schedule for services provided to eligible Medicaid recipients; authorizing the agency to seek waiver authority; amending s. 409.91211, F.S.; revising the timeline for phasing in financial risk for provider service networks; amending s. 409.9122, F.S.; revising and clarifying the procedure for a Medicaid recipient to change managed care plans or Medi-Pass providers; amending s. 409.916, F.S.; requiring that quality assessment fees received from Medicaid providers be deposited into the Grants and Donations Trust Fund; amending s. 430.04, F.S.; requiring the Department of Elderly Affairs to administer all Medicaid waivers and programs relating to elders; amending s. 430.707, F.S.; requiring the agency, in consultation with the Department of Elderly Affairs, to accept and forward to the Centers for Medicare and Medicaid Services an application for expansion of a pilot project from an entity that provides certain benefits under a federal program; requiring the agency, in consultation with the Department of Elderly Affairs, to contract with a hospice organization to be a site for the Program of All-inclusive Care for the Elderly; directing the Agency for Health Care Administration to establish pilot projects in Miami-Dade County relating to home health services; providing an effective date.

On motion by Senator Peaden, the Conference Committee Report on **CS for SB 1658** was adopted. **CS for SB 1658** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1660

The Honorable Jeff Atwater
President of the Senate

May 6, 2009

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1660, same being:

An act relating to the Agency for Persons with Disabilities

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (657932) to CS for SB 1660 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente

s/ David Rivera

Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
s/ Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (657932)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 393.065, Florida Statutes, is amended, present subsection (6) of that section is renumbered as subsection (7) and amended, and a new subsection (6) is added to that section, to read:

393.065 Application and eligibility determination.—

(5) *Except as otherwise directed by law, beginning July 1, 2010, the agency shall assign and provide priority to clients waiting for waiver services in the following order:*

(a) Category 1, which includes ~~With the exception of~~ clients deemed to be in crisis ~~whom the agency shall serve~~ as described in rule.~~, the agency shall place at the top of its wait list for waiver services those~~

(b) Category 2, which includes children on the wait list who are from the child welfare system with an open case in the Department of Children and Family Services' statewide automated child welfare information system.

(c) Category 3, which includes, but is not required to be limited to, clients:

1. Whose caregiver has a documented condition that is expected to render the caregiver unable to provide care within the next 12 months and for whom a caregiver is required but no alternate caregiver is available;

2. At substantial risk of incarceration or court commitment without supports;

3. Whose documented behaviors or physical needs place them or their caregiver at risk of serious harm and other supports are not currently available to alleviate the situation; or

4. Who are identified as ready for discharge within the next year from a state mental health hospital or skilled nursing facility and who require a caregiver but for whom no caregiver is available.

(d) Category 4, which includes, but is not required to be limited to, clients whose caregivers are 70 years of age or older and for whom a caregiver is required but no alternate caregiver is available.

(e) Category 5, which includes, but is not required to be limited to, clients who are expected to graduate within the next 12 months from secondary school and need support to obtain or maintain competitive employment, or to pursue an accredited program of postsecondary education to which they have been accepted.

(f) Category 6, which includes clients 21 years of age or older who do not meet the criteria for category 1, category 2, category 3, category 4, or category 5.

(g) Category 7, which includes clients younger than 21 years of age who do not meet the criteria for category 1, category 2, category 3, or category 4.

Within categories 3, 4, 5, 6, and 7, the agency shall maintain a wait list of clients placed in the order of the date that the client is determined eligible for waiver services.

(6) The client, the client's guardian, or the client's family must ensure that accurate, up-to-date contact information is provided to the agency at all times. The agency shall remove from the wait list any individual who cannot be located using the contact information provided to the agency, fails to meet eligibility requirements, or becomes domiciled outside the state.

(7)~~(6)~~ The agency *and the Agency for Health Care Administration* may adopt rules specifying application procedures*, criteria associated with wait-list categories, procedures for administering the wait list,* and eligibility criteria as needed to administer this section.

Section 2. Subsections (3), (4), (5), and (6) of section 393.0661, Florida Statutes, are amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(3) The Agency for Health Care Administration, in consultation with the agency, shall seek federal approval and implement a four-tiered waiver system to serve *eligible* clients *through* ~~with developmental disabilities in~~ the developmental disabilities and family and supported living waivers. The agency shall assign all clients receiving services through the developmental disabilities waiver to a tier based on a valid assessment instrument, client characteristics, and other appropriate assessment methods. ~~All services covered under the current developmental disabilities waiver shall be available to all clients in all tiers where appropriate, except as otherwise provided in this subsection or in the General Appropriations Act.~~

(a) Tier one *is* ~~shall be~~ limited to clients who have service needs that cannot be met in tier two, three, or four for intensive medical or adaptive needs and that are essential for avoiding institutionalization, or who possess behavioral problems that are exceptional in intensity, duration,

or frequency and present a substantial risk of harm to themselves or others.

(b) Tier two *is* ~~shall be~~ limited to clients whose service needs include a licensed residential facility and who are authorized to receive a moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services*,* or clients in supported living who receive *more* ~~greater~~ than 6 hours a day of in-home support services. Total annual expenditures under tier two may not exceed $55,000 per client each year.

(c) Tier three *includes* ~~shall include~~, but is not limited to, clients requiring residential placements, clients in independent or supported living situations, and clients who live in their family home. Total annual expenditures under tier three may not exceed $35,000 per client each year.

(d) Tier four is the family and supported living waiver *and includes*~~. Tier four shall include~~, but is not limited to, clients in independent or supported living situations and clients who live in their family home. ~~An increase to the number of services available to clients in this tier shall not take effect prior to July 1, 2009.~~ Total annual expenditures under tier four may not exceed $14,792 per client each year.

(e) The Agency for Health Care Administration shall also seek federal approval to provide a consumer-directed option for persons with developmental disabilities which corresponds to the funding levels in each of the waiver tiers. The agency shall implement the four-tiered waiver system beginning with tiers one, three, and four and followed by tier two. The agency and the Agency for Health Care Administration may adopt ~~any~~ rules necessary to administer this subsection.

(f) The agency shall seek federal waivers and amend contracts as necessary to make changes to services defined in federal waiver programs administered by the agency as follows:

1. Supported living coaching services *may* ~~shall~~ not exceed 20 hours per month for persons who also receive in-home support services.

2. Limited support coordination services *is* ~~shall be~~ the only type of support coordination service *that may be* provided to persons under the age of 18 who live in the family home.

3. Personal care assistance services *are* ~~shall be~~ limited to ~~no more than~~ 180 hours per calendar month and *may* ~~shall~~ not include rate modifiers. Additional hours may be authorized for persons who have intensive physical, medical, or adaptive needs if such hours are essential for avoiding institutionalization.

4. Residential habilitation services *are* ~~shall be~~ limited to 8 hours per day. Additional hours may be authorized for persons who have intensive medical or adaptive needs and if such hours are essential for avoiding institutionalization, or for persons who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harming themselves or others. This restriction shall be in effect until the four-tiered waiver system is fully implemented.

5. Chore services, nonresidential support services, and homemaker services *are* ~~shall be~~ eliminated. The agency shall expand the definition of in-home support services to *allow* ~~enable~~ the *service* provider ~~of the service~~ to include activities previously provided in these eliminated services.

6. Massage therapy*, medication review,* and psychological assessment services *are* ~~shall be~~ eliminated.

7. The agency shall conduct supplemental cost plan reviews to verify the medical necessity of authorized services for plans that have increased by more than 8 percent during either of the 2 preceding fiscal years.

8. The agency shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

9. Pending federal approval, the agency *may* ~~is authorized to~~ extend current support plans for clients receiving services under Medicaid waivers for 1 year beginning July 1, 2007, or from the date approved, whichever is later. Clients who have a substantial change in circumstances which threatens their health and safety may be reassessed during this year in order to determine the necessity for a change in their support plan.

10. The agency shall develop a plan to eliminate redundancies and duplications between in-home support services, companion services, personal care services, and supported living coaching by limiting or consolidating such services.

11. The agency shall develop a plan to reduce the intensity and frequency of supported employment services to clients in stable employment situations who have a documented history of at least 3 years' employment with the same company or in the same industry.

(4) ~~Effective July 1, 2008,~~ The geographic differential for Miami-Dade, Broward, and Palm Beach Counties for residential habilitation services shall be 7.5 percent. ~~Effective July 1, 2009, the geographic differential for Miami-Dade, Broward, and Palm Beach Counties for residential habilitation services shall be 4.5 percent.~~

(5) ~~Effective July 1, 2008,~~ The geographic differential for Monroe County for residential habilitation services shall be 20 percent. ~~Effective July 1, 2009, the geographic differential for Monroe County for residential habilitation services shall be 15 percent. Effective July 1, 2010, the geographic differential for Monroe County for residential habilitation services shall be 10 percent.~~

(6) Effective January 1, *2010* ~~2009~~, and except as otherwise provided in this section, *a client* ~~an individual~~ served by the home and community-based services waiver or the family and supported living waiver funded through the agency ~~for Persons with Disabilities~~ shall have his or her cost plan adjusted to reflect the amount of expenditures for the previous state fiscal year plus 5 percent if such amount is less than the *client's* ~~individual's~~ existing cost plan. The agency ~~for Persons with Disabilities~~ shall use actual paid claims for services provided during the previous fiscal year that are submitted by October 31 to calculate the revised cost plan amount. If *the client* ~~an individual~~ was not served for the entire previous state fiscal year or there was any single change in the cost plan amount of more than 5 percent during the previous state fiscal year, the agency shall set the cost plan amount at an estimated annualized expenditure amount plus 5 percent. The agency shall estimate the annualized expenditure amount by calculating the average of monthly expenditures, beginning in the fourth month after the *client* ~~individual~~ enrolled*, interrupted services are resumed,* or the cost plan was changed by more than 5 percent and ending *on* ~~with~~ August 31, *2009* ~~2008~~, and multiplying the average by 12. *In order to determine whether a client was not served for the entire year, the agency shall include any interruption of a waiver-funded service or services lasting at least 18 days. If* ~~In the event that~~ at least 3 months of actual expenditure data are not available to estimate annualized expenditures, the agency may not rebase a cost plan pursuant to this subsection. *The agency may not rebase the cost plan of any client who experiences a significant change in recipient condition or circumstance which results in a change of more than 5 percent to his or her cost plan between July 1 and the date that a rebased cost plan would take effect pursuant to this subsection.* ~~This subsection expires June 30, 2009, unless reenacted by the Legislature before that date.~~

Section 3. Subsection (1) of section 393.23, Florida Statutes, is amended to read:

393.23 Developmental disabilities centers; trust accounts.—All receipts from the operation of canteens, vending machines, hobby shops, sheltered workshops, activity centers, farming projects, and other like activities operated in a developmental disabilities center, and moneys donated to the center, must be deposited in a trust account in any bank, credit union, or savings and loan association authorized by the State Treasury as a qualified depository to do business in this state, if the moneys are available on demand.

(1) Moneys in the trust account must be expended for the benefit, education, *or* ~~and~~ welfare of clients. However, if specified, moneys that are donated to the center must be expended in accordance with the intentions of the donor. Trust account money may not be used for the benefit of *agency* employees ~~of the agency~~ or to pay the wages of such employees. The welfare of ~~the~~ clients includes the expenditure of funds for the purchase of items for resale at canteens or vending machines, and for the establishment of, maintenance of, and operation of canteens,

hobby shops, recreational or entertainment facilities, sheltered workshops, activity centers, farming projects, or other like facilities or programs established at the center for the benefit of clients.

Section 4. *(1) The Prepaid Services for Parents of Children with Developmental Disabilities Study Group is created to evaluate the establishment of a prepaid service plan for children with disabilities modeled after the Florida prepaid college program. The prepaid service plan would allow funds to be paid into a plan on behalf of a child to provide a voucher for purchasing additional services from a qualified, willing provider upon the child's exit from an exceptional student program. These services would provide support to help the parent retain the benefits to the child of the exceptional student program and to help the child in transitioning to the workforce if possible.*

(2) The study group shall consist of the following:

(a) A member of the House of Representatives appointed by the Speaker of the House of Representatives.

(b) A member of the Senate appointed by the President of the Senate.

(c) The director of the Agency for Persons with Disabilities, or designee.

(d) The director of the Division of Vocational Rehabilitation, or designee.

(e) The executive director of the State Board of Administration, or designee.

(f) The Commissioner of Education, or designee.

(g) The executive director of The Arc of Florida, or designee.

(h) An Arc of Florida family board member appointed by the executive director of The Arc of Florida.

(i) The chairperson of the Family Care Council Florida, or his or her designee.

(j) A parent representative from the Family Care Council Florida appointed by the chairperson of the Family Care Council Florida.

(3) The Agency for Persons with Disabilities shall provide administrative support for the study group.

(4) The study group shall evaluate and develop findings and recommendations regarding the following:

(a) The services for which a voucher could be used.

(b) The financial requirements for such a system.

(c) The qualifications of service providers.

(d) The steps necessary to qualify prepaid service plan funds for a federal waiver match program or other federal funding and the possibilities of such a waiver match or other federal funding.

(5) Members of the study group shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(6) The members of the study group shall be appointed by July 30, 2009, and shall hold their first meeting by September 1, 2009. The final report of the study group shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 29, 2010. The group is abolished and this section is repealed upon submission of the group's final report.

Section 5. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.065, F.S.; requiring that the agency assign and provide priority to clients waiting for waiver services; classifying and specifying the order of priority; authorizing the agency and the Agency for Health Care Administration to adopt rules; amending s. 393.0661, F.S.; deleting a provision that permits all developmental waiver services to be available in all waiver tiers; deleting a provision that limits an increase in the number of waiver services until after a certain date; directing the agency to eliminate medication-review services; directing the agency to develop plans to eliminate redundancies in certain services and reduce the supported employment services for certain clients; deleting an upcoming reduction in the geographic differential for residential habilitation services in certain counties; revising criteria for rebasing a client's cost plan; deleting the expiration date for a provision relating to the calculation of the amount of a waiver cost plan adjustment; deleting obsolete provisions; amending s. 393.23, F.S.; revising how moneys in trust accounts in developmental disability centers may be spent; creating the Prepaid Services for Parents of Children with Developmental Disabilities Study Group to evaluate the creation of a prepaid service plan for children with disabilities; providing for membership; providing for administrative support; providing for the duties of the study group; providing for per diem and travel expenses for members; requiring the study group to present a final report to the Legislature; providing an effective date.

On motion by Senator Peaden, the Conference Committee Report on **CS for SB 1660** was adopted. **CS for SB 1660** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1662

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1662, same being:

An act relating to the Department of Health

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (789598) to CS for SB 1662 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett

Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (789598)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (3), (4), and (5) of section 154.02, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, a new subsection (3) is added to that section, and paragraph (b) of present subsection (5) of that section is amended, to read:

154.02 County Health Department Trust Fund.—

(3) Funds from the County Health Department Trust Fund may be expended by the Department of Health for the respective county health departments in accordance with budgets and plans agreed upon by the county authorities of each county and the Department of Health.

(6) ~~(5)~~ At a minimum, the trust fund shall consist of:

(b) An emergency reserve of $500,000, derived from an annual assessment on county health department funds based upon their proportionate share of state general revenue, maintained for county health departments to respond to public health emergencies such as epidemics and natural disasters. ~~The emergency reserve shall be increased each July 1 by the increase in the Consumer Price Index that occurred during the previous 12 months.~~

Section 2. *Section 216.2625, Florida Statutes, is repealed.*

Section 3. Subsection (1) of section 381.0202, Florida Statutes, is amendment to read:

381.0202 Laboratory services.—

(1) The department *shall* ~~may~~ establish and maintain, in suitable and convenient places in the state, laboratories for microbiological and chemical analyses and any other purposes it determines necessary for the protection of the public health.

Section 4. Subsection (2) of section 381.0203, Florida Statutes, is amended to read:

381.0203 Pharmacy services.—

(2) The department *shall* ~~may~~ establish and maintain a pharmacy services program, including, but not limited to:

(a) A central pharmacy to support pharmaceutical services provided by the county health departments, including pharmaceutical repackaging, dispensing, and the purchase and distribution of immunizations and other pharmaceuticals.

(b) Regulation of drugs, cosmetics, and household products pursuant to chapter 499.

(c) Consultation to county health departments as required by s. 154.04(1)(c).

(d) A contraception distribution program which shall be implemented, to the extent resources permit, through the licensed pharmacies of county health departments. A woman who is eligible for participation in the contraceptive distribution program is deemed a patient of the county health department.

1. To be eligible for participation in the program a woman must:

a. Be a client of the department or the Department of Children and Family Services.

b. Be of childbearing age with undesired fertility.

c. Have an income between 150 and 200 percent of the federal poverty level.

d. Have no Medicaid benefits or applicable health insurance benefits.

e. Have had a medical examination by a licensed health care provider within the past 6 months.

f. Have a valid prescription for contraceptives that are available through the contraceptive distribution program.

g. Consent to the release of necessary medical information to the county health department.

2. Fees charged for the contraceptives under the program must cover the cost of purchasing and providing contraceptives to women participating in the program.

3. The department may adopt rules to administer this program.

Section 5. Section 382.003, Florida Statutes, is amended to read:

382.003 Powers and duties of the department.—The department *shall* ~~may~~:

(1) Establish an Office of Vital Statistics under the direction of a State Registrar for the uniform and efficient registration, compilation, storage, and preservation of all vital records in the state.

(2) Procure the complete registration of all vital records in each registration district and in the Office of Vital Statistics.

(3) Uniformly enforce the law throughout the state.

(4) Establish registration districts throughout the state, which districts may be consolidated or subdivided to facilitate registration.

(5) Appoint a local registrar of vital statistics for each registration district in the state.

(6) Investigate cases of irregularity or violation of law, and all local registrars of vital statistics shall aid the department in such investigations. When necessary, the department shall report cases of violations of any of the provisions of this chapter to the state attorney in the registration district in which the violation occurs.

(7) Approve all forms used in registering, recording, certifying, and preserving vital records, or in otherwise carrying out the purposes of this chapter, and no other forms shall be used other than those approved by the department. The department is responsible for the careful examination of the certificates received monthly from the local registrars and marriage certificates and dissolution of marriage reports received from the circuit and county courts. A certificate that is complete and satisfactory shall be accepted and given a state file number and considered a state-filed record. If any such certificates are incomplete or unsatisfactory, the department shall require further information to be supplied as may be necessary to make the record complete and satisfactory. All physicians, midwives, informants, or funeral directors, and all other persons having knowledge of the facts, are required to supply, upon a form approved by the department or upon the original certificate, such information as they may possess regarding any vital record.

(8) Prepare and publish an annual report of vital statistics and such other reports as may be required.

(9) Appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive death certificates and fetal death certificates and to issue burial permits in and for such portions of one or more districts as may be designated. A subregistrar may be removed from office by the department for neglect of or failure to perform his or her duty in accordance with this chapter.

(10) Accept, use, and produce all records, reports, and documents necessary for carrying out the provisions of this chapter, in paper or electronic form, and adopt and enforce all rules necessary for the acceptance, use, production, issuance, recording, maintenance, and processing of such records, reports, and documents, and for carrying out the provisions of ss. 382.004-382.0135 and ss. 382.016-382.019.

(11) By rule require that forms, documents, and information submitted to the department in the creation or amendment of a vital record be under oath.

Section 6. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Health; amending s. 154.02, F.S.; providing for additional uses of funds in the County Health Department Trust Fund; deleting a provision increasing the emergency reserve each year in line with increases in the Consumer Price Index; repealing s. 216.2625, F.S., relating to disbursement of Department of Health trust funds and appropriation of authorized positions; amending s. 381.0202, F.S.; requiring the Department of Health to establish and maintain laboratories for microbiological and chemical analyses; amending s. 381.0203, F.S.; requiring the Department of Health to establish and maintain a pharmacy services program: amending s. 382.003, F.S.; requiring the Department of Health to establish an Office of Vital Statistics; providing an effective date.

On motion by Senator Peaden, the Conference Committee Report on **CS for SB 1662** was adopted. **CS for SB 1662** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1664

The Honorable Jeff Atwater
President of the Senate

May 6, 2009

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1664, same being:

An act relating to distribution of funds

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (881912) to CS for SB 1664 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt

s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (881912)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(b)1. Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 2.59 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer upon the State Treasury. These funds are hereby appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for the purpose of constructing, furnishing, and equipping a cancer research facility at the University of South Florida adjacent to the H. Lee Moffitt Cancer Center and Research Institute. In fiscal years 1999-2000 and thereafter with the exception of fiscal year 2008-2009, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this subparagraph shall not be less than the amount that would have been paid to the H. Lee Moffitt Cancer Center and Research Institute for fiscal year 1998-1999 had payments been made for the entire fiscal year rather than for a 6-month period thereof.

2. Beginning July 1, 2002, and continuing through June 30, 2004, the division shall, in addition to the distribution authorized in subparagraph 1., from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 0.2632 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. Beginning July 1, 2004, and continuing through June 30, *2020* ~~2016~~, the division shall, in addition to the distribution authorized in subparagraph 1., from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 1.47 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. These funds are appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for the purpose of constructing, furnishing, and equipping a cancer research facility at the University of South Florida adjacent to the H. Lee Moffitt Cancer Center and Research Institute. In fiscal years 2004-2005 and thereafter, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this subparagraph shall not be less than the amount that would have been paid to the H. Lee Moffitt Cancer Center and Research Institute in fiscal year 2001-2002, had this subparagraph been in effect.

Section 2. Subsection (12) of section 215.5602, Florida Statutes, as amended by section 1 of chapter 2009-5, Laws of Florida, is amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(12) ~~For the 2008-2009 fiscal year and each fiscal year thereafter, the sum of $4.5 million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the James and Esther King Biomedical Research Program pursuant to this section.~~ From ~~these~~ funds *appropriated to accomplish the goals of this section,* up to $250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease.

(a) Beginning in the 2009-2010 fiscal year and thereafter, 5 percent of the revenue deposited into the Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved for research of tobacco-related or cancer-related illnesses; however, the sum of the revenue reserved pursuant to ss. 210.011(9) and 210.276(7) may not exceed $50 million in any fiscal year.

(b) In the 2009-2010 fiscal year, 2.5 percent, not to exceed $25 million, of the revenue deposited into the Health Care Trust Fund pursuant to this subsection shall be transferred to the Biomedical Research Trust Fund within the Department of Health for the James and Esther King Biomedical Research Program.

Section 3. Paragraph (i) of subsection (3) and subsection (6) of section 381.84, Florida Statutes, are amended to read:

381.84 Comprehensive Statewide Tobacco Education and Use Prevention Program.—

(3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department shall conduct a comprehensive, statewide tobacco education and use prevention program consistent with the recommendations for effective program components contained in the 1999 Best Practices for Comprehensive Tobacco Control Programs of the CDC, as amended by the CDC. The program shall include the following components, each of which shall focus on educating people, particularly youth and their parents, about the health hazards of tobacco and discouraging the use of tobacco:

(i) *AHEC smoking-cessation initiative.*—For the *2009-2010* ~~2007-2008 and 2008-2009~~ fiscal *year* ~~years only~~, the AHEC network shall expand the AHEC smoking-cessation initiative to each county within the state and perform other activities as determined by the department.

(6) CONTRACT REQUIREMENTS.—Contracts or grants for the program components or subcomponents described in paragraphs (3)(a)-(f) shall be awarded by the State Surgeon General, after consultation with the council, on the basis of merit, as determined by an open, competitive, peer-reviewed process that ensures objectivity, consistency, and high quality. The department shall award such grants or contracts no later than October 1 for each fiscal year. A recipient of a contract or grant for the program component described in paragraph (3)(c) is not eligible for a contract or grant award for any other program component described in subsection (3) in the same state fiscal year. A school or college of medicine that is represented on the council is not eligible to receive a contract or grant under this section. For the *2009-2010* ~~2007-2008 and 2008-2009~~ fiscal *year* ~~years~~ only, the department shall award a contract or grant in the amount of $10 million to the AHEC network for the purpose of developing the components described in paragraph (3)(i). The AHEC network may apply for a competitive contract or grant after the *2009-2010* ~~2008-2009~~ fiscal year.

Section 4. Subsection (5) of section 381.922, Florida Statutes, as amended by section 2 of chapter 2009-5, Laws of Florida, is amended to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(5) *Funds appropriated* for the ~~2008-2009 fiscal year and each fiscal year thereafter, the sum of $6.75 million is appropriated annually from recurring funds in the General Revenue Fund to the Biomedical Research Trust Fund within the Department of Health for purposes of the~~ William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program ~~and~~ shall be distributed pursuant to this section to provide grants to researchers seeking cures for cancer *and cancer-related illnesses*, with emphasis given to the goals enumerated in s. 381.921. From the total funds appropriated, an amount of up to 10 percent may be used for administrative expenses. *In the 2009-2010 fiscal year, 2.5 percent, not to exceed $25 million, of the revenue deposited into the Health Care Trust Fund pursuant to s. 215.5602(12)(a) shall be transferred to the Biomedical Research Trust Fund within the Department of Health for the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.*

Section 5. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to distribution of funds; amending s. 210.20, F.S.; revising the specified dates during which the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation is required to certify the amount derived from the cigarette tax which is deposited into the Alcoholic Beverage and Tobacco Trust Fund; amending s. 215.5602, F.S.; requiring that revenue deposited into the Health Care Trust Fund within the Agency for Health Care Administration be reserved for certain research beginning in a specified fiscal year and transferred to the Biomedical Research Trust Fund within the Department of Health in a specified fiscal year; prohibiting the amount of revenue transferred or reserved from exceeding certain amounts; amending s. 381.84, F.S.; revising provisions limiting certain activities of the Florida Area Health Education Network and the Department of Health to a specified fiscal year; requiring the department to award a contract or grant to the AHEC network for the purpose of developing a smoking-cessation initiative for a specified fiscal year; revising a provision authorizing the AHEC network to apply for a competitive grant during a specified fiscal year; amending s. 381.922, F.S.; requiring that revenue deposited into the Health Care Trust Fund within the Agency for Health Care Administration be transferred to the Biomedical Research Trust Fund within the Department of Health in a specified fiscal year for a certain cancer research program; prohibiting the amount of revenue transferred from exceeding a certain amount; providing an effective date.

On motion by Senator Peaden, the Conference Committee Report on **CS for SB 1664** was adopted. **CS for SB 1664** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1840

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1840, same being:

An act relating to protecting Florida's health through a surchange on tobacco products

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (718376) to CS for CS for SB 1840 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia

Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
Carlos Lopez-Cantera, At Large
Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
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Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
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s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
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Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (718376)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Protecting Florida's Health Act."*

Section 2. Subsections (18) and (19) of section 210.01, Florida Statutes, are amended to read:

210.01 Definitions.—When used in this part the following words shall have the meaning herein indicated:

(18) "Unstamped package" or "unstamped cigarettes" means a package on which the *surcharge and* tax required by this part *have* ~~has~~ not been paid, regardless of whether or not such package is stamped or marked with the indicia of any other taxing authority, or a package on which there has been affixed a counterfeit or fraudulent indicium or stamp.

(19) "Stamp" or "stamps" means the indicia required to be placed on cigarette packages *which* ~~that~~ evidence payment of the *surcharge on cigarettes under s. 210.011 and the* tax on cigarettes under s. 210.02.

Section 3. Section 210.011, Florida Statutes, is created to read:

210.011 Cigarette surcharge levied; collection.—

(1) A surcharge, in addition to all other taxes of every kind levied by law, is levied upon the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state, in the following amounts, except as otherwise provided in subsections (2)-(5), for cigarettes of standard dimensions:

(a) Upon all cigarettes weighing not more than 3 pounds per thousand, 5 cents on each cigarette.

(b) Upon all cigarettes weighing more than 3 pounds per thousand and not more than 6 inches long, 10 cents on each cigarette.

(c) Upon all cigarettes weighing more than 3 pounds per thousand and more than 6 inches long, 20 cents on each cigarette.

(2) The descriptions of cigarettes contained in subsection (1) are declared to be standard as to dimensions for the purpose of levying a surcharge as provided in this section. If any cigarette is received, purchased, possessed, sold, offered for sale, given away, or used which is of a size other than those standard dimensions, the cigarette is subject to a surcharge at the rate of 4.2 cents on each cigarette.

(3) When cigarettes as described in paragraph (1)(a) are packed in varying quantities of 20 cigarettes or fewer, except the manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or fewer require a surcharge of 50 cents.

(b) Packages containing more than 10 but not more than 20 cigarettes require a surcharge of $1.

(4) When cigarettes as described in paragraph (1)(b) are packed in varying quantities of 20 cigarettes or fewer, except the manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or fewer require a surcharge of $1.

(b) Packages containing more than 10 but not more than 20 cigarettes require a surcharge of $2.

(5) When cigarettes as described in paragraph (1)(c) are packed in varying quantities of 20 cigarettes or fewer, except the manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or fewer require a surcharge of $2.

(b) Packages containing more than 10 but not more than 20 cigarettes require a surcharge of $4.

(6) This surcharge shall be paid by the dealer to the division for deposit and distribution as hereinafter provided upon the first sale or transaction within the state, whether such sale or transfer is to the ultimate purchaser or consumer. The seller or dealer shall collect the surcharge from the purchaser or consumer, and the purchaser or consumer shall pay the surcharge to the seller. The seller or dealer is responsible for the collection of the surcharge and payment of the surcharge to the division. All surcharges are due not later than the 10th day of the month following the calendar month in which they were incurred, and thereafter

shall bear interest at the rate of 1 percent per month. If the amount of surcharge due for a given period is assessed without allocating it to any particular month, the interest begins accruing on the date of the assessment. Whenever cigarettes are shipped from outside the state to anyone other than a distributing agent or wholesale dealer, the person receiving the cigarettes is responsible for the surcharge on the cigarettes and payment of the surcharge to the division.

(7) It is the legislative intent that the surcharge on cigarettes be uniform throughout the state.

(8) The surcharge levied under this section shall be administered, collected, and enforced in the same manner as the tax imposed under s. 210.02.

(9) Revenue produced from the surcharge levied under this section shall be deposited into the Health Care Trust Fund within the Agency for Health Care Administration.

Section 4. Subsection (9) of section 210.04, Florida Statutes, is amended to read:

210.04 Construction; exemptions; collection.—

(9) Agents, located within or without the state, shall purchase stamps and affix such stamps in the manner prescribed to packages or containers of cigarettes to be sold, distributed, or given away within the state, in which case any dealer subsequently receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes. However, the division may, in its discretion, authorize manufacturers to distribute in the state free sample packages of cigarettes containing not less than 2 or more than 20 cigarettes without affixing any *surcharge and* tax stamps provided copies of shipping invoices on such cigarettes are furnished, and payment of all *surcharges and* taxes imposed on such cigarettes by law is made, directly to the division not later than the 10th day of each calendar month. The *surcharge and* tax on cigarettes in sample packages shall be based on a unit in accordance with the *surcharges levied under s. 210.011(1) and the* taxing provisions of s. 210.02(1).

Section 5. Section 210.095, Florida Statutes, is created to read:

210.095 Mail order, Internet, and remote sales of tobacco products; age verification.—

(1) For purposes of this section, the term:

(a) "Adult" means an individual who is at least of the legal minimum purchase age for tobacco products.

(b) "Consumer" means a person in this state who comes into possession of any tobacco product subject to the tax imposed by this chapter and who, at the time of possession, is not a distributor intending to sell or distribute the tobacco product, a retailer, or a wholesaler.

(c) "Delivery sale" means any sale of tobacco products to a consumer in this state for which:

1. The consumer submits the order for the sale by telephonic or other voice transmission, mail, delivery service, or the Internet or other online service; or

2. The tobacco products are delivered by use of mail or a delivery service.

(d) "Delivery service" means any person engaged in the commercial delivery of letters, packages, or other containers.

(e) "Legal minimum purchase age" means the minimum age at which an individual may legally purchase tobacco products in this state.

(f) "Mail" or "mailing" means the shipment of tobacco products through the United States Postal Service.

(g) "Retailer" means any person who is not a licensed distributor but who is in possession of tobacco products subject to tax under this chapter for the purposes of selling the tobacco products to consumers.

(h) "Shipping container" means a container in which tobacco products are shipped in connection with a delivery sale.

(i) "Shipping document" means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.

(j) "Tobacco products" means all cigarettes, smoking tobacco, snuff, fine-cut chewing tobacco, cut and granulated tobacco, cavendish, and plug or twist tobacco.

(2)(a) A sale of tobacco products constituting a delivery sale pursuant to paragraph (1)(c) is a delivery sale regardless of whether the person accepting the order for the delivery sale is located inside or outside this state.

(b) A retailer must obtain a license from the division pursuant to the requirements of this chapter before accepting an order for a delivery sale.

(c) A person may not make a delivery sale of tobacco products to any individual who is not an adult.

(d) Each person accepting an order for a delivery sale must comply with each of the following:

1. The age-verification requirements set forth in subsection (3).

2. The disclosure requirements set forth in subsection (4).

3. The shipping requirements set forth in subsection (5).

4. The registration and reporting requirements set forth in subsection (6).

5. The tax collection requirements set forth in subsection (7).

6. The licensing and tax stamp requirements set forth in this chapter which apply to sales of tobacco products occurring entirely in this state.

7. All laws of this state generally applicable to sales of tobacco products occurring entirely in this state which impose excise taxes and assessments.

(3) A person may not mail, ship, or otherwise deliver tobacco products in connection with an order for a delivery sale unless, before the first delivery to the consumer, the person accepting the order for the delivery sale:

(a) Obtains from the individual submitting the order a certification that includes:

1. Reliable confirmation that the individual is an adult; and

2. A statement signed by the individual in writing and under penalty of perjury which:

a. Certifies the address and date of birth of the individual; and

b. Confirms that the individual wants to receive delivery sales from a tobacco company and understands that, under the laws of this state, the following actions are illegal:

(I) Signing another individual's name to the certification;

(II) Selling tobacco products to individuals under the legal minimum purchase age; and

(III) Purchasing tobacco products, if the person making the purchase is under the legal minimum purchase age.

(b) Makes a good faith effort to verify the information contained in the certification provided by the individual pursuant to paragraph (a) against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.

(c) Provides to the individual, via electronic mail or other means, a notice meeting the requirements of subsection (4).

(d) If an order for tobacco products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.

(e) Imposes a two-carton minimum on each order of cigarettes, and requires payment for the purchase of any tobacco product to be made by personal or company check of the purchaser or the purchaser's credit card or debit card. Payment by money order or cash may not be received or permitted. The person accepting the order for delivery sale shall submit, to each credit-card acquiring company with which the person has credit-card sales, identification information in an appropriate form and format so that the words "tobacco product" may be printed in the purchaser's credit card statement when a purchase of a tobacco product is made by credit card payment.

(f) Makes a telephone call after 5 p.m. to the purchaser confirming the order before shipping the tobacco products. The telephone call may be a person-to-person call or a recorded message. The person accepting the order for delivery sale is not required to speak directly with a person and may leave a message on an answering machine or through voice mail.

In addition to the requirements of this subsection, a person accepting an order for a delivery sale may request that a consumer provide an electronic mail address.

(4) The notice described in paragraph (3)(c) must include prominent and clearly legible statements that sales of tobacco products are:

(a) Illegal if made to individuals who are not adults.

(b) Restricted to those individuals who provide verifiable proof of age in accordance with subsection (3).

(c) Taxable under this chapter.

The notice must include an explanation of how each tax has been, or is to be, paid with respect to the delivery sale.

(5) Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale must:

(a) Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Tobacco Products: Florida law prohibits shipping to individuals under 18 years of age and requires the payment of all applicable taxes."

(b) Use a method of mailing, shipping, or delivery which obligates the delivery service to require:

1. The individual submitting the order for the delivery sale or another adult who resides at the individual's address to sign his or her name to accept delivery of the shipping container. Proof of the legal minimum purchase age of the individual accepting delivery is required only if the individual appears to be under 27 years of age.

2. Proof that the individual is either the addressee or the adult designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

(c) Provide to the delivery service, if such service is used, evidence of full compliance with subsection (7).

If the person accepting a purchase order for a delivery sale delivers the tobacco products without using a delivery service, the person must comply with all of the requirements of this section which apply to a delivery service. Any failure to comply with a requirement of this section constitutes a violation thereof.

(6)(a) Before making sales or shipping tobacco products in connection with sales, a person shall file with the division a statement providing the person's name, trade name, and the address of the person's principal place of business, as well as any other place of business.

(b) No later than the 10th day of each month, each person who has made a sale or mailed, shipped, or otherwise delivered tobacco products in connection with any sale during the previous calendar month shall file with the division a memorandum or a copy of the invoice, providing for each sale:

1. The name and address of the individual who submitted the order for the sale.

2. The name and address of the individual who accepted delivery of the tobacco products.

3. The name and address of the person who accepted the order for the sale of the tobacco products.

4. The name and address of the delivery service and the name of the individual making the delivery.

5. The brand or brands of the tobacco products sold in the sale.

6. The quantity of each brand of tobacco products sold in the sale.

(c) A person may comply with the requirements of this subsection by complying with the requirements of 15 U.S.C. s. 376.

(d) This section does not apply to sales of tobacco products by a licensed distributor or to sales of tobacco products by a retailer purchased from a licensed distributor.

(7) Each person accepting a purchase order for a delivery sale shall collect and remit to the division all taxes imposed on tobacco products by this state with respect to the delivery sale. With respect to cigarettes, the collection and remission are not required if the person has obtained proof in the form of the presence of applicable tax stamps or tax-exempt stamps, or other proof that the taxes have already been paid to this state.

(8)(a) Except as otherwise provided in this section, a violation of this section by a person other than an individual who is not an adult is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and:

1. For a first violation of this section, the person shall be fined $1,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

2. For a second or subsequent violation of this section, the person shall be fined $5,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

(b) A person who is an adult and knowingly submits a false certification under subsection (3) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For each offense, the person shall be fined $10,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.

(c) A person who fails to pay any tax required in connection with a delivery sale shall pay, in addition to any other penalty, a penalty of five times the retail value of the tobacco products involved.

(d) Any tobacco products sold or attempted to be sold in a delivery sale not meeting the requirements of this section shall be forfeited to the state pursuant to s. 210.185.

(e) A person who, in connection with a delivery sale, delivers tobacco products on behalf of a delivery service to an individual who is not an adult commits a misdemeanor of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(f) Any fixture, equipment, or other material or personal property on the premises of any person who, with the intent to defraud this state, mails or ships tobacco products into this state and fails to satisfy any of the requirements of this section is a contraband article within the definition of s. 932.701(2)(a)3.

(g) An individual who is not an adult and who knowingly violates any provision of this section commits a misdemeanor of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(9) The Attorney General, the Attorney General's designee, a state attorney, or any person who holds a permit under 26 U.S.C. s. 5713 may bring an action in the appropriate court in this state to prevent or restrain violations of this section by any person.

Section 6. Subsection (6) of section 210.18, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

210.18 Penalties for tax evasion; reports by sheriffs.—

(6)~~(a) Every person, firm, or corporation, other than a licensee under the provisions of this part, who possesses, removes, deposits, or conceals, or aids in the possessing, removing, depositing, or concealing of, any unstamped cigarettes not in excess of 50 cartons is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In lieu of the penalties provided in those sections, however, the person, firm, or corporation may pay the tax plus a penalty equal to the amount of the tax authorized under s. 210.02 on the unstamped cigarettes.~~

(a) ~~(b)~~ Every person, firm, or corporation, other than a licensee under the provisions of this part, who possesses, removes, deposits, or conceals, or aids in the possessing, removing, depositing, or concealing of, any unstamped cigarettes ~~in excess of 50 cartons~~ is presumed to have knowledge that they have not been taxed and *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) ~~(c)~~ This section does not apply to a person possessing not in excess of three cartons of such cigarettes purchased by such possessor outside the state in accordance with the laws of the place where purchased and brought into this state by such possessor. The burden of proof that such cigarettes were purchased outside the state and in accordance with the laws of the place where purchased shall in all cases be upon the possessor of such cigarettes.

(11) The division shall create a toll-free number for reporting violations of this part. Upon a determination that a violation has occurred, the informant who provided the information that led to the determination shall be paid a reward of up to 50 percent of the fine levied and paid under this section. A notice must be conspicuously displayed in every location where cigarettes are sold which contains the following provision in conspicuous type: "NOTICE TO CUSTOMER: FLORIDA LAW PROHIBITS THE POSSESSION OR SALE OF UNSTAMPED CIGARETTES. REPORT VIOLATIONS TO (TOLL-FREE NUMBER). YOU MAY BE ELIGIBLE FOR A CASH REWARD." This notice must be provided at the expense of the retail dealer.

Section 7. Section 210.276, Florida Statutes, is created to read:

210.276 Surcharge on tobacco products.—

(1) A surcharge is levied upon all tobacco products in this state and upon any person engaged in business as a distributor of tobacco products at the rate of 60 percent of the wholesale sales price. The surcharge shall be levied at the time the distributor:

(a) Brings or causes to be brought into this state from without the state tobacco products for sale;

(b) Makes, manufactures, or fabricates tobacco products in this state for sale in this state; or

(c) Ships or transports tobacco products to retailers in this state, to be sold by those retailers. A surcharge may not be levied on tobacco products shipped or transported outside this state for sale or use outside this state.

(2) A surcharge is imposed upon the use or storage by consumers of tobacco products in this state and upon such consumers at the rate of 60 percent of the wholesale sales price. The surcharge imposed by this subsection does not apply if the surcharge imposed by subsection (1) on such tobacco products has been paid. This surcharge does not apply to the use or storage of tobacco products in quantities of less than 1 pound in the possession of any one consumer.

(3) Any tobacco product with respect to which a surcharge has once been imposed under this section is not again subject to surcharge under this section.

(4) No surcharge shall be imposed by this section upon tobacco products not within the taxing power of the state under the Commerce Clause of the United States Constitution.

(5) The exemptions provided for cigarettes under s. 210.04(4) also apply to tobacco products subject to a surcharge under this section.

(6) The surcharge levied under this section shall be administered, collected, and enforced in the same manner as the tax imposed under s. 210.30.

(7) Revenue produced from the surcharge levied under this section shall be deposited into the Health Care Trust Fund within the Agency for Health Care Administration.

Section 8. *(1) The additional surcharges imposed by ss. 210.011 and 210.276, Florida Statutes, are levied upon existing inventory on July 1, 2009. On July 1, 2009, each manufacturer, distributing agent, wholesale dealer, retail dealer, as defined in s. 210.01, Florida Statutes, and manufacturer, distributor, and retailer, as defined in s. 210.25, Florida Statutes, in the state shall take an inventory of the cigarettes and other tobacco products in its possession before opening for business. The amount of inventory shall be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation on or before July 21, 2009, and shall include documentation accompanied by certified check, money order, or an electronic funds transfer for the amount of the additional surcharge due on the inventory. For the purpose of calculating the tax due by a retailer on the inventory of tobacco products other than cigarettes under s. 210.276, Florida Statutes, the wholesale sales price shall equal 75 percent of the price paid by the retailer to a distributor or manufacturer. The manufacturer, distributing agent, wholesale dealer, retail dealer, distributor, or retailer may pay the surcharge in four equal installments of 25 percent of the total amount due. If the manufacturer, distributing agent, wholesale dealer, retail dealer, distributor, or retailer chooses to pay in installments, it must pay the first installment by July 21, 2009, along with the required documentation; the second installment by August 10, 2009; the third installment by August 30, 2009; and the fourth installment by September 9, 2009. Chapter 210, Florida Statutes, relating to penalties and interest for delinquent payments, applies to this section. The proceeds of the additional surcharge on the existing inventory shall be deposited into the Health Care Trust Fund within the Agency for Health Care Administration.*

(2) For the purpose of compensating each manufacturer, distributing agent, wholesale dealer, retail dealer, distributor, and retailer for taking an inventory of the cigarettes and other tobacco products in its possession and remitting the surcharge levied on these products, each manufacturer, distributing agent, wholesale dealer, retail dealer, distributor, and retailer may deduct 5 percent of the amount of the surcharge due and certified and remitted to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation as a collection allowance.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the required documentation or surcharge is delinquent at the time of payment.

(b) The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may deny the collection allowance if a manufacturer, distributing agent, wholesale dealer, retail dealer, distributor, or retailer of products files incomplete documentation. For the purposes of the surcharge on inventory, a return is incomplete if it is lacking the information necessary to ascertain the surcharge due.

Section 9. Subsection (5) of section 210.05, Florida Statutes, is amended to read:

210.05 Preparation and sale of stamps; discount.—

(5) *Cigarettes sold to the Seminole Indian Tribe of Florida shall be administered as provided in s. 210.1801.* ~~Agents or wholesale dealers may sell stamped but untaxed cigarettes to the Seminole Indian Tribe, or to members thereof, for retail sale. Agents or wholesale dealers shall treat such cigarettes and the sale thereof in the same manner, with respect to reporting and stamping, as other sales under this part, but agents or wholesale dealers shall not collect from the purchaser the tax imposed by s. 210.02. The purchaser hereunder shall be responsible to the agent or wholesale dealer for the services and expenses incurred in affixing the stamps and accounting therefor.~~

Section 10. Section 210.1801, Florida Statutes, is created to read:

210.1801 Exempt cigarettes for members of recognized Indian tribes.—

(1) Notwithstanding any provision of this chapter to the contrary, a member of an Indian tribe recognized in this state who purchases cigarettes on an Indian reservation for his or her own use is exempt from paying a cigarette tax and surcharge. However, such member purchasing cigarettes outside of Indian reservation or a nontribal member purchasing cigarettes on an Indian reservation is not exempt from paying the cigarette tax or surcharge when purchasing cigarettes within this state. Accordingly, the tax and surcharge shall apply to all cigarettes sold on an Indian reservation to a nontribal member, and evidence of such tax or surcharge shall be by means of an affixed cigarette tax and surcharge stamp.

(2) In order to ensure an adequate quantity of cigarettes on Indian reservations which may be purchased by tribal members who are exempt from the cigarette tax and surcharge, the division shall provide recognized Indian tribes within this state with Indian-tax-and-surcharge-exemption coupons as set forth in this section. A reservation cigarette seller shall present such Indian-tax-and-surcharge-exemption coupons to a wholesale dealer licensed in this state in order to purchase stamped cigarettes that are exempt from the imposition of the cigarette tax and surcharge. A tribal member may purchase cigarettes that are exempt from the cigarette tax and surcharge from a reservation cigarette seller even though such cigarettes have an affixed cigarette tax-and-surcharge stamp.

(3) Indian-tax-and-surcharge-exemption coupons shall be provided to the recognized governing body of each Indian tribe to ensure that each Indian tribe can obtain cigarettes that are exempt from the tax and surcharge which are for the use of the tribe or its members. The Indian-tax-and-surcharge-exemption coupons shall be provided to the Indian tribes quarterly. It is intended that each Indian tribe will distribute the Indian-tax-and-surcharge-exemption coupons to reservation cigarette sellers on such tribe's reservation. Only Indian tribes or reservation cigarette sellers on their reservations may redeem such Indian-tax-and-surcharge-exemption coupons pursuant to this section.

(a) The number of Indian-tax-and-surcharge-exemption coupons to be given to the recognized governing body of each Indian tribe shall be based upon the probable demand of the tribal members on the tribe's reservation plus the number needed for official tribal use. The annual total number of Indian-tax-and-surcharge-exemption coupons to be given to the recognized governing body of each Indian tribe shall be calculated by multiplying the number of members of the tribe times five packs of cigarettes times 365.

(b) Each wholesale dealer shall keep records of transactions involving Indian-tax-and surcharge-exemption coupons and shall submit appropriate documentation to the division when claiming a refund as set forth in this section. Documentation must contain at least the following information:

1. The identity of the Indian tribe from which an Indian-tax-and-surcharge-exemption coupon is received;

2. The identity and the quantity of the product for which an Indian-tax-and-surcharge-exemption coupon is provided;

3. The date of issuance and the date of expiration of the Indian-tax-and-surcharge-exemption coupon; and

4. Any other information as the division may deem appropriate.

(4)(a) An Indian tribe may purchase cigarettes for its own official use from a wholesale dealer without payment of the cigarette tax and surcharge to the extent that the Indian tribe provides the wholesale dealer with Indian-tax-and-surcharge-exemption coupons entitling the Indian tribe to purchase such quantities of cigarettes as allowed by each Indian-tax-and-surcharge-exemption coupon without paying the cigarette tax and surcharge.

(b) A tribal member may purchase cigarettes for his or her own use without payment of the cigarette tax and surcharge if the tribal member makes such purchase on a qualified reservation.

(c) A reservation cigarette seller may purchase cigarettes for resale without payment of the cigarette tax from a wholesale dealer licensed pursuant to this chapter:

1. If the reservation cigarette seller brings the cigarettes or causes them to be delivered onto a qualified reservation for resale on the reservation;

2. To the extent that the reservation cigarette seller provides the wholesale dealer with Indian-tax-and-surcharge-exemption coupons entitling the reservation cigarette seller to purchase such quantities of cigarettes as allowed on each Indian-tax-and-surcharge-exemption coupon without paying the cigarette tax and surcharge; and

3. If the cigarettes are affixed with a cigarette tax and surcharge stamp.

(d) A wholesale dealer may not collect the cigarette tax and surcharge from any purchaser if the purchaser gives the dealer Indian-tax-and-surcharge-exemption coupons that entitle the purchaser to purchase such quantities of cigarettes as allowed on each such Indian-tax-and-surcharge-exemption coupon without paying the cigarette tax and surcharge.

(5) A wholesale dealer who has one or more Indian-tax-and-surcharge-exemption coupons may file a claim for a refund with respect to any cigarette tax previously paid on cigarettes that the wholesale dealer sold without collecting the tax because the dealer accepted an Indian-tax-and-surcharge-exemption coupon from a purchaser pursuant to this section.

(6) If an Indian tribe enters into an agreement with the state and the Legislature approves such agreement regarding the sale and distribution of cigarettes on the tribe's reservation, the terms of the agreement take precedence over the provisions of this section and exempt the tribe from the tax and surcharge if the tax and surcharge are specifically addressed in the agreement. The sale or distribution, including transportation, of any cigarettes to the tribe's reservation shall be in accordance with the provisions of the agreement. The agreement must provide for revenue sharing between the tribe and the state relating to the imposition and collection of the taxes imposed by ss. 210.02 and 210.30 and the surcharges imposed by ss. 210.011 and 210.276 and must, at a minimum, provide for the state to receive as revenue sharing from the tribe the full amounts of the surcharges imposed by ss. 210.011 and 210.276.

Section 11. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to protecting Florida's health through a surcharge on tobacco products; providing a short title; amending s. 210.01, F.S.; redefining the terms "unstamped package," "unstamped cigarettes," and "stamp"; conforming provisions to changes made by the act; creating s. 210.011, F.S.; levying a surcharge on cigarettes equivalent to $1 per standard pack; establishing surcharge amounts for cigarettes of a nonstandard size and in varying quantities; providing legislative intent that the surcharge be uniform throughout the state; providing for the surcharge to be administered in the same manner as the cigarette tax imposed under s. 210.02, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; amending s. 210.04, F.S., to conform; creating s. 210.095, F.S.; defining terms; providing that certain transactions constitute a delivery sale of tobacco products; requiring that a cigarette retailer obtain a license before accepting an order for a delivery sale; prohibiting the making of a delivery sale to a person who is not an adult; requiring that a person accepting an order for a delivery sale comply with certain requirements; prohibiting the mailing, shipping, or delivery of tobacco products in connection with an order for delivery sale unless, before the first delivery to a consumer, the person accepting the order takes certain actions; authorizing a person accepting an order for delivery sale to request that a consumer provide an e-mail address; requiring the delivery of a notice to consumers making orders for delivery sale; providing requirements for such notice; requiring that each person who mails, ships, or delivers tobacco products in connection with an order for delivery sale fulfill specified requirements; requiring that a person file a statement containing certain information with the Department of Business and Professional Regulation before selling or shipping tobacco products; requiring that certain individuals file certain information with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation at specified intervals; providing that a person may comply with certain provisions of state law by complying with specified provisions of federal law; providing for

applicability of certain provisions of state law; requiring the collection and remittance of certain taxes; providing penalties for certain violations of state law; classifying certain property as contraband material; requiring the forfeiture of tobacco products under certain circumstances; authorizing the Attorney General, his or her designee, a state attorney, or any person holding a specified type of permit to bring certain actions in a court of this state; amending s. 210.18, F.S.; creating a reward program for information concerning violations under part I of ch. 210, F.S.; creating s. 210.276, F.S.; levying a surcharge on tobacco products other than cigarettes; providing for the surcharge to be administered in the same manner as the tax imposed under part II of ch. 210, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; providing for the surcharges on cigarettes and other tobacco products to be levied upon existing inventory on the effective date of the act; requiring each manufacturer, distributing agent, wholesale dealer, retail dealer, distributor, and retailer to take an inventory of the cigarettes and other tobacco products in its possession on the effective date of the act; requiring that the amount of inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; specifying criteria that a retailer must use to calculate the tax on inventory of certain tobacco products; authorizing the surcharge to be paid in four equal installments; providing for penalties and interest for delinquent payments; authorizing a collection allowance for conducting the inventory and remitting the tax on inventory of certain tobacco products; amending s. 210.05, F.S.; conforming provisions to changes made by the act; creating s. 210.1801, F.S.; providing that certain members of an Indian tribe recognized in this state are exempt from paying a cigarette tax and surcharge under certain conditions; providing that cigarettes sold on an Indian reservation to a nontribal member are subject to the tax and surcharge; providing that evidence of such tax and surcharge is indicated by an affixed cigarette tax and surcharge stamp; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to provide Indian-tax-and-surcharge-exemption coupons; requiring a reservation cigarette seller to present these coupons to a wholesale dealer in order to purchase stamped cigarettes that are exempt from the tax and surcharge; authorizing tribal members to purchase stamped cigarettes that are exempt from the tax and surcharge from reservation cigarette sellers; authorizing the governing bodies of Indian tribes to be provided with Indian-tax-and-surcharge-exemption coupons; authorizing Indian tribes and reservation cigarette sellers to redeem Indian-tax-and-surcharge-exemption coupons; providing for the calculation of the number of Indian-tax-and-surcharge-exemption coupons to be provided; requiring wholesale dealers to keep records of transactions involving Indian-tax-and-surcharge-exemption coupons and to submit documentation to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; providing criteria for the documentation; authorizing an Indian tribe, a tribal member, and a reservation cigarette seller to purchase cigarettes that are exempt from the tax and surcharge from a wholesale dealer under certain conditions; prohibiting a wholesaler from collecting the cigarette tax when given Indian-tax-and-surcharge-exemption coupons; authorizing a wholesale dealer to file a claim for a refund with respect to a cigarette tax and surcharge previously paid; providing that an approved agreement between an Indian tribe and the state takes precedence over s. 210.1801, F.S.; requiring that the agreement provide for revenue sharing between the tribe and the state; providing an effective date.

On motion by Senator Deutch, the Conference Committee Report on **CS for CS for SB 1840** was adopted. **CS for CS for SB 1840** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Crist	Garcia
Alexander	Dean	Gardiner
Altman	Detert	Gelber
Aronberg	Deutch	Haridopolos
Baker	Diaz de la Portilla	Hill
Bennett	Dockery	Jones
Bullard	Fasano	Joyner
Constantine	Gaetz	Justice
King	Rich	Storms
Lawson	Richter	Villalobos
Lynn	Ring	Wilson
Oelrich	Siplin	Wise
Peaden	Smith	
Pruitt	Sobel	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 788

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 788, same being:

An act relating to a gaming compact between the State of Florida and the Seminole Tribe of Florida

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (318420) to CS for CS for SB 788 attached hereto, and by reference made a part of this report.

s/ Dennis L. Jones, D.C., Chair
s/ Alex Diaz de la Portilla
s/ Alfred "Al" Lawson, Jr., At Large
s/ Thad Altman, At Large
s/ Ted Deutch
s/ Mike Haridopolos, At Large
s/ Ken Pruitt

Managers on the part of the Senate

s/ Bill Galvano, Chair
s/ Joseph A. "Joe" Gibbons
s/ Joseph Abruzzo
s/ Sandra "Sandy" Adams
s/ D. Alan Hays

Managers on the part of the House

Conference Committee Amendment (318420)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 285.710, Florida Statutes, is created to read:

285.710 Compact authorization.—

(1) Terms used in this section have the same meaning as provided in s. 285.711.

(2) The agreement executed by the Governor and the Tribe on November 14, 2007, published in the Federal Register on January 7, 2008, and subsequently invalidated by the Florida Supreme Court in the case of Florida House of Representatives, et al., v. Crist, No. SC07-2154, is not ratified or approved by the Legislature and is void.

(3) Subject to the limitations in s. 285.711, the Governor is hereby authorized and directed to negotiate and execute a compact on behalf of the State with the Tribe pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168, and 25 U.S.C. s. 2701 et seq., and this act for the purpose of authorizing class III gaming on Seminole lands within this state. Any such compact shall not be deemed entered into by the state unless and until it is ratified by the Legislature.

(4) The Governor is authorized to bind the State to any amendment to the compact that is consistent with the terms and standards in this section

and s. 285.711, provided that any amendment to provisions relating to covered games, the amount of revenue sharing payments, suspension or reduction of payments, or exclusivity shall require ratification by the Legislature.

(5)(a) The Governor shall provide a copy of the compact to the President of the Senate and the Speaker of the House of Representatives as soon as it is executed. The compact shall not be submitted to the Department of the Interior by or on behalf of the state or the Tribe until it has been ratified by the Legislature.

(b) The Governor shall provide a copy of any amendment to the compact to the President of the Senate and the Speaker of the House of Representatives as soon as it is executed and before or simultaneous with its submission to the Department of the Interior, provided that any amendment requiring ratification by the Legislature shall not be submitted to the Department of the Interior for approval until such ratification has occurred.

(6) The Governor shall preserve all documents, if any, which relate to the intent or interpretation of the compact, and maintain such documents for at least the term of the compact.

(7) If any provision of the compact relating to covered games, payments, suspension or reduction in payments, or exclusivity is held by a court of competent jurisdiction or by the Department of the Interior to be invalid, the compact is void.

(8) In the event that a subsequent change to the Indian Gaming Regulatory Act, or to an implementing regulation thereof, mandates the retroactive application of such change without the respective consent of the state or Tribe, the compact is void if it materially alters the terms and standards in the compact relating to the covered games, payments, suspension or reduction of payments, or exclusivity.

(9) The Governor shall ensure that all revenue sharing received pursuant to the compact and agreement executed by the Governor and the Tribe on November 14, 2007, is deposited into the Education Enhancement Trust Fund provided that, if necessary to comply with any covenant established pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred to the Educational Enhancement Trust Fund shall be first available to pay debt service on lottery bonds issued to fund school construction in the event lottery revenues are insufficient for such purpose or to satisfy debt service reserve requirements established in connection with lottery bonds.

(10) Except for the authority granted to the Governor in subsections (4) and (13), the authority granted to the Governor by this section and s. 285.711 expires at 11:59 p.m. on August 31, 2009.

(11) It is the intent of the Legislature to review a compact entered into under the provisions of this section within 5 years after the compact is approved. It is the intent of the Legislature to consider the authorization of additional Class III games for operation by the Tribe based upon successful implementation of the compact and the history of compliance with the compact.

(12) The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation is designated as the state compliance agency having the authority to carry out the state's oversight responsibilities under a compact authorized by this act.

(13)(a) The Governor is authorized and directed to execute an agreement on behalf of the State of Florida with the Indian tribes in this state, acting on a government-to-government basis, to develop and implement a fair and workable arrangement to apply state taxes on persons and transactions on Indian lands. Such agreements shall address the imposition of specific taxes, including sales taxes and exemptions from those taxes.

(b) The agreement shall address the Tribe's collection and remittance of sales taxes imposed by chapter 212 to the Department of Revenue. The sales taxes collected and remitted by the Tribe shall be based on all sales to non-tribal members, except those non-tribal members who hold valid exemption certificates issued by the Department of Revenue, exempting the sales from taxes imposed by chapter 212.

(c) The agreement shall require the Tribe to register with the Department of Revenue and remit to the Department of Revenue the taxes collected.

(d) The agreement shall require the Tribe to retain for at least a period of 5 years records of all sales to non-tribal members which are subject to taxation under chapter 212. The agreement shall permit the Department of Revenue to conduct an audit not more often than annually in order to verify such collections. The agreement shall require the Tribe to provide reasonable access during normal operating hours to records of transactions subject to the taxes collected.

(e) The agreement shall provide a procedure for the resolution of any disputes about the amounts collected pursuant to the agreement. For purposes of the agreement for the collection and remittance of sales taxes, the agreement must provide that the Tribe agrees to waive its immunity, except that the state may seek monetary damages limited to the amount of taxes owed.

(f) An agreement executed by the Governor pursuant to the authority granted in this section shall not take effect unless ratified by the Legislature.

(14) Any moneys remitted by the Tribe before the effective date of a compact entered into by the State and the Tribe pursuant to this act shall be deemed forfeited by the Tribe and released to the state without further obligation or encumbrance. The Legislature further finds that acceptance and appropriation of such funds does not legitimize, validate, or otherwise ratify any previously proposed compact or the operation of Class III games by the Tribe for any period prior to the effective date of a valid compact pursuant to this act.

(15) For the purpose of satisfying the requirement in 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized under an Indian gaming compact must be permitted in the state for any purpose by any person, organization, or entity, the following Class III games or other games specified in this section are hereby authorized to be conducted by the Tribe pursuant to a compact that is substantially in the form provided in s. 285.711:

(a) Slot machines, as defined in s. 551.102(8).

(b) Games of poker without betting limits if such games are authorized in this state to any person for any purpose.

(c) Banking or banked card games, including baccarat, chemin de fer, and blackjack or 21 at the tribal facilities in Broward County and Hillsborough County.

(16) Notwithstanding any other provision of state law, it is not a crime for a person to participate in the games specified in subsection (15) at a tribal facility operating under a compact entered into pursuant to this act.

Section 2. Section 285.711, Florida Statutes, is created to read:

285.711 Gaming compact between the Seminole Tribe and the State of Florida.—The Governor is authorized and directed to negotiate and execute a gaming compact with the Seminole Tribe of Florida on behalf of the State of Florida subject to ratification by the Legislature, in the form substantially as follows:

Gaming Compact Between the Seminole Tribe of Florida and the State of Florida

This Compact is made and entered into by and between the Seminole Tribe of Florida, a federally recognized Indian Tribe, and the State of Florida, with respect to the operation of covered games on the Tribe's Indian lands as defined by the Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

PART I.

TITLE.—This Compact shall be referred to as the "Seminole Tribe of Florida and State of Florida Gaming Compact."

PART II.

RECITALS.—

A. The Seminole Tribe of Florida is a federally recognized tribal government possessing sovereign powers and rights of self-government.

B. The State of Florida is a state of the United States of America possessing the sovereign powers and rights of a state.

C. The State of Florida and the Seminole Tribe of Florida maintain a government-to-government relationship.

D. The United States Supreme Court has long recognized the right of an Indian Tribe to regulate activity on lands within its jurisdiction, but the Congress, through the Indian Gaming Regulatory Act, has given states a role in the conduct of tribal gaming in accordance with negotiated tribal-state compacts.

E. Pursuant to the Seminole Tribe Amended Gaming Ordinance, adopted by Resolution No. C-195-06, and approved by the National Indian Gaming Commission on July 10, 2006, hereafter referred to as the Seminole Tribal Gaming Code, the Seminole Tribe of Florida desires to offer the play of Covered Games, as defined in Part III. of this Compact, as a means of generating revenues for purposes authorized by the Indian Gaming Regulatory Act, including without limitation the support of tribal governmental programs, such as health care, housing, sewer and water projects, police, fire suppression, general assistance for tribal elders, day care for children, economic development, educational opportunities, per capita payments to tribal members, and other typical and valuable governmental services and programs for tribal members.

F. It is in the best interest of the State of Florida to enter into a compact with the Seminole Tribe of Florida. This Compact will generally benefit Florida, while at the same time limiting the expansion of gaming within the State. The State of Florida also recognizes that the significant revenue participation pursuant to the Compact in exchange for its exclusivity provisions provide an opportunity to increase and enhance the dollars available to spend on governmental programs that benefit the citizens of Florida.

G. The agreement executed by the Seminole Tribe of Florida and the Governor of Florida on November 14, 2007, published in the Federal Register on January 7, 2008, and subsequently invalidated by the Florida Supreme Court in the case of Florida House of Representatives, et al., vs. Crist, No. SCO7-2154, is void.

PART III.

DEFINITIONS.—As used in this Compact and the Appendices thereto:

A. "Annual Oversight Assessment" means the assessment described in Part XI., Section C. of this Compact.

B. "Class III gaming" means the forms of Class III gaming defined in 25 U.S.C. s. 2703(8) and by the regulations of the National Indian Gaming Commission in effect on January 1, 2009.

C. "Commission" means the Seminole Tribal Gaming Commission, which is the tribal governmental agency that has the authority to carry out the Tribe's regulatory and oversight responsibilities under this Compact.

D. "Compact" means the Seminole Tribe of Florida and State of Florida Gaming Compact.

E. "Covered Game" or "Covered Gaming Activity" means the following gaming activities:

1.(a) Slot machines, means any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system, except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. Slot machines may use spinning reels, video displays, or both.

(b) If at any time, State law authorizes the use of electronic payments systems utilizing credit or debit card payment for the play or operation of slot machines for any person, the Tribe shall be authorized to use such payment systems;

2. No limit poker; and

3. Banking or banked card games, including baccarat, chemin de fer and blackjack at the Facilities located in Broward County and Hillsborough County as described in Part IV., Section B., subsections 2., 3., 6., and 7.

This definition specifically does not include roulette, craps, roulette styled games, or craps-styled games.

F. "Covered Game Employee" or "Covered Employee" means any individual employed and licensed by the Tribe whose responsibilities include the rendering of services with respect to the operation, maintenance or management of Covered Games, including, but not limited to, the following: managers and assistant managers; accounting personnel; Commission officers; surveillance and security personnel; cashiers, supervisors, and floor personnel; cage personnel; and any other employee whose employment duties require or authorize access to areas of the Facility related to the conduct of Covered Games or the technical support or storage of Covered Game components. This definition does not include the Tribe's elected officials provided that such individuals are not directly involved in the operation, maintenance, or management of Covered Games or Covered Games components.

G. "Documents" means books, records, electronic, magnetic and computer media documents and other writings and materials, copies thereof, and information contained therein.

H. "Effective Date" means the date on which the Compact becomes effective pursuant to Part XVI., Section A. of this Compact.

I. "Facility" or "Facilities" means any building of the Tribe in which the Covered Games authorized by this Compact are conducted on Indian lands as defined by the Indian Gaming Regulatory Act.

J. "Guaranteed Minimum Payment" means the minimum payment the Tribe agrees to make to the State as provided by Part XI. of the Compact.

K. "Indian Gaming Regulatory Act" or "IGRA" means the Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17, 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq., and 18 U.S.C. ss. 1166-1168.

L. "Net Poker Income" means the total revenue from all hands played, including buy-ins and rebuys.

M. "Net Win" means gross gaming revenue for Class III games, which is the difference between gaming wins and losses, before deducting costs and expenses.

N. "Non-tribal member" means a person who is not a bona fide member of an Indian tribe as defined in 25 U.S.C. s. 2703(5).

O. "Patron" means any person who is on the premises of a Facility, or who is entering the Tribe's Indian lands for the purpose of playing Covered Games authorized by this Compact.

P. "Reservation" means any of the seven Tribal locations currently with gaming facilities, specifically enumerated in Part IV., Section B.

Q. "Revenue Share" means the periodic payment by the Tribe to the State provided for in Part XI., Sections A. and B. of this Compact.

R. "Revenue Sharing Cycle" means the annual (12-month) period of the Tribe's operation of Covered Games in its Facilities and whose first annual cycle shall commence on the day the Tribe makes Covered Games available for public play in its Facilities.

S. "Rules and regulations" means the rules and regulations promulgated by the Commission for implementation of this Compact.

T. "State" means the State of Florida.

U. "State Compliance Agency" or "SCA" means the Division of Parimutuel Wagering of the Department of Business and Professional Regulation, which is designated as the state agency having the authority to carry out the state's oversight responsibilities under this compact.

V. "Tribe" means the Seminole Tribe of Florida or any affiliate thereof conducting activities pursuant to this Compact under the authority of the Seminole Tribe of Florida.

PART IV.

AUTHORIZATION AND LOCATION OF COVERED GAMES.—

A. The Tribe and State agree that the Tribe is authorized to operate Covered Games on its Indian lands, as defined in the Indian Gaming Regulatory Act, in accordance with the provisions of this Compact. However, except for the provisions in Part XI., Section A. below, nothing in this Compact shall limit the Tribe's right to operate any game that is Class II under the Indian Gaming Regulatory Act.

B. The Tribe is authorized to conduct Covered Games under this Compact at only the following seven existing gaming Facilities on Tribal lands, except as limited by Part III, Section E., Subsection 3.:

1. Seminole Indian Casino on the Brighton Indian Reservation in Okeechobee County.

2. Seminole Indian Casino in the City of Coconut Creek in Broward County.

3. Seminole Indian Casino in the City of Hollywood in Broward County.

4. Seminole Indian Casino in Immokalee in Collier County.

5. Seminole Indian Big Cypress Casino in the City of Clewiston in Hendry County.

6. Seminole Hard Rock Hotel & Casino in the City of Hollywood in Broward County.

7. Seminole Hard Rock Hotel & Casino in the City of Tampa in Hillsborough County.

C. Any of the identified Facilities in Section B. may be expanded or replaced by another Facility on the same reservation with advance notice to the State of sixty (60) calendar days, subject to the understanding that the number of existing Facilities on each reservation and the number of reservations upon which Class III gaming is authorized shall remain the same as provided in Section B.

PART V.

RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR OPERATIONS.—

A. At all times during the term of this Compact, the Tribe shall be responsible for all duties which are assigned to it and the Commission under this Compact. The Tribe shall promulgate any rules and regulations necessary to implement this Compact, which at a minimum shall expressly include or incorporate by reference all provisions of this Part and the procedural requirements of Part VI. of this Compact. Nothing in this Compact shall be construed to affect the Tribe's right to amend its rules and regulations, provided that any such amendment shall be in conformity with this Compact and subject to approval by the SCA. The SCA may propose additional rules and regulations consistent with and related to the implementation of this Compact to the Commission at any time, and the Commission shall give good faith consideration to such suggestions and shall notify the SCA of its response or action with respect thereto.

B. All Facilities shall comply with, and all Covered Games approved under this Compact shall be operated in accordance with, the requirements set forth in this Compact, including, but not limited to, those set forth in Sections C. and D. of this Part and the Tribe's Internal Control Policies and Procedures. In addition, all Facilities and all Covered Games shall be operated in strict compliance with tribal internal control standards that provide a level of control that equals or exceeds those set forth in the National Indian Gaming Commission's Minimum Internal Control Standards (25 C.F.R. Part 542), as the same may be amended or supplemented from time to time.

C. The Tribe and the Commission shall retain all records in compliance with the requirements set forth in the Record Retention Policies and Procedures.

D. The Tribe will continue and maintain its program to combat problem gambling and curtail compulsive gambling, including work with the Florida Council on Compulsive Gambling or other organizations dedicated to assisting problem gamblers. The Tribe will continue to maintain the following safeguards against problem gambling.

1. The Tribe shall make an annual donation to the Florida Council on Compulsive Gambling in an amount not less than $250,000 per Facility.

2. The Tribe will provide a comprehensive training and education program designed in cooperation with the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) to every new gaming employee.

3. The Tribe will make printed materials available to Patrons, which include contact information for the Florida Council on Compulsive Gambling 24-Hour Helpline (or other hotline dedicated to assisting problem gamblers), and will work with the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) to provide contact information for the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers), and to provide such information on the Facilities' Internet website. The Tribe will continue to display all literature from the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) within the Facilities.

4. The Commission shall establish a list of the Patrons voluntarily excluded from the Tribe's Facilities, pursuant to subsection 5.

5. The Tribe shall employ its best efforts to exclude Patrons on such list from entry into its Facilities; provided that nothing in this Compact shall create for Patrons who are excluded but gain access to the Facilities, or any other person, a cause of action or claim against the State, the Tribe or the Commission, or any other person, entity, or agency for failing to enforce such exclusion.

6. Patrons who believe they may be playing Covered Games on a compulsive basis may request that their names be placed on the list of the Patrons voluntarily excluded from the Tribe's Facilities.

7. All Covered Game employees shall receive training on identifying players who have a problem with compulsive gambling and shall be instructed to ask them to leave. Signs bearing a toll-free help-line number and educational and informational materials shall be made available at conspicuous locations and automated teller machines in each Facility, which aim at the prevention of problem gaming and which specify where Patrons may receive counseling or assistance for gambling problems. All Covered Game employees shall also be screened for compulsive gambling habits. Nothing in this Section shall create for Patrons, or any other person, a cause of action or claim against the State, the Tribe or the Commission, or any other person, entity, or agency for failing to identify a Patron or person who is a compulsive gambler or ask that person to leave.

8. The Tribe shall follow the rules for exclusion of Patrons set forth in Article XI of the Seminole Tribal Gaming Code.

9. The Tribe shall make diligent efforts to prevent underage individuals from loitering in the area of each Facility where the Covered Games take place.

10. The Tribe shall assure that advertising and marketing of the Covered Games at the Facilities contain a responsible gambling message and a toll-free help-line number for problem gamblers, where practical, and that they make no false or misleading claims.

E. Summaries of the rules for playing Covered Games and promotional contests shall be visibly displayed in the Facilities. Complete sets of

rules shall be available in the Facilities upon request. Copies of all such rules shall be provided to the SCA within thirty (30) calendar days of their issuance or their amendment.

F. The Tribe shall provide the Commission and SCA with a chart of the supervisory lines of authority with respect to those directly responsible for the conduct of Covered Games, and shall promptly notify those agencies of any material changes thereto.

G. The Tribe engages in and shall continue to maintain proactive approaches to prevent improper alcohol sales, drunk driving, underage drinking, and underage gambling. These approaches involve intensive staff training, screening and certification, Patron education, and the use of security personnel and surveillance equipment in order to enhance Patrons' enjoyment of the Facilities and provide for Patron safety. Staff training includes specialized employee training in nonviolent crisis intervention, driver's license verification, and the detection of intoxication. Patron education is carried out through notices transmitted on valet parking stubs, posted signs in the Facilities, and in brochures. Roving and fixed security officers, along with surveillance cameras, assist in the detection of intoxicated Patrons, investigate problems, and engage with Patrons to de-escalate volatile situations. To help prevent alcohol-related crashes, the Tribe will continue to operate the "Safe Ride Home Program," a free taxi service. Additionally, to reduce risks of underage gambling and underage drinking, the Tribe will continue to prohibit entry onto the casino floor of anyone under twenty-one (21) years of age. The Tribe shall maintain these programs and policies in its Alcohol Beverage Control Act for the duration of the Compact but may replace such programs and policies with either stricter or more extensive programs and policies. The Tribe shall provide the State with written notice of any changes to the programs and policies in the Tribe's Alcohol Beverage Control Act, which notice shall include a copy of such changes and shall be sent on or before the effective date of the change. Nothing in this Section shall create for Patrons, or any other person, a cause of action or claim against the State, the Tribe or the Commission, or any other person, entity, or agency for failing to fulfill the requirements of this Section.

H. No person under twenty-one (21) years of age shall be allowed to play Covered Games unless otherwise permitted by state law.

I. The Tribe may establish and operate Facilities that operate Covered Games only on the reservations as defined by the Indian Gaming Regulatory Act and as specified in Part IV. of this Compact.

J. The Commission shall keep a record of, and shall report at least quarterly to the SCA, the number of Covered Games in each Facility, by the name or type of each and its identifying number.

K. The Tribe and the Commission shall make available a copy of the following documents to any member of the public upon request: the minimum internal control standards of the National Indian Gaming Commission; the Seminole Tribal Gaming Code; this Compact; the rules of each Covered Game operated by the Tribe; and the administrative procedures for addressing Patron tort claims under Part VI.

L. Cessation of Banking or Banked Card Games. The Tribe shall stop all banked card games occurring on Tribal lands at any existing gaming facility within any county of the state, other than Broward County or Hillsborough County, within ninety (90) days after the date this Compact is executed by the State and the Tribe.

PART VI.

PATRON DISPUTES; WORKERS' COMPENSATION; TORT CLAIMS; PRIZE CLAIMS; LIMITED CONSENT TO SUIT.—

A. All Patron disputes involving gaming will be resolved in accordance with the procedures established in Article XI of the Seminole Tribal Gaming Code.

B. Tort claims by employees of the Tribe's Facilities will be handled pursuant to the provisions of the Tribe's Workers' Compensation Ordinance, which shall provide workers the same or better protections as set forth in Florida's workers' compensation laws.

C. Disputes by employees of the Tribe's Facilities will be handled pursuant to the provisions of the Tribe's policy for gaming employees, the Employee Fair Treatment and Dispute Resolution Policy as provided in part XVIII.G.

D.1. A Patron who claims to have been injured in a Facility where Covered Games are played is required to provide written notice to the Tribe's Risk Management Department or the Facility, in a reasonable and timely manner.

2. The Tribe shall have ten (10) days to respond to a claim made by a Patron. When the Tribe responds to an incident alleged to have caused a Patron's injury or illness, the Tribe shall provide a claim form to the Patron. It is the Patron's responsibility to complete the form and forward the form to the Tribe's Risk Management Department within a reasonable period of time, and in a reasonable and timely manner.

3. Upon receiving written notification of the claim, the Tribe's Risk Management Department shall forward the notification to the Tribe's insurance carrier. The Tribe will use its best efforts to assure that the insurance carrier contacts the Patron within a reasonable period of time following receipt of the claim.

4. The insurance carrier will handle the claim to conclusion. If the Patron and the insurance carrier are not able to resolve the claim, the Patron may bring a tort claim against the Tribe in any court of competent jurisdiction in the County in which the incident occurred, subject to a four (4) year statute of limitations, which shall begin to run from the date of the incident of the alleged claimed injury. Nothing in this Part shall preclude a Patron from asserting a tort claim against the Tribe from immediately filing suit in any court of competent jurisdiction in the county where the claim arises without resorting to or exhausting tribal remedies.

5. In no event shall the Tribe be deemed to have waived its tribal immunity from suit beyond $500,000 for an individual tort claim and $1,000,000 for the tort claims of all persons or entities claiming injury in tort arising out of a single event or occurrence. These limitations are intended to include liability for compensatory damages as well as any costs, prejudgment interest, and attorney's fees arising out of any claim brought or asserted against the Tribe, its subordinate governmental and economic units as well as any Tribal officials, employees, servants, or agents in their official capacities.

6. The Tribe shall obtain and maintain a commercial general liability policy which provides coverage of no less than $1,000,000 per occurrence and $10,000,000 in the aggregate for bodily injury, personal injury, and property damage arising out of, connected with, or relating to the operation of Facilities where Covered Games are offered.

7. Notices explaining the procedures and time limitations with respect to making a tort claim shall be prominently displayed in the Facilities, posted on the Tribe's website, and provided to any Patron for whom the Tribe has notice of the injury or property damage giving rise to the tort claim. Such notices shall explain the method and places for making a tort claim.

8. The Tribe's insurance policy shall:

(a) Prohibit the insurer or the Tribe from invoking tribal sovereign immunity up to the limits of the policy with respect to any claim covered under the policy and disposed of in accordance with the Tribe's tort claim procedures.

(b) Include covered claims made by a Patron or invitee for personal injury or property damage.

(c) Permit the insurer or the Tribe to assert any statutory or common law defense other than sovereign immunity.

(d) Provide that any award or judgment rendered in favor of a Patron or invitee shall be satisfied solely from insurance proceeds.

PART VII.

ENFORCEMENT OF COMPACT PROVISIONS.—

A. The Tribe and the Commission shall be responsible for regulating activities pursuant to this Compact. As part of its responsibilities, the Tribe has adopted or issued standards designed to ensure that the Facilities are constructed, operated, and maintained in a manner that adequately protects the environment and public health and safety. Additionally, the Tribe shall ensure that:

1. Operation of the conduct of Covered Games is in strict compliance with (i) the Seminole Tribal Gaming Code, (ii) all rules, regulations, procedures, specifications, and standards lawfully adopted by the National Indian Gaming Commission and the Commission, and (iii) the provisions of this Compact, including, but not limited to, the standards and the Tribe's rules and regulations set forth in the Appendices;

2. Reasonable measures are taken to:

(a) Assure the physical safety of Facility Patrons, employees, and any other person while in the Facility;

(b) Prevent illegal activity at the Facilities or with regard to the operation of Covered Games, including, but not limited to, the maintenance of employee procedures and a surveillance system;

(c) Ensure prompt notification is given to appropriate law enforcement authorities of persons who may be involved in illegal acts in accordance with applicable law;

(d) Ensure that the construction and maintenance of the Facilities comply with the standards that are at least as stringent as the Florida Building Code, the provisions of which the Tribe has adopted as the Seminole Tribal Building Code;

(e) Ensure adequate emergency access plans have been prepared to ensure the health and safety of all Covered Game Patrons;

(f) Employ, permit, or authorize only medical professionals at its gaming facilities that are licensed by this state;

(g) Allow unimpeded access to the gaming facilities by municipal or county emergency medical services; and

(h) Ensure, at a minimum, that the environmental requirements of any federal permit will meet the standards established for the state's environmental resource permitting program as provided for in s. 373.414, Florida Statutes.

B. All licenses for members and employees of the Commission shall be issued according to the same standards and terms applicable to Facility employees. The Commission's compliance officers shall be independent of the Tribal gaming operations, and shall be supervised by and accountable only to the Commission. A Commission compliance officer shall be available to the Facility during all hours of operation upon reasonable notice, and shall have immediate access to any and all areas of the Facility for the purpose of ensuring compliance with the provisions of this Compact. The Commission shall investigate any such suspected or reported violation of this Part and shall officially enter into its files timely written reports of investigations and any action taken thereon, and shall forward copies of such investigative reports to the SCA within 30 calendar days of such filing. The scope of such reporting shall be determined by a Memorandum of Understanding between the Commission and the SCA as soon as practicable after the Effective Date of this Compact. Any such violations shall be reported immediately to the Commission, and the Commission shall immediately forward the same to the SCA. In addition, the Commission shall promptly report to the SCA any such violations which it independently discovers.

C. In order to develop and foster a positive and effective relationship in the enforcement of the provisions of this Compact, representatives of the Commission and the SCA shall meet, not less than on an annual basis, to review past practices and examine methods to improve the regulatory scheme created by this Compact. The meetings shall take place at a location mutually agreed to by the Commission and the SCA. The SCA, prior to or during such meetings, shall disclose to the Commission any concerns, suspected activities, or pending matters reasonably believed to possibly constitute violations of this Compact by any person, organization, or entity, if such disclosure will not compromise the interest sought to be protected.

PART VIII.

STATE MONITORING OF COMPACT.—

A. The State shall secure an annual independent financial audit of the conduct of Covered Games subject to this Compact. The audit shall examine revenues in connection with the conduct of Covered Games and shall include only those matters necessary to verify the determination of Net Win and the basis and amount of, and the right to, and the amount of the payments the Tribe is obligated to make to the State pursuant to Part XI. of this Compact and as defined by this Compact. A copy of the audit report for the conduct of Covered Games shall be submitted to the Commission within thirty (30) calendar days of completion. Representatives of the SCA may, upon request, meet with the Tribe and its auditors to discuss the audit or any matters in connection therewith; provided, such discussions are limited to Covered Games information. The annual independent financial audit shall be performed by an independent accounting firm, with experience in auditing casino operations, selected by the State, subject to the consent of the Tribe, which shall not be unreasonably withheld. The Tribe shall pay the accounting firm for the costs of the annual independent financial audit.

B. The SCA shall, pursuant to the provisions of this Compact, monitor the conduct of Covered Games to ensure that the Covered Games are conducted in compliance with the provisions of this Compact. In order to properly monitor the conduct of Covered Games, agents of the SCA without prior notice or with concurrent notice shall have reasonable access to all public areas of the Facilities related to the conduct of Covered Games as provided herein.

1. While the Commission will act as the regulator of the Facilities, the SCA may take reasonable steps to assure that operations at the Facilities comply with the terms of this Compact and may advise on such issues as it deems appropriate.

2. In order to fulfill its oversight responsibilities, the State has identified specific oversight testing procedures, set forth below in subsection 3., paragraphs (a), (b), and (c), which the SCA may perform on a routine basis.

3.(a) The Tribe shall permit access to the SCA to inspect with at least concurrent notice any Covered Games in operation at the Facilities on a random basis, without limitation as to frequency, to confirm that the Covered Games operate and play properly pursuant to the manufacturer's technical standards and are conducted in compliance with the rules, regulations, and standards established by the Commission and this Compact. Such random inspections shall occur during normal operating hours. No advance notice is required when the SCA inspects public and nonpublic areas of the Facility. However, representatives of the SCA shall provide notice to the Commission of their presence for such inspections. A Commission agent may accompany the inspection.

(b) For each Facility, the SCA may perform one annual review of the slot machine compliance audit.

(c) At least on an annual basis, the SCA may meet with the Tribe's Internal Audit Department for Gaming to review internal controls and violations of same by the Facilities.

4. The SCA will seek to work with and obtain the assistance of the Commission in the resolution of any conflicts with the management of the Facilities, and the State and the Tribe shall make their best efforts to resolve disputes through negotiation whenever possible. Therefore, in order to foster a spirit of cooperation and efficiency, the parties hereby agree that when disputes arise between the SCA staff and Commission regulators from the day-to-day regulation of the Facilities, they should generally be resolved first through meeting and conferring in good faith. This voluntary process does not proscribe the right of either party to seek other relief that may be available when circumstances require such relief. In the event of a dispute or disagreement between Tribal and SCA regulators, the dispute or disagreement shall be resolved in accordance with the dispute resolution provisions of Part XIII. of this Compact.

5. Access to each Facility by the SCA shall be during the Facility's operating hours only, provided that to the extent such inspections are limited to areas of the Facility where the public is normally permitted, the SCA agents may inspect the Facility without giving prior notice to the Tribe or the Commission.

6. Any suspected or claimed violations of this Compact or law shall be directed in writing to the Commission; the SCA agents, in conducting the functions assigned them under this Compact, shall not unreasonably interfere with the functioning of any Facility.

7. Before the SCA agents enter any nonpublic area of a Facility, they shall provide photographic identification to the Commission. The SCA

agents shall be accompanied in nonpublic areas of the Facility by a Commission officer. Prior notice or concurrent notice by the SCA to the Commission is required to assure that a Commission officer is available to accompany the SCA agents at all times.

8. There is no limit to the number of times or opportunities that the SCA may inspect any covered games or gaming devices in operation at a Facility on a random basis to confirm that the operation and play of the games or devices conform to manufacturer's technical standards or to the standards specified in the compact.

9. There is no limit to the number of times the SCA may review internal controls and violations by a Facility.

10. All gaming machines on the premises of each Facility will be connected to a central computerized reporting and auditing system on the gaming facility premises. The system shall:

(a) Collect on a continual basis the unaltered activity of each gaming machine in use at the gaming facility.

(b) Provide access to the state by a dedicated telecommunications connection, on a "read-only" basis, upon entry of appropriate security codes, and permit access to and downloads of the wager and payout data of each machine, electronically captured by the central computer. However, the compact may not authorize the state to alter or affect the operation of any gaming machine or other device on the premises of the authorized gaming facility or the data provided to the central computer.

(c) Be constructed and installed at the Tribe's expense to provide electronic access to the state for the machine wager and payout data collected by the central computer.

(d) Be designed in conjunction with the state and the Tribe's technical staff so as to preserve the integrity of the system and the data contained therein, to minimize any possibility of unauthorized access to the system or tampering with the data, and to minimize any access by the state to information other than machine wager and payout data residing in the central reporting and auditing system.

C. Subject to the provisions herein, agents of the SCA shall have the right to review, request, and receive copies of documents of the Facility related to its conduct of Covered Games. The review and copying of such documents shall be during normal business hours unless otherwise allowed by the Tribe at the Tribe's discretion. The Tribe shall not refuse said inspection and copying of such documents, provided that the inspectors may not require copies of documents in such volume that it unreasonably interferes with the normal functioning of the Facilities or Covered Games. To the extent that the Tribe provides the State with information which the Tribe claims to be confidential and proprietary, or a trade secret, the Tribe shall clearly mark such information with the following designation: "Trade Secret, Confidential and Proprietary." If the State receives a request under Chapter 119, Florida Statutes, that would include such designated information, the State shall promptly notify the Tribe of such a request. The SCA may provide copies of tribal documents to federal law enforcement and other State agencies or State consultants that the State deems reasonably necessary in order to conduct or complete any investigation of suspected criminal activity in connection with the Tribe's Covered Games or the operation of the Facilities or in order to assure the Tribe's compliance with this Compact.

D. At the completion of any SCA inspection or investigation, the SCA may forward a written report thereof to the Commission, containing all pertinent, nonconfidential, nonproprietary information regarding any violation of applicable laws or this Compact which was discovered during the inspection or investigation unless disclosure thereof would adversely impact an investigation of suspected criminal activity. Nothing herein prevents the SCA from contacting tribal or federal law enforcement authorities for suspected criminal wrongdoing involving the Commission.

E. Except as expressly provided in this Compact, nothing in this Compact shall be deemed to authorize the State to regulate the Tribe's government, including the Commission, or to interfere in any way with the Tribe's selection of its governmental officers, including members of the Commission.

PART IX.

JURISDICTION.—The obligations and rights of the State and the Tribe under this Compact are contractual in nature, and are to be construed and enforced in accordance with the laws of the State of Florida. This Compact shall not alter tribal, federal, or state civil adjudicatory or criminal jurisdiction in any way.

PART X.

LICENSING.—The Tribe and the Commission shall comply with the licensing and hearing requirements set forth in 25 C.F.R. Parts 556 and 558, as well as the applicable licensing and hearing requirements set forth in Articles IV-VI of the Seminole Tribal Gaming Code. The Commission shall notify the SCA of any disciplinary hearings or revocation or suspension of licenses.

PART XI.

PAYMENTS TO THE STATE OF FLORIDA.—

A. The parties acknowledge and recognize that this Compact provides the Tribe with partial but substantial exclusivity and other valuable consideration consistent with the goals of the Indian Gaming Regulatory Act, including special opportunities for tribal economic development through gaming within the external boundaries of Florida with respect to the play of Covered Games. In consideration thereof, the Tribe covenants and agrees, subject to the conditions agreed upon in Part XII. of this Compact, to make Payments to the State derived from Net Win as set forth in Section B. The Tribe further agrees to convert all of its Class II video bingo terminals (or their equivalents) to Class III slot machines within twenty-four (24) months after the Effective Date of this Compact, or the Payment to the State shall be calculated as if the conversion has been completed, whether or not the Tribe has fully executed its conversion. The Tribe further agrees that it will not purchase or lease any new Class II video bingo terminals (or their equivalents) after the Effective Date of this Compact.

B. Payment schedule.—Subject to the provisions in this Part of the Compact, and subject to the limitations agreed upon in Part XII. of the Compact, the amounts paid by the Tribe to the State shall be calculated as follows:

1. For each Revenue Sharing Cycle, the Tribe agrees to pay not less than a Guaranteed Minimum Payment of One Hundred Fifty Million Dollars ($150,000,000) if the Revenue Share calculated for that Revenue Sharing Cycle under subsection 3., below, is less than the Guaranteed Minimum Payment.

2. All Guaranteed Minimum Payments shall be deducted from and credited toward the Revenue Share in each Revenue Sharing Cycle set forth below in subsection 3.

3. For each Revenue Sharing Cycles, to the extent that the Revenue Share exceeds the Guaranteed Minimum Payment for each Revenue Sharing Cycle, the Tribe agrees, as further provided in subsection 4., to pay a Revenue Share for that Revenue Sharing Cycle equal to the total amount calculated from the operation and play of Covered Games from each Revenue Sharing Cycle as follows:

(a) Twelve percent (12%) of all amounts up to Two and one half Billion Dollars ($2,500,000,000) of Net Win received by the Tribe from the operation and play of Covered Games from each Revenue Sharing Cycle;

(b) Fifteen percent (15%) of all amounts between Two and one half Billion and One Dollars ($2,500,000,001) and Three Billion Dollars ($3,000,000,000) of Net Win received by the Tribe from the operation and play of Covered Games from each Revenue Sharing Cycle;

(c) Twenty percent (20%) of all amounts between Three Billion and One Dollar ($3,000,000,001) and Four Billion Dollars ($4,000,000,000) of Net Win received by the Tribe from the operation and play of Covered Games from each Revenue Sharing Cycle;

(d) Twenty-two and one half percent (22.5%) of all amounts between Four Billion and One Dollar ($4,000,000,001) and Four and one half Billion Dollars ($4,500,000,000) of Net Win Received by the Tribe from the operation and play of Covered Games from each Revenue Sharing Cycle; and

(e) Twenty-five percent (25%) of all amounts over Four and one half Billion Dollars ($4,500,000,000) of Net Win received by the Tribe from the operation and play of Covered Games from each Revenue Sharing Cycle.

4.(a) On or before the fifteenth day of the month following the first month of the Revenue Sharing Cycle, the Tribe will remit to the State the greater amount of eight and one-third percent (8.3 percent) of the estimated annual Revenue Share or eight and one-third percent (8.3 percent) of the Guaranteed Minimum Payment ("the monthly payment").

(b) The Tribe will make available to the State at the time of the monthly payment the basis for the calculation of the Payment.

(c) Each month the Tribe will internally "true up" the calculation of the estimated Revenue Share based on the Tribe's un-audited financial statements related to Covered Games.

5.(a) On or before the forty-fifth day after the third month, sixth month, ninth month, and twelfth month of each Revenue Sharing Cycle, provided that the twelve (12) month period does not coincide with the Tribe's fiscal year end date as indicated in paragraph (c), the Tribe will provide the State with an audit report by its independent auditors as to the accuracy of the annual Revenue Share calculation.

(b) For each quarter of these Revenue Sharing Cycles the Tribe will engage its independent auditors to conduct a review of the un-audited net revenue from Covered Games. On or before the one hundred and twentieth day after the end of the Tribe's fiscal year, the Tribe will require its independent auditors to provide an audit report to verify Net Win for Covered Games and the related Payment of the annual Revenue Share to the SCA for State review.

(c) If the twelfth month of each Revenue Sharing Cycle does not coincide with the Tribe's fiscal year, the Tribe will require its independent auditors to deduct Net Win from Covered Games for any of the months that are outside of the Revenue Sharing Cycle and to include Net Win from Covered Games for those months which fall outside of the Tribe's audit period but fall within the Revenue Sharing Cycle, prior to issuing the audit report.

(d) No later than thirty (30) calendar days after the day the audit report is issued, the Tribe will remit to the State any underpayment of the annual Revenue Share, and the State at its discretion will either reimburse to the Tribe any overpayment of the annual Revenue Share or authorize the overpayment to be deducted from the next monthly payment.

C. Payments pursuant to Sections A. and B. above shall be made to the State via electronic funds transfer in a manner directed by the SCA for immediate transfer into the Educational Enhancement Trust Fund of the Department of Education. Payments will be due in accordance with the Payment Schedule set forth in Section B. The appropriation of any Payments received by the State pursuant to this Compact lies within the exclusive prerogative of the Legislature.

D. The Annual Oversight Assessment to reimburse the State for the actual costs of the operation of the SCA to perform its monitoring functions as defined in this Compact shall be determined and paid in quarterly installments within thirty (30) calendar days of receipt by the Tribe of an invoice from the SCA. The Tribe reserves the right to audit the invoices on an annual basis, a copy of which will be provided to the SCA, and any discrepancies found therein shall be reconciled within forty-five (45) calendar days of receipt of the audit by the SCA. Out-of-pocket expenses to be incurred by the Governor or his designee performing functions of the SCA unless and until the SCA is designated by the Legislature shall be advanced by the Tribe upon submission of properly documented requests.

E. As provided for 25 U.S.C. s. 2710(b)(2)(B)(v), the Tribe agrees to pay to the State an additional amount equal to three percent (3 percent) of the annual amount set forth in Section B. of this Part, which funds shall be used for the purposes of offsetting the impacts of the Tribe's facilities on the operations of local governments.

F. Any moneys remitted by the Tribe before the effective date of this Compact shall be deemed forfeited by the Tribe and released to the State without further obligation or encumbrance. Acceptance and appropriation of such funds does not legitimize, validate, or otherwise ratify any previously proposed compact or the operation of class III games by the Tribe for any period prior to the effective date of this Compact.

G. Except as expressly provided in this Part, nothing in this Compact shall be deemed to require the Tribe to make payments of any kind to the State or any of its agencies.

PART XII.

REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY OR OTHER CHANGES IN FLORIDA LAW.—The intent of this Part is to provide the Tribe with the right to operate Covered Games on an exclusive basis as provided in this compact, subject to the exceptions and provisions set forth below.

A. If Class III gaming as defined in this Compact that is not presently authorized by or under Florida law is authorized for any location within the State of Florida that is under the jurisdiction of the State and Tribal Net Win plus revenues from its remaining Class II video bingo terminals (or their equivalents) within its Facilities statewide drops below $1.37 billion, the Payments due the State pursuant to Part XI., Sections A. and B. of this Compact shall be reduced based on the proportion of net win below $1.37 billion. The Payments due the State pursuant to Part XI., Sections A. and B. of this Compact shall resume in full if the Tribe's annual Net Win plus revenues from its remaining Class II video bingo terminals (or their equivalents) within its Facilities statewide again reaches or exceeds $1.37 billion.

B. The following are exceptions to the exclusivity provisions of Section A. above.

1. Any Class III gaming authorized by a compact between the State and any other federally recognized tribe pursuant to the Indian Gaming Regulatory Act will not be a breach or other violation of the exclusivity provisions set forth in Section A. above.

2. The conduct of illegal or otherwise unauthorized gaming within the State shall not be considered a breach or other violation of the exclusivity provisions set forth in Section A. above.

3. Any Class III slot machine gaming authorized after the effective date of this compact for pari-mutuel facilities in Miami-Dade County or Broward County will not be a breach or violation of the exclusivity provisions set forth in Section A. above.

4. Any historic racing machines, electronic bingo machines, and pari-mutuel wagering activities at licensed pari-mutuel facilities authorized after the effective date of this compact will not be a breach or violation of the exclusivity provisions set forth in Section A. above.

C. Revenue sharing by the Tribe may not be reduced or eliminated by the existence of any gaming activities being conducted in Florida at the time this compact is ratified which are illegal or are of unsettled legal status.

D. If the Florida Constitution is amended to repeal the slot machine amendment in s. 23, Article X of the State Constitution, the Legislature authorizes the Seminoles to continue to offer the play of covered games under the terms of the compact authorized pursuant to this section during the remainder of the term of the compact.

E. To the extent that the Tribe's ongoing Payment obligations to the State pursuant to Part XI., Sections A. and B. of this Compact are reduced, any outstanding Payments that would have been due the State from the Tribe's Facilities prior to the event authorizing the reduction shall be made within thirty (30) business days after cessation.

F. Any reduction of Payments authorized under this Compact shall not excuse the Tribe from continuing to comply with all other provisions of this Compact, including continuing to pay the State the Annual Oversight Assessment as set forth in Part XI., Section C. of this Compact. Furthermore, the State shall continue to have the right to monitor the Tribe's compliance with the Compact.

G. In the event that revenue sharing payments to the State made pursuant to Part XI., Sections A. and B. are reduced under this Part, the annual amount payable to the State for the impacts to local governments under Part XI., Section E. shall be calculated as the amount paid for the last full revenue sharing year. Such payments shall continue to be cal-

culated in such manner until the revenue sharing payments under Part XI., Sections A. and B. are restored.

H. Nothing in this Compact is intended to affect the ability of the State Legislature to enact laws either further restricting or expanding gambling on non-tribal lands.

PART XIII.

DISPUTE RESOLUTION.—In the event that either party to this Compact believes that the other party has failed to comply with any requirements of this Compact, or in the event of any dispute hereunder, including, but not limited to, a dispute over the proper interpretation of the terms and conditions of this Compact, the goal of the Parties is to resolve all disputes amicably and voluntarily whenever possible. In pursuit of this goal, the following procedures may be invoked:

A. A party asserting noncompliance or seeking an interpretation of this Compact first shall serve written notice on the other party. The notice shall identify the specific Compact provision alleged to have been violated or in dispute and shall specify in detail the asserting party's contention and any factual basis for the claim. Representatives of the Tribe and State shall meet within thirty (30) calendar days of receipt of notice in an effort to resolve the dispute, unless they mutually agree to extend this period.

B. A party asserting noncompliance or seeking an interpretation of this Compact under this Part shall be deemed to have certified that to the best of the party's knowledge, information, and belief formed after reasonable inquiry, the claim of noncompliance or the request for interpretation of this Compact is warranted and made in good faith and not for any improper purpose, such as to harass or to cause unnecessary delay or the needless incurring of the cost of resolving the dispute.

C. If the parties are unable to resolve a dispute through the process specified in Sections A. and B. of this Part, the parties may agree to mediation under the Commercial Mediation Procedures of the American Arbitration Association (AAA), or any such successor procedures, provided that such mediation does not last more than sixty (60) calendar days, unless an extension to this time limit is mutually agreed to by the parties. The disputes available for resolution through mediation are limited to matters arising under the terms of this Compact.

D. If the parties are unable to resolve a dispute through the process specified in Sections A., B., and C. of this Part, notwithstanding any other provision of law, the State may bring an action against the Tribe in any court of competent jurisdiction regarding any dispute arising under this Compact. The State is entitled to all remedies available under law or in equity.

E. For purposes of actions based on disputes between the State and the Tribe that arise under this Compact and the enforcement of any judgment resulting therefore, the Tribe expressly waives its right to assert sovereign immunity from suit and from enforcement of any ensuing judgment, and further consents to be sued in federal or state court, including the rights of appeal, as the case may be, provided that (i) the dispute is limited solely to issues arising under this Compact, (ii) there is no claim for monetary damages (except that payment of any money required by the terms of this Compact, as well as injunctive relief or specific performance enforcing a provision of this Compact requiring the payment of money to the State may be sought), and (iii) nothing herein shall be construed to constitute a waiver of the sovereign immunity of the Tribe with respect to any third party that is made a party or intervenes as a party to the action.

F. The State may not be precluded from pursuing any mediation or judicial remedy against the Tribe on the grounds that the State has failed to exhaust its Tribal administrative remedies.

G. Notwithstanding anything to the contrary in this Part, any failure of the Tribe to remit the Payments pursuant to the terms of Part XI. will entitle the State to seek mandatory injunctive relief in federal or state court, at the State's election, to compel the Payments after exhausting the dispute resolution process in Sections A. and B. of this Part.

H. The State shall be entitled to seek immediate injunctive relief in the event the Tribe offers or continues to offer Class III games not authorized under this Compact.

I. Notwithstanding any other provision of law to the contrary, if the parties are unable to resolve a dispute through the process specified in Sections A., B., and C., of this Part, provided that the State does not exercise its option to file an action against the Tribe under Section D., either party may invoke presuit nonbinding arbitration to resolve any dispute between the parties arising under the compact.

(a) The party demanding the presuit nonbinding arbitration shall immediately ask the American Arbitration Association to furnish a list of 11 arbitrators, each of whom shall have at least 5 years of commercial arbitration experience and no financial interest in or prior relationship with any of the parties or their affiliated or related entities or principals.

(b) The state and the Tribe shall each select a single arbitrator from the list provided by the American Arbitration Association within 10 days after receipt, and the individuals so selected shall choose one additional arbitrator from the list within the next 10 days. The three arbitrators selected shall constitute the panel that shall arbitrate the dispute between the parties pursuant to the American Arbitration Association Commercial Arbitration Rules and Chapter 682, Florida Statutes.

(c) At the conclusion of the proceedings, which shall be no later than 90 days after the demand for arbitration, the arbitration panel shall present to the parties a proposed agreement that the majority of the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties.

(d) The parties shall, within 10 days after the arbitration panel's issuance of the proposed agreement, enter into such agreement or notify the opposing party of its intent to reject the agreement and proceed with a lawsuit to resolve the dispute.

(e) Each party shall pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel.

(f) The arbitrator's decision may not be enforced in any court.

J. If the arbitrator finds that the state is not in compliance with the Compact, the State shall have the opportunity to challenge the decision of the arbitrators by bringing an independent action against the Tribe in federal district court ("federal court") regarding the dispute underlying the arbitration in a district in which the federal court has venue. If the federal court declines to exercise jurisdiction, or federal precedent exists that rules that the federal court would not have jurisdiction over such a dispute, the State may bring the action in the Courts of the Seventeenth Judicial Circuit in and for Broward County, Florida. The State is entitled to all rights of appeal permitted by law in the court system in which the action is brought. The State shall be entitled to de novo review of the arbitrators' decision under this Section. For the purpose of this Section, the Tribe agrees to waive its immunity as provided in Section E. of this Part.

PART XIV.

CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

A. If any provision of this Compact relating to the covered games, revenue sharing payments, suspension or reduction of payments, or exclusivity is held by a court of competent jurisdiction to be invalid, this Compact will become null and void. If any provision, part, section, or subsection of this Compact is determined by a federal district court in Florida or other court of competent jurisdiction to impose a mandatory duty on the State of Florida that requires authorization by the Florida Legislature, the duty conferred by that particular provision, part, section, or subsection shall no longer be mandatory but will be deemed to be a matter within the discretion of the Governor or other State officers, subject to such legislative approval as may be required by Florida law.

B. It is understood that Part XII. of this Compact, which provides for a reduction of the Payments to the State under Part XI., does not create any duty on the State of Florida but only a remedy for the Tribe if Class III gambling under state jurisdiction is expanded by operation of law and Tribal net win falls below $1.37 billion.

C. This Compact is intended to meet the requirements of the Indian Gaming Regulatory Act as it reads on the Effective Date of this Compact, and where reference is made to the Indian Gaming Regulatory Act, or to an implementing regulation thereof, the reference is deemed to have been

incorporated into this document as if set in full. Subsequent changes to the Indian Gaming Regulatory Act that diminish the rights of the State or Tribe may not be applied retroactively to alter the terms of this Compact, except to the extent that federal law validly mandates that retroactive application without the respective consent of the State or Tribe. In the event that a subsequent change to the Indian Gaming Regulatory Act, or to an implementing regulation thereof, mandates the retroactive application without the respective consent of the state or Tribe, the parties agree that this Compact is void if the subsequent change materially alters the minimum terms and standards in the compact relating to the covered games, revenue sharing payments, suspension or reduction of payments, or exclusivity.

D. Neither the presence in another tribal-state compact of language that is not included in this Compact, nor the absence in this Compact of language that is present in another tribal-state compact shall be a factor in construing the terms of this Compact.

E. Upon Legislative ratification, the parties shall cooperate and use their best efforts in seeking approval of this Compact from the Secretary of the Interior and the parties further agree that, upon ratification by the Legislature, the Tribe shall submit the Compact to the Secretary forthwith.

PART XV.

NOTICES.—All notices required under this Compact shall be given by (i) certified mail, return receipt requested, (ii) commercial overnight courier service, or (iii) personal delivery, to the following persons:

A. The Governor.

B. The General Counsel to the Governor.

C. The Chair of the Seminole Tribe of Florida.

D. The General Counsel to the Seminole Tribe of Florida.

PART XVI.

EFFECTIVE DATE AND TERM.—

A. This Compact shall become effective upon ratification by the Legislature and subsequent approval of the Compact by the Secretary of the Interior as a tribal-state compact within the meaning of the Indian Gaming Regulatory Act either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C).

B. This Compact shall have a term of fifteen (15) years, beginning on the first day of the month following the month in which the Compact becomes effective under Section A. of this Part. This Compact shall remain in full force and effect until the sooner of expiration of its terms or until terminated by mutual agreement of the parties.

PART XVII.

AMENDMENT OF COMPACT AND REFERENCES.—

A. Amendment of this Compact may only be made by written agreement of the parties, subject to approval by the Secretary either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C).

B. Legislative ratification is required for any amendment to the Compact that is not consistent with the terms and standards set forth in ss. 285.710 and 285.711, Florida Statutes, or that alters the provisions relating to the covered games, the amount of revenue sharing payments, suspension or reduction in payments, or exclusivity.

C. Changes in the provisions of tribal ordinances, regulations, and procedures referenced in this Compact may be made by the Tribe with thirty (30) calendar days advance notice to the State. If the State has an objection to any change to the tribal ordinance, regulation, or procedure which is the subject of the notice on the ground that its adoption would be a violation of the Tribe's obligations under this Compact, the State may invoke the dispute resolution provisions provided in Part XIII. of this Compact.

PART XVIII.

MISCELLANEOUS.—

A. Except to the extent expressly provided in this Compact, this Compact is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.

B. If, after the Effective Date of this Compact, the State enters into a compact with any other Tribe that contains more favorable terms with respect to any of the provisions of this Compact and the U.S. Secretary of the Interior approves such compact, either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C), upon tribal notice to the State and the Secretary, this Compact shall be deemed amended to contain the more favorable terms, unless the State objects to the change and can demonstrate, in a proceeding commenced under Part XIII., that the terms in question are not more favorable.

C. Upon the occurrence of certain events beyond the Tribe's control, including acts of God, war, terrorism, fires, floods, or accidents causing damage to or destruction of one or more of its Facilities or property necessary to operate the Facility(ies), (i) the Tribe's obligation to pay the Guaranteed Minimum Payment described in Part XI. shall be reduced pro rata to reflect the percentage of the total Net Win lost to the Tribe from the impacted Facility(ies) and (ii) the Net Win specified under Part XI., Section B., for purposes of determining whether the Tribe's payments described in Part XI. shall be reduced pro rata to reflect the percentage of the total Net Win lost to the Tribe from the impacted Facility(ies). The foregoing shall not excuse any obligations of the Tribe to make Payments to the State as and when required hereunder or in any related document or agreement.

D. The Tribe and the State recognize that opportunities to engage in gaming in smoke-free or reduced-smoke environments provides both health and other benefits to Patrons, and the Tribe has already instituted a non-smoking section at its Seminole Hard Rock Hotel & Casino – Hollywood Facility. As part of its continuing commitment to this issue, the Tribe will:

1. Install and utilize a ventilation system at all new construction at its Facilities, which system exhausts tobacco smoke to the extent reasonably feasible under existing state-of-the-art technology;

2. Designate a smoke-free area for slot machines at all new construction at its Facilities; and

3. Install non-smoking, vented tables for table games in its Facilities sufficient to respond to demand for such tables.

E. The annual average minimum pay-out of all slot machines in each Facility shall not be less than eighty-five percent (85 percent).

F. Nothing in this Compact shall alter any of the existing memoranda of understanding, contracts, or other agreements entered into between the Tribe and any other federal, state, or local governmental entity.

G. The Tribe currently has as set forth in its Employee Fair Treatment and Dispute Resolution Policy, and agrees to maintain, standards that are comparable to the standards provided in federal laws and State laws forbidding employers from discrimination in connection with the employment of persons working at the Facilities on the basis of race, color, religion, national origin, gender, age, disability/handicap, or marital status. Nothing herein shall preclude the Tribe from giving preference in employment, promotion, seniority, lay-offs, or retention to members of the Tribe and other federally recognized tribes. The Tribe will comply with all federal and state labor laws, where applicable. The Tribe shall provide a process for employee disputes which permits the employee to be represented by an attorney or other legally authorized representative. The process shall permit the employee to use language interpreters, including interpreters for the deaf or hard of hearing.

H. The Tribe agrees to use its best efforts to spend its revenue in this state to acquire goods and services from Florida-based vendors, professionals, and material and service providers.

Section 3. Subsection (3) of section 1013.737, Florida Statutes, is amended to read:

1013.737 The Class Size Reduction Lottery Revenue Bond Program.—There is established the Class Size Reduction Lottery Revenue Bond Program.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs*; ~~,~~* video gaming*; banking card games, including baccarat, chemin de fer, or blackjack; electronic or electromechanical facsimiles of any game of chance; casino games; slot machines;~~,~~* or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

Section 4. Subsections (11) and (38) of section 550.002, Florida Statutes, are amended to read:

550.002 Definitions.—As used in this chapter, the term:

(11) "Full schedule of live racing or games" means, for a greyhound or jai alai permitholder, the conduct of a combination of at least 100 live evening or matinee performances during the preceding year; for a permitholder who has a converted permit or filed an application on or before June 1, 1990, for a converted permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a jai alai permitholder who does not operate slot machines in its pari-mutuel facility, who has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than $4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year; for a jai alai permitholder who operates slot machines in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse permitholder *at its facility unless an alternative schedule of at least 20 live regular wagering performances is agreed upon by the permitholder and either the Florida Quarter Horse Racing Association or the horsemen's association representing the majority of the quarter horse owners and trainers at the facility and filed with the division along with its annual date application, in the 2010-2011 fiscal year, the conduct of at least 20 regular wagering performances, in the 2011-2012 and 2012-2013 fiscal years, the conduct of at least 30 live regular wagering performances, and for every fiscal year after the 2012-2013 fiscal year*, the conduct of at least 40 live regular wagering performances ~~during the preceding year~~; *for a quarter horse permitholder leasing another licensed racetrack, the conduct of 160 events at the leased facility;* and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year. For a permitholder which is restricted by statute to certain operating periods within the year when other members of its same class of permit are authorized to operate throughout the year, the specified number of live performances which constitute a full schedule of live racing or games shall be adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year and the resulting specified number of live performances shall constitute the full schedule of live games for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder. A live performance must consist of no fewer than eight races or games conducted live for each of a minimum of three performances each week at the permitholder's licensed facility under a single admission charge.

(38) "Year," for purposes of determining a full schedule of live racing, means *the state fiscal* ~~calendar~~ year.

Section 5. Subsection (3) of section 550.01215, Florida Statutes, is amended to read:

550.01215 License application; periods of operation; bond, conversion of permit.—

(3) ~~Except as provided in s. 550.5251 for thoroughbred racing,~~ The division shall issue each license no later than March 15. Each permitholder shall operate all performances at the date and time specified on its license. The division shall have the authority to approve minor changes in racing dates after a license has been issued. The division may approve changes in racing dates after a license has been issued when there is no objection from any operating permitholder located within 50 miles of the permitholder requesting the changes in operating dates. In the event of an objection, the division shall approve or disapprove the change in operating dates based upon the impact on operating permitholders located within 50 miles of the permitholder requesting the change in operating dates. In making the determination to change racing dates, the division shall take into consideration the impact of such changes on state revenues.

Section 6. Subsection (14) is added to section 550.054, Florida Statutes, to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(14)(a) Any holder of a permit to conduct jai alai may apply to the division to convert such permit to a permit to conduct greyhound racing in lieu of jai alai if:

1. Such permit is located in a county in which the division has issued only two pari-mutuel permits pursuant to this section;

2. Such permit was not previously converted from any other class of permit; and

3. The holder of the permit has not conducted jai alai games during a period of 10 years immediately preceding his or her application for conversion under this subsection.

(b) The division, upon application from the holder of a jai alai permit meeting all conditions of this section, shall convert the permit and shall issue to the permitholder a permit to conduct greyhound racing. A permitholder of a permit converted under this section shall be required to apply for and conduct a full schedule of live racing each fiscal year to be eligible for any tax credit provided by this chapter. The holder of a permit converted pursuant to this subsection or any holder of a permit to conduct greyhound racing located in a county in which it is the only permit issued pursuant to this section who operates at a leased facility pursuant to s. 550.475 may move the location for which the permit has been issued to another location within a 30-mile radius of the location fixed in the permit issued in that county, provided the move does not cross the county boundary and such location is approved under the zoning regulations of the county or municipality in which the permit is located, and upon such relocation may use the permit for the conduct of pari-mutuel wagering and the operation of a cardroom. The provisions of s. 550.6305(9)(d) and (f) shall apply to any permit converted under this subsection and shall continue to apply to any permit which was previously included under and subject to such provisions before a conversion pursuant to this section occurred.

Section 7. Paragraph (b) of subsection (1) and subsection (5) of section 550.0951, Florida Statutes, are amended, and subsection (6) of that section is reenacted, to read:

550.0951 Payment of daily license fee and taxes; penalties.—

(1)

(b) Each permitholder that cannot utilize the full amount of the exemption of $360,000 or $500,000 provided in s. 550.09514(1) or the daily license fee credit provided in this section may, after notifying the division in writing, elect once per state fiscal year on a form provided by the division to transfer such exemption or credit or any portion thereof to any greyhound permitholder which acts as a host track to such permitholder for the purpose of intertrack wagering. Once an election to transfer such exemption or credit is filed with the division, it shall not be rescinded. The division shall disapprove the transfer when the amount of the exemption or credit or portion thereof is unavailable to the transferring permitholder or when the permitholder who is entitled to transfer the exemption or credit or who is entitled to receive the exemption or credit owes taxes to the state pursuant to a deficiency letter or administrative complaint issued by the division. Upon approval of the transfer by the division, the transferred tax exemption or credit shall be effective for the first performance of the next *payment* ~~biweekly pay~~ period as specified in subsection (5). The exemption or credit transferred to such host track may be applied by such host track against any taxes

imposed by this chapter or daily license fees imposed by this chapter. The greyhound permitholder host track to which such exemption or credit is transferred shall reimburse such permitholder the exact monetary value of such transferred exemption or credit as actually applied against the taxes and daily license fees of the host track. The division shall ensure that all transfers of exemption or credit are made in accordance with this subsection and shall have the authority to adopt rules to ensure the implementation of this section.

(5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—*Payments* ~~Payment for the admission tax, tax on handle, and the breaks tax~~ imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund, hereby established. The permitholder shall remit to the division payment for the daily license fee, the admission tax, the tax on handle, and the breaks tax. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. *Beginning on July 1, 2012, such payments shall be remitted by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend.* Permitholders shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the division.

(6) PENALTIES.—

(a) The failure of any permitholder to make payments as prescribed in subsection (5) is a violation of this section, and the permitholder may be subjected by the division to a civil penalty of up to $1,000 for each day the tax payment is not remitted. All penalties imposed and collected shall be deposited in the General Revenue Fund. If a permitholder fails to pay penalties imposed by order of the division under this subsection, the division may suspend or revoke the license of the permitholder, cancel the permit of the permitholder, or deny issuance of any further license or permit to the permitholder.

(b) In addition to the civil penalty prescribed in paragraph (a), any willful or wanton failure by any permitholder to make payments of the daily license fee, admission tax, tax on handle, or breaks tax constitutes sufficient grounds for the division to suspend or revoke the license of the permitholder, to cancel the permit of the permitholder, or to deny issuance of any further license or permit to the permitholder.

Section 8. Paragraph (e) of subsection (2) and paragraph (b) of subsection (3) of section 550.09511, Florida Statutes, are amended to read:

550.09511 Jai alai taxes; abandoned interest in a permit for nonpayment of taxes.—

(2) Notwithstanding the provisions of s. 550.0951(3)(b), wagering on live jai alai performances shall be subject to the following taxes:

(e) The payment of taxes pursuant to paragraphs (b), (c), and (d) shall be calculated and commence beginning the day ~~after the biweekly period~~ in which the permitholder is first entitled to the reduced rate specified in this section and the report of taxes required by s. 550.0951(5) is submitted to the division.

(3)

(b) The payment of taxes pursuant to paragraph (a) shall be calculated and commence beginning the day ~~after the biweekly period~~ in which the permitholder is first entitled to the reduced rate specified in this subsection.

Section 9. Subsection (1) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(1) Wagering on greyhound racing is subject to a tax on handle for live greyhound racing as specified in s. 550.0951(3). However, each permitholder shall pay no tax on handle until such time as this subsection has resulted in a tax savings per state fiscal year of $360,000. Thereafter, each permitholder shall pay the tax as specified in s. 550.0951(3) on all handle for the remainder of the permitholder's current race meet~~, and the tax must be calculated and commence beginning the day after the biweekly period in which the permitholder reaches the maximum tax savings per state fiscal year provided in this section~~. For the three permitholders that conducted a full schedule of live racing in 1995, and are closest to another state that authorizes greyhound pari-mutuel wagering, the maximum tax savings per state fiscal year shall be $500,000. The provisions of this subsection relating to tax exemptions shall not apply to any charity or scholarship performances conducted pursuant to s. 550.0351.

Section 10. Subsections (1), (2), (5), (6), and (10) of section 550.105, Florida Statutes, are amended to read:

550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(1) Each person connected with a racetrack or jai alai fronton, as specified in paragraph (2)(a), shall purchase from the division an ~~annual~~ occupational license~~, which license is valid from May 1 until June 30 of the following year~~. All moneys collected pursuant to this section each fiscal year shall be deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person may, at her or his option and~~ Pursuant to the rules adopted by the division, ~~purchase~~ an occupational license *may be* valid for a period of *up to* 3 years *for a fee that does not exceed* ~~if the purchaser of the license pays~~ the full occupational license fee for each of the years for which the license is purchased ~~at the time the 3-year license is requested~~. The occupational license shall be valid during its specified term at any pari-mutuel facility.

(2)(a) The following licenses shall be issued to persons or entities with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room, or to persons who, by virtue of the position they hold, might be granted access to these areas or to any other person or entity in one of the following categories and with ~~scheduled annual~~ fees *not to exceed the following amounts for any 12-month period* ~~as follows~~:

1. Business licenses: any business such as a vendor, contractual concessionaire, contract kennel, business owning racing animals, trust or estate, totalisator company, stable name, or other fictitious name: $50.

2. Professional occupational licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional-level person who might have access to the jockeys' room, the drivers' room, the backside, racing animals, kennel compound, or managers or supervisors requiring access to mutuels machines, the money room, or totalisator equipment: $40.

3. General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals, the backside, or the kennel compound, or who would provide the security or maintenance of these areas, or mutuel employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas: $10.

The individuals and entities that are licensed under this paragraph require heightened state scrutiny, including the submission by the individual licensees or persons associated with the entities described in this chapter of fingerprints for a Federal Bureau of Investigation criminal records check.

(b) The division shall adopt rules pertaining to pari-mutuel occupational licenses*, licensing periods, and renewal cycles*.

(5)(a) The division may:

1. Deny a license to or revoke, suspend, or place conditions upon or restrictions on a license of any person who has been refused a license by any other state racing commission or racing authority;

2. Deny, suspend, or place conditions on a license of any person who is under suspension or has unpaid fines in another jurisdiction; if the state racing commission or racing authority of such other state or jurisdiction extends to the division reciprocal courtesy to maintain the disciplinary control.

(b) The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

(c) The division may deny, declare ineligible, or revoke any occupational license if the applicant for such license has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking, as contemplated in s. 849.25, or involves cruelty to animals. If the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the division.

(d) For purposes of this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere. However, the term "conviction" shall not be applied to a crime committed prior to the effective date of this subsection in a manner that would invalidate any occupational license issued prior to the effective date of this subsection or subsequent renewal for any person holding such a license.

(e) ~~(d)~~ If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The division may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the division may declare such person ineligible to hold a license for a period of time. The division may impose a civil fine of up to $1,000 for each violation of the rules of the division in addition to or in lieu of any other penalty provided for in this section. In addition to any other penalty provided by law, the division may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been denied by the division, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the division.

(f) ~~(e)~~ The division may cancel any occupational license that has been voluntarily relinquished by the licensee.

(6) In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the division may issue a temporary occupational license. The division shall adopt rules to implement this subsection. However, no temporary occupational license shall be valid for more than *90* ~~30~~ days, and no more than one temporary license may be issued for any person in any year.

(10)*(a)* Upon application for an occupational license, the division may require the applicant's full legal name; any nickname, alias, or maiden name for the applicant; name of the applicant's spouse; the applicant's date of birth, residence address, mailing address, residence address and business phone number, and social security number; disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals; disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and any information the division determines is necessary to establish the identity of the applicant or to establish that the applicant is of good moral character. Fingerprints shall be taken in a manner approved by the division and then shall be submitted to the Federal Bureau of Investigation, or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988. The cost of processing fingerprints shall be borne by the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to which the processing fees are deposited. ~~The division shall require each applicant for an occupational license to have the applicant's signature witnessed and notarized or signed in the presence of a division official.~~ The division, by rule, may require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.

(b) All fingerprints required by this section that are submitted to the Department of Law Enforcement shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system as authorized by s. 943.05(2)(b) and shall be available for all purposes and uses authorized for arrest fingerprint cards entered into the statewide automated fingerprint identification system pursuant to s. 943.051.

(c) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (b). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the division. Each licensee shall pay a fee to the division for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The division shall forward the payment to the Department of Law Enforcement. The amount of the fee to be imposed for performing these searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under paragraph (b).

(d) The division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check at least once every 5 years following issuance of a license. If the fingerprints of a person who is licensed have not been retained by the Department of Law Enforcement, the person must file a complete set of fingerprints as provided in paragraph (a). The division shall collect the fees for the cost of the national criminal history record check under this paragraph and forward the payment to the Department of Law Enforcement. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a general occupational license shall be borne by the applicant. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a business or professional occupational license shall be borne by the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month. Under penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the division within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.

Section 11. Subsection (6) of section 550.2415, Florida Statutes, is amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The division shall, by rule, establish the procedures for euthanizing greyhounds. However, a greyhound may not be put to death by

any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being destroyed.

(c) It is a violation of this chapter for an occupational licensee to train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of being trained through the use of live or dead animals.

(d) *Any act committed by any licensee that would constitute* ~~A conviction of~~ cruelty to animals *as defined in s. 828.02* ~~pursuant to s. 828.12~~ involving *any* ~~a racing~~ animal constitutes a violation of this chapter. *Imposition of any penalty by the division for violation of this chapter or any rule adopted by the division pursuant to this chapter shall not prohibit a criminal prosecution for cruelty to animals.*

(e) The division may inspect any area at a pari-mutuel facility where racing animals are raced, trained, housed, or maintained, including any areas where food, medications, or other supplies are kept, to ensure the humane treatment of racing animals and compliance with this chapter and the rules of the division.

Section 12. Subsection (5) is added to section 550.26165, Florida Statutes, to read:

550.26165 Breeders' awards.—

(5)(a) The awards programs in this chapter, which are intended to encourage thoroughbred breeding and training operations to locate in this state, must be responsive to rapidly changing incentive programs in other states. To attract such operations, it is appropriate to provide greater flexibility to thoroughbred industry participants in this state so that they may design competitive awards programs.

(b) Notwithstanding any other provision of law to the contrary, the Florida Thoroughbred Breeders' Association, as part of its annual plan, may:

1. Pay breeders' awards on horses finishing in first, second, or third place in thoroughbred horse races; pay breeders' awards that are greater than 20 percent and less than 15 percent of the announced gross purse; and vary the rates for breeders' awards, based upon the place of finish, class of race, state or country in which the race took place, and the state in which the stallion siring the horse was standing when the horse was conceived;

2. Pay stallion awards on horses finishing in first, second, or third place in thoroughbred horse races; pay stallion awards that are greater than 20 percent and less than 15 percent of the announced gross purse; reduce or eliminate stallion awards to enhance breeders' awards or awards under subparagraph 3; and vary the rates for stallion awards, based upon the place of finish, class of race, and state or country in which the race took place; and

3. Pay awards from the funds dedicated for breeders' awards and stallion awards to owners of registered Florida-bred horses finishing in first, second, or third place in thoroughbred horse races in this state, without regard to any awards paid pursuant to s. 550.2625(6).

(c) Breeders' awards or stallion awards under this chapter may not be paid on thoroughbred horse races taking place in other states or countries unless agreed to in writing by all thoroughbred permitholders in this state, the Florida Thoroughbred Breeders' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc.

Section 13. Paragraph (e) is added to subsection (6) of section 550.2625, Florida Statutes, to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(6)

(e) This subsection governs owners' awards paid on thoroughbred horse races only in this state, unless a written agreement is filed with the division establishing the rate, procedures, and eligibility requirements for owners' awards, including place of finish, class of race, maximum purse, and maximum award, and the agreement is entered into by the permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the racehorse owners and trainers at the permitholder's location.

Section 14. Section 550.334, Florida Statutes, is amended to read:

550.334 Quarter horse racing; substitutions.—

~~(1) Subject to all the applicable provisions of this chapter, any person who possesses the qualifications prescribed in this chapter may apply to the division for a permit to conduct quarter horse race meetings and racing under this chapter. The applicant must demonstrate that the location or locations where the permit will be used are available for such use and that she or he has the financial ability to satisfy the reasonably anticipated operational expenses of the first racing year following final issuance of the permit. If the racing facility is already built, the application must contain a statement, with reasonable supporting evidence, that the permit will be used for quarter horse racing within 1 year after the date on which it is granted; if the facility is not already built, the application must contain a statement, with reasonable supporting evidence, that substantial construction will be started within 1 year after the issuance of the permit. After receipt of an application, the division shall convene to consider and act upon permits applied for. The division shall disapprove an application if it fails to meet the requirements of this chapter. Upon each application filed and approved, a permit shall be issued setting forth the name of the applicant and a statement showing qualifications of the applicant to conduct racing under this chapter. If a favorable referendum on a pari-mutuel facility has not been held previously within the county, then, before a quarter horse permit may be issued by the division, a referendum ratified by a majority of the electors in the county is required on the question of allowing quarter horse races within that county.~~

~~(2) After a quarter horse racing permit has been granted by the division, the department shall grant to the lawful holder of such permit, subject to the conditions of this section, a license to conduct quarter horse racing under this chapter; and the division shall fix annually the time when, place where, and number of days upon which racing may be conducted by such quarter horse racing permitholder. After the first license has been issued to the holder of a permit for quarter horse racing, all subsequent annual applications for a license by a permitholder must be accompanied by proof, in such form as the division requires, that the permitholder still possesses all the qualifications prescribed by this chapter. The division may revoke any permit or license issued under this section upon the willful violation by the licensee of any provision of this chapter or any rule adopted by the division under this chapter. The division shall revoke any quarter horse permit under which no live racing has ever been conducted before July 7, 1990, for failure to conduct a horse meet pursuant to the license issued where a full schedule of horseracing has not been conducted for a period of 18 months commencing on October 1, 1990, unless the permitholder has commenced construction on a facility at which a full schedule of live racing could be conducted as approved by the division. "Commenced construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a horseracing facility, including procurement of a building permit applying the use of approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing. The 18-month period shall be extended by the division, to the extent that the applicant demonstrates to the satisfaction of the division that good faith commencement of the construction of the facility is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the construction of the facility.~~

(1) ~~(3)~~ The operator of any licensed racetrack is authorized to lease such track to any quarter horse racing permitholder *located within 35 miles of such track* for the conduct of quarter horse racing under this chapter. *However, a quarter horse facility located in a county where a referendum to authorize slot machines pursuant to s. 23, Art. X of the State Constitution is not subject to the mileage restriction if they lease from a licensed racetrack located within a county where a referendum was conducted to authorize slot machines pursuant to s. 23, Art. X of the State Constitution.*

(2) ~~(4) Section 550.054 is inapplicable to quarter horse racing as permitted under this section.~~ All other provisions of this chapter, *in-*

cluding s. 550.054, apply to, govern, and control such racing, and the same must be conducted in compliance therewith.

(3) ~~(5)~~ Quarter horses participating in such races must be duly registered by the American Quarter Horse Association, and before each race such horses must be examined and declared in fit condition by a qualified person designated by the division.

(4) ~~(6)~~ Any quarter horse racing days permitted under this chapter are in addition to any other racing permitted under the license issued the track where such quarter horse racing is conducted.

(5) ~~(7)(a)~~ Any quarter horse racing permitholder operating under a valid permit issued by the division is authorized to substitute races of other breeds of horses~~, except thoroughbreds,~~ which are, respectively, registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, Palomino Horse Breeders of America, ~~or~~ United States Trotting Association, *Florida Cracker Horse Association, or* ~~for no more than 50 percent of the quarter horse races daily, and may substitute races of thoroughbreds registered with the~~ Jockey Club for no more than 50 percent of the quarter horse races *during its meet* ~~daily with the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse racing permitholder's pari-mutuel facility~~.

~~(b) Any permittee operating within an area of 50 air miles of a licensed thoroughbred track may not substitute thoroughbred races under this section while a thoroughbred horse race meet is in progress within that 50 miles. Any permittee operating within an area of 125 air miles of a licensed thoroughbred track may not substitute live thoroughbred races under this section while a thoroughbred permittee who pays taxes under s. 550.09515(2)(a) is conducting a thoroughbred meet within that 125 miles. These mileage restrictions do not apply to any permittee that holds a nonwagering permit issued pursuant to s. 550.505.~~

(6) ~~(8)~~ *Except as provided in s. 550.3345,* a quarter horse permit issued pursuant to this section is not eligible for transfer or conversion to another type of pari-mutuel operation.

(7) ~~(9)~~ Any nonprofit corporation, including, but not limited to, an agricultural cooperative marketing association, organized and incorporated under the laws of this state may apply for a quarter horse racing permit and operate racing meets under such permit, provided all pari-mutuel taxes and fees applicable to such racing are paid by the corporation. However, insofar as its pari-mutuel operations are concerned, the corporation shall be considered to be a corporation for profit and is subject to taxation on all property used and profits earned in connection with its pari-mutuel operations.

(8) To be eligible to conduct intertrack wagering, a quarter horse racing permitholder must have conducted a full schedule of live racing in the preceding year.

~~(10) Intertrack wagering shall not be authorized for any quarter horse permitholder without the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse permitholder's pari-mutuel facility.~~

Section 15. Section 550.3345, Florida Statutes, is created to read:

550.3345 Conversion of quarter horse permit to a limited thoroughbred permit.—

(1) In recognition of the important and long-standing economic contribution of the thoroughbred horse breeding industry to this state and the state's vested interest in promoting the continued viability of this agricultural activity, the state intends to provide a limited opportunity for the conduct of live thoroughbred horse racing with the net revenues from such racing dedicated to the enhancement of thoroughbred purses and breeders', stallion, and special racing awards under this chapter; the general promotion of the thoroughbred horse breeding industry; and the care in this state of thoroughbred horses retired from racing.

(2) Notwithstanding any other provision of law, the holder of a quarter horse racing permit issued under s. 550.334 may, within 1 year after the effective date of this section, apply to the division for a transfer of the quarter horse racing permit to a not-for-profit corporation formed under state law to serve the purposes of the state as provided in subsection (1). The board of directors of the not-for-profit corporation must be comprised of 11 members, 4 of whom shall be designated by the applicant, 4 of whom shall be designated by the Florida Thoroughbred Breeders' Association, and 3 of whom shall be designated by the other 8 directors, with at least 1 of these 3 members being an authorized representative of another thoroughbred permitholder in this state. The not-for-profit corporation shall submit an application to the division for review and approval of the transfer in accordance with s. 550.054. Upon approval of the transfer by the division, and notwithstanding any other provision of law to the contrary, the not-for-profit corporation may, within 1 year after its receipt of the permit, request that the division convert the quarter horse racing permit to a permit authorizing the holder to conduct pari-mutuel wagering meets of thoroughbred racing. Neither the transfer of the quarter horse racing permit nor its conversion to a limited thoroughbred permit shall be subject to the mileage limitation or the ratification election as set forth under s. 550.054(2) or s. 550.0651. Upon receipt of the request for such conversion, the division shall timely issue a converted permit. The converted permit and the not-for-profit corporation shall be subject to the following requirements:

(a) All net revenues derived by the not-for-profit corporation under the thoroughbred horse racing permit, after the funding of operating expenses and capital improvements, shall be dedicated to the enhancement of thoroughbred purses and breeders', stallion, and special racing awards under this chapter; the general promotion of the thoroughbred horse breeding industry; and the care in this state of thoroughbred horses retired from racing.

(b) From December 1 through April 30, no live thoroughbred racing may be conducted under the permit on any day during which another thoroughbred permitholder is conducting live thoroughbred racing within 125 air miles of the not-for-profit corporation's pari-mutuel facility unless the other thoroughbred permitholder gives its written consent.

(c) After the conversion of the quarter horse racing permit and the issuance of its initial license to conduct pari-mutuel wagering meets of thoroughbred racing, the not-for-profit corporation shall annually apply to the division for a license pursuant to s. 550.5251(2)-(5).

(d) Racing under the permit may take place only at the location for which the original quarter horse racing permit was issued, which may be leased by the not-for-profit corporation for that purpose; however, the not-for-profit corporation may, without the conduct of any ratification election pursuant to s. 550.054(13) or s. 550.0651, move the location of the permit to another location in the same county provided that such relocation is approved under the zoning and land use regulations of the applicable county or municipality.

(e) No permit converted under this section is eligible for transfer to another person or entity.

(3) Unless otherwise provided in this section, after conversion, the permit and the not-for-profit corporation shall be treated under the laws of this state as a thoroughbred permit and as a thoroughbred permitholder, respectively, with the exception of s. 550.09515(3).

Section 16. Section 550.3355, Florida Statutes, is amended to read:

550.3355 Harness track licenses for summer quarter horse racing.—Any harness track licensed to operate under the provisions of s. 550.375 may make application for, and shall be issued by the division, a license to operate not more than 50 quarter horse racing days during the summer season, which shall extend from *July* ~~June~~ 1 until *October* ~~September~~ 1 of each year. However, this license to operate quarter horse racing for 50 days is in addition to the racing days and dates provided in s. 550.375 for harness racing during the winter seasons; and, it does not affect the right of such licensee to operate harness racing at the track as provided in s. 550.375 during the winter season. All provisions of this chapter governing quarter horse racing not in conflict herewith apply to the operation of quarter horse meetings authorized hereunder, except that all quarter horse racing permitted hereunder shall be conducted at night.

Section 17. *Section 550.3605, Florida Statutes, is repealed.*

Section 18. Section 550.5251, Florida Statutes, is amended to read:

550.5251 Florida thoroughbred racing; certain permits; operating days.—

~~(1) Each thoroughbred permitholder under whose permit thoroughbred racing was conducted in this state at any time between January 1, 1987, and January 1, 1988, shall annually be entitled to apply for and annually receive thoroughbred racing days and dates as set forth in this section. As regards such permitholders, the annual thoroughbred racing season shall be from June 1 of any year through May 31 of the following year and shall be known as the "Florida Thoroughbred Racing Season."~~

(1) ~~(2)~~ Each *thoroughbred* permitholder ~~referred to in subsection (1)~~ shall annually, during the period commencing December 15 of each year and ending January 4 of the following year, file in writing with the division its application to conduct one or more thoroughbred racing meetings during the thoroughbred racing season commencing on the following *July* ~~June~~ 1. Each application shall specify the number and dates of all performances that the permitholder intends to conduct during that thoroughbred racing season. On or before *March* ~~February~~ 15 of each year, the division shall issue a license authorizing each permitholder to conduct performances on the dates specified in its application. Up to *February 28* ~~March 31~~ of each year, each permitholder may request and shall be granted changes in its authorized performances; but thereafter, as a condition precedent to the validity of its license and its right to retain its permit, each permitholder must operate the full number of days authorized on each of the dates set forth in its license.

~~(3) Each thoroughbred permit referred to in subsection (1), including, but not limited to, any permit originally issued as a summer thoroughbred horse racing permit, is hereby validated and shall continue in full force and effect.~~

(2) ~~(4)~~ A thoroughbred racing permitholder may not begin any race later than 7 p.m. Any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may operate a cardroom and, when conducting live races during its current race meet, may receive and rebroadcast out-of-state races after the hour of 7 p.m. on any day during which the permitholder conducts live races.

(3) ~~(5)~~(a) Each licensed thoroughbred permitholder in this state must run an average of one race per racing day in which horses bred in this state and duly registered with the Florida Thoroughbred Breeders' Association have preference as entries over non-Florida-bred horses*, unless otherwise agreed to in writing by the permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location*. All licensed thoroughbred racetracks shall write the conditions for such races in which Florida-bred horses are preferred so as to assure that all Florida-bred horses available for racing at such tracks are given full opportunity to run in the class of races for which they are qualified. The opportunity of running must be afforded to each class of horses in the proportion that the number of horses in this class bears to the total number of Florida-bred horses available. A track is not required to write conditions for a race to accommodate a class of horses for which a race would otherwise not be run at the track during its *meet* ~~meeting~~.

(b) Each licensed thoroughbred permitholder in this state may run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America. Any licensed thoroughbred permitholder that elects to run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America is not required to provide stables for the Arabian horses racing under this paragraph.

(c) Each licensed thoroughbred permitholder in this state may run up to three additional races per racing day composed exclusively of quarter horses registered with the American Quarter Horse Association.

~~(6) Notwithstanding the provisions of subsection (2), a thoroughbred permitholder who fails to operate all performances on its 2001-2002 license does not lose its right to retain its permit. Such thoroughbred permitholder is eligible for issuance of an annual license pursuant to s. 550.0115 for subsequent thoroughbred racing seasons. The division shall take no disciplinary action against such thoroughbred permitholder for failure to operate all licensed performances for the 2001-2002 license pursuant to this section or s. 550.01215. This section may not be interpreted to prohibit the division from taking disciplinary action against a thoroughbred permitholder for failure to pay taxes on performances operated pursuant to its 2001-2002 license. This subsection expires July 1, 2003.~~

~~(7) A thoroughbred permitholder shall file an amendment with the division no later than July 1, 2002, that indicates that it will not be able to operate the performances scheduled on its 2002-2003 license without imposition of any penalty for failure to operate all licensed performances provided in this chapter. This subsection expires July 1, 2003.~~

Section 19. Subsections (4) and (7) of section 551.102, Florida Statutes, are amended to read:

551.102 Definitions.—As used in this chapter, the term:

(4) "Eligible facility" means any licensed pari-mutuel facility located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county*; any licensed pari-mutuel facility located within a county as defined in s. 125.011, provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter; or any licensed pari-mutuel facility in any other county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization after the effective date of this section in the respective county, provided such facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required licensed fee, and meets the other requirements of this chapter*.

(7) "Progressive system" means a computerized system linking slot machines in one or more licensed facilities within this state *or other jurisdictions* and offering one or more common progressive payouts based on the amounts wagered.

Section 20. Paragraph (j) of subsection (4) and paragraph (a) of subsection (10) of section 551.104, Florida Statutes, are amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(j) Ensure that the payout percentage of a slot machine *gaming facility* is *at least* ~~no less than~~ 85 percent.

(10)(a)*1.* No slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the division a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel facility. In addition, no slot machine license or renewal thereof shall be issued to such an applicant unless the applicant has on file with the division a binding written agreement between the applicant and the Florida Thoroughbred Breeders' Association, Inc., governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility. The agreement governing purses and the agreement governing awards may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses and awards shall be subject to the terms of chapter 550. All sums for breeders', stallion, and special racing awards shall be remitted monthly to the Florida Thoroughbred Breeders' Association, Inc., for the payment of awards subject to the administrative fee authorized in s. 550.2625(3).

2. No slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of quarter horse racing unless the applicant has on file with the division a binding written agreement between the applicant and the Florida Quarter Horse Racing Association or the association re-

presenting a majority of the horse owners and trainers at the applicants eligible facility, governing the payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses shall be subject to the terms of chapter 550.

(b) The division shall suspend a slot machine license if one or more of the agreements required under paragraph (a) are terminated or otherwise cease to operate or if the division determines that the licensee is materially failing to comply with the terms of such an agreement. Any such suspension shall take place in accordance with chapter 120.

(c)1. If an agreement required under paragraph (a) cannot be reached prior to the initial issuance of the slot machine license, either party may request arbitration or, in the case of a renewal, if an agreement required under paragraph (a) is not in place 120 days prior to the scheduled expiration date of the slot machine license, the applicant shall immediately ask the American Arbitration Association to furnish a list of 11 arbitrators, each of whom shall have at least 5 years of commercial arbitration experience and no financial interest in or prior relationship with any of the parties or their affiliated or related entities or principals. Each required party to the agreement shall select a single arbitrator from the list provided by the American Arbitration Association within 10 days of receipt, and the individuals so selected shall choose one additional arbitrator from the list within the next 10 days.

2. If an agreement required under paragraph (a) is not in place 60 days after the request under subparagraph 1. in the case of an initial slot machine license or, in the case of a renewal, 60 days prior to the scheduled expiration date of the slot machine license, the matter shall be immediately submitted to mandatory binding arbitration to resolve the disagreement between the parties. The three arbitrators selected pursuant to subparagraph 1. shall constitute the panel that shall arbitrate the dispute between the parties pursuant to the American Arbitration Association Commercial Arbitration Rules and chapter 682.

3. At the conclusion of the proceedings, which shall be no later than 90 days after the request under subparagraph 1. in the case of an initial slot machine license or, in the case of a renewal, 30 days prior to the scheduled expiration date of the slot machine license, the arbitration panel shall present to the parties a proposed agreement that the majority of the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. The parties shall immediately enter into such agreement, which shall satisfy the requirements of paragraph (a) and permit issuance of the pending annual slot machine license or renewal. The agreement produced by the arbitration panel under this subparagraph shall be effective until the last day of the license or renewal period or until the parties enter into a different agreement. Each party shall pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree. If the agreement produced by the arbitration panel under this subparagraph remains in place 120 days prior to the scheduled issuance of the next annual license renewal, then the arbitration process established in this paragraph will begin again.

4. In the event that neither of the agreements required under *subparagraph (a)1. or the agreement required under subparagraph (a)2.* ~~paragraph (a)~~ are in place by the deadlines established in this paragraph, arbitration regarding each agreement will proceed independently, with separate lists of arbitrators, arbitration panels, arbitration proceedings, and resulting agreements.

5. With respect to the *agreements* ~~agreement~~ required under paragraph (a) governing the payment of purses, the arbitration and resulting agreement called for under this paragraph shall be limited to the payment of purses from slot machine revenues only.

(d) If any provision of this subsection or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection or chapter which can be given effect without the invalid provision or application, and to this end the provisions of this subsection are severable.

Section 21. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 551.106, Florida Statutes, are amended to read:

551.106 License fee; tax rate; penalties.—

(1) LICENSE FEE.—

(a) Upon submission of the initial application for a slot machine license and annually thereafter, on the anniversary date of the issuance of the initial license, the licensee must pay to the division a nonrefundable license fee of $3 million for the succeeding 12 months of licensure. *In the 2010-2011 fiscal year, the licensee must pay the division a nonrefundable license fee of $2.5 million for the succeeding 12 months of licensure. In the 2011-2012 fiscal year and for every fiscal year thereafter, the licensee must pay the division a nonrefundable license fee of $2 million for the succeeding 12 months of licensure.* The license fee shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of slot machine gaming, and enforcement of slot machine gaming provisions under this chapter. These payments shall be accounted for separately from taxes or fees paid pursuant to the provisions of chapter 550.

(2) TAX ON SLOT MACHINE REVENUES.—

(a) The tax rate on slot machine revenues at each facility shall be *35* ~~50~~ percent. *If, during any state fiscal year, the aggregate amount of tax paid to the state by all slot machine licensees in Broward and Miami-Dade Counties is less than the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year, each slot machine licensee shall pay to the state within 45 days after the end of the state fiscal year a surcharge equal to its pro rata share of an amount equal to the difference between the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year and the amount of tax paid during the fiscal year. Each licensee's pro rata share shall be an amount determined by dividing the number 1 by the number of facilities licensed to operate slot machines during the applicable fiscal year, regardless of whether the facility is operating such machines.*

(3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax on slot machine revenues imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund. The slot machine licensee shall remit to the division payment for the tax on slot machine revenues. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. *Beginning on July 1, 2012, the slot machine licensee shall remit to the division payment for the tax on slot machine revenues by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend.* The slot machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all slot machine gaming activities for the preceding calendar month and such other information as may be prescribed by the division.

Section 22. Subsection (5) of section 551.121, Florida Statutes, is amended to read:

551.121 Prohibited activities and devices; exceptions.—

(5) A slot machine, or the computer operating system linking the slot machine, may be linked by any means to any other slot machine or computer operating system within the facility of a slot machine licensee. A progressive system may ~~not~~ be used in conjunction with slot machines between licensed facilities *in Florida or in other jurisdictions*.

Section 23. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) and of section 772.102, Florida Statutes, are amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 *or* ~~,~~ s. 550.3551, ~~or s. 550.3605,~~ relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 *or* ~~,~~ s. 550.3551, ~~or s. 550.3605,~~ relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury, loan sharking, and shylocking.

4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

Section 24. Paragraphs (a) and (b) of subsection (5), subsection (6), paragraphs (a) and (b) of subsection (7), subsection (8), and paragraph (d) of subsection (13) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. *An initial cardroom license shall be issued to a pari-mutuel permitholder only after its facilities are in place and after it conducts its first day of live racing or games.*

(b) After the initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant's annual application for its pari-mutuel license. If a permitholder has operated a cardroom during any of the 3 previous fiscal years and fails to include a renewal request for the operation of the cardroom in its annual application for license renewal, the permitholder may amend its annual application to include operation of the cardroom. In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto *if the permitholder ran at least a full schedule of live racing or games in the prior year*. If the application is for a harness permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the state fiscal year immediately prior thereto. If more than one permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

(b) Any cardroom management company or cardroom distributor associated with cardroom operations must hold a valid cardroom business occupational license issued by the division.

(c) No licensed cardroom operator may employ or allow to work in a cardroom any person unless such person holds a valid occupational license. No licensed cardroom operator may contract, or otherwise do business with, a business required to hold a valid cardroom business occupational license, unless the business holds such a valid license.

(d) The division shall establish, by rule, a schedule for the ~~annual~~ renewal of cardroom occupational licenses. Cardroom occupational licenses are not transferable.

(e) Persons seeking cardroom occupational licenses, or renewal thereof, shall make application on forms prescribed by the division. Applications for cardroom occupational licenses shall contain all of the information the division, by rule, may determine is required to ensure eligibility.

(f) The division shall *adopt* ~~promulgate~~ rules regarding cardroom occupational licenses. The provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.

(g) The division may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency, racing or gaming commission or authority.

(h) Fingerprints for all cardroom occupational license applications shall be taken in a manner approved by the division and then shall be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial application and *at least* every 5 years thereafter. The division may by rule require an annual record check of all renewal applications for a cardroom occupational license. The cost of processing fingerprints and conducting a record check shall be borne by the applicant.

(i) The cardroom employee occupational license fee shall *not exceed* ~~be~~ $50 *for any 12-month period*. The cardroom business occupational license fee shall *not exceed* ~~be~~ $250 *for any 12-month period*.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may be operated only at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit or as otherwise authorized by law. *Cardroom operations may not be allowed beyond the hours provided in paragraph (b) regardless of the number of cardroom licenses issued for permitholders operating at the pari-mutuel facility.*

(b) Any *cardroom operator* ~~horserace, greyhound race, or jai alai permitholder licensed under this section~~ may operate a cardroom at the pari-mutuel facility *daily throughout the year,* ~~on any day for a cumulative amount of 12 hours~~ if the permitholder meets the requirements under paragraph (5)(b). *The cardroom may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on the holidays specified in s. 110.117(1).*

(8) METHOD OF WAGERS; LIMITATION.—

(a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players' money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom.

(b) The cardroom operator may limit the amount wagered in any game or series of games~~, but the maximum bet may not exceed $5 in value~~. ~~There may not be more than three raises in any round of betting. The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the bet amount provided in this paragraph. However, a cardroom operator may conduct games of Texas Hold-em without a betting limit if the required player buy-in is no more than $100.~~

(c) A tournament shall consist of a series of games. The entry fee for a tournament *may be set by the cardroom operator* ~~, including any re-buys, may not exceed the maximum amount that could be wagered by a participant in 10 like kind, nontournament games under paragraph (b)~~. Tournaments may be played only with tournament chips that are provided to all participants in exchange for an entry fee and any subsequent re-buys. All players must receive an equal number of tournament chips for their entry fee. Tournament chips have no cash value and represent tournament points only. There is no limitation on the number of tournament chips that may be used for a bet except as otherwise determined by the cardroom operator. Tournament chips may never be redeemed for cash or for any other thing of value. The distribution of prizes and cash awards must be determined by the cardroom operator before entry fees are accepted. For purposes of tournament play only, the term "gross receipts" means the total amount received by the cardroom operator for all entry fees, player re-buys, and fees for participating in the tournament less the total amount paid to the winners or others as prizes.

(13) TAXES AND OTHER PAYMENTS.—

(d)*1.* Each greyhound and jai alai permitholder that operates a cardroom facility shall use at least 4 percent of such permitholder's cardroom monthly gross receipts to supplement greyhound purses or jai alai prize money, respectively, during the permitholder's next ensuing pari-mutuel meet.

2. Each thoroughbred and harness horse racing permitholder that operates a cardroom facility shall use at least 50 percent of such permitholder's cardroom monthly net proceeds as follows: 47 percent to supplement purses and 3 percent to supplement breeders' awards during the permitholder's next ensuing racing meet.

3. No cardroom license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of quarter horse racing unless the applicant has on file with the division a binding written agreement between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicants eligible facility, governing the payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses shall be subject to the terms of chapter 550.

Section 25. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 895.02, Florida Statutes, are amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Section 403.727(3)(b), relating to environmental control.

4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit unemployment compensation fraud.

8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 550.235 *or* ~~,~~ s. 550.3551~~, or s. 550.3605,~~ relating to dogracing and horseracing.

13. Chapter 550, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Chapter 831, relating to forgery and counterfeiting.

38. Chapter 832, relating to issuance of worthless checks and drafts.

39. Section 836.05, relating to extortion.

40. Chapter 837, relating to perjury.

41. Chapter 838, relating to bribery and misuse of public office.

42. Chapter 843, relating to obstruction of justice.

43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

45. Chapter 874, relating to criminal gangs.

46. Chapter 893, relating to drug abuse prevention and control.

47. Chapter 896, relating to offenses related to financial transactions.

48. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

49. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 *or* ~~,~~ s. 550.3551, ~~or s. 550.3605,~~ relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

Section 26. Sections 1 through 3 of this act and this section shall take effect upon becoming law. Sections 4 through 25 shall take effect only if the Governor and an authorized representative of the Seminole Tribe of Florida execute an Indian Gaming Compact pursuant to the Indian Gaming Regulatory Act of 1988 and requirements of this act, only if the compact is ratified by the Legislature, and only if the compact is approved or deemed approved, and not voided pursuant to the terms of this act, by the Department of the Interior, and such sections take effect on the date that the approved compact is published in the Federal Register.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to gaming; creating s. 285.710, F.S.; providing terms and conditions for a gaming compact between the State of Florida and the Seminole Tribe of Florida; defining terms; providing that the previous compact between the Tribe and the Governor is not approved or ratified by the Legislature; directing the Governor to negotiate a gaming compact with the Tribe; specifying requirements and minimum standards for the compact; designating the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to carry out the state's oversight responsibilities under the compact; providing for Legislative approval of a negotiated compact and amendments to the compact; providing that the compact becomes void as the result of a judicial decision or decision of the Secretary of the United States Department of the Interior invalidating certain provisions of the compact; providing for the deposit of compact revenues into the Educational Enhancement Trust Fund; providing legislative intent to review the compact; specifying the date on which the authority of the Governor to negotiate a compact expires; providing Legislative intent to review the compact in 5 years; specifying games that the Tribe is authorized to play pursuant to the compact; directing the Governor to negotiate agreements with Indian tribes in this state, subject to approval by the Legislature, relating to the application of state taxes on Indian lands; requiring the release of certain revenues to the state; creating s. 285.711, F.S.; authorizing the Governor to negotiate and execute a compact between the State of Florida and the Seminole Tribe of Florida in the form provided; providing terms and conditions for the gaming compact; defining terms; specifying games that may be authorized for play pursuant to the compact; specifying revenue sharing between the state and the Tribe; limiting the number of facilities at which gaming may occur and specifying the gaming activities that can be conducted at specified facilities; specifying the rules and regulations and minimum requirements for the compact; providing for state monitoring of the compact; specifying requirements for a central computer system on gaming facility premises; requiring that the system provide the state with access to certain data; specifying the authority of the state to oversee gaming activities by the Tribe; requiring medical professionals employed at the Tribe's gaming facilities to have certain minimum qualifications; requiring access for municipal or county emergency medical services; specifying minimum construction standards for the Tribe's gaming facilities; specifying minimum environmental standards; providing for revenue sharing payments by the Tribe to the state based on the Tribes net win from covered games; providing for the reduction of the Tribe's net win on

which revenue sharing is based under certain circumstances; specifying procedures for tort claims by patrons; requiring the Tribe to maintain a minimum amount of general liability insurance for tort claims; prohibiting the Tribe or its insurer from invoking sovereign immunity under certain circumstances; requiring the Tribe to waive its sovereign immunity for disputes relating to the compact; providing for the resolution of disputes between the Tribe and the state; requiring presuit arbitration of disputes relating to the compact; requiring the Tribe to maintain nondiscriminatory employment practices; requiring the Tribe to use its best efforts to spend its revenue in this state; specifying the term of the compact; amending s. 1013.737, F.S.; authorizing the state to pledge to use revenues from gaming activities to repay bonds; amending s. 550.002, F.S.; revising the definition of the term "full schedule of live racing or games" in reference to quarter horse permitholders; amending s. 550.01215, F.S.; removing an exception to the required issuance date of licenses to conduct thoroughbred racing performances; amending s. 550.054, F.S.; providing for a jai alai permitholder meeting certain conditions to apply to the Division of Pari-mutuel Wagering to convert a permit to conduct jai alai to a permit to conduct greyhound racing; directing the division to issue a permit to conduct greyhound racing if certain conditions are met; providing for the relocation of certain permits; amending ss. 550.0951 and 550.09511, F.S.; revising requirements for the payment of daily license fees and taxes; amending s. 550.09514, F.S.; conforming provisions to changes made by the act; amending s. 550.105, F.S.; revising provisions for business and occupational licenses; providing for a determination of fees for such licenses valid for more than 12 months; directing the Division of Pari-mutuel Wagering to adopt rules for licensing periods and renewal cycles; defining the term "convicted" as it applies to occupational license applicants; limiting application of the term "conviction"; revising the time period that a temporary occupational license may be valid; removing a requirement that an applicant's signature be witnessed and notarized or signed in the presence of a division official; providing for retention of fingerprints and criminal history screening; providing for payment of a fee for screenings; providing that the fee be established by rule of the Department of Law Enforcement; requiring that the cost of processing fingerprints and conducting a national criminal history record check for a general occupational license be borne by the applicant and for a business or professional occupational license be borne by the person being checked; requiring licensees to disclose certain convictions; amending s. 550.2415, F.S.; revising provisions prohibiting cruelty to animals; providing that the prohibition applies to any act of cruelty involving any animal; authorizing the division to inspect any area at a pari-mutuel facility for certain purposes; amending s. 550.26165, F.S.; providing for certain flexibility in the awards programs of the Florida Thoroughbred Breeders' Association in order to attract thoroughbred breeding and training operations; prohibiting the association from giving certain awards under certain circumstances; amending s. 550.2625, F.S.; clarifying provisions relating to owners' awards; amending s. 550.334, F.S.; revising provisions for permits to conduct quarter horse race meetings; removing provisions for application to the Division of Pari-mutuel Wagering for a permit to conduct quarter horse race meetings; removing provisions for granting a license to conduct quarter horse racing; revising a provision for governance and control of quarter horse racing; revising authorization to substitute races of other breeds of horses; providing for an exception to a prohibition against the transfer or conversion of a quarter horse permit; providing requirements for a quarter horse racing permitholder to be eligible to conduct intertrack wagering; providing requirements for a quarter horse racing permitholder to be eligible to operate a cardroom; removing certain provisions restricting intertrack wagering; creating s. 550.3345, F.S.; providing for the transfer of a quarter horse racing permit to a not-for-profit corporation; providing for membership and purpose of such corporation; providing for conversion of such permit to a limited thoroughbred permit; requiring net revenues derived by the not-for-profit corporation to be used for certain purposes relating to the thoroughbred horse racing industry; prohibiting live racing in certain locations during certain times; providing licensure requirements; providing for a change in location of the permit; prohibiting transfer of the converted permit; providing for application of state law to the permit and the corporation; providing an exception to certain provisions for failure to pay tax on handle; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; revising provisions for licensing to conduct thoroughbred racing; revising certain dates relating to licensing and the thoroughbred racing season; removing a provision for a summer thoroughbred horse racing permit; providing an exception to requirements relating to required races for thoroughbred permitholders; removing expired provisions relating to scheduled performances; amending s. 551.102, F.S.; redefining the terms "eligible facility" and "progressive system" to include licensed facilities in other jurisdictions; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine gaming facility must be at least 85 percent; amending s. 551.106, F.S.; revising the license fee and tax rate for slot machine licensees; providing for minimum tax revenue from the operation of slot machines; amending s. 551.121, F.S.; clarifying a provision prohibiting the use of a progressive system between licensed facilities; amending s. 849.086, F.S.; revising requirements for initial issuance of a cardroom license; requiring the permitholder to be licensed to conduct a full schedule of live racing or games during the state fiscal year in which the initial cardroom license is issued; revising provisions for renewal of a cardroom occupational license; revising requirements for occupational licensee's criminal records check; providing a limitation on occupational licensee fees; permitting cardroom operators to operate 24 hours per day; increasing certain wager and buy-in limits; permitting charity tournaments under certain conditions; amending ss. 772.102 and 895.02, F.S.; correcting cross-references; providing effective dates, one of which is contingent.

On motion by Senator Jones, the Conference Committee Report on **CS for CS for SB 788** was adopted. **CS for CS for SB 788** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—31

Mr. President	Fasano	Oelrich
Alexander	Garcia	Pruitt
Altman	Gelber	Rich
Aronberg	Haridopolos	Richter
Bennett	Hill	Ring
Bullard	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	
Dockery	Lynn	

Nays—9

Baker	Gaetz	Siplin
Constantine	Gardiner	Storms
Crist	Peaden	Wise

MOTION

On motion by Senator Garcia, Senator Jones' response to a question regarding jai alai was ordered spread upon the Journal.

MOTION

On motion by Senator Villalobos, the Senate reconsidered the adoption of Senator Garcia's motion for remarks to be spread upon the Journal. The motion was not adopted and the remarks were not ordered spread.

SENATOR FASANO PRESIDING

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1742

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1742, same being:

An act relating to the Fish and Wildlife Conservation Commission

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (353918) to CS for SB 1742 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (353918)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Invasive Plant Control Trust Fund, FLAIR number 37-2-030, in the Department of Environmental Protection is transferred to the Fish and Wildlife Conservation Commission, FLAIR number 77-2-030.*

Section 2. *The statutory powers, duties, and functions related to ss. 369.20, 369.22, and 369.252, Florida Statutes, which were transferred by chapter 2008-150, Laws of Florida, and all records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Fish and Wildlife Conservation Commission. All actions taken pursuant to chapter 2008-150, Laws of Florida, and the interagency agreement executed pursuant thereto are ratified.*

Section 3. Effective August 1, 2009, subsection (2) of section 379.353, Florida Statutes, is amended to read:

379.353 Recreational licenses and permits; exemptions from fees and requirements.—

(2) A hunting, freshwater fishing, or saltwater fishing license or permit is not required for:

(a) Any child under 16 years of age, except as otherwise provided in this part.

(b) Any person hunting or freshwater fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or freshwater fishing on the homestead property of her or his parent.

(c) Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders.

(d) Any resident ~~freshwater~~ fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism. This exemption does not apply to residents fishing in a legally established fish management area.

(e) Any person freshwater fishing in a fish pond of 20 acres or less that is located entirely within the private property of the fish pond owner.

(f) Any person freshwater fishing in a fish pond that is licensed in accordance with s. 379.356.

(g) Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof.

(h) Any resident saltwater fishing from land or from a structure fixed to the land *who has been determined eligible by the Department of Children and Family Services for the food stamp program, temporary cash assistance, or the Medicaid programs. A benefit issuance or program identification card issued by the Department of Children and Family Services or the Florida Medicaid program of the Agency for Health Care Administration shall serve as proof of program eligibility. The client must have in his or her possession the ID Card and positive proof of identification when fishing.*

(i) Any person saltwater fishing from a vessel licensed pursuant to s. 379.354(7).

(j) Any person saltwater fishing from a vessel the operator of which is licensed pursuant to s. 379.354(7).

(k) Any person saltwater fishing who holds a valid saltwater products license issued under s. 379.361(2).

(l) Any person saltwater fishing for recreational purposes from a pier licensed under s. 379.354.

~~(m) Any resident fishing for a saltwater species in fresh water from land or from a structure fixed to land.~~

(m) ~~(n)~~ Any resident fishing for mullet in fresh water who has a valid Florida freshwater fishing license.

(n) ~~(o)~~ Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities.

(o) ~~(p)~~ Any employee of the commission who takes freshwater fish, saltwater fish, or game as part of employment with the commission, or any other person authorized by commission permit to take freshwater fish, saltwater fish, or game for scientific or educational purposes.

(p) ~~(q)~~ Any resident recreationally freshwater fishing who holds a valid commercial fishing license issued under s. 379.3625(1)(a).

Section 4. Effective July 15, 2009, paragraph (k) is added to subsection (4) of 379.354, Florida Statutes, to read:

379.354 Recreational licenses, permits, and authorization numbers; fees established.—

(4) RESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(k) Annual resident shoreline fishing license, $7.50. The annual resident shoreline fishing license allows any resident to saltwater fish from land or from a structure fixed to the land. This license is not required for any resident issued any other license identified in this section that allows the take of saltwater fish.

Section 5. Effective July 1, 2009, for the purpose of incorporating the amendment made by this act to section 379.353, Florida Statutes, in a reference thereto, subsection (7) of section 379.3581, Florida Statutes, is reenacted to read:

379.3581 Hunter safety course; requirements; penalty.—

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 379.353(2).

Section 6. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; transferring the Invasive Plant Control Trust Fund in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; transferring to the Fish and Wildlife Conservation Commission all powers, duties, records, personnel, property, funds, rules, issues, and contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection; ratifying actions taken pursuant to chapter 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; amending s. 379.353, F.S.; providing that a freshwater fishing or saltwater fishing license is not required for a resident recreationally fishing within her or his county of residence with specific fishing gear; providing that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any resident saltwater fishing from land who has been determined eligible for the food stamps, temporary cash assistance, or the Medicaid programs; providing for proof of eligibility for the qualifying programs; removing the exemption from the need to possess a license for a resident fishing for a saltwater species in fresh water from land; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; reenacting s. 379.3581(7), F.S., relating to hunter safety courses, to incorporate the amendments made to s. 379.353, F.S., in a reference thereto; providing effective dates.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 1742** was adopted. **CS for SB 1742** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Alexander	Dockery	Pruitt
Altman	Fasano	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—2

Gaetz	Haridopolos

Vote after roll call:

Nay—Peaden

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1744

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1744, same being:

An act relating to the Department of Agriculture and Consumer Services

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (685448) to CS for SB 1744 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente *s/ David Rivera*

Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (685448)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *All powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the licensing and regulation of Professional Surveyors and Mappers are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Division of Professions within the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services.*

Section 2. Paragraph (a) of subsection (4) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. Barbers' Board, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

6. Board of Cosmetology, created under chapter 477.

7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

8. Board of Employee Leasing Companies, created under part XI of chapter 468.

9. Board of Landscape Architecture, created under part II of chapter 481.

10. Board of Pilot Commissioners, created under chapter 310.

11. Board of Professional Engineers, created under chapter 471.

12. Board of Professional Geologists, created under chapter 492.

~~13. Board of Professional Surveyors and Mappers, created under chapter 472.~~

13. ~~14.~~ Board of Veterinary Medicine, created under chapter 474.

Section 3. Subsection (2) of section 472.005, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

472.005 Definitions.—As used in ss. 472.001-472.037:

(2) "Department" means the Department of *Agriculture and Consumer Services* ~~Business and Professional Regulation~~.

(14) "Commissioner" means the Commissioner of Agriculture.

Section 4. Section 472.006, Florida Statutes, is created to read:

472.006 Department; powers and duties.—The department shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses. However, the department may issue up to a 4-year license to selected licensees notwithstanding any other law to the contrary. Fees for such renewal may not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of the board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on the board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the profession and with the structure of the department.

(5) Adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this chapter. The department also is authorized to join with, or withhold approval of, rules proposed for adoption by the board.

(6) Establish uniform application and other forms, including certificates of licensure, necessary to administer the provisions of this chapter. This subsection does not authorize the department to vary any substantive requirements, duties, or eligibilities for licensure or certification as provided by law.

(7) Establish by rule procedures by which the department shall use the expert or technical advice of the board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(8) Require all proceedings of the board or panel thereof and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to ensure the accurate transcription of all matters so recorded.

(9) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the board.

(10) Have authority to:

(a) Close and terminate deficient license application files 2 years after the board or the department notifies the applicant of the deficiency; and

(b) Approve applications for professional licenses that meet all statutory and rule requirements for licensure.

(11) Provide legal counsel for the board by contracting with the Department of Legal Affairs, by retaining private counsel pursuant to s. 287.059, or by providing department staff counsel. The board shall periodically review and evaluate the services provided by its board counsel. Fees and costs of such counsel shall be paid from the General Inspection Trust Fund, subject to ss. 215.37 and 472.011. All contracts for independent legal counsel must provide for periodic review and evaluation by the board and the department of services provided.

(a) The department may employ or use the legal services of outside counsel and the investigative services of outside personnel.

(b) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to the practice of surveying and mapping shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 5. Section 472.007, Florida Statutes, is amended to read:

472.007 Board of Professional Surveyors and Mappers.—There is created in the Department of *Agriculture and Consumer Services* ~~Business and Professional Regulation~~ the Board of Professional Surveyors and Mappers.

(1) The board shall consist of nine members, six of whom shall be registered surveyors and mappers primarily engaged in the practice of surveying and mapping, one of whom shall be a registered surveyor and mapper with the designation of photogrammetrist, and two of whom shall be laypersons who are not and have never been surveyors and mappers or members of any closely related profession or occupation.

(2) Members shall be appointed *by the Commissioner of Agriculture, subject to confirmation by the Senate* ~~for 4 year terms~~.

(a) Members shall be appointed for 4-year terms and such terms shall expire on October 31. However, a term of less than 4 years may be used to ensure that no more than 3 members' terms expire during the same calendar year.

(b) A member whose term has expired shall continue to serve on the board until such time as a replacement is appointed. A vacancy on the board must be filled for the unexpired portion of the term in the same manner as the original appointment. A member may not serve for more than the remaining portion of a previous member's unexpired term plus two consecutive 4-year terms of the member's own appointment thereafter.

(3) The board shall annually elect from among its number a chairperson and vice chairperson.

(4) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board have the authority to call other meetings.

(a) A quorum is necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, constitute a quorum.

(b) The membership of committees of the board, except as otherwise authorized under this chapter, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum is necessary for any official action by the board or committee.

(c) Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board shall define unexcused absences by rule.

(5) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel must be compensated $50 for each day in attendance at an official meeting of the board and for each day participating in any other business involving the board. The board shall adopt a rule defining the phrase "other business involving the board." However, the phrase may not routinely be defined to include telephone conference calls. A board member is also entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state requires the prior approval of the commissioner or the commissioner's designee.

(6) The department and the board may advise licensees periodically, through the publication of a newsletter, of information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the board shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

(7)(a) Each board member is accountable to the commissioner for the proper performance of his or her duties as a member of the board. The commissioner shall investigate any legally sufficient complaint or unfavorable written report received by the commissioner or by the department or the board concerning the actions of the board or its individual members. The commissioner may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform the member's official duties, or commission of a felony.

(b) Each board member and each former board member serving on a probable cause panel is exempt from civil liability for any act or omission committed while acting in the member's official capacity. The department shall defend any member in any action against the board or a member of the board. In addition, the department may defend the member's company or business in any action against the company or business if the department determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were within the scope of the member's statutory authority. In providing such defense, the department may employ or use the legal services of the Department of Legal Affairs or outside counsel retained pursuant to s. 287.059. Fees and costs of providing legal services under this subsection shall be paid from the General Inspection Trust Fund, subject to ss. 215.37 and 472.011.

Section 6. Section 472.0075, Florida Statutes, is created to read:

472.0075 Contacting board through department.—The board may be contacted through the headquarters of the department in the City of Tallahassee.

Section 7. Section 472.008, Florida Statutes, is amended to read:

472.008 Rules of the board.—

(1) The board has authority to adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement ~~the provisions of~~ this chapter conferring duties upon it. *This specific grant of rulemaking authority to the board shall be exercised only through proceedings pursuant to ss. 120.536(1) and 120.54 and with the prior approval of the department.*

(2) The board shall adopt rules authorizing the use of professional titles by retired surveyors and mappers. Such rules shall establish guidelines designed to avoid abuse by retirees and confusion on the part of the general public. The rules shall not require continuing education requirements in order to use a professional title by a retiree.

(3) The department has standing to challenge any rule or proposed rule of the board pursuant to s. 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the department, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

A presumption is not created for the existence of any of the conditions cited in this subsection if the department challenges the rule or proposed rule.

(4) The department or the board is a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging final agency action.

(5) Any proposed board rule that has not been modified to remove proposed committee objections of the Administrative Procedures Committee must receive approval from the department before filing the rule with the Department of State for final adoption. The department may repeal any rule enacted by the board which has taken effect without having met proposed committee objections of the Administrative Procedures Committee.

Section 8. Section 472.0101, Florida Statutes, is created to read:

472.0101 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, the department shall by rule provide procedures under which exiled professionals may be examined under this chapter. A person is eligible for the examination if the exiled professional:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided the country is located in the Western Hemisphere and does not have diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a resident of this state immediately preceding the person's application;

(d) Demonstrates to the department, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university. However, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department shall develop rules for the approval of such programs for the board.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department, for the board, shall conduct a written practical examination that tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant may not be examined by the department on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department, for the board, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this chapter. Each applicant so licensed is subject to all provisions of this chapter.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language if any translation costs are borne by the applicant.

(6) The department, for the board, may not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter until such time as the investigation or prosecution is complete, at which time the provisions of this chapter shall apply.

Section 9. Subsections (10) through (16) are added to section 472.011, Florida Statutes, to read:

472.011 Fees.—

(10) All funds collected under this section, and the amount paid for licenses, fines, and fees, shall be deposited into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services.

(11) If sufficient action is not taken by the board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the board to cover anticipated costs and to maintain the required cash balance. Further, it is the legislative intent that this regulated profession not operate with a negative cash balance. The department may provide by rule for the advancement of sufficient funds if this profession is operating with a negative cash balance. Such advancement may be for a period not to exceed 2 consecutive years and shall require interest to be paid by the regulated profession. Interest shall be calculated at the current rate earned on General Inspection Trust Fund investments. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(12) The board may, by rule, assess and collect a one-time fee from each active and each voluntary inactive licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of this profession as required in this subsection.

(13) The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The Legislature shall appropriate funds from the General Inspection Trust Fund sufficient to carry out the provisions of this chapter. To the maximum extent possible, the department shall directly charge all expenses under this chapter to the account of the regulated profession. For the purpose of this subsection, direct charge expenses shall include, but not be limited to, costs for investigations, examinations, and legal services. The department shall maintain adequate records to support its allocation of department expenses. The department shall provide the board with reasonable access to these records upon request. The board shall be provided an annual report of revenue and direct and allocated expenses related to the operation of the profession. These reports shall be used by the board to determine the amount of license fees.

(14) A condensed management report of budgets, finances, performance statistics, and recommendations shall be provided to the board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(15) If a duplicate license is required or requested by a licensee, the board may charge a fee as determined by rule not to exceed $25 before issuing a duplicate license.

(16) The department or the board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplication of a public record as provided in s. 119.07(4)

Section 10. Section 472.0131, Florida Statutes, is created to read:

472.0131 Examinations; development; administration.—

(1) The department shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations. The department shall consult with the board in providing such services.

(a) The department shall ensure that examinations adequately and reliably measure an applicant's ability to practice the profession of surveying and mapping. After an examination developed or approved by the department has been administered, the board or department may reject any question that does not reliably measure the general areas of competency specified in the rules of the board. The department shall use professional testing services for the development, preparation, and evaluation of examinations when such services are available and approved by the board.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board shall by rule specify the general areas of competency to be covered by the examination, the relative weight to be assigned in grading each area tested, the score necessary to achieve a passing grade, and the fees, where applicable, to cover the actual cost for any purchase, development, and administration of the required examination. However, statutory fee caps in this chapter shall apply. This subsection does not apply to national examinations approved and administered pursuant to paragraph (d).

(c) If a practical examination is deemed to be necessary, rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board may conduct such exercise. Board members may serve as examiners at a practical examination with the consent of the board.

(d) The board may approve by rule the use of any national examination which the department has certified as meeting requirements of national examinations and generally accepted testing standards under department rules. Providers of examinations, which may be profit or nonprofit entities, seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification of the vendor. The department shall use any national examination that is available, certified by the department, and approved by the board. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by the board prior to October 1, 1997, is deemed certified under this paragraph. Any licensing or certification examination that is not developed or administered by the department in-house or provided as a national examination shall be competitively bid.

(e) The department shall adopt rules regarding the security and monitoring of examinations. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 472.033 to seek fines and injunctive relief against an examinee who violates s. 472.0132 or the rules adopted under this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.

(f) If the board concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the board. All fees paid by the user shall be applied to the department's examination and development program under this chapter.

(2) For each examination developed by the department or a contracted vendor, the board shall make rules providing for reexamination of any applicant who failed an examination. If both a written and a practical examination are given, an applicant is required to retake only the portion of the examination for which he or she failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, of his or her passing the other portion.

(3) Except for national examinations approved and administered pursuant to paragraph (1)(d), the department shall provide procedures for applicants who have taken and failed an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of his or her examination grades.

(4) For each examination developed or administered by the department or a contracted vendor, an accurate record of each applicant's examination questions, answers, papers, grades, and grading key shall be kept for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 257. This subsection does not apply to national examinations approved and administered pursuant to paragraph (1)(d).

(5) Meetings and records of meetings of any member of the department or of the board held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are confidential and exempt from ss. 119.07(1) and 286.011. However, this exemption does not affect the right of any person to review an examination as provided in subsection (3).

(6) For examinations developed by the department, a contracted vendor or the board may provide licensure examinations in an applicant's native language. Applicants for examination or reexamination pursuant to this subsection bear the full cost for the department's development, preparation, administration, grading, and evaluation of any examination in a language other than English or Spanish. Requests for translated examinations, except for those in Spanish, must be on file in the board office at least 6 months before the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English or Spanish, the board shall consider the percentage of the population who speak the applicant's native language.

(7) In addition to meeting any other requirements for licensure by examination or by endorsement, an applicant may be required by the board to pass an examination pertaining to state laws and rules applicable to the practice of surveying and mapping.

(8) Notwithstanding any other law to the contrary, the department may use a professional testing service to prepare, administer, grade, and evaluate any computerized examination, when that service is available and approved by the board.

Section 11. Section 472.0132, Florida Statutes, is created to read:

472.0132 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 472.033, a person who wrongfully takes an examination in whole or in part or reproduces or copies an examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Section 472.0135, Florida Statutes, is created to read:

472.0135 Education; substituting demonstration of competency for clock-hour requirements; accreditation; consultation.—

(1) If the board requires a student to complete a specific number of clock hours of classroom instruction for initial licensure purposes, the board shall establish the minimal competencies that such student must demonstrate in order to be licensed. The demonstration of such competencies may be substituted for specific classroom clock-hour requirements established in statute or rule which are related to instructional programs for licensure purposes. Student demonstration of the established minimum competencies shall be certified by the educational institution.

(2) Notwithstanding any other law, educational programs and institutions which are required by statute to be accredited, but which were accredited by an agency that has since ceased to perform an accrediting function, shall be recognized until such programs and institutions are

accredited by a qualified successor to the original accrediting agency, an accrediting agency recognized by the United States Department of Education, or an accrediting agency recognized by the board.

(3) The board shall consult with the Commission for Independent Education, the Board of Governors of the State University System, and the State Board of Education prior to adopting any changes to training requirements relating to entry into the profession. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 13. Section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(1) Notwithstanding any other law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, continuing education requirements, and ongoing education monitoring. The application may be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department.

(2) ~~(1)~~ The department shall license any applicant who the board certifies is qualified to practice surveying and mapping.

(3) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the board. Upon receipt of the appropriate license fee, except as provided in subsection (6), the department shall issue a license to any person certified by the board, or its designee, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination.

(4) ~~(2)~~ The board shall certify for licensure any applicant who satisfies the requirements of s. 472.013 and who has passed the licensing examination. The board may refuse to certify any applicant who has violated any of the provisions of s. 472.031.

(5) ~~(3)~~(a) The board shall certify as qualified for a license by endorsement an applicant who:

1. Holds a valid license to practice surveying and mapping issued prior to July 1, 1999, by another state or territory of the United States; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 472.013; and has a specific experience record of at least 8 years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, 6 years of which must be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed;

2. Holds a valid license to practice surveying and mapping issued by another state or territory of the United States if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in Florida at the time the license was issued; or

3. Is a practicing photogrammetrist who holds the Certified Photogrammetrist designation of the American Society for Photogrammetry and Remote Sensing and held such designation on or before July 1, 2005; is a graduate of a 4-year course of study at an accredited college or university; and has a specific experience record of 6 or more years as a subordinate to a Certified Photogrammetrist of the American Society for Photogrammetry and Remote Sensing in the active practice of surveying and mapping, 5 years of which shall be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. The course of study must have included not fewer than 32 semester hours of study or its academic equivalent. The applicant must have completed a minimum of 25 semester hours from a college or university approved by the board in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences. Any of the required 25 semester hours of study completed not as a part of the 4-year course of study shall be approved at the discretion of the board. Work experience acquired as a part of the education requirement shall not be construed as experience in responsible charge. The applicant must have applied to the department for licensure on or before July 1, 2007.

(b) All applicants for licensure by endorsement must pass the Florida law and rules portion of the examination prior to licensure.

(6)(a) The board may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter until such time as the investigation or prosecution is complete.

(b) ~~(4)~~ The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of ss. 472.001-472.037 or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(7) When any administrative law judge conducts a hearing pursuant to chapter 120 with respect to the issuance of a license by the department, the administrative law judge shall submit his or her recommended order to the board, which shall thereupon issue a final order. The applicant for a license may appeal the final order of the board in accordance with the provisions of chapter 120.

(8) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(9) Notwithstanding anything to the contrary, any elected official who is licensed under this chapter may hold employment for compensation with any public agency concurrent with such public service. Such dual service must be disclosed according to any disclosure required by applicable law.

(10) In any instance in which a licensee or applicant to the department is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day that is not a Saturday, Sunday, or legal holiday.

(11) Any submission required to be in writing may otherwise be required by the department to be made by electronic means.

(12) ~~(5)~~ A licensee or business entity that meets the requirements of this section or s. 472.021 must carry professional liability insurance or provide notice to any person or entity to which surveying and mapping services are offered that the licensee or business entity does not carry professional liability insurance. The notice must consist of a sign prominently displayed in the reception area and written statements provided in a form and frequency as required by rule of the Board of Professional Surveyors and Mappers.

(13) ~~(6)~~ The department may revoke the license of a licensee or business entity that fails to pay a final judgment in connection with the provision of, or failure to provide, services under this chapter.

(14) A person may not be disqualified from practicing surveying or mapping as regulated by the state solely because he or she is not a United States citizen.

Section 14. Section 472.016, Florida Statutes, is created to read:

472.016 Members of Armed Forces in good standing with the board.—

(1) Any member of the Armed Forces of the United States who is now or in the future on active duty and who, at the time of becoming such a member of the Armed Forces, was in good standing with the board and entitled to practice or engage in surveying and mapping in the state shall be kept in good standing by the board, without registering, paying dues or

fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of 6 months after discharge from active duty, provided that he or she is not engaged the practice of surveying or mapping in the private sector for profit.

(2) The board shall adopt rules exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

Section 15. Section 472.0165, Florida Statutes, is created to read:

472.0165 Qualification of immigrants for examination to practice a licensed profession or occupation.—

(1) It is the declared purpose of this section to encourage the use of foreign-speaking residents of this state duly qualified to become licensed surveyors and mappers so that all Florida citizens may receive better services.

(2) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for an examination or reexamination for a license which shall be administered in the English language unless 15 or more such applicants request that the reexamination be administered in their native language. If a reexamination is administered in a foreign language, the full cost to the board of preparing and administering the examination must be borne by the applicants.

(3) The board shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, on July 1, 1977, were residents of this state.

Section 16. Section 472.018, Florida Statutes, is amended to read:

472.018 Continuing education.—The department may not renew a license until the licensee submits proof satisfactory to the board that during the 2 years prior to her or his application for renewal the licensee has completed at least 24 hours of continuing education. ~~Criteria and course content shall be approved by the board by rule.~~

(1) The board shall adopt rules to establish the criteria and course content for continuing education courses. The rules may provide that up to a maximum of 25 percent of the required continuing education hours can be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The board must require that any pro bono services be approved in advance in order to receive credit for continuing education under this section. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The rules may provide for approval by the board that a part of the continuing education hours can be fulfilled by performing research in critical need areas or for training leading to advanced professional certification. The board, or the department when there is no board, may make rules to define underserved and critical need areas. The department shall adopt rules for the administration of continuing education requirements adopted by the boards or the department when there is no board.

(2) The board may provide by rule that distance learning may be used to satisfy continuing education requirements.

(3) The board may prorate the required continuing education hours in the following circumstances:

(a) For new licensees:

1. By requiring half of the required continuing education hours for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

2. Requiring no continuing education hours until the first full renewal cycle of the licensee.

(b) When the number of hours required is increased by law or the board.

(4) Upon the request of a licensee, the provider must also furnish to the department information regarding courses completed by the licensee, in an electronic format required by rule of the department.

(5) Each continuing education provider shall retain all records relating to a licensee's completion of continuing education courses for at least 4 years after completion of a course.

(6) A continuing education provider may not be approved, and the approval may not be renewed, unless the provider agrees in writing to provide such cooperation under this section as required by the department.

(7) For the purpose of determining which persons or entities must meet the reporting, recordkeeping, and access provisions of this section, the board by rule shall adopt a definition of the term "continuing education provider" applicable to the profession's continuing education requirements. The intent of the rule is to ensure that all records and information necessary to carry out the requirements of this section are maintained and transmitted accordingly and to minimize disputes as to what person or entity is responsible for maintaining and reporting such records and information.

(8) The board shall approve the providers of continuing education. The approval of continuing education providers and courses must be for a specified period of time, not to exceed 4 years. An approval that does not include such a time limitation may remain in effect under this chapter or the rules adopted under this chapter.

(9) The department may fine, suspend, or revoke approval of any continuing education provider that fails to comply with its duties under this section. The fine may not exceed $500 per violation. Investigations and prosecutions of a provider's failure to comply with its duties under this section shall be conducted pursuant to s. 472.033.

(10) The board shall issue an order requiring a person or entity to cease and desist from offering any continuing education programs for licensees, and fining, suspending, or revoking any approval of the provider previously granted by the board if the board determines that the person or entity failed to provide appropriate continuing education services that conform to approved course material. The fine may not exceed $500 per violation. Investigations and prosecutions of a provider's failure to comply with its duties under this section shall be conducted under s. 472.033.

(11) The board may establish, by rule, a fee not to exceed $250 for anyone seeking approval to provide continuing education courses and may establish, by rule, a biennial fee not to exceed $250 for the renewal of providership of such courses. Such postlicensure education courses are subject to the reporting, monitoring, and compliance provisions of this section.

(12) The department and the board may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 17. Section 472.0201, Florida Statutes, is created to read:

472.0201 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department.

(2) The department shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department shall provide challenged examination questions and answers to the administrative law judge. The

examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department at least 5 days before an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department for the examination hearing.

Section 18. Section 472.02011, Florida Statutes, is created to read:

472.02011 Disclosure of confidential information.—

(1) An officer, employee, or person under contract with the department or the board, or any subject of an investigation may not convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

(2) Any person who willfully violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 472.033, and, if applicable, shall be removed from office, employment, or the contractual relationship.

Section 19. Section 472.0202, Florida Statutes, is created to read:

472.0202 Inactive and delinquent status.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 472.033, and the board may impose discipline on the licensee.

(2) The board shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.

(3) The board, by rule, shall impose a fee for an inactive status license which is no greater than the fee for an active status license.

(4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, and meets all continuing education requirements as specified in this section.

(5) A licensee shall apply with a complete application, as defined by rule of the board, to renew an active or inactive status license before the license expires. Failure of a licensee to renew before the license expires shall cause the license to become delinquent in the license cycle following expiration.

(6)(a) A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license void without any further action by the board or the department.

(b) Notwithstanding this chapter, the board may, at its discretion, reinstate the license of an individual whose license has become void if the board determines that the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual must apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an applicable fee in an amount determined by rule. The board shall require that such individual meet all continuing education requirements prescribed by law, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

(7) The board, by rule, shall impose an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, on a delinquent status licensee when such licensee applies for active or inactive status.

(8) The board, by rule, shall impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) The board, by rule, may impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee shall meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee does not alter the board's right to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

Section 20. Section 472.0203, Florida Statutes, is created to read:

472.0203 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the department shall:

(a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with the department.

(2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board.

Section 21. Section 472.0204, Florida Statutes, is created to read:

472.0204 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board. A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board.

(2) Notwithstanding any other provision of law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required pursuant to s. 472.033.

Section 22. Section 472.033, Florida Statutes, is amended to read:

472.033 Disciplinary proceedings.—*Disciplinary proceedings for the board shall be within the jurisdiction of the department.*

(1)(a) The department shall investigate any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter or of any rule adopted by the department or the board has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The

department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of the board.

(b) If an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the commissioner, or the commissioner's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel before dismissing any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed before a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case before dismissing the case.

(3)(a) As an alternative to subsections (1) and (2), if a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. A violation is a minor violation if it does not demonstrate a serious inability to practice the profession, result in economic or physical harm to a person, or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The board shall establish by rule those violations which are minor violations under this provision. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(b) The department may issue a notice of noncompliance for an initial offense of a minor violation, notwithstanding the board's failure to designate a particular minor violation by rule as provided in paragraph (a).

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. The board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. The board may provide by rule for multiple probable cause panels composed of at least two members. The board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The commissioner or the commissioner's designee may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to the board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department.

(7) The department has standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the commissioner or the commissioner's designee, who shall issue the final summary order.

(9) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. However, this exemption does not apply to actions against unlicensed persons pursuant to s. 472.036 . Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. The subject may file a written response to the information contained in the investigative file. Such response must be

filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

~~(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:~~

~~(a) Violation of any provision of s. 472.031 or s. 455.227(1);~~

~~(b) Attempting to procure a license to practice surveying and mapping by bribery or fraudulent misrepresentations;~~

~~(c) Having a license to practice surveying and mapping revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;~~

~~(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of surveying and mapping or the ability to practice surveying and mapping;~~

~~(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the capacity of a registered surveyor and mapper;~~

~~(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content;~~

~~(g) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of surveying and mapping;~~

~~(h) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper; violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department; or~~

~~(i) Practicing on a revoked, suspended, inactive, or delinquent license.~~

~~(2) When the board finds any surveyor and mapper guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the surveyor and mapper on probation for a period of time and subject to such conditions as the board may specify.~~

~~(f) Restriction of the authorized scope of practice by the surveyor and mapper.~~

~~(3) The department shall reissue the license of a disciplined surveyor and mapper upon certification by the board that he or she has complied with all of the terms and conditions set forth in the final order.~~

Section 23. Section 472.0335, Florida Statutes, is created to read:

472.0335 Classification of disciplinary actions.—

(1) A licensee may petition the department to review a disciplinary incident to determine whether the specific violation meets the standard of a minor violation as set forth in s. 472.033(3). If the circumstances of the violation meet that standard and 2 years have passed since the issuance of a final order imposing discipline, the department shall reclassify that violation as inactive if the licensee has not been disciplined for any subsequent minor violation of the same nature. After the department has reclassified the violation as inactive, it is no longer considered to be part of the licensee's disciplinary record, and the licensee may lawfully deny or fail to acknowledge the incident as a disciplinary action.

(2) The department may establish a schedule classifying violations according to the severity of the violation. After the expiration of set periods of time, the department may provide for such disciplinary records to become inactive, according to their classification. After the disciplinary record has become inactive, the department may clear the violation from the disciplinary record and the subject person or business may lawfully deny or fail to acknowledge such disciplinary actions. The department may adopt rules to administer this subsection.

Section 24. Section 472.034, Florida Statutes, is created to read:

472.034 Mediation.—

(1) Notwithstanding s. 472.033, the board shall adopt rules to designate which violations of this chapter are appropriate for mediation. The board may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the department or any agent of the department may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department or board shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of s. 472.033.

(3) Conduct or statements made during mediation are inadmissible in any proceeding pursuant to s. 472.033. Further, any information relating to the mediation of a case shall be subject to the confidentiality provisions of s. 472.033.

(4) A licensee may not go through the mediation process more than three times without approval of the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. The decision is not final agency action for purposes of chapter 120.

(5) The board has the continuing authority to amend its rules adopted pursuant to this section.

Section 25. Section 472.0345, Florida Statutes, is created to read:

472.0345 Authority to issue citations.—

(1) Notwithstanding s. 472.033, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 472.033. If the subject disputes the matter in the citation, the procedures set forth in s. 472.033 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) The board has continuous authority to amend its rules adopted pursuant to this section.

Section 26. Section 472.0351, Florida Statutes, is created to read:

472.0351 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Violation of any provision of s. 472.031;

(b) Attempting to procure a license to practice surveying and mapping by bribery or fraudulent misrepresentations;

(c) Having a license to practice surveying and mapping revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of surveying and mapping or the ability to practice surveying and mapping;

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the capacity of a registered surveyor and mapper;

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content;

(g) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of surveying and mapping;

(h) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper; violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department;

(i) Practicing on a revoked, suspended, inactive, or delinquent license;

(j) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession;

(k) Intentionally violating any rule adopted by the board or the department, as appropriate;

(l) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law;

(m) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee;

(n) Failing to report to the department any person who the licensee knows is in violation of this chapter or the rules of the department or the board;

(o) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice surveying and mapping contrary to this chapter or the rules of the department or the board;

(p) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession;

(q) Exercising influence on the client for the purpose of financial gain of the licensee or a third party;

(r) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform;

(s) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them;

(t) Violating this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department; or

(u) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(2) When the board finds any surveyor or mapper guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the surveyor or mapper on probation for a period of time and subject to such conditions as the board may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(f) Restriction of the authorized scope of practice by the surveyor or mapper.

(3) The department shall reissue the license of a disciplined surveyor or mapper upon certification by the board that he or she has complied with all of the terms and conditions set forth in the final order.

(4)(a) In addition to any other discipline imposed pursuant to this section, the board may assess costs and attorneys fees related to the investigation and prosecution of the case.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(5) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(6) If the board determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

Section 27. Section 472.0355, Florida Statutes, is created to read:

472.0355 Disciplinary guidelines.—

(1) The board by rule shall adopt and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board pursuant to this chapter and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

(5) The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

Section 28. Section 472.036, Florida Statutes, is created to read:

472.036 Unlicensed practice of professional surveying and mapping; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department has probable cause to believe that any person not licensed by the department or the board has violated any provision of this chapter, or any rule adopted pursuant this chapter, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of surveying and mapping by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 472.033, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 472.033. If the subject disputes the matter in the citation, the procedures set forth in s. 472.033 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department upon filing with the agency clerk. The penalty shall be a fine of not less than $500 or more than $5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be deposited in the General Inspection Trust Fund.

(5) The provisions of this section apply only to the provisions of this chapter.

Section 29. Section 472.0365, Florida Statutes, is created to read:

472.0365 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for professional surveying and mapping activities is a state priority. All enforcement costs under this chapter should be covered by the profession. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. The board with concurrence of the department may earmark $5 of the current licensure fee for this purpose, if the board is not in a deficit and has a reasonable cash balance. The board with the concurrence of the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 472.011. For the unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the board and the department, be transferred to the operating fund account of the profession.

Section 30. *The following provisions are adopted to minimize any interruption of service or function which may result from implementing the type two transfer provided in this act:*

(1) The Department of Agriculture and Consumer Services and Department of Business and Professional Regulation shall cooperate fully to complete this type two transfer not later than October 1, 2009.

(2) The Department of Business and Professional Regulation shall transfer to the Department of Agriculture and Consumer Services the unexpended balances of appropriations, allocations, and all other funds applicable to the licensing and regulation of Professional Surveyors and Mappers outstanding as of October 1, 2009.

(3) This type two transfer will require a full transfer of all data and processing information necessary for complete operation of the licensing and regulatory program under chapter 472, Florida Statutes, from the data processing system operated by the Department of Business and Professional Regulation to the data processing system operated by the Department of Agriculture and Consumer Services. This transfer must be completed without loss of relevant data or functionality required for the program. In the event this necessary transfer of data processing functionality cannot be completed before October 1, 2009, the Department of Agriculture and Consumer Services may continue operating some or all data processing functions required under chapter 472, Florida Statutes, through the data processing system operated by the Department of Business and Professional Regulation. For this continued use of its data processing system, the Department of Business and Professional Regulation shall be reimbursed by the Department of Agriculture and Consumer Services at the rate of $2,000 per month; the monthly fee shall be prorated by day for each partial month of continued use. This authority for use and compensation shall terminate upon the complete transfer of all data processing functions to the separate data processing system operated by the Department of Agriculture and Consumer Services.

(4) The transfer of regulatory authority under chapter 472, Florida Statutes, provided by this act shall not affect the validity of any judicial or administrative action pending as of 11:59 p.m. on the day before October 1, 2009, to which action the Board of Professional Surveyors and Mappers, or the Department of Business and Professional Regulation in relation to the Board of Professional Surveyors and Mappers, are at that time parties, and the Board of Professional Surveyors and Mappers or the Department of Agriculture and Consumer Services, as appropriate, shall be substituted as a party in interest in any such action.

(5) All lawful orders issued by the Board of Professional Surveyors and Mappers, or by the Department of Business and Professional Regulation, implementing or enforcing or otherwise in regard to any provision of chapter 472, Florida Statutes, issued prior to October 1, 2009, shall remain in effect and be enforceable after October 1, 2009, unless thereafter modified in accordance with law.

(6) The rules of the Board of Professional Surveyors and Mappers and of the Department of Business and Professional Regulation relating to the Board of Professional Surveyors and Mappers or implementation of chapter 472, Florida Statutes, which were in effect at 11:59 p.m. on the day prior to October 1, 2009, shall become rules of the Department of Agriculture and Consumer Services and the Board of Professional Surveyors and Mappers and shall remain in effect until amended or repealed in the manner provided by law.

(7)(a) Notwithstanding the transfer of regulatory authority over chapter 472, Florida Statutes, provided by this act, persons and entities holding in good standing any license under chapter 472, Florida Statutes, as of 11:59 p.m. on the day prior to October 1, 2009, shall be deemed to hold in good standing a license in the same capacity under chapter 472, Florida Statutes, as of October 1, 2009.

(b) Notwithstanding the transfer of regulatory authority over chapter 472, Florida Statutes, provided by this act, persons and entities holding in good standing any registration under chapter 472, Florida Statutes, as of 11:59 p.m. on the day prior to October 1, 2009, shall as of October 1, 2009, be deemed to be licensed in the same capacity in which they were formerly registered, and their registration shall thereafter be deemed a license for purposes of chapter 472, Florida Statutes.

(8) No later than July 1, 2009, the Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation shall cooperate in making available all personnel and information necessary for a prompt and complete transition of pending disciplinary matters, including coordinating meetings of attorneys and investigators.

(9) The Department of Agriculture and Consumer Services may contract with the Department of Business and Professional Regulation for the development, preparation, administration, scoring, score reporting, and evaluation of examinations currently scheduled to be conducted after October 1, 2009. Any such contract shall be entered into only with the prior advice and approval of the Board of Professional Surveyors and Mappers and shall become effective on or after October 1, 2009. The Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation shall confer promptly with the board to determine at the earliest possible time the need for the services described in this subsection.

Section 31. Subsection (3) of section 482.2401, Florida Statutes, is amended to read:

482.2401 Disposition and use of revenues from fees and fines.—

(3) *The department may use* ~~All~~ revenues from administrative fines ~~shall be used~~ to support contract research or education in pest control. *If revenues are available to support such research or education,* the department shall appoint a committee composed of pest control industry members which shall assist the department in establishing research or education priorities, in developing requests for proposals for bids, and in selecting research or education contractors from qualified bidders.

Section 32. Effective upon this act becoming a law and retroactive to January 1, 2009, subsections (1) and (2) of section 487.041, Florida Statutes, as amended by section 14 of chapter 2009-20, Laws of Florida, are amended to read:

487.041 Registration.—

(1)(a) Effective January 1, 2009, each brand of pesticide, as defined in s. 487.021, which is distributed, sold, or offered for sale, except as provided in this section, within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered in the office of the department, and such registration shall be renewed biennially. Emergency exemptions from registration may be authorized in accordance with the rules of the department. The registrant shall file with the department a statement including:

1. The name, business mailing address, and street address of the registrant.

2. The name of the brand of pesticide.

3. An ingredient statement and a complete copy of the labeling accompanying the brand of the pesticide, which must conform to the registration, and a statement of all claims to be made for it, including directions for use and a guaranteed analysis showing the names and percentages by weight of each active ingredient, the total percentage of inert ingredients, and the names and percentages by weight of each "added ingredient."

(b) Effective January 1, 2009, for the purpose of defraying expenses of the department in connection with carrying out the provisions of this part, each *registrant* ~~person~~ shall pay a biennial registration fee for each registered brand of pesticide. The registration of each brand of pesticide shall cover a designated 2-year period beginning on January 1 of each odd-numbered year and expiring on December 31 of the following year.

(c) Each registration issued by the department to a registrant for a period beginning in an odd-numbered year shall be assessed a fee of $700 per brand of pesticide and a fee of $200 for each special local need label and experimental use permit, and the registration shall expire on December 31 of the following year. Each registration issued by the department to a registrant for a period beginning in an even-numbered year shall be assessed a fee of $350 per brand of pesticide and fee of $100 for each special local need label and experimental use permit, and the registration shall expire on December 31 of that year.

(d)1. Effective January 1, 2009, in addition to the fees assessed pursuant to paragraphs (b) and (c), for the purpose of defraying the expenses of the department for testing pesticides for food safety, each registrant shall pay a supplemental biennial registration fee for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit in 40 C.F.R. part 180. The department shall biennially publish by rule a list of the pesticide active ingredients for which a brand of pesticide is subject to the supplemental registration fee.

2. Each registration issued by the department to a registrant for a period beginning in an odd-numbered year shall be assessed a supplemental registration fee of $630 per brand of pesticide that is subject to the fee pursuant to subparagraph 1. Each registration issued by the department to a registrant for a period beginning in an even-numbered year shall be assessed a supplemental registration fee of $315 per brand of pesticide that is subject to the fee pursuant to subparagraph 1. The department shall retroactively assess the supplemental registration fee for each brand of pesticide that registered on or after January 1, 2009, and that is subject to the fee pursuant to subparagraph 1.

(e) ~~(d)~~ All revenues collected, less those costs determined by the department to be nonrecurring or one-time costs, shall be deferred over the 2-year registration period, deposited in the General Inspection Trust Fund, and used by the department in carrying out the provisions of this chapter. *Revenues collected from the supplemental registration fee may also be used by the department for testing pesticides for food safety.*

(f) ~~(e)~~ If the renewal of a brand of pesticide, including the special local need label and experimental use permit, is not filed by January 31 of the renewal year, an additional fee of $25 per brand of pesticide shall be assessed per month and added to the original fee. This additional fee may not exceed $250 per brand of pesticide. The additional fee must be paid by the registrant before the renewal certificate for the registration of the brand of pesticide is issued. The additional fee shall be deposited into the General Inspection Trust Fund.

(g) ~~(f)~~ This subsection does not apply to distributors or retail dealers selling brands of pesticide if such brands of pesticide are registered by another person.

(2) The department shall adopt rules governing the procedures for the registration of a brand of pesticide*,* ~~and~~ for the review of data submitted by an applicant for registration of the brand of pesticide*, and for biennially publishing the list of active ingredients for which a brand of pesticide is subject to the supplemental registration fee pursuant to subparagraph (1)(d)1.* The department shall determine whether the brand of pesticide should be registered, registered with conditions, or tested under field conditions in this state. The department shall determine whether each request for registration of a brand of pesticide meets the requirements of current state and federal law. The department, whenever it deems it necessary in the administration of this part, may require the manufacturer or registrant to submit the complete formula, quantities shipped into or manufactured in the state for distribution and sale, evidence of the efficacy and the safety of any pesticide, and other relevant data. The department may review and evaluate a registered pesticide if new information is made available that indicates that use of the pesticide has caused an unreasonable adverse effect on public health or the environment. Such review shall be conducted upon the request of the State Surgeon General in the event of an unreasonable adverse effect on public health or the Secretary of Environmental Protection in the event of an unreasonable adverse effect on the environment. Such review may result in modifications, revocation, cancellation, or suspension of the registration of a brand of pesticide. The department, for reasons of adulteration, misbranding, or other good cause, may refuse or revoke the registration of the brand of any pesticide after notice to the applicant or registrant giving the reason for the decision. The applicant may then request a hearing, pursuant to chapter 120, on the intention of the department to refuse or revoke registration, and, upon his or her failure to do so, the refusal or revocation shall become final without further procedure. The registration of a brand of pesticide may not be construed as a defense for the commission of any offense prohibited under this part.

Section 33. Section 531.60, Florida Statutes, is created to read:

531.60 Permit for commercially operated or tested weights or measures instrument or devices.—

(1) A weights and measures instrument or device may not operate or be used for commercial purposes, as defined by department rule, within this state without a valid commercial use permit issued by the department, unless exempted as provided in s. 531.61. Such permit applies only to the specific instrument or device for which the permit was issued. However, the department may allow such permit to be applicable to a replacement for the original instrument or device.

(2) If ownership of an instrument or device for which a permit has been issued changes and the instrument or device:

(a) Remains in the same location, the permit transfers to the new owner and remains in effect until its original expiration date. Within 30 days after the change in ownership, the new owner shall notify the department of the change and provide the pertinent information regarding the change in ownership and an updated replacement permit shall be issued if needed.

(b) Moves to a new location, the permit automatically expires and a new permit must be issued which will expire 1 year following the date of issuance.

(3) Weights and measures instruments or devices that are not used commercially may be tested by the department under this chapter only if they are permitted and appropriate fees paid as prescribed by this section and adopted rules.

Section 34. Section 531.61, Florida Statutes, is created to read:

531.61 Exemptions from permit requirement.—Commercial weights or measures instruments or devices are exempt from the permit requirements of ss. 531.60-531.66 if:

(1) The device is a taximeter that is licensed, permitted, or registered by a municipality, county, or other local government and is tested for accuracy and compliance with state standards by the local government in cooperation with the state as authorized in s. 531.421.

(2) The device is used exclusively for weighing railroad cars and is tested for accuracy and compliance with state standards by a private testing agency.

(3) The device is used exclusively for measuring petroleum products taxed under s. 525.09.

Section 35. Section 531.62, Florida Statutes, is created to read:

531.62 Permit application and renewal.—

(1) An application for a weights and measures commercial use permit shall be submitted to the department on a form prescribed and furnished by the department and must contain such information as the department may require by rule.

(2) The application must be accompanied by a fee in an amount determined by department rule. However, the fee for each instrument or device may not exceed the maximum limits set forth in s. 531.63.

(3) The department shall issue a permit and such other identification tags or stickers as necessary to provide evidence of compliance with ss. 531.60-531.66.

(4) A permit expires 1 year following its date of issue and must be renewed annually. If an application for renewal is not received by the department within 30 days after its due date, a late fee of up to $100 must be paid in addition to the annual commercial use permit fee.

(5) All permit fees shall be deposited into the General Inspection Trust Fund and used to carry out and enforce the provisions of this chapter relating to testing, inspection, licensing, and regulation of commercial weights and measures instruments or devices and practices in the state.

Section 36. Section 531.63, Florida Statutes, is created to read:

531.63 Maximum permit fees.—The commercial use permit fees established for weights or measures instruments or devices shall be in an amount necessary to administer this chapter but may not exceed the amounts provided in this section.

(1) For weighing devices, the fees must be based on the manufacturer's rated capacity or the device's design and use and whether measuring by inch or pounds or the metric equivalent:

(a) For weighing devices of up to and including the 100-pound capacity which are used during any portion of the period covered by the permit, the maximum annual fees per retail establishment may not exceed the following:

Number of devices in a single retail establishment	*Maximum Fee*
1 to 5	*$60*
6 to 10	*$150*
11 to 30	*200*
More than 30	*$300*

(b) For weighing devices of greater than the 100-pound capacity, the maximum annual registration fees may not exceed the following amounts per device:

Manufacturer's rated capacity	*Maximum Fee Per Device*
100-5,000 pounds	*$200*
5,000-20,000 pounds	*$300*
20,000 pounds or more	*$400*
Wheel load weighers	*$35*
Static railroad track scales	*$1,000*

Manufacturer's rated capacity	*Maximum Fee Per Device*
Belt-conveyor scales	*$500*
In-motion railroad track scales	*$1,000*

(2) For other measuring devices, the annual permit fees per device may not exceed the following:

(a) Mass flow meters having a maximum flow rate of up to 150 pounds per minute $100.

(b) Mass flow meters having a maximum flow rate greater than 150 pounds per minute $500.

(c) Volumetric flow meters having a maximum flow rate of up to 20 gallons per minute $50.

(d) Volumetric flow meters having a maximum flow rate greater than 20 gallons per minute $100.

(e) Tanks, under 500 gallons capacity, used as measure containers, with or without gage rods or markers $100.

(f) Tanks, 500 or more gallons capacity, used as measure containers, with or without gage rods or markers $200.

(g) Taximeters $50.

(h) Grain moisture meters $25.

(i) Multiple-dimension measuring devices $100.

(3) The owner or person in possession of a weight or measures instrument or device for which the permit fees have not been paid in accordance with this section may not use such instrument or device for commercial purposes.

Section 37. Section 531.64, Florida Statutes, is created to read:

531.64 Suspension and revocation of permits.—Any permit issued under s. 531.62 may be suspended or revoked by the department if the devices or instruments for which the permit is issued are operated or used contrary to this chapter or adopted rules.

Section 38. Section 531.65, Florida Statutes, is created to read:

531.65 Unauthorized use; penalties.—If a weights or measures instrument or device is used commercially without a valid commercial use permit, the department may:

(1) Prohibit the further commercial use of the unpermitted instrument or device until the proper permit has been issued;

(2) Employ and attach to the instrument or device such form, notice, tag, or seal to prevent the continued unauthorized use of the instrument or device;

(3) In addition to the permit fees prescribed by rule for the commercial use of a weights and measures instrument or device, assess the late fee authorized under s. 531.62; or

(4) Impose penalties as prescribed in s. 531.50 in addition to the payment of appropriate permit fees for the commercial use of a weights and measures instrument or device.

Section 39. Section 531.66, Florida Statutes, is created to read:

531.66 Forms; rules.—

(1) The department shall prescribe such forms, permits, certificates, and identification tags or stickers it considers necessary to carry out the permitting provisions of ss. 531.60-531.66.

(2) The department shall adopt rules necessary to administer ss. 531.60-531.66.

Section 40. *Sections 531.60, 531.61, 531.62, 531.63, 531.64, 531.65, and 531.66, Florida Statutes, as created by this act, shall expire July 1, 2014.*

Section 41. Paragraph (a) of subsection (2) of section 576.021, Florida Statutes, is amended to read:

576.021 Registration and licensing.—

(2)(a) A person may not distribute a specialty fertilizer in this state until it is registered with the department by the licensee whose name appears on the label. An application for registration of each grade of specialty fertilizer shall be made on a form furnished by the department and shall be accompanied by an annual fee of $100 *for* each *specialty fertilizer that is registered* ~~for the first five registrations for each grade of each brand~~. ~~If more than five grades of specialty fertilizer are to be registered by a licensee, the registration fee for the sixth grade registered and for each subsequent grade registered shall be $25 for each grade of each brand.~~ All specialty fertilizer registrations expire June 30 each year. All licensing and registration fees paid to the department under this section shall be deposited into the State Treasury to be placed in the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program.

Section 42. Paragraph (a) of subsection (2) of section 576.045, Florida Statutes, is amended to read:

576.045 Nitrogen and phosphorus; findings and intent; fees; purpose; best-management practices; waiver of liability; compliance; rules; exclusions; expiration.—

(2) FEES.—

(a) In addition to the fees imposed under ss. 576.021 and 576.041, the following supplemental fees shall be collected and paid by licensees for the sole purpose of implementing this section:

1. One hundred dollars for each license to distribute fertilizer.

2. One hundred dollars for each ~~of the first five~~ specialty fertilizer ~~registrations and $25 for each~~ registration ~~after the first five~~.

3. Fifty cents per ton for all fertilizer that contains nitrogen or phosphorus and that is sold in this state.

Section 43. Subsection (1) of section 578.08, Florida Statutes, is amended to read:

578.08 Registrations.—

(1) Every person, except as provided in subsection (4) and s. 578.14, before selling, distributing for sale, offering for sale, exposing for sale, handling for sale, or soliciting orders for the purchase of any agricultural, vegetable, flower, or forest tree seed or mixture thereof, shall first register with the department as a seed dealer. The application for registration shall include the name and location of each place of business at which the seed is sold, distributed for sale, offered for sale, exposed for sale, or handled for sale. The application for registration shall be accompanied by an annual registration fee for each such place of business based on the gross receipts from the sale of such seed for the last preceding license year as follows:

(a)1. Receipts less than $2,500.01, fee *of* . . . . . *$100* ~~$50~~

2. Receipts more than $2,500 and less than $5,000.01, fee *of* . . . . . *$200* ~~$100~~

3. Receipts more than $5,000 and less than $10,000.01, fee *of* . . . . . *$350* ~~$175~~

4. Receipts more than $10,000 and less than $20,000.01, fee *of* . . . . . *$800* ~~$400~~

5. Receipts more than $20,000 and less than $40,000.01, fee *of* . . . . . *$1,000* ~~$500~~

6. Receipts more than $40,000 and less than $70,000.01, fee *of* . . . . . *$1,200* ~~$600~~

7. Receipts more than $70,000 and less than $150,000.01, fee *of* . . . . . *$1,600* ~~$800~~

8. Receipts more than $150,000 and less than $400,000.01, fee *of* . . . . . *$2,400* ~~$1,200~~

9. Receipts more than $400,000, fee *of* . . . . . *$4,600* ~~$2,300~~

(b) For places of business not previously in operation, the fee shall be based on anticipated receipts for the first license year.

Section 44. Subsection (2) of section 589.08, Florida Statutes, is amended to read:

589.08 Land acquisition restrictions.—

(2) The division may receive, hold the custody of, and exercise the control of any lands, and set aside into a separate, distinct and inviolable fund, *any* ~~the~~ proceeds ~~which may be~~ derived from the sales of the products of such lands, the use thereof in any manner, or the sale of such lands save the 25 percent of the proceeds ~~thereof~~ to be paid into the State School Fund as provided by law. The division may use and apply such funds for the acquisition, use, custody, management, development, or improvement of any lands vested in or subject to the control of *the* ~~such~~ division. After full payment has been made for the purchase of a state forest~~,~~ to the Federal Government or other grantor, ~~then~~ 15 percent of the gross receipts from a state forest shall be paid to the *fiscally constrained* county or counties*, as described in s. 218.67(1),* in which it is located in proportion to the acreage located in each county for use by the county or counties for school purposes.

Section 45. Section 589.081, Florida Statutes, is amended to read:

589.081 Withlacoochee State Forest and Goethe State Forest; payment ~~to counties~~ of portion of gross receipts.—The Division of Forestry shall pay 15 percent of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to each *fiscally constrained* county*, as described in s. 218.67(1),* in which a portion of the respective forest is located in proportion to the forest acreage located in *such* ~~each~~ county. The funds must be equally divided between the board of county commissioners and the school board of each *fiscally constrained* county.

Section 46. This act shall take effect July 1, 2009, except that sections 1 through 30 of this act shall take effect October 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; providing for a type two transfer of the licensing and regulation of Professional Surveyors and Mappers from the Division of Professions within the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services; amending s. 20.165, F.S.; conforming provisions to changes made by the act; amending s. 472.005, F.S.; revising a definition; creating s. 472.006, F.S.; setting forth the powers and duties of the Department of Agriculture and Consumer Services relating to surveyors and mappers; amending s. 472.007, F.S.; providing for the Board of Professional Surveyors and Mappers to be located within the Department of Agriculture and Consumer Services; providing for the appointment of members to the board; requiring each board member to be accountable to the Commissioner of Agriculture; creating s. 472.0075, F.S.; providing that the board may be contacted through the department; amending s. 472.008, F.S.; authorizing the board to adopt rules; authorizing the department to challenge any rule of the board; creating s. 472.0101, F.S.; authorizing the participation of foreign-trained professionals under certain specified circumstances; amending s. 472.011, F.S.; requiring that fees collected pursuant to ch. 472, F.S., be deposited into a specified trust fund; authorizing the board to assess and collect certain fees; creating s. 472.0131, F.S.; requiring the department to prepare for professional examinations; creating s. 472.0132, F.S.; declaring that the wrongful taking or copying of an examination is a felony of the third degree; creating s. 472.0135, F.S.; providing for educational competencies; amending s. 472.015, F.S.; requiring any person desiring to be licensed to apply to the department in writing on a form prepared and furnished by the department; authorizing the department to collect a license fee; creating s. 472.016, F.S.; requiring that members of the Armed Forces be kept in good standing and not be charged dues and fees while on active duty; creating s. 472.0165, F.S.; providing qualifications and standards for immigrants who desire to be licensed as a surveyor or mapper; amending s. 472.018, F.S.; providing for continuing education; requiring the board to establish the criteria and course content for continuing education courses; creating s. 472.0201, F.S.; providing for access to public records; providing for certain specified exceptions; creating s. 472.02011, F.S.; prohibiting persons from disseminating confidential information; creating s. 472.0202, F.S.; prohibiting a person from practicing the profession without an active status license; setting forth the permissible activities of an inactive licensee; creating s. 472.0203, F.S.; requiring the department to send a notice of renewal to the licensee; creating s. 472.0204, F.S.; requiring each licensee to notify the department in writing of the licensee's current mailing address and place of practice; amending s. 472.033, F.S.; providing for disciplinary proceedings; providing for investigations; creating s. 472.0335, F.S.; providing for the classification of disciplinary actions; classifying actions as minor violations; creating s. 472.034, F.S.; providing for mediation of disciplinary actions; providing procedures; creating s. 472.0345, F.S.; authorizing the department and the board the authority to issue citations; providing mediation procedures; creating s. 472.0351, F.S.; setting forth the grounds for disciplinary proceedings; listing the acts that are grounds for disciplinary actions; creating s. 472.0355, F.S.; providing disciplinary guidelines; creating s. 472.036, F.S.; providing penalties for the unlicensed practice of surveying and mapping; authorizing the department to issue a citation; providing for a civil penalty; creating s. 472.0365, F.S.; authorizing the department to collect a fee to support enforcement activities; providing requirements for the Department of Agriculture and Consumer Services and the Department of business and Professional Regulation to minimize any interruption of service or function resulting from the transfer of duties; amending s. 482.2401, F.S.; replacing a requirement that the department use all revenues from certain administrative fines to support research or education in pest control with an authorization to use such available revenues for those purposes; amending s. 487.041, F.S.; establishing supplemental biennial registration fees for certain brands of pesticide; requiring the department to adopt rules publishing a list of active ingredients contained in pesticides for which the supplemental fee is required; providing for retroactive assessment of the supplemental fees; providing for use of the revenues collected from the fees; providing for retroactive application; creating s. 531.60, F.S.; requiring a permit for weights and measures instruments or devices used commercially or tested by the department; creating s. 531.61, F.S.; providing exemptions from permit requirements; creating s. 531.62, F.S.; providing for permit application and annual renewal; creating s. 531.63, F.S.; providing for maximum permit fees based on the number and capacity of such instruments or devices; creating s. 531.64, F.S.; providing for the suspension or revocation of permits; creating s. 531.65, F.S.; authorizing the department to take certain actions and impose penalties for unpermitted use; creating s. 531.66, F.S.; directing the department to develop forms and adopt rules; providing for future expiration of such provisions requiring a permit for a weights and measures instrument or device and providing for permit fees and enforcement; amending ss. 576.021 and 576.045, F.S.; revising fees for the registration of specialty fertilizers; amending s. 578.08, F.S.; revising fees for the registration of seed dealers; amending s. 589.08, F.S.; limiting the payment of a certain percentage of the gross receipts from a state forest to fiscally constrained counties; amending s. 589.081, F.S.; limiting the payment of a certain percentage of the gross receipts from specified state forests to the board of county commissioners and the school board of certain fiscally constrained counties; providing effective dates.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 1744** was adopted. **CS for SB 1744** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Alexander	Detert	Haridopolos
Altman	Deutch	Hill
Aronberg	Diaz de la Portilla	Jones
Baker	Dockery	Joyner
Bennett	Fasano	Justice
Bullard	Gaetz	King
Constantine	Garcia	Lawson
Crist	Gardiner	Lynn
Dean	Gelber	Oelrich

Peaden	Ring	Storms
Pruitt	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1748

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1748, same being:

An act relating to the Department of Revenue

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (929264) to CS for SB 1748 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons

Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
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Betty Reed
Kenneth L. "Ken" Roberson
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Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (929264)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective July 1, 2009, section 195.022, Florida Statutes, is amended to read:

195.022 Forms to be prescribed by Department of Revenue.—The Department of Revenue shall prescribe all forms to be used by property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The department shall prescribe a form for each purpose. ~~For counties with a population of 100,000 or fewer, the Department of Revenue shall furnish the forms. For counties with a population greater than 100,000,~~ The county officer shall reproduce forms for distribution at the expense of his or her office. A county officer may use a form other than the form prescribed by the department upon obtaining written permission from the executive director of the department; however, *a* ~~no~~ county officer *may not* ~~shall~~ use a form *if* the substantive content of *the form varies from* ~~which is at variance with~~ the form prescribed by the department for the same or a similar purpose. If the executive director finds good cause to grant such permission he or she may do so. The county officer may continue to use *the* ~~such~~ approved form until the law *that* ~~which~~ specifies the form is amended or repealed or until the officer receives written disapproval from the executive director. Otherwise, all such officers and their employees shall use the forms, and follow the instructions applicable to the forms, which are prescribed by the department. ~~The department,~~ Upon request of any property appraiser or, in any event, at least once every 3 years, *the department* shall prescribe and furnish such aerial photographs and nonproperty ownership maps to the property appraisers as ~~are~~ necessary to ensure that all real property within the state is properly listed on the roll. All photographs and maps furnished to counties with a population of 25,000 or fewer shall be paid for by the department as provided by law. For counties with a population greater than 25,000, the department shall furnish such items at the property appraiser's expense. The department may incur reasonable expenses for procuring aerial photographs and nonproperty ownership maps and may charge a fee to the respective property appraiser equal to the cost incurred. The department shall deposit such fees into the Certification Program Trust Fund created pursuant to s. 195.002. There shall be a separate account in the trust fund for the aid and assistance activity of providing aerial photographs and nonproperty ownership maps to property appraisers. The department shall use money in the fund to pay

such expenses. ~~All forms furnished by the department shall be paid for by the department as provided by law.~~ All forms and maps and instructions relating to their use *must* ~~shall~~ be substantially uniform throughout the state. An officer may employ supplemental forms and maps, at the expense of his or her office, which he or she deems expedient for the purpose of administering and collecting ad valorem taxes. The forms required in ss. 193.461(3)(a) and 196.011(1) for renewal purposes *must* ~~shall~~ require sufficient information for the property appraiser to evaluate the changes in use since the prior year. If the property appraiser determines, in the case of a taxpayer, that he or she has insufficient current information upon which to approve the exemption, or if the information on the renewal form is inadequate for him or her to evaluate the taxable status of the property, he or she may require the resubmission of an original application.

Section 2. Section 213.24, Florida Statutes, is amended to read:

213.24 Accrual of penalties and interest on deficiencies; deficiency billing costs.—

(1) If notice and demand is made for the payment of any amount due under laws ~~made~~ applicable to this chapter and if such amount is paid within 30 days after the date of such billing or notice and demand, no additional penalties or interest under this section on the amount so paid shall be imposed for the period after the date of such notice and demand.

(2)(a) Billings for deficiencies or automated refunds of tax, penalty, or interest *may* ~~shall~~ not be issued for *an* ~~any~~ amount less than the actual costs incurred to produce a billing or automated refund.

(b) The cost of issuing billings or automated refunds for any tax *or fee* enumerated in s. 213.05 *or chapter 443* shall be computed in a study performed by the inspector general of the department. The study shall be conducted every 3 years and at such other times as deemed necessary by the inspector general. A minimum billing and automated refund amount shall be established and adjusted in accordance with the results of such study.

(c) Any change in minimum billing or automated refund amounts *is* ~~shall be made~~ effective on July 1 following the completion of the study.

(3) An administrative collection processing fee shall be imposed to offset payment processing and administrative costs incurred by the state due to late payment of a collection event.

(a) As used in this subsection, the term:

1. "Collection event" means when a taxpayer fails to:

a. Timely file a complete return;

b. Timely pay the full amount of tax reported on a return; or

c. Timely pay the full amount due resulting from an audit after all appeal rights have expired or the result has been finally determined.

2. "Extraordinary circumstances" means events beyond the control of the taxpayer, including, but not limited to, the taxpayer's death; acts of war or terrorism; natural disaster, fire, or other casualty; or the nonfeasance or misfeasance of the taxpayer's employee or representative responsible for complying with the taxes and fees listed in s. 213.05 and chapter 443. With respect to acts of the taxpayer's employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the collection event and any notification of the collection event.

(b) The department shall collect the fee from a taxpayer who fails to pay the full amount of tax, penalty, and interest due within 90 days following initial notification of the collection event. The department may waive or reduce the fee if the taxpayer demonstrates that the failure to pay the full amount due within 90 days following the initial notification was due to extraordinary circumstances. The fee applies to those taxes and fees listed in s. 213.05 and chapter 443 and administered by the department.

(c) The fee is equal to 10 percent of the total amount of tax, penalty, and interest which remains unpaid after 90 days, or $10 for each collection event, whichever is greater. The fee shall be imposed in addition to the taxes, fees, penalties, and interest prescribed by law.

(d) Fees collected pursuant to this subsection shall be distributed each fiscal year as follows:

1. The first $6.2 million collected shall be deposited into the department's Operations Trust Fund.

2. Any amount collected above $6.2 million shall be deposited into the General Revenue Fund.

Section 3. Section 213.75, Florida Statutes, is amended to read:

213.75 Application of payments.—

(1) Except for any payment made pursuant to s. 213.21, or as otherwise specified by the taxpayer at the time he or she makes a payment, *if* ~~whenever any~~ payment is made to the department with respect to any of the revenue laws of this state, such payment shall be applied *in priority order* as follows:

(a) First, against the accrued interest, if any;

(b) The *remaining* amount, if any, ~~remaining after the application to interest~~ shall be credited against any accrued penalty; ~~and~~

(c) *The remaining amount, if any, shall be credited against the administrative collection processing fee; and*

(d) The *remaining* amount, if any, ~~remaining after application to interest and penalty~~ shall be credited to any tax due.

(2) If a warrant or lien has been filed and recorded by the department, a payment shall be applied *in priority order* as follows:

(a) First, against the costs *to record* ~~of recordation of~~ the warrant or lien, if any;

(b) *The remaining amount, if any, shall be credited against the administrative collection processing fee;*

(c) The *remaining* amount, if any, ~~remaining~~ shall be applied to accrued interest;

(d) ~~(c)~~ The *remaining* amount, if any, ~~remaining after the application to interest~~ shall be credited against any accrued penalty; and

(e) ~~(d)~~ The *remaining* amount, if any, ~~remaining after application to costs, interest, and penalty~~ shall be credited to any tax due.

(3) If a levy has been made by the department, a payment shall be applied *in priority order* as follows:

(a) First, against the costs *to execute* ~~of execution of~~ the levy, if any;

(b) *The remaining amount, if any, shall be credited against the administrative collection processing fee;*

(c) The *remaining* amount, if any, ~~remaining~~ shall be applied to accrued interest;

(d) ~~(c)~~ The *remaining* amount, if any, ~~remaining after the application to interest~~ shall be credited against any accrued penalty; and

(e) ~~(d)~~ The *remaining* amount, if any, ~~remaining after application to costs, interest, and penalty~~ shall be credited to any tax due.

(4) Any surplus proceeds remaining after the application of subsection (3) shall, upon application and satisfactory proof thereof, be refunded by the Chief Financial Officer to the person or persons legally entitled ~~thereto~~ pursuant to s. 215.26.

Section 4. *The fee imposed by s. 213.24(3), Florida Statutes, as created by this act, applies retroactively to any remaining unpaid amount of tax, interest, and penalty due from any collection event occurring before the effective date of this act. However, the Department of Revenue may not collect such fee until September 1, 2009, calculated on the amount remaining unpaid on that date.*

Section 5. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Revenue; amending s. 195.022, F.S.; revising provisions relating to forms prescribed by the Department of Revenue for the administration and collection of ad valorem taxes; amending s. 213.24, F.S.; imposing an administrative collection processing fee for collection events; providing definitions; providing exceptions for extraordinary circumstances; providing for the allocation of the fees collected; amending s. 213.75, F.S.; revising application of payments; providing for application of the administrative collection processing fees to certain collection events; providing for retroactive application; providing effective dates.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 1748** was adopted. **CS for SB 1748** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1750

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1750, same being:

An act relating to the disposition of tax revenues

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (207118) to CS for SB 1750 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
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s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
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s/ Bryan Nelson
Mark S. Pafford
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s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
William L. "Bill" Proctor
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Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (207118)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 201.15, Florida Statutes, as amended by section 1 of chapter 2009-17, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of

the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. *After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1).* All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes ~~collected under this chapter~~ shall be used for the following purposes:

(a) Amounts necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund may not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds may not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but may not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds *are* ~~shall be~~ equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except *as* ~~to the extent~~ specifically provided otherwise by the documents authorizing the issuance of the bonds. ~~No~~ Moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, *may not* ~~shall~~ be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) Moneys shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

(c) ~~The remainder of the moneys distributed under this subsection,~~ After the required payments under paragraphs (a) and (b), *the remainder* shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or $541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

~~2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of the lesser of 5.64 percent of the remainder or $80 million in each fiscal year, to be used as required by s. 403.890.~~

2. ~~3.~~ The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or $3.25 million in each fiscal year, with 92 percent to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and the remaining amount to be used to fund the Century Commission established in s. 163.3247.

3. ~~4.~~ The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or $30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

~~5. The Marine Resources Conservation Trust Fund in the amount of the lesser of .14 percent of the remainder or $2 million in each fiscal year, to be used for marine mammal care as provided in s. 379.208(3).~~

4. ~~6.~~ General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or $300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(d) ~~The remainder of the moneys distributed under this subsection,~~ After the required payments under paragraphs (a), (b), and (c), *the remainder* shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law.

(2) The lesser of 7.56 percent of the remaining taxes ~~collected under this chapter~~ or $84.9 million in each fiscal year shall be *distributed as follows:*

(a) Six million and three hundred thousand dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

(b) The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3)(a) ~~Through the 2008-2009 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or $26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.~~

~~(b) Beginning with the 2009-2010 fiscal year,~~ The lesser of 1.94 percent of the remaining taxes ~~collected under this chapter~~ or $26 million in each fiscal year shall be distributed in the following order:

1. Amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

3. The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(b) ~~(c)~~ Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the trust fund.

(4) The lesser of 4.2 percent of the remaining taxes ~~collected under this chapter~~ or $60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5)~~(a) For the 2007-2008 fiscal year, 3.96 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Ten and five hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.~~

~~(b) Beginning July 1, 2008, 3.52 percent~~ Of the remaining taxes*, 3.52 percent* ~~collected under this chapter~~ shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Eleven and fifteen hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) The lesser of 2.28 percent of the remaining taxes ~~collected under this chapter~~ or $34.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) The lesser of .5 percent of the remaining taxes ~~collected under this chapter~~ or $9.3 million in each fiscal year shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes ~~collected under this chapter~~ shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources *must* ~~will~~ be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) The lesser of 7.53 percent of the remaining taxes ~~collected under this chapter~~ or $107 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and ~~shall be~~ used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and ~~shall be~~ used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) The lesser of 8.66 percent of the remaining taxes ~~collected under this chapter~~ or $136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and ~~shall be~~ used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and ~~shall be~~ used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), may not be used for land acquisition but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59.

(12) Amounts distributed pursuant to subsections (5), (6), (7), and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

(13) ~~Beginning July 1, 2008,~~ In each fiscal year that the remaining taxes ~~collected under this chapter~~ exceed collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), (7), (9), and (10) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.

(14) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made *must* ~~shall~~ be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(10).

(15) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) *must* ~~shall~~ be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to ~~but not exceeding~~ the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(16) If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before January 1, 2010, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.

(17) ~~(16)~~ ~~The remaining taxes collected under this chapter,~~ After the distributions provided in the preceding subsections, *any remaining taxes* shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 2. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or *5.2* ~~5~~ percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

~~2. Two tenths of one percent shall be transferred to the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects.~~

2. ~~3.~~ After the distribution under *subparagraph* ~~subparagraphs~~ 1. ~~and 2.~~, 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred ~~pursuant to this subparagraph to the Local Government Half-cent Sales Tax Clearing Trust Fund~~ shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph *3.* ~~4.~~ and distributed accordingly.

3. ~~4.~~ After the distribution under subparagraphs 1.*and* ~~,~~ 2., ~~and 3.,~~ 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. ~~5.~~ After the distributions under subparagraphs 1., 2., *and* 3., ~~and 4.,~~ 2.0440 percent of the available proceeds ~~pursuant to this paragraph~~ shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. ~~6.~~ After the distributions under subparagraphs 1., 2., *and* 3., ~~and 4.,~~ 1.3409 percent of the available proceeds ~~pursuant to this paragraph~~ shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. ~~7.~~ Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties *must* ~~shall~~ begin each fiscal year on or before January 5th and ~~shall~~ continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment *must* ~~shall~~ continue until ~~such time that~~ the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards *before* ~~prior to~~ July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 *before* ~~prior to~~ July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than $416,670 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions *must* ~~shall~~ begin 60 days following such certification and shall continue for not more than 30 years. ~~Nothing contained in~~ This paragraph *may not* ~~shall~~ be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6).

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

7. ~~8.~~ All other proceeds *must* ~~shall~~ remain *in* ~~with~~ the General Revenue Fund.

Section 3. Paragraph (a) of subsections (1) and subsection (14) of section 376.3071, Florida Statutes, are amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(1) FINDINGS.—In addition to the legislative findings set forth in s. 376.30, the Legislature finds and declares:

(a) That significant quantities of petroleum and petroleum products are being stored in ~~underground~~ storage systems in this state, which ~~storage~~ is a hazardous undertaking.

(14) LEGISLATIVE APPROVAL AND AUTHORIZATION.—Prior to the department entering into a service contract with the Inland Protection Financing Corporation which includes payments by the department to support any existing or planned note, bond, certificate of indebtedness, or other obligation or evidence of indebtedness of the corporation pursuant to s. 376.3075, the Legislature, by law, must specifically ~~approve the cleanup project to be financed and must~~ authorize the department to enter into such a contract. *The corporation may issue bonds in an amount not to exceed $104 million, with a term up to 15 years, and annual payments not in excess of $10.4 million. The department may enter into a service contract in conjunction with the issuance of such bonds which provides for annual payments for debt service payments or other amounts payable with respect to bonds, plus any administrative expenses of the corporation to finance the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317.*

Section 4. Section 376.3075, Florida Statutes, is amended to read:

376.3075 Inland Protection Financing Corporation.—

(1) There is hereby created a nonprofit public benefit corporation to be known as the "Inland Protection Financing Corporation" for the purpose of financing the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317 ~~and the payment, purchase, and settlement of reimbursement obligations of the department pursuant to s. 376.3071(12), existing as of December 31, 1996. Such reimbursement obligations are referred to in this section as existing reimbursement obligations~~. ~~The corporation shall terminate on July 1, 2025.~~

(2) The corporation shall be governed by a board of directors consisting of the Governor or the Governor's designee, the Chief Financial Officer or the Chief Financial Officer's designee, *the Attorney General or the Attorney General's designee* ~~the chair of the Florida Black Business Investment Board~~, and the Secretary ~~of the Department~~ of Environmental Protection. The executive director of the State Board of Administration shall be the chief executive officer of the corporation and shall direct and supervise the administrative affairs of the corporation and shall control, direct, and supervise the operation of the corporation. The

corporation shall ~~also~~ have such other officers as may be determined by the board of directors.

(3) The corporation shall have all the powers of a corporate body under the laws of the state to the extent not inconsistent with or restricted by the provisions of this section, including, but not limited to, the power to:

(a) Adopt, amend, and repeal bylaws not inconsistent with this section.

(b) Sue and be sued.

(c) Adopt and use a common seal.

(d) Acquire, purchase, hold, lease, and convey such real and personal property as may be proper or expedient to carry out the purposes of the corporation and this section, and to sell, lease, or otherwise dispose of such property.

(e) Elect or appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be officers or employees of the department and the state agencies represented on the board of directors of the corporation.

(f)~~1.~~ Borrow money and issue notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness necessary to *finance the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317* ~~pay the backlog or to reimburse moneys from the Inland Protection Trust Fund used pursuant to subsection (6) and to pay for large scale cleanups, such as ports, airports, and terminal facilities, which are eligible for state funding~~.

~~2. No action shall be taken pursuant to this paragraph, consistent with subsection (5), or to s. 376.3071(14) prior to the Inland Protection Financing Corporation submitting a detailed financing plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must address the need for action to be taken pursuant to this paragraph to protect the health, safety, and welfare of the people of the state; the ability of the corporation to limit the impact on the Inland Protection Trust Fund of all outstanding notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness to less than $10 million in any state fiscal year; and the ability of the corporation to limit its total outstanding debt to no more than $100 million.~~

(g) Make and execute any and all contracts, trust agreements, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and this section.

(h) Select, retain, and employ professionals, contractors, or agents, which may include the Florida State Board of Administration's Division of Bond Finance, as ~~shall be~~ necessary or convenient to enable or assist the corporation in carrying out the purposes of the corporation and this section.

(i) Do any act or thing necessary or convenient to carry out the purposes of the corporation and this section and the powers provided in this section.

(4) The corporation *may* ~~is authorized to~~ enter into one or more service contracts with the department ~~pursuant~~ to ~~which the corporation shall~~ provide services to the department in connection with financing the functions and activities provided ~~for~~ in ss. 376.30-376.317. The department may enter into one or more such service contracts with the corporation and ~~to~~ provide for payments under such contracts pursuant to s. 376.3071(4)(o), subject to annual appropriation by the Legislature. The proceeds from such service contracts may be used for the *corporation's administrative* costs and expenses ~~of administration of the corporation~~ after payments as set forth in subsection (5). Each service contract *may have a term of up to 20 years* ~~shall have a term not to exceed 10 years and shall terminate no later than July 1, 2025~~. ~~The aggregate amount payable from the Inland Protection Trust Fund under all such service contracts shall not exceed $65 million in any state fiscal year.~~ Amounts annually appropriated and applied to make payments under such service contracts *may* ~~shall~~ not include any funds derived from penalties or other payments received from any property owner or private party, including payments received *under* ~~from~~ s. 376.3071(6)(b). In compliance with ~~provisions of~~ s. 287.0641 and other applicable provisions of law, the obligations of the department under such service contracts *do* ~~shall~~ not constitute a general obligation of the state or a pledge of the faith and credit or taxing power of the state nor *may* ~~shall~~ such obligations be construed in any manner as an obligation of the State Board of Administration or entities for which it invests funds, other than the department as provided in this section, but *are* ~~shall be~~ payable solely from amounts available in the Inland Protection Trust Fund, subject to annual appropriation. In compliance with this subsection and s. 287.0582, the service contract *must* ~~shall~~ expressly include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(5) The corporation may issue and incur notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness payable from and secured by amounts payable to the corporation by the department under a service contract entered into pursuant to subsection (4) for the purpose of *financing the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317* ~~paying, purchasing, or settling existing reimbursement obligations~~. The term of any such note, bond, certificate of indebtedness, or other obligation or evidence of indebtedness *may* ~~shall~~ not have a financing term that exceeds *15* ~~6~~ years~~, nor shall the total payments for principal and interest on any such note, bond, certificate of indebtedness, or other obligation or evidence of indebtedness exceed the original amount of approved reimbursement claims to be paid, purchased, or settled by the corporation by more than $50 million~~. The corporation may select its financing team and issue its obligations through competitive bidding or negotiated contracts, whichever is most cost-effective. Any ~~such~~ indebtedness of the corporation *does* ~~shall~~ not constitute a debt or obligation of the state or a pledge of the faith and credit or taxing power of the state, but *is* ~~shall be~~ payable from and secured by payments made by the department under the service contract pursuant to s. 376.3071(4)(o).

~~(6) Upon the issuance of debt obligations by the corporation pursuant to subsection (5) for the payment, purchase, or settlement of existing reimbursement obligations, amounts on deposit in the Inland Protection Trust Fund shall not be available for the payment, purchase, or settlement of existing reimbursement obligations to the extent proceeds of such debt obligations are available for the payment of such existing reimbursement obligations. If, after the initial issuance of debt obligations pursuant to subsection (5), amounts on deposit in the Inland Protection Trust Fund are used to pay existing reimbursement obligations, the corporation shall reimburse the Inland Protection Trust Fund for such payments from available proceeds of debt obligations issued pursuant to subsection (5). Payment, purchase, or settlement by the corporation of existing reimbursement obligations otherwise payable pursuant to s. 376.3071(12) shall satisfy the obligation of the department to make such payments. Any such existing reimbursement obligations purchased by the corporation shall be satisfied and extinguished upon purchase by the corporation.~~

~~(7) The corporation shall pay, purchase, or settle existing reimbursement obligations as determined by the department. The department shall implement the repayment priorities and method and amount of payments pursuant to s. 376.3071(12). However, any claims for reimbursement pursuant to s. 376.3071(12) that the corporation is unable to pay because of the limitations contained in subsection (5) shall be paid by the department from the receipts of the Inland Protection Trust Fund.~~

(6) ~~(8)~~ The fulfillment of the purposes of the corporation promotes the health, safety, and general welfare of the people of the state and serves as essential governmental functions and a paramount public purpose.

(7) ~~(9)~~ The corporation is exempt from taxation and assessments of any nature ~~whatsoever~~ upon its income and any property, assets, or revenues acquired, received, or used in the furtherance of the purposes provided in this chapter. The obligations of the corporation incurred pursuant to subsection (5) and the interest and income thereon and all security agreements, letters of credit, liquidity facilities, or other obligations or instruments arising out of, entered into in connection therewith, or given to secure payment thereof are exempt from all taxation, provided such exemption does not apply to any tax imposed by chapter 220 on the interest, income, or profits on debt obligations owned by corporations.

(8) ~~(10)~~ The corporation *may* ~~shall~~ validate obligations to be incurred pursuant to subsection (5) and the validity and enforceability of any service contracts providing for payments pledged to the payment thereof by proceedings under chapter 75. The validation complaint shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 *must* ~~shall~~ be published in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney for the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) *do* ~~shall~~ not apply to a complaint for validation filed *under* ~~as authorized in~~ this subsection. ~~The validation of at least the first obligations incurred pursuant to subsection (5) shall be appealed to the Supreme Court, to be handled on an expedited basis.~~

(9) ~~(11)~~ The corporation *is* ~~shall~~ not ~~be deemed to be~~ a special district for *the* purposes of chapter 189 or a unit of local government for *the* purposes of part III of chapter 218. The provisions of chapters 120 and 215, except the limitation on interest rates provided by s. 215.84 which applies to obligations of the corporation issued pursuant to this section, and part I of chapter 287, except ss. 287.0582 and 287.0641, *do* ~~shall~~ not apply to this section, the corporation ~~created hereby~~, the service contracts entered into pursuant to this section, or ~~to~~ debt obligations issued by the corporation as contemplated in this section.

(10) ~~(12)~~ ~~In no event shall any of~~ The benefits or earnings of the corporation *may not* inure to the benefit of any private person.

(11) ~~(13)~~ Upon dissolution of the corporation, title to all property owned by the corporation shall revert to the state.

(12) ~~(14)~~ The corporation may contract with the State Board of Administration to serve as trustee with respect to debt obligations issued by the corporation as contemplated by this section and to hold, administer, and invest proceeds of such debt obligations and other funds of the corporation and to perform other services required by the corporation. The state board ~~of Administration~~ may perform such services and may contract with others to provide all or a part of such services and to recover its and such other costs and expenses thereof.

Section 5. Paragraph (a) of subsection (5) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—

(a) The Legislative Auditing Committee shall direct the Auditor General to make an audit of any municipality whenever petitioned to do so by at least 20 percent of the registered electors in the last general election of that municipality pursuant to this subsection. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the registered electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to *s. 212.20(6)(d)5.* ~~s. 212.20(6)(d)6.~~ which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

Section 6. Paragraph (b) of subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be divided as follows:

(b) Sixty-three percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to *s. 212.20(6)(d)2.* ~~s. 212.20(6)(d)3.~~ shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

Section 7. Subsection (3) of section 218.245, Florida Statutes, is amended to read:

218.245 Revenue sharing; apportionment.—

(3) Revenues attributed to the increase in distribution to the Revenue Sharing Trust Fund for Municipalities pursuant to *s. 212.20(6)(d)5.* ~~s. 212.20(6)(d)6.~~ from 1.0715 percent to 1.3409 percent provided in chapter 2003-402, Laws of Florida, shall be distributed to each eligible municipality and any unit of local government *that* ~~which~~ is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968 revised constitution, as follows: each eligible local government's allocation shall be based on the amount it received from the half-cent sales tax under s. 218.61 in the prior state fiscal year divided by the total receipts under s. 218.61 in the prior state fiscal year for all eligible local governments. ~~; provided,~~ However, for the purpose of calculating this distribution, the amount received from the half-cent sales tax under s. 218.61 in the prior state fiscal year by a unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as amended, and as preserved by s. 6(e), Art. VIII, of the Constitution as revised in 1968, shall be reduced by 50 percent for such local government and for the total receipts. For eligible municipalities that began participating in the allocation of half-cent sales tax under s. 218.61 in the previous state fiscal year, their annual receipts shall be calculated by dividing their actual receipts by the number of months they participated, and the result multiplied by 12.

Section 8. Subsections (5), (6), and (7) of section 218.65, Florida Statutes, are amended to read:

218.65 Emergency distribution.—

(5) At the beginning of each fiscal year, the Department of Revenue shall calculate a base allocation for each eligible county equal to the difference between the current per capita limitation times the county's population, minus prior year ordinary distributions to the county pursuant to ss. *212.20(6)(d)2.* ~~212.20(6)(d)3.~~, 218.61, and 218.62. If moneys deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to *s. 212.20(6)(d)3.* ~~s. 212.20(6)(d)4.~~, excluding moneys appropriated for supplemental distributions pursuant to subsection (8), for the current year are less than or equal to the sum of the base allocations, each eligible county shall receive a share of the appropriated amount proportional to its base allocation. If the deposited amount exceeds the sum of the base allocations, each county shall receive its base allocation, and the excess appropriated amount, less any amounts distributed under subsection (6), shall be distributed equally on a per capita basis among the eligible counties.

(6) If moneys deposited in the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to *s. 212.20(6)(d)3.* ~~s. 212.20(6)(d)4.~~ exceed the amount necessary to provide the base allocation to each eligible county, the moneys in the trust fund may be used to provide a transitional distribution, as specified in this subsection, to certain counties whose population has increased. The transitional distribution shall be made available to each county that qualified for a distribution under subsection (2) in the prior year but does not, because of the requirements of paragraph (2)(a), qualify for a distribution in the current year. Beginning on July 1 of the year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive two-thirds of the amount received in the prior year, and beginning July 1 of the second year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive one-third of the amount it received in the last year it qualified for the distribution under subsection (2). If insufficient moneys are available in the Local Government Half-cent Sales Tax Clearing Trust Fund to fully provide such a transitional distribution to each county that meets the eligibility criteria in this section, each eligible county shall receive a share of the available moneys proportional to the amount it would have received had moneys been sufficient to fully provide such a transitional distribution to each eligible county.

(7) There is hereby annually appropriated from the Local Government Half-cent Sales Tax Clearing Trust Fund the distribution provided in *s. 212.20(6)(d)3.* ~~s. 212.20(6)(d)4.~~ to be used for emergency and supplemental distributions pursuant to this section.

Section 9. Subsection (6) of section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility.—

(6) The Department of Commerce must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding *shall* ~~will~~ be abated until certification criteria are met. If the project fails to generate $1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to *s. 212.02(6)(d)6.d.* ~~s. 212.20(6)(d)7.d.~~ shall be reduced to an amount equal to $83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is $1 million. Such reduction *remains* ~~shall remain~~ in effect until revenues generated by the project in a 12-month period equal or exceed $1 million.

Section 10. *Section 23 of chapter 2008-150, Laws of Florida, is repealed.*

Section 11. *(1) The Lake Okeechobee Protection Trust Fund within the Department of Environmental Protection, FLAIR number 37-2-890, is terminated.*

(2) All current balances remaining in and all revenues of, the trust fund shall be transferred to the General Revenue Fund.

(3) The Department of Environmental Protection shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 12. *Section 373.45952, Florida Statutes, is repealed.*

Section 13. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the disposition of tax revenues; amending s. 201.15, F.S.; authorizing the use of specified proceeds from the excise tax on documents for certain debt service obligations; removing provisions authorizing the distribution of specified amounts of the proceeds from the excise tax on documents to the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection and the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission; providing for the distribution of a specified amount of the proceeds from the excise tax on documents to the General Revenue Fund; removing an obsolete provision; authorizing the use of proceeds from the excise tax on documents for specified debt service obligations under certain conditions; amending s. 212.20, F.S.; removing provisions authorizing the distribution of specified amounts of the proceeds from the tax on sales, use, and other transactions and the communications services tax to the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection and increasing the distribution to the General Revenue Fund; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for the termination of the trust fund; amending s. 376.3071, F.S.; authorizing the Inland Protection Financing Corporation to issue bonds; authorizing the Department of Environmental Protection to enter into service contracts in conjunction with the issuance of such bonds; amending s. 376.3075, F.S.; revising provisions relation to the Inland Protection Financing Corporation; deleting the termination date for the corporation; revising the members of the corporation's board of directors; expressly providing that the corporation is authorized to finance the rehabilitation of petroleum contamination sites; revising certain limitations on notes, bonds, or other obligations or evidence of indebtedness issued by the corporation; deleting provisions relating to the submission of a financial plan; increasing the terms of service contracts; deleting a limitation on the amount of such contracts; deleting certain limitations on the payment of existing reimbursement obligations; amending ss. 11.45, 202.18, 218.245, 218.65, and 288.1169, F.S.; conforming cross-references; repealing s. 23 of ch. 2008-150, L.O.F., relating to the Department of Environmental Protection's authority to issue certain Class I landfill permits; terminating the Lake Okeechobee Protection Trust Fund; repealing s. 373.45952, F.S., relating to the Lake Okeechobee Protection Trust Fund; providing an effective date.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 1750** was adopted. **CS for SB 1750** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

THE PRESIDENT PRESIDING

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1754

The Honorable Jeff Atwater
President of the Senate

May 6, 2009

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1754, same being:

An act relating to the laws and rules examination for certified public accountants

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (293168) to CS for SB 1754 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt

s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (293168)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 455.217, Florida Statutes, is amended to read:

455.217 Examinations.—This section shall be read in conjunction with the appropriate practice act associated with each regulated profession under this chapter.

(7) In addition to meeting ~~any~~ other requirements for licensure by examination or by endorsement, an applicant may be required by a board, or by the department, if there is no board, to pass an examination pertaining to state laws and rules applicable to the practice of the profession regulated by that board or by the department. *This subsection does not apply to persons regulated under chapter 473.*

Section 2. Section 473.305, Florida Statutes, is amended to read:

473.305 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The fee for the examination shall be established at an amount that covers the costs for the procurement or development, administration, grading, and review of the examination. The fee for the examination is refundable if the applicant is found to be ineligible to sit for the examination. The fee for initial application is nonrefundable, and the combined fees for application and examination may not exceed $250 plus the actual per applicant cost to the department for purchase of the examination from the American Institute of Certified Public Accountants or a similar national organization. The biennial renewal fee may not exceed $250. The board may also establish, by rule, a reactivation fee, ~~a late filing fee for the law and rules examination,~~ and a delinquency fee not to exceed $50 for continuing professional education reporting forms. The board shall establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of public accountants. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of certified public accountants.

Section 3. Subsection (1) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee and upon certification by the board that the licensee has satisfactorily completed the continuing education requirements of s. 473.312 ~~and has passed an examination approved by the board on chapter 455 and this chapter and the related administrative rules. However, each licensee must complete the requirements of s. 473.312(1)(e) prior to taking the examination.~~

Section 4. Subsection (3) of section 473.313, Florida Statutes, is amended to read:

473.313 Inactive status.—

(3) Any licensee holding an inactive license may be permitted to reactivate such license in a conditional manner. The conditions of reactivation shall require~~, in addition to~~ the payment of fees~~, the passing of the examination approved by the board concerning chapter 455 and this chapter, and the related administrative rules,~~ and the completion of required continuing education.

Section 5. Subsections (7) through (17) of section 550.2415, Florida Statutes, are amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

~~(7) All moneys recovered for violations of this section shall be kept in a separate fund to be deposited into the Pari-mutuel Wagering Trust Fund and shall be used for research relating to the medication of racing animals. Such recovered moneys shall be supervised and used by the division to contract with a reputable college or school of veterinary medicine or its designee in accordance with this subsection.~~

(7) ~~(8)~~ Under no circumstances may any medication be administered closer than 24 hours prior to the officially scheduled post time of a race except as provided for in this section.

(a) The division shall adopt rules setting conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage.

(b) The division shall adopt rules setting conditions for the use of prednisolone sodium succinate, but under no circumstances may furosemide or prednisolone sodium succinate be administered closer than 4 hours prior to the officially scheduled post time for the race.

(c) The division shall adopt rules setting conditions for the use of phenylbutazone and synthetic corticosteroids; in no case, except as

provided in paragraph (b), shall these substances be given closer than 24 hours prior to the officially scheduled post time of a race. Oral corticosteroids are prohibited except when prescribed by a licensed veterinarian and reported to the division on forms prescribed by the division.

(d) Nothing in this section shall be interpreted to prohibit the use of vitamins, minerals, or naturally occurring substances so long as none exceeds the normal physiological concentration in a *race-day* ~~race-day~~ specimen.

(e) The division may, by rule, establish acceptable levels of permitted medications and shall select the appropriate biological specimens by which the administration of permitted medication is monitored.

(8) ~~(9)~~(a) Under no circumstances may any medication be administered within 24 hours before the officially scheduled post time of the race except as provided in this section.

(b) As an exception to this section, if the division first determines that the use of furosemide, phenylbutazone, or prednisolone sodium succinate in horses is in the best interest of racing, the division may adopt rules allowing such use. Any rules allowing the use of furosemide, phenylbutazone, or prednisolone sodium succinate in racing must set the conditions for such use. Under no circumstances may a rule be adopted which allows the administration of furosemide or prednisolone sodium succinate within 4 hours before the officially scheduled post time for the race. Under no circumstances may a rule be adopted which allows the administration of phenylbutazone or any other synthetic corticosteroid within 24 hours before the officially scheduled post time for the race. Any administration of synthetic corticosteroids is limited to parenteral routes. Oral administration of synthetic corticosteroids is expressly prohibited. If this paragraph is unconstitutional, it is severable from the remainder of this section.

(c) The division shall, by rule, establish acceptable levels of permitted medications and shall select the appropriate biological specimen by which the administration of permitted medications is monitored.

(9) ~~(10)~~(a) The division may conduct a postmortem examination of any animal that is injured at a permitted racetrack while in training or in competition and that subsequently expires or is destroyed. The division may conduct a postmortem examination of any animal that expires while housed at a permitted racetrack, association compound, or licensed kennel or farm. Trainers and owners shall be requested to comply with this paragraph as a condition of licensure.

(b) The division may take possession of the animal upon death for postmortem examination. The division may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for testing by the division laboratory or its designee. Upon completion of the postmortem examination, the carcass must be returned to the owner or disposed of at the owner's option.

(10) ~~(11)~~ The presence of a prohibited substance in an animal, found by the division laboratory in a bodily fluid specimen collected during the postmortem examination of the animal, which breaks down during a race constitutes a violation of this section.

(11) ~~(12)~~ The cost of postmortem examinations, testing, and disposal must be borne by the division.

(12) ~~(13)~~ The division shall adopt rules to implement this section. The rules may include a classification system for prohibited substances and a corresponding penalty schedule for violations.

(13) ~~(14)~~ Except as specifically modified by statute or by rules of the division, the Uniform Classification Guidelines for Foreign Substances, revised February 14, 1995, as promulgated by the Association of Racing Commissioners International, Inc., is hereby adopted by reference as the uniform classification system for class IV and V medications.

(14) ~~(15)~~ The division shall utilize only the thin layer chromatography (TLC) screening process to test for the presence of class IV and V medications in samples taken from racehorses except when thresholds of a class IV or class V medication have been established and are enforced by rule. Once a sample has been identified as suspicious for a class IV or class V medication by the TLC screening process, the sample will be sent for confirmation by and through additional testing methods. All other medications not classified by rule as a class IV or class V agent shall be subject to all forms of testing available to the division.

(15) ~~(16)~~ The division *may* ~~shall~~ implement by rule medication levels *recommended* ~~finalized~~ by the University of Florida *College of Veterinary Medicine* developed pursuant to *an agreement between the Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine.* ~~the Pharmacokinetic and Clearance Study Agreement by and between the Florida Department of Business and Professional Regulation Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine. Research on a drug level is finalized when~~ The University of Florida College of Veterinary Medicine *may provide* ~~provides~~ written notification to the division that it has completed ~~its~~ research *or review* on a particular drug pursuant to the agreement and when the College of Veterinary Medicine *has completed* ~~provides~~ a final report of its findings, conclusions, and recommendations to the division.

(16) ~~(17)~~ The testing medium for phenylbutazone in horses shall be serum, and the division may collect up to six full 15-milliliter blood tubes for each horse being sampled.

Section 6. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.217, F.S.; exempting certified public accountants from passage of an examination pertaining to state laws and rules applicable to the practice of the profession; amending ss. 473.305, 473.311, and 473.313, F.S.; removing provisions authorizing a late filing fee for the laws and rules examination, provisions requiring passage of the examination for license renewal, and provisions requiring passage of the examination for reactivation of an inactive license to conform to the exemption provided by the act; amending s. 550.2415, F.S.; deleting provisions for certain moneys to be used for research relating to the medication of racing animals; deleting provisions relating to the Pharmacokinetic and Clearance Study Agreement by and between the Department of Business and Professional Regulation Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine; revising provisions for implementation by the division of medication levels; providing an effective date.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 1754** was adopted. **CS for SB 1754** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1758

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1758, same being:

An act relating to insurance

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (104426) to CS for SB 1758 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr

s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (104426)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (v) of subsection (2) of section 17.57, Florida Statutes, is amended to read:

17.57 Deposits and investments of state money.—

(2) The Chief Financial Officer shall make funds available to meet the disbursement needs of the state. Funds which are not needed for this purpose shall be placed in qualified public depositories that will pay rates established by the Chief Financial Officer at levels not less than the prevailing rate for United States Treasury securities with a corresponding maturity. In the event money is available for interest-bearing time deposits or savings accounts as provided herein and qualified public depositories are unwilling to accept such money and pay thereon the rates established above, then such money which qualified public depositories are unwilling to accept shall be invested in:

(v) Securities not otherwise described in this subsection. However, not more than *5* ~~2~~ percent of the funds under the control of the Chief Financial Officer shall be invested in securities described in this paragraph.

These investments may be in varying maturities and may be in book-entry form. Investments made pursuant to this subsection may be under repurchase agreement or reverse repurchase agreement. The Chief Financial Officer may hire registered investment advisers and other consultants to assist in investment management and to pay fees directly from investment earnings. Investment securities, proprietary investment services related to contracts, performance evaluation services, investment-related equipment or software used directly to assist investment trading or investment accounting operations including bond calculators, telerates, Bloombergs, special program calculators, intercom systems, and software used in accounting, communications, and trading, and advisory and consulting contracts made under this section are exempt from the provisions of chapter 287.

Section 2. *Effective July 1, 2010, the amendment of s. 17.57(2)(v), Florida Statutes, made by this act expires, and the text of that paragraph shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 3. Section 17.575, Florida Statutes, is created to read:

17.575 Administration of funds; Treasury Investment Committee.—

(1) There is created a Treasury Investment Committee within the Division of Treasury consisting of at least five members who must possess special knowledge, experience, and familiarity in finance, investments, or accounting. The members of the committee shall be appointed by and

serve at the pleasure of the Chief Financial Officer. The committee shall annually elect a chair and vice chair from among its membership.

(2) The committee shall administer the Treasury Investment Program consistent with policies approved by the Chief Financial Officer for deposits and investments of public funds. The committee shall also make recommendations regarding investment policy to the Chief Financial Officer.

(3) The committee shall submit an annual report outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee. The report shall be submitted on August 15, 2009, and annually thereafter.

Section 4. Section 624.231, Florida Statutes, is created to read:

624.231 Disclosure and fees for production of records.—If the department or office determines that any portion of a record that is requested by a person is exempt pursuant to chapter 119, the insurance code, or chapter 641, the department or office shall disclose to the person in writing that the requested record will be provided in a redacted format and that there will be additional fees charged for staff time associated with researching and redacting the exempt portion of the record. Before the department or office provides the record, the person must affirm his or her request to receive the record.

Section 5. Paragraph (a) of subsection (19) of section 624.501, Florida Statutes, is amended to read:

624.501 Filing, license, appointment, and miscellaneous fees.—The department, commission, or office, as appropriate, shall collect in advance, and persons so served shall pay to it in advance, fees, licenses, and miscellaneous charges as follows:

(19) Miscellaneous services:

(a) For copies of documents or records on file with the department, commission, or office, per page . . . . . *$.15* ~~$.50~~

Section 6. Subsection (1) of section 624.523, Florida Statutes, is amended to read:

624.523 Insurance Regulatory Trust Fund.—

(1) There is created in the State Treasury a trust fund designated "Insurance Regulatory Trust Fund" to which shall be credited all payments received on account of the following items:

(a) All fines, monetary penalties, and costs imposed upon persons by the department or the office as authorized by law for violation of the laws of this state.

(b) Any sums received for copies of the stenographic record of hearings, as authorized by law.

(c) All sums received under s. 624.404(5).

(d) All sums received under s. 624.5091, as provided in subsection (5) thereof.

(e) All payments received on account of items provided for under respective provisions of s. 624.501, as follows:

1. Subsection (1) (certificate of authority of insurer).

2. Subsection (2) (charter documents of insurer).

3. Subsection (3) (annual license tax of insurer).

4. Subsection (4) (annual statement of insurer).

5. Subsection (5) (application fee for insurance representatives).

6. The "appointment fee" portion of any appointment provided for under paragraphs (6)(a) and (b) (insurance representatives, property, marine, casualty and surety insurance, and agents).

7. Paragraph (6)(c) (nonresident agents).

8. Paragraph (6)(d) (service representatives).

9. The "appointment fee" portion of any appointment provided for under paragraph (7)(a) (life insurance agents, original appointment, and renewal or continuation of appointment).

10. Paragraph (7)(b) (nonresident agent license).

11. The "appointment fee" portion of any appointment provided for under paragraph (8)(a) (health insurance agents, agent's appointment, and renewal or continuation fee).

12. Paragraph (8)(b) (nonresident agent appointment).

13. The "appointment fee" portion of any appointment provided for under subsections (9) and (10) (limited licenses and fraternal benefit society agents).

14. Subsection (11) (vending machines).

15. Subsection (12) (surplus lines agent).

16. Subsection (13) (adjusters' appointment).

17. Subsection (14) (examination fee).

18. Subsection (15) (temporary license and appointment as agent or adjuster).

19. Subsection (16) (reissuance, reinstatement, etc.).

20. Subsection (17) (additional license continuation fees).

21. Subsection (18) (filing application for permit to form insurer).

22. Subsection (19) (license fee of rating organization).

23. Subsection (20) (miscellaneous services).

24. Subsection (21) (insurance agencies).

(f) All payments received on account of actuarial and other services in the valuation or computation of the reserves of life insurers pursuant to s. 625.121(2).

(g) All sums received under ss. 626.711 and 626.743.

~~(h) Sums received under s. 626.932, as provided in subsection (5) thereof.~~

~~(i) Sums received under s. 626.938, as provided in subsection (7) thereof.~~

(h) ~~(j)~~ All sums received under s. 627.828.

(i) ~~(k)~~ All sums received from motor vehicle service agreement companies under s. 634.221.

(j) ~~(l)~~ All sums received under s. 648.27 (bail bond agent, limited surety agent, continuation fee), the "appointment fee" portion of any license or permit provided for under s. 648.31, and the application fees provided for under s. 648.34(3).

(k) ~~(m)~~ All sums received under s. 651.015.

(l) ~~(n)~~ All sums received by the Chief Financial Officer or the director of the office as fees for her or his services as service-of-process agent.

(m) ~~(o)~~ All state tax portions of agents' licenses collected under s. 624.501.

Section 7. Subsection (5) of section 626.932, Florida Statutes, is amended to read:

626.932 Surplus lines tax.—

(5) ~~The department shall deposit 15.74 percent of all taxes collected under this section to the credit of the Insurance Regulatory Trust Fund. Eighty-four and twenty-six hundredths percent of all~~ Taxes collected under this section shall be deposited into the General Revenue Fund.

Section 8. Subsection (7) of section 626.938, Florida Statutes, is amended to read:

626.938 Report and tax of independently procured coverages.—

(7) ~~The department shall deposit 15.74 percent of all taxes and interest collected under this section to the credit of the Insurance Regulatory Trust Fund. Eighty-four and twenty-six hundredths percent of all~~ Taxes and interest collected under this section shall be deposited into the General Revenue Fund.

Section 9. *The amendments to ss. 626.932(5) and 626.938(7), Florida Statutes, made by this act expire July 1, 2014, and the text of those subsections shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 10. Paragraph (e) of subsection (3) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(e) The commission shall adopt revisions to previously adopted actuarial methods, principles, standards, models, or output ranges *every odd year* ~~at least annually~~.

Section 11. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.57, F.S.; increasing the percentage of funds under the control of the Chief Financial Officer which may be invested in certain types of securities; providing for the future expiration of such provision and the reversion as of a specified date of statutory text; creating s. 17.575, F.S.; creating the Treasury Investment Committee within the Division of Treasury; providing for the Chief Financial Officer to appoint committee members; requiring the committee to administer the Treasury Investment Program; requiring an annual report; creating s. 624.231, F.S.; authorizing the department or Office of Insurance Regulation to charge a fee for redacting portions of a record which are exempt under public-records laws; requiring that a person affirm a request to receive a redacted record before the information is provided; amending s. 624.501, F.S.; reducing the fee charged by the Department of Financial Services, the Office of Insurance Regulation, and the Financial Services Commission for copies of documents or records; amending s. 624.523, F.S.; revising the list of items from which payments received are deposited into the Insurance Regulatory Trust Fund; amending ss. 626.932 and 626.938, F.S.; deleting provisions relating to the distribution of certain collected taxes and interest; providing for the reversion as of a specified date of the statutory text of provisions relating to the distribution of such taxes and interest; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to adopt revisions to actuarial methods, standards, and models every odd year rather than annually; providing an effective date.

On motion by Senator Baker, the Conference Committee Report on **CS for SB 1758** was adopted. **CS for SB 1758** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Crist	Garcia
Alexander	Dean	Gardiner
Altman	Detert	Gelber
Aronberg	Deutch	Haridopolos
Baker	Diaz de la Portilla	Hill
Bennett	Dockery	Jones
Bullard	Fasano	Joyner
Constantine	Gaetz	Justice
King	Rich	Storms
Lawson	Richter	Villalobos
Lynn	Ring	Wilson
Oelrich	Siplin	Wise
Peaden	Smith	
Pruitt	Sobel	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1778

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1778, same being:

An act relating to the Department of Highway Safety and Motor Vehicles

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (882772) to CS for CS for SB 1778 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers

Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (882772)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles, FLAIR number 76-2-172, is terminated on July 1, 2009.*

(2) All current balances remaining in, and all revenues of, the trust fund shall be transferred to the Highway Safety Operating Trust Fund within the Department of Highway Safety and Motor Vehicles, FLAIR number 76-2-009.

(3) The Department of Highway Safety and Motor Vehicles shall pay any outstanding debts and obligations of the terminated trust fund as soon as practicable. The Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Paragraph (c) of subsection (3) of section 17.61, Florida Statutes, is amended to read:

17.61 Chief Financial Officer; powers and duties in the investment of certain funds.—

(3)

(c) Except as provided in this paragraph and except for moneys described in paragraph (d), the following agencies *may* ~~shall~~ not invest trust fund moneys as provided in this section, but shall retain such moneys in their respective trust funds for investment, with interest appropriated to the General Revenue Fund, pursuant to s. 17.57:

1. The Agency for Health Care Administration, except for the Tobacco Settlement Trust Fund.

2. The Agency for Persons with Disabilities, except for:

a. The Federal Grants Trust Fund.

b. The Tobacco Settlement Trust Fund.

3. The Department of Children and Family Services, except for:

a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

b. The Social Services Block Grant Trust Fund.

c. The Tobacco Settlement Trust Fund.

d. The Working Capital Trust Fund.

4. The Department of Community Affairs, only for the Operating Trust Fund.

5. The Department of Corrections.

6. The Department of Elderly Affairs, except for:

a. The Federal Grants Trust Fund.

b. The Tobacco Settlement Trust Fund.

7. The Department of Health, except for:

a. The Federal Grants Trust Fund.

b. The Grants and Donations Trust Fund.

c. The Maternal and Child Health Block Grant Trust Fund.

d. The Tobacco Settlement Trust Fund.

8. The Department of Highway Safety and Motor Vehicles, only for~~:~~

~~a. The DUI Programs Coordination Trust Fund.~~

~~b.~~ the Security Deposits Trust Fund.

9. The Department of Juvenile Justice.

10. The Department of Law Enforcement.

11. The Department of Legal Affairs.

12. The Department of State, only for:

a. The Grants and Donations Trust Fund.

b. The Records Management Trust Fund.

13. The Executive Office of the Governor, only for:

a. The Economic Development Transportation Trust Fund.

b. The Economic Development Trust Fund.

14. The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.

15. The Justice Administrative Commission.

16. The state courts system.

Section 3. Paragraphs (m) through (x) of subsection (4) of section 215.20, Florida Statutes, are amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:

~~(m) Within the Department of Highway Safety and Motor Vehicles, the DUI Programs Coordination Trust Fund.~~

(m) ~~(n)~~ Within the Department of Legal Affairs, the Crimes Compensation Trust Fund.

(n) ~~(o)~~ Within the Department of Management Services:

1. The Administrative Trust Fund.

2. The Architects Incidental Trust Fund.

3. The Bureau of Aircraft Trust Fund.

4. The Florida Facilities Pool Working Capital Trust Fund.

5. The Grants and Donations Trust Fund.

6. The Police and Firefighters' Premium Tax Trust Fund.

7. The Public Employees Relations Commission Trust Fund.

8. The State Personnel System Trust Fund.

9. The Supervision Trust Fund.

10. The Working Capital Trust Fund.

(o) ~~(p)~~ Within the Department of Revenue:

1. The Additional Court Cost Clearing Trust Fund.

2. The Administrative Trust Fund.

3. The Certification Program Trust Fund.

4. The Fuel Tax Collection Trust Fund.

5. The Local Alternative Fuel User Fee Clearing Trust Fund.

6. The Local Option Fuel Tax Trust Fund.

7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.

8. The Motor Vehicle Warranty Trust Fund.

9. The Oil and Gas Tax Trust Fund.

10. The Operations Trust Fund.

11. The Severance Tax Solid Mineral Trust Fund.

12. The State Alternative Fuel User Fee Clearing Trust Fund.

13. All taxes levied on motor fuels other than gasoline levied pursuant to ~~the provisions of~~ s. 206.87(1)(a).

(p) ~~(q)~~ Within the Department of State:

1. The Records Management Trust Fund.

2. The trust funds administered by the Division of Historical Resources.

(q) ~~(r)~~ Within the Department of Transportation, all income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund.

(r) ~~(s)~~ Within the Department of Veterans' Affairs:

1. The Grants and Donations Trust Fund.

2. The Operations and Maintenance Trust Fund.

3. The State Homes for Veterans Trust Fund.

(s) ~~(t)~~ Within the Division of Administrative Hearings, the Administrative Trust Fund.

(t) ~~(u)~~ Within the Fish and Wildlife Conservation Commission:

1. The Conservation and Recreation Lands Program Trust Fund.

2. The Florida Panther Research and Management Trust Fund.

3. The Land Acquisition Trust Fund.

4. The Marine Resources Conservation Trust Fund, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 379.354.

(u) ~~(v)~~ Within the Florida Public Service Commission, the Florida Public Service Regulatory Trust Fund.

(v) ~~(w)~~ Within the Justice Administrative Commission, the Indigent Criminal Defense Trust Fund.

(w) ~~(x)~~ Within the Office of Financial Regulation of the Financial Services Commission:

1. The Administrative Trust Fund.

2. The Anti-Fraud Trust Fund.

3. The Financial Institutions' Regulatory Trust Fund.

4. The Regulatory Trust Fund.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 4. Paragraph (c) of subsection (4) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(4)

(c) Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:

For a crash report . . . . . *$10* ~~$2~~ per copy.

For a homicide report . . . . . $25 per copy.

For a uniform traffic citation. . . . . $0.50 per copy.

The fees collected for copies of the public records provided by a certified traffic records center shall be used to fund the center or otherwise as designated by the county or counties participating in the center.

Section 5. Subsection (2) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(2) After *the* suspension of *a person's* ~~the~~ driver's license and privilege to drive ~~of a person~~ under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed ~~on him or her~~ under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with a nonrefundable service charge of *$60* ~~up to $47.50~~ imposed under s. 322.29, or presents a certificate of compliance and pays the ~~aforementioned~~ service charge ~~of up to $47.50~~ to the clerk of the court or a driver licensing agent authorized *under* ~~in~~ s. 322.135 clearing such suspension. Of the charge collected ~~by the clerk of the court or driver licensing agent~~, *$22.50* ~~$10~~ shall be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund. Such person *must* ~~shall~~ also be in compliance with requirements of chapter 322 *before* ~~prior to~~ reinstatement.

Section 6. Subsection (6) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(6) In the case of the sale of a motor vehicle or mobile home by a licensed dealer to a general purchaser, the certificate of title *must* ~~shall~~ be obtained in the name of the purchaser by the dealer upon application signed by the purchaser, and in each other case such certificate *must* ~~shall~~ be obtained by the purchaser. In each case of transfer of a motor vehicle or mobile home, the application for certificate of title, or corrected

certificate, or assignment or reassignment, *must* ~~shall~~ be filed within 30 days from the delivery of *the* ~~such~~ motor vehicle or mobile home to the purchaser. An applicant *must* ~~shall be required to~~ pay a fee of *$20* ~~$10~~, in addition to all other fees and penalties required by law, for failing to file such application within the specified time. *If* ~~When~~ a licensed dealer acquires a motor vehicle or mobile home as a trade-in, the dealer must file with the department, within 30 days, a notice of sale signed by the seller. The department shall update its database for that title record to indicate "sold." A licensed dealer need not apply for a certificate of title for any motor vehicle or mobile home in stock acquired for stock purposes except as provided in s. 319.225.

Section 7. Subsections (1) of section 319.32, Florida Statutes, is amended to read:

319.32 Fees; service charges; disposition.—

(1) The department shall charge a fee of *$70* ~~$24~~ for each original certificate of title*,* except for a certificate of title for a motor vehicle for hire registered under s. 320.08(6)~~,~~ for which the title fee shall be *$49;* ~~$3,~~ *$70* ~~$24~~ for each duplicate copy of a certificate of title*,* except for a certificate of title for a motor vehicle for hire registered under s. 320.08(6)~~,~~ for which the title fee shall be *$49;* ~~$3,~~ $2 for each salvage certificate of title*;* ~~,~~ and $3 for each assignment by a lienholder. *The department* ~~It~~ shall also charge a fee of $2 for noting a lien on a title certificate, which fee *includes* ~~shall include~~ the services for the subsequent issuance of a corrected certificate or cancellation of lien when that lien is satisfied. If an application for a certificate of title is for a ~~rebuilt~~ vehicle *that is required by s. 319.14(1)(b) to have a physical examination*, the department shall charge an additional fee of $40 for *the initial examination and $20 for each subsequent examination. The initial examination fee shall be deposited into the General Revenue Fund, and each subsequent examination fee shall be deposited into the Highway Safety Operating Trust Fund. The* ~~conducting a~~ physical examination of the vehicle *includes, but is not limited to, verification of the vehicle identification number and verification of the bill of sale or title for major components* ~~to assure its identity~~. In addition to all other fees charged, a sum of $1 shall be paid for the issuance of an original or duplicate certificate of title to cover the cost of materials used for security purposes. *A service fee of $2.50, to be deposited into the Highway Safety Operating Trust Fund, shall be charged for shipping and handling for each paper title mailed by the department.*

Section 8. Section 319.323, Florida Statutes, is amended to read:

319.323 Expedited service; applications; fees.—The department shall establish a separate title office which may be *used* ~~utilized~~ by private citizens and licensed motor vehicle dealers to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens, and certificates of repossession. A fee of *$10* ~~$7~~ shall be charged for this service, which fee is in addition to the fees imposed by s. 319.32. *The fee, after deducting the amount referenced by s. 319.324 and $3.50 to be retained by the processing agency, shall be deposited into the General Revenue Fund.* Application for ~~such~~ expedited service may be made by mail or in person. The department shall issue each title applied for *under* ~~pursuant to~~ this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 319.23(4), in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Section 9. Subsection (1) of section 319.324, Florida Statutes, is amended to read:

319.324 Odometer fraud prevention and detection; funding.—

(1) Moneys received by the department pursuant to s. 319.32(1) in the amount of $1 for each original certificate of title, each duplicate copy of a certificate of title, and each assignment by a lienholder shall be deposited into the Highway Safety Operating Trust Fund. There shall also be deposited into the fund moneys received by the department pursuant to s. 319.323 in the amount of *$5* ~~$2~~ for each expedited service performed by the department for which a fee is assessed.

Section 10. Paragraph (c) of subsection (5) of section 320.023, Florida Statutes, is amended to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities *or* ~~nor~~ for general or administrative expenses, except as authorized by law.

(c) Any voluntary contributions authorized by law *shall be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund to the recipients specified in this chapter* ~~shall only be distributed to an organization under an appropriation by the Legislature~~.

Section 11. Subsection (5) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(5) A fee of *$1.25* ~~50 cents~~ shall be charged, in addition to the fees required under s. 320.08, on every license registration sold to cover the costs of the Florida Real Time Vehicle Information System. The fees collected ~~hereunder~~ shall be distributed as follows: *75 cents* ~~25 cents~~ into the Highway Safety Operating Trust Fund*, which* shall be used to fund the Florida Real Time Vehicle Information system and may be used to fund the general operations of the department*,* and *50* ~~25~~ cents into the Highway Safety Operating Trust Fund to be used exclusively to fund the ~~Florida Real Time Vehicle Information~~ system. The only use of this latter portion of the fee *is* ~~shall be~~ to fund the ~~Florida Real Time Vehicle Information~~ system equipment, software, *personnel associated with the maintenance and programming of the system,* and networks used in the offices of the county tax collectors as agents of the department and the ancillary technology necessary to integrate the ~~Florida Real Time Vehicle Information~~ system with other tax collection systems. The department shall administer this program upon consultation with the Florida Tax Collectors, Inc., to ensure that each county tax collector's office *is* ~~will be~~ technologically equipped and functional for the operation of the Florida Real Time Vehicle Information System. Any of the designated revenue collected to support functions of the county tax collectors and not used in a given year *must* ~~will~~ remain exclusively in the trust fund as a carryover to the following year.

Section 12. Subsection (1) of section 320.04, Florida Statutes, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of *$5* ~~$2.50~~ for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate. *Of that amount, $2.50 shall be deposited into the General Revenue Fund, and the remainder shall be retained by the department or by the tax collector, as the case may be, as other fees accruing to those offices.*

(b) There *shall* ~~may~~ also be a service charge of *$3* ~~up to $1~~ for the issuance of each license plate validation sticker, vessel decal, and mobile home sticker issued from an automated vending facility or printer dispenser machine*,* which *is* ~~shall be~~ payable to ~~and retained by~~ the department*. Of that amount, $1 shall be used* to provide for automated vending facilities or printer dispenser machines used to dispense such stickers and decals by each tax collector's or license tag agent's employee. *The remaining $2 shall be deposited into the General Revenue Fund.*

(c) ~~(b)~~ *The* ~~In addition to the fees provided in paragraph (a), any~~ tax collector may impose an additional service charge of not more than 50 cents on any transaction specified in paragraph (a) *or paragraph (b),* or on any transaction specified in s. 319.32(2)(a) or s. 328.48 *if* ~~when~~ such transaction occurs at any tax collector's branch office.

~~(c) The service charges prescribed by paragraphs (a) and (b) shall be collected from the applicant as compensation for all services rendered in connection with the handling of the application. Such fees shall be retained by the department or by the tax collector, as the case may be, as other fees accruing to those offices.~~

Section 13. Paragraph (b) of subsection (1) and subsection (3) of section 320.06, Florida Statutes, as amended by section 2 of chapter 2009-14, Laws of Florida, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a *10-year* ~~6-year~~ period. At the end of that *10-year* ~~6-year~~ period, upon renewal, the plate shall be replaced. The department shall *extend* ~~stagger~~ the *scheduled* ~~implementation of the 6-year~~ license plate replacement *date from a 6-year period to a 10-year period* ~~cycle~~. The fee for such replacement is *$28* ~~$12~~, *$2.80* ~~$2~~ of which shall be paid each year before the plate is replaced, to be credited towards the next *$28* ~~$12~~ replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund *may* ~~shall~~ not be given for any prior years' payments of such prorated replacement fee if the plate is replaced or surrendered before the end of the *10-year* ~~6-year~~ period, except that a credit may be given *if* ~~when~~ a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, ~~there shall be issued~~ a validation sticker *shall be issued* showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. Such license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is ~~a period of~~ 12 months, the extended registration period is ~~a period of~~ 24 months, and all expirations ~~shall~~ occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(3)(a) Registration license plates *must* ~~shall~~ be *made* of metal specially treated with a *retroreflection* ~~retroreflective~~ material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and *must* ~~shall~~ be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers *must also* ~~shall~~ be treated with a *retroreflection* ~~retroreflective~~ material, *must* ~~shall~~ be of such size as specified by the department, and *must* ~~shall~~ adhere to the license plate. The registration license plate *must* ~~shall~~ be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate *must* ~~shall also~~ be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates *must* ~~shall~~ have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) *must* ~~shall~~ have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words "Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

(b) An additional fee of *$1.50* ~~50 cents~~ shall be collected ~~and deposited into the Highway Safety Operating Trust Fund~~ on each motor vehicle registration or motor vehicle renewal registration issued in this state in order *for* ~~that~~ all license plates and validation stickers *to* be fully treated with *retroreflection* ~~retroreflective~~ material. *Of that amount, $1 shall be deposited into the General Revenue Fund and 50 cents shall be deposited into the Highway Safety Operating Trust Fund.*

Section 14. Subsections (3) and (5) of section 320.0607, Florida Statutes, are amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

(3) Except as provided in subsection (2), ~~in all such cases,~~ upon filing of an application accompanied by a fee of *$28* ~~$10~~ plus applicable service charges, the department shall issue a replacement plate, sticker, or decal*, as applicable,* ~~as the case may be~~ if it is satisfied that the information reported in the application is true. The replacement fee shall be deposited into the Highway Safety Operating Trust Fund.

(5) Upon the issuance of an original license plate, the applicant shall pay a fee of *$28* ~~$10~~ to be deposited in the Highway Safety Operating Trust Fund.

Section 15. Subsections (1) and (4) of section 320.072, Florida Statutes, are amended to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of *$225* ~~$100~~ is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(4) A tax collector or other ~~duly~~ authorized agent of the department shall promptly remit *44.5 percent of* all moneys collected pursuant to this section, less any refunds granted pursuant to subsection (3), to the department to be deposited into the State Transportation Trust Fund. *The remaining 55.5 percent shall be deposited into the General Revenue Fund.*

Section 16. Paragraphs (a), (b), and (d) of subsection (1) and subsections (2) through (9) and (12) through (15) of section 320.08, Florida Statutes, are amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: *$13.50* ~~$10~~ flat*, of which $3.50 shall be deposited into the General Revenue Fund.*

(b) Any moped: *$6.75* ~~$5~~ flat*, of which $1.75 shall be deposited into the General Revenue Fund.*

(d) An ancient or antique motorcycle: *$13.50* ~~$10~~ flat*, of which $3.50 shall be deposited into the General Revenue Fund.*

(2) AUTOMOBILES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: *$10.25* ~~$7.50~~ flat*, of which $2.75 shall be deposited into the General Revenue Fund.*

(b) Net weight of less than 2,500 pounds: *$19.50* ~~$14.50~~ flat*, of which $5 shall be deposited into the General Revenue Fund.*

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: *$30.50* ~~$22.50~~ flat*, of which $8 shall be deposited into the General Revenue Fund.*

(d) Net weight of 3,500 pounds or more: *$44* ~~$32.50~~ flat*, of which $11.50 shall be deposited into the General Revenue Fund.*

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: *$19.50* ~~$14.50~~ flat*, of which $5 shall be deposited into the General Revenue Fund.*

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: *$30.50* ~~$22.50~~ flat*, of which $8 shall be deposited into the General Revenue Fund.*

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: *$44* ~~$32.50~~ flat*, of which $11.50 shall be deposited into the General Revenue Fund.*

(d) A truck defined as a "goat," or any other vehicle *if* ~~when~~ used in the field by a farmer or in the woods for the purpose of harvesting a crop,

including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: *$10.25* ~~$7.50~~ flat*, of which $2.75 shall be deposited into the General Revenue Fund*. A "goat" is a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for the hauling of associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: *$10.25* ~~$7.50~~ flat*, of which $2.75 shall be deposited into the General Revenue Fund*.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: *$60.75* ~~$45~~ flat*, of which $15.75 shall be deposited into the General Revenue Fund*.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: *$87.75* ~~$65~~ flat*, of which $22.75 shall be deposited into the General Revenue Fund*.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: *$103* ~~$76~~ flat*, of which $27 shall be deposited into the General Revenue Fund*.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: *$118* ~~$87~~ flat*, of which $31 shall be deposited into the General Revenue Fund*.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: *$177* ~~$131~~ flat*, of which $46 shall be deposited into the General Revenue Fund*.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: *$251* ~~$186~~ flat*, of which $65 shall be deposited into the General Revenue Fund*.

(g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: *$324* ~~$240~~ flat*, of which $84 shall be deposited into the General Revenue Fund*.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: *$405* ~~$300~~ flat*, of which $105 shall be deposited into the General Revenue Fund*.

(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: *$773* ~~$572~~ flat*, of which $201 shall be deposited into the General Revenue Fund*.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: *$916* ~~$678~~ flat*, of which $238 shall be deposited into the General Revenue Fund*.

(k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: *$1,080* ~~$800~~ flat*, of which $280 shall be deposited into the General Revenue Fund*.

(l) Gross vehicle weight of 72,000 pounds or more: *$1,322* ~~$979~~ flat*, of which $343 shall be deposited into the General Revenue Fund*.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within a 150-mile radius of its home address *is* ~~shall be~~ eligible for a license plate for a fee of *$324* ~~$240~~ flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

Of the fee imposed by this paragraph, $84 shall be deposited into the General Revenue Fund.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within a 150-mile radius of its home address, *is* ~~shall be~~ eligible for a restricted license plate for a fee of*:* ~~$65 flat,~~

1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds*, 87.75 flat, of which $22.75 shall be deposited into the General Revenue Fund.*; ~~or $240 flat,~~

2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports~~:~~

~~1.~~ from the point of production to the point of primary manufacture;

~~2. From the point of production~~ to the point of assembling the same; or

~~3. From the point of production~~ to a shipping point of ~~either~~ a rail, water, or motor transportation company*, $324 flat, of which $84 shall be deposited into the General Revenue Fund*.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers ~~when~~ delivered direct to the growers. The department may require any ~~such~~ documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: *$13.50* ~~$10~~ flat per registration year or any part thereof*, of which $3.50 shall be deposited into the General Revenue Fund*.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: *$68* ~~$50~~ flat per permanent registration*, of which $18 shall be deposited into the General Revenue Fund*.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: *$44* ~~$32.50~~ flat*, of which $11.50 shall be deposited into the General Revenue Fund*.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: *$41* ~~$30~~ flat*, of which $11 shall be deposited into the General Revenue Fund*.

(d) A wrecker, as defined in s. 320.01(40), which is used to tow a vessel as defined in s. 327.02(39), a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01(38), or a replacement motor vehicle as defined in s. 320.01(39): *$41* ~~$30~~ flat*, of which $11 shall be deposited into the General Revenue Fund*.

(e) A wrecker *that* ~~, as defined in s. 320.01(40), which~~ is used to tow any motor vehicle, regardless of whether ~~or not~~ such motor vehicle is a disabled motor vehicle a~~s defined in s. 320.01(38)~~, a replacement motor vehicle ~~as defined in s. 320.01(39)~~, a vessel ~~as defined in s. 327.02(39)~~, or any other cargo, as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: *$118* ~~$87~~ flat*, of which $31 shall be deposited into the General Revenue Fund*.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: *$177* ~~$131~~ flat*, of which $46 shall be deposited into the General Revenue Fund*.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: *$251* ~~$186~~ flat*, of which $65 shall be deposited into the General Revenue Fund*.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: *$324* ~~$240~~ flat*, of which $84 shall be deposited into the General Revenue Fund*.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: *$405* ~~$300~~ flat*, of which $105 shall be deposited into the General Revenue Fund*.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: *$772* ~~$572~~ flat*, of which $200 shall be deposited into the General Revenue Fund*.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: *$915* ~~$678~~ flat*, of which $237 shall be deposited into the General Revenue Fund*.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: *$1,080* ~~$800~~ flat*, of which $280 shall be deposited into the General Revenue Fund*.

9. Gross vehicle weight of 72,000 pounds or more: *$1,322* ~~$979~~ flat*, of which $343 shall be deposited into the General Revenue Fund*.

(f) A hearse or ambulance: *$40.50* ~~$30~~ flat*, of which $10.50 shall be deposited into the General Revenue Fund*.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: *$17* ~~$12.50~~ flat*, of which $4.50 shall be deposited into the General Revenue Fund;* plus *$1.50* ~~$1~~ per cwt*, of which 50 cents shall be deposited into the General Revenue Fund*.

(b) Nine passengers and over: *$17* ~~$12.50~~ flat*, of which $4.50 shall be deposited into the General Revenue Fund;* plus *$2* ~~$1.50~~ per cwt*, of which 50 cents shall be deposited into the General Revenue Fund*.

(7) TRAILERS FOR PRIVATE USE.—

(a) Any trailer weighing 500 pounds or less: *$6.75* ~~$5~~ flat per year or any part thereof*, of which $1.75 shall be deposited into the General Revenue Fund*.

(b) Net weight over 500 pounds: *$3.50* ~~$2.50~~ flat*, of which $1 shall be deposited into the General Revenue Fund;* plus *$1* ~~75cents~~ per cwt*, of which 25 cents shall be deposited into the General Revenue Fund*.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: *$3.50* ~~$2.50~~ flat*, of which $1 shall be deposited into the General Revenue Fund;* plus *$1.50* ~~$1~~ per cwt*, of which 50 cents shall be deposited into the General Revenue Fund*.

(b) Net weight 2,000 pounds or more: *$13.50* ~~$10~~ flat*, of which $3.50 shall be deposited into the General Revenue Fund;* plus *$1.50* ~~$1~~ per cwt*, of which 50 cents shall be deposited into the General Revenue Fund*.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: *$27* ~~$20~~ flat*, of which $7 shall be deposited into the General Revenue Fund*.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: *$13.50* ~~$10~~ flat*, of which $3.50 shall be deposited into the General Revenue Fund*.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: *$27* ~~$20~~ flat*, of which $7 shall be deposited into the General Revenue Fund*.

2. Net weight of 4,500 pounds or more: *$47.25* ~~$35~~ flat*, of which $12.25 shall be deposited into the General Revenue Fund*.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: *$27* ~~$20~~ flat*, of which $7 shall be deposited into the General Revenue Fund*.

2. Net weight of 4,500 pounds or more: *$47.25* ~~$35~~ flat*, of which $12.25 shall be deposited into the General Revenue Fund*.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: *$27* ~~$20~~ flat*, of which $7 shall be deposited into the General Revenue Fund*.

2. Net weight of 4,500 pounds or more: *$47.25* ~~$35~~ flat*, of which $12.25 shall be deposited into the General Revenue Fund*.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: *$17* ~~$12.50~~ flat*, of which $4.50 shall be deposited into the General Revenue Fund*.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: *$4* ~~$3~~ flat*, of which $1 shall be deposited into the General Revenue Fund*.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: *$17* ~~$12.50~~ flat*, of which $4.50 shall be deposited into the General Revenue Fund;* plus *$2* ~~$1.50~~ per cwt*, of which 50 cents shall be deposited into the General Revenue Fund*.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: *$101.25* ~~$75~~ flat*, of which $26.25 shall be deposited into the General Revenue Fund*.

Section 17. Subsection (2) of section 320.0801, Florida Statutes, is amended to read:

320.0801 Additional license tax on certain vehicles.—

(2) In addition to the license taxes imposed by s. 320.08 and by subsection (1), there is imposed an additional surcharge of *$10* ~~$5~~ on each commercial motor vehicle having a gross vehicle weight of 10,000 pounds or more, which surcharge must be paid to the department or its agent upon the registration or renewal of registration of the commercial motor vehicle. Notwithstanding the provisions of s. 320.20, *50 percent of the* revenues collected from the surcharge imposed in this subsection *shall* ~~must~~ be deposited into the State Transportation Trust Fund *and 50 percent shall be deposited in the General Revenue Fund*.

Section 18. Section 320.0804, Florida Statutes, is amended to read:

320.0804 Surcharge on license tax; transportation trust fund.—There is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of *$4* ~~$2~~, which shall be collected in the same manner as the license tax. *Of this amount, $2 shall be* ~~and~~ deposited into the State Transportation Trust Fund *and $2 shall be deposited into the General Revenue Fund*. ~~This surcharge shall apply to registration periods beginning July 1, 1991.~~

Section 19. Section 320.08046, Florida Statutes, is amended to read:

320.08046 Surcharge on license tax~~; General Revenue Fund~~.—There is levied on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of *$5.50* ~~$1~~, which shall be collected in the same manner as the license tax. Of the proceeds of *each* ~~the~~ license tax surcharge, *$4.50* ~~58 percent~~ shall be deposited into the General Revenue Fund and *$1* ~~42 percent~~ shall be deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice to fund the *juvenile crime prevention programs and the* community juvenile justice partnership grants program.

Section 20. Subsection (1) of section 320.08048, Florida Statutes, is amended to read:

320.08048 Sample license plates.—

(1) The department is authorized, upon application and payment of a *$28* ~~$10~~ fee per plate, to provide one or more sample regular issuance license plates or specialty license plates based upon availability.

Section 21. Subsection (2) of section 320.0805, Florida Statutes, as amended by section 4 of chapter 2009-14, Laws of Florida, is amended to read:

320.0805 Personalized prestige license plates.—

(2) Each request for specific numbers or letters or combinations thereof shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle, as set forth in s. 320.08.

(b) A prestige plate annual use fee of $10.

(c) A processing fee of *$5* ~~$2~~, to be deposited into the Highway Safety Operating Trust Fund.

Section 22. Subsection (3) of section 320.08056, Florida Statutes, as amended by section 5 of chapter 2009-14, Laws of Florida, is amended, and paragraph (qqq) is added to subsection (4) of that section, to read:

320.08056 Specialty license plates.—

(3) Each request must be made annually to the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in s. 320.08.

(b) A processing fee of *$5* ~~$2~~, to be deposited into the Highway Safety Operating Trust Fund.

(c) A license plate fee as required by s. 320.06(1)(b).

(d) A license plate annual use fee as required in subsection (4).

A request may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, the specialty license plate must be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. *If* ~~When~~ a request is made for a specialty license plate at the beginning of the registration period, the tax, together with all applicable fees and service charges, must be paid.

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(qqq) Autism license plate, $25.

Section 23. Subsection (35) of section 320.08058, Florida Statutes, is amended, and subsection (69) is added to that section, to read:

320.08058 Specialty license plates.—

(35) FLORIDA GOLF LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf license plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, the Florida Sports Foundation, the LPGA, and the PGA of America may submit a revised sample plate for consideration by the department.

(b) The department shall distribute the Florida Golf license plate annual use fee to the *Dade Amateur Golf Association, a nonprofit organization under s. 501(c)(3) of the International Revenue Code* ~~Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. The license plate annual use fees are to be annually allocated as follows:

1. Up to *10* ~~5~~ percent of the proceeds from the annual use fees may be used by the *Dade Amateur Golf Association* ~~Florida Sports Foundation~~ for the administration of the Florida *Junior* ~~Youth~~ Golf Program.

2. The Dade Amateur Golf Association shall receive the first $80,000 in proceeds from the annual use fees for the operation of youth golf programs in Miami-Dade County. Thereafter, 15 percent of the proceeds from the annual use fees shall be provided to the Dade Amateur Golf Association for the operation of youth golf programs in Miami-Dade County.

3. The remaining proceeds from the annual use fees shall be available for grants to nonprofit organizations to operate youth golf programs and for marketing the Florida Golf license plates. All grant recipients~~, including the Dade Amateur Golf Association,~~ shall be required to provide to the *Dade Amateur Golf Association* ~~Florida Sports Foundation~~ an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.

(c) The *Dade Amateur Golf Association shall* ~~Florida Sports Foundation may~~ establish a Florida *Junior* ~~Youth~~ Golf *Council* ~~Program~~. The Florida *Junior* ~~Youth~~ Golf *Council* ~~Program~~ shall assist organizations for the benefit of youth, introduce young people to golf, instruct young people in golf, teach the values of golf, and stress life skills, fair play, courtesy, and self-discipline.

(d) The *Dade Amateur Golf Association* ~~Florida Sports Foundation~~ shall establish a seven-member *Florida Junior Golf Council* ~~committee~~ to offer advice regarding the distribution of the annual use fees for grants to nonprofit organizations. The *council* ~~advisory committee~~ shall consist of one member from a group serving youth, one member from a group serving disabled youth, and five members at large.

(69) AUTISM LICENSE PLATES.—

(a) The department shall develop an Autism license plate as provided in this section. Autism license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Autism Programs" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness. Achievement and Rehabilitation Centers, Inc., shall establish an Autism Services Grant Council that shall provide grants from available Autism license plate proceeds to nonprofit organizations for direct services and programs for individuals with autism and related disabilities and their families. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc., shall also establish an Autism License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) Achievement and Rehabilitation Centers, Inc., may retain all proceeds from the annual use fee up to $85,000 until all documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Up to 10 percent of the proceeds may be used for the cost of administration, marketing, and promotion of the Autism License Plate Fund, the Autism Services Grant Council, and related matters, including annual audit and compliance affidavit costs.

2. Funds may be used as necessary for annual audit or compliance affidavit costs.

3. Thirty-five percent of the proceeds shall be used to establish and operate programs to support individuals with autism and related disabilities and their families through direct services, evaluation, training, and awareness in the state.

4. The Center for Autism and Related Disabilities at the University of Miami shall receive 15 percent of the proceeds for distribution, as determined appropriate by the director of that center, to the seven regional autism centers created under s. 1004.55. The regional centers shall use the proceeds to support the services they provide.

5. The remaining proceeds shall be available to the Autism Services Grant Council for grants to nonprofit organizations to operate direct services programs for individuals with autism and related disabilities and their families. All grant recipients, including Achievement and Rehabilitation Centers, Inc., and the Center for Autism and Related Disabilities, must provide to the Autism Services Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.

Section 24. Subsection (5) of section 320.081, Florida Statutes, is amended to read:

320.081 Collection and distribution of annual license tax imposed on the following type units.—

(5) The department shall keep records showing the total number of stickers issued to each type unit governed by this section, the total amount of license taxes collected, and the county or *municipality where* ~~city wherein~~ each such unit is located and shall from month to month certify to the Chief Financial Officer the amount derived from license taxes in each county and each *municipality* ~~city~~ within the county. Such amount, less the amount of $1.50 collected on each license and the $1 license tax surcharge imposed by s. 320.08015, shall be paid to the counties and *municipalities* ~~cities~~ within the counties *where* ~~wherein~~ the unit or units are located as follows: one-half to the district school board and the remainder ~~either~~ to the board of county commissioners, for units *that* ~~which~~ are located within the unincorporated areas of the county, or to any *municipality* ~~city~~ within such county, for units *that* ~~which~~ are located within its corporate limits. Payment shall be by warrant drawn *monthly* by the Chief Financial Officer upon the treasury~~, which amount is hereby appropriated monthly~~ out of the License Tax Collection Trust Fund.

Section 25. Subsection (2) of section 320.13, Florida Statutes, is amended to read:

320.13 Dealer and manufacturer license plates and alternative method of registration.—

(2) A licensed manufacturer*, importer, or distributor* of motor vehicles may, upon payment of the license tax imposed by s. 320.08(12), secure one or more manufacturer license plates, which are valid for use on motor vehicles owned by the manufacturer*, importer, or distributor* to whom such plates are issued while the motor vehicles are in inventory and for sale, being operated for demonstration purposes, or in connection with *the* ~~such~~ manufacturer's business, but are not valid for use for hire.

Section 26. Subsection (1) of section 320.203, Florida Statutes, is amended to read:

320.203 Disposition of biennial license tax moneys.—

(1) Notwithstanding ss. 320.08(1), (2), (3), (4)(a) or (b), (6), (7), (8), (9), (10), or (11), 320.08058, and 328.76 and pursuant to s. 216.351, after the provisions of s. 320.20(1), (2), (3), ~~and~~ (4) *and (5)* are fulfilled, an amount equal to 50 percent of revenues collected from the biennial registrations created in s. 320.07 shall be retained in the Motor Vehicle License Clearing Trust Fund, authorized in s. 215.32(2)(b)2.f., until July 1. After July 1 of the subsequent fiscal year, an amount equal to 50 percent of revenues collected from the biennial registrations created in s. 320.07 shall be distributed according to ss. 320.08(1), (2), (3), (4)(a) or (b), (6), (7), (8), (9), (10), or (11), 320.08058, 328.76, and 320.20(1), (2), (3), ~~and~~ (4)*, and (5)*.

Section 27. Section 320.204, Florida Statutes, is created to read:

320.204 Transportation disadvantaged.—Of the funds collected in this chapter which are deposited into the Highway Safety Operating Trust Fund, beginning July 1, 2011, and annually thereafter, the department shall transfer $5 million to the Transportation Disadvantaged Trust Fund in the Department of Transportation. These funds shall be transferred on a quarterly basis.

Section 28. Subsection (1) of section 320.642, Florida Statutes, is amended to read:

320.642 Dealer licenses in areas previously served; procedure.—

(1) Any licensee who proposes to establish an additional motor vehicle dealership or permit the relocation of an existing dealer to a location within a community or territory where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers shall give written notice of its intention to the department. Such notice *must* ~~shall~~ state:

(a) The specific location at which the additional or relocated motor vehicle dealership will be established.

(b) The date on or after which the licensee intends to be engaged in business with the additional or relocated motor vehicle dealer at the proposed location.

(c) The identity of all motor vehicle dealers who are franchised to sell the same line-make vehicle with licensed locations in the county or any contiguous county to the county where the additional or relocated motor vehicle dealer is proposed to be located.

(d) The names and addresses of the dealer-operator and principal investors in the proposed additional or relocated motor vehicle dealership.

Immediately upon receipt of such notice the department shall cause a notice to be published in the Florida Administrative Weekly. The published notice *must* ~~shall~~ state that a petition or complaint by any dealer with standing to protest pursuant to subsection (3) must be filed *within* ~~not more than~~ 30 days *following* ~~from~~ the date of publication of the notice in the Florida Administrative Weekly. The published notice *must* ~~shall~~ describe and identify the proposed dealership sought to be licensed, and the department shall cause a copy of the notice to be mailed to those dealers identified in the licensee's notice under paragraph (c). *The licensee shall pay a fee of $75 and a service charge of $2.50 for each publication. Proceeds from the fee and service charge shall be deposited into the Highway Safety Operating Trust Fund.*

Section 29. Paragraph (a) of subsection (2) of section 321.23, Florida Statutes, is amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and collected as follows:

(a) For a crash report, a copy *$10* ~~$2~~

Section 30. Subsection (3) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(3) If an identification card issued under this section is lost, destroyed, or mutilated or a new name is acquired, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact to the department and upon payment of a fee *as provided in s. 322.21* ~~of $10 for such duplicate, $2.50 of which shall be deposited into the General Revenue Fund and $7.50 into the Highway Safety Operating Trust Fund~~. The fee *must* ~~shall~~ include payment for the color photograph or digital image of the applicant. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

Section 31. Paragraph (c) of subsection (5) of section 322.081, Florida Statutes, is amended to read:

322.081 Requests to establish voluntary check-off on driver's license application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law.

(c) Any voluntary contributions authorized by law *shall be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund to the recipients specified in this chapter* ~~shall only be distributed to an organization under an appropriation by the Legislature~~.

Section 32. Subsection (1) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(1) It is the intent of the Legislature that every applicant for an original driver's license in this state be required to pass an examination pursuant to this section. However, the department may waive the knowledge, endorsement, and skills tests for an applicant who is otherwise qualified and who surrenders a valid driver's license from another state or a province of Canada, or a valid driver's license issued by the United States Armed Forces, if the driver applies for a Florida

license of an equal or lesser classification. Any applicant who fails to pass the initial knowledge test *incurs* ~~will incur~~ a *$10* ~~$5~~ fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills test *incurs* ~~will incur~~ a *$20* ~~$10~~ fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund. A person who seeks to retain a hazardous-materials endorsement, pursuant to s. 322.57(1)(d), must pass the hazardous-materials test, upon surrendering his or her commercial driver's license, if the person has not taken and passed the hazardous-materials test within 2 years *before applying* ~~preceding his or her application~~ for a commercial driver's license in this state.

Section 33. Paragraph (c) of subsection (1) of section 322.135, Florida Statutes, is amended to read:

322.135 Driver's license agents.—

(1) The department may, upon application, authorize any or all of the tax collectors in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(c) A *service* fee of *$6.25 shall* ~~$5.25 is to~~ be charged, in addition to the fees set forth in this chapter, for *providing all services pursuant to this chapter* ~~any driver's license issued or renewed by a tax collector~~. *The service fee may not be charged:*

1. More than once per customer during a single visit to a tax collector's office.

2. For a reexamination requested by the Medical Advisory Board or required pursuant to s. 322.221.

3. For a voter-registration transaction.

4. For changes in an organ-donation registration.

5. In violation of any federal or state law.

Section 34. Paragraph (a) of subsection (11) of section 322.20, Florida Statutes, is amended to read:

322.20 Records of the department; fees; destruction of records.—

(11)(a) The department *may* ~~is authorized to~~ charge the following fees for the following services and documents:

1. For providing a transcript of any one individual's driver history record or any portion thereof for the past 3 years or for searching for such record when no record is found ~~to be~~ on file . . . . . *$8* ~~$2.10~~

2. For providing a transcript of any one individual's driver history record or any portion thereof for the past 7 years or for searching for such record when no record is found ~~to be~~ on file . . . . . *$10* ~~$3.10~~

3. For providing a certified copy of a transcript of the driver history record or any portion thereof for any one individual. . . . . *$10* ~~$3.10~~

4. For providing a certified photographic copy of a document, per page . . . . . *$1* ~~$1.00~~

5. For providing an exemplified record . . . . . *$15* ~~$15.00~~

6. For providing photocopies of documents, papers, letters, clearances, or license or insurance status reports, per page $0.50

7. For assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee . . . . . *$2* ~~$2.00~~

Section 35. Section 322.201, Florida Statutes, is amended to read:

322.201 Records as evidence.—A copy, computer copy, or transcript of all abstracts of crash reports and all abstracts of court records of convictions received by the department and the complete driving record of any individual ~~duly~~ certified by ~~machine imprint of~~ the department or by ~~machine imprint of~~ the clerk of a court shall be received as evidence in all courts of this state without further authentication, *if* ~~provided~~ the same is otherwise admissible in evidence. Further, any court or the office of the clerk of any court of this state which is electronically connected by a terminal device to the computer data center of the department may use as evidence in any case the information obtained by this device from the records of the department without need of such certification; however, if a genuine issue as to the authenticity of such information is raised by a party or by the court, the court ~~in its sound discretion~~ may require that a record certified by the department be submitted for admission into evidence. For ~~such~~ computer copies generated by a terminal device of a court or clerk of court, entry in a driver's record that the notice required by s. 322.251 was given *constitutes* ~~shall constitute~~ sufficient evidence that such notice was given.

Section 36. Section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(a) An original or renewal commercial driver's license is *$75* ~~$67~~, which shall include the fee for driver education provided by s. 1003.48. ~~;~~ However, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee *is* ~~shall be~~ the same as for a Class E driver's license. A delinquent fee of *$15* ~~$1~~ shall be added for a renewal *within* ~~made not more than~~ 12 months after the license expiration date.

(b) An original Class E driver's license is *$48* ~~$27~~, which *includes* ~~shall include~~ the fee for driver's education provided by s. 1003.48.~~;~~ However, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee *is* ~~shall be~~ the same as for a Class E license.

(c) The renewal or extension of a Class E driver's license or of a license restricted to motorcycle use only is *$48* ~~$20~~, except that a delinquent fee of *$15* ~~$1~~ shall be added for a renewal or extension made *within* ~~not more than~~ 12 months after the license expiration date. The fee provided in this paragraph *includes* ~~shall include~~ the fee for driver's education provided by s. 1003.48.

(d) An original driver's license restricted to motorcycle use only is *$48* ~~$27~~, which *includes* ~~shall include~~ the fee for driver's education provided by s. 1003.48.

(e) A replacement driver's license issued pursuant to s. 322.17 is *$25* ~~$10~~. Of this amount $7 shall be deposited into the Highway Safety Operating Trust Fund and *$18* ~~$3~~ shall be deposited into the General Revenue Fund.

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is *$25* ~~$10~~. Funds collected from these fees shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051 the fee *is $25* ~~shall be $10~~. This amount shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051 the fee *is $25* ~~shall be $10~~. Of this amount, $6 shall be deposited into the Highway Safety Operating Trust Fund and *$19* ~~$4~~ shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051 the fee *is $25* ~~shall be $10~~. Of this amount, $9 shall be deposited into the Highway Safety Operating Trust Fund and *$16* ~~$1~~ shall be deposited into the General Revenue Fund.

(g) Each endorsement required by s. 322.57 is $7.

(h) A hazardous-materials endorsement, as required by s. 322.57(1)(d), shall be set by the department by rule and *must* ~~shall~~ reflect the cost of the required criminal history check, including the cost of the state and federal fingerprint check, and the cost to the department of providing and issuing the license. The fee shall not exceed $100. This fee shall be deposited in the Highway Safety Operating Trust Fund. The department may adopt rules to administer this section.

(2) It is the duty of the Director of the Division of Driver Licenses to set up a division in the department with the necessary personnel to

perform the necessary clerical and routine work for the department in issuing and recording applications, licenses, and certificates of eligibility, including the receiving and accounting of all license funds and their payment into the State Treasury, and other incidental clerical work connected with the administration of this chapter. The department *may* ~~is authorized to~~ use such electronic, mechanical, or other devices as necessary to accomplish the purposes of this chapter.

(3) The department shall prepare sufficient forms for certificates of eligibility, applications, notices, and license materials to supply all applicants for driver's licenses and all renewal licenses.

(4) If the department determines from its records or is otherwise satisfied that the holder of a license about to expire is entitled to have it renewed, the department shall mail a renewal notice to *the licensee* ~~him or her~~ at his or her last known address, *within* ~~not less than~~ 30 days *before* ~~prior to~~ the licensee's birthday. The licensee shall be issued a renewal license, after reexamination, if required, during the 30 days immediately preceding his or her birthday upon presenting a renewal notice, his or her current license, and the fee for renewal to the department at any driver's license examining office.

(5) The department shall collect and transmit all fees received by it under this section to the Chief Financial Officer to be *deposited into* ~~placed in~~ the General Revenue Fund ~~of the state~~, and sufficient funds for the necessary expenses of the department shall be included in the appropriations act. The fees shall be used for the maintenance and operation of the department.

(6) Any member of the Armed Forces or his or her spouse, daughter, son, stepdaughter, or stepson, who holds a Florida driver's license and who presents an affidavit showing that he or she was out of the state due to service in the Armed Forces of the United States at the time of license expiration is exempt from paying the delinquent fee~~,~~ if the application for renewal is made within 15 months after the expiration of his or her license and within 90 days after the date of discharge or transfer to a military or naval establishment in this state as shown in the affidavit. However, such a person is not exempt from any reexamination requirement.

(7) Any veteran honorably discharged from the Armed Forces who has been issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17, ~~or~~ has been determined by the United States Department of Veterans Affairs or its predecessor to have a 100-percent total and permanent service-connected disability rating for compensation, or has been determined to have a service-connected total and permanent disability rating of 100 percent*,* ~~and~~ is in receipt of disability retirement pay from any branch of the United States Armed Services, and who is qualified to obtain a driver's license under this chapter is exempt from all fees required by this section.

(8) Any person who applies for reinstatement following the suspension or revocation of the person's driver's license *must* ~~shall~~ pay a service fee of *$45* ~~$35~~ following a suspension, and *$75* ~~$60~~ following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of *$75* ~~$60~~, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the *$45* ~~$35~~ fee received from a licensee for reinstatement following a suspension, the department shall deposit $15 in the General Revenue Fund and *$30* ~~$20~~ in the Highway Safety Operating Trust Fund.

(b) Of the *$75* ~~$60~~ fee received from a licensee for reinstatement following a revocation or disqualification, the department shall deposit $35 in the General Revenue Fund and *$40* ~~$25~~ in the Highway Safety Operating Trust Fund.

(9) An applicant:

(a) Requesting a review authorized in s. 322.222, s. 322.2615, s. 322.2616, s. 322.27, or s. 322.64 must pay a filing fee of $25 to be deposited into the Highway Safety Operating Trust Fund.

(b) Petitioning the department for a hearing authorized in s. 322.271 must pay a filing fee of $12 to be deposited into the Highway Safety Operating Trust Fund.

If the revocation or suspension of the driver's license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of *$130* ~~$115~~ must be charged. However, only one *$130* ~~$115~~ fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the *$130* ~~$115~~ fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver's license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of $180 is imposed for each offense. The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license.

Section 37. Subsection (5) is added to section 322.2715, Florida Statutes, to read:

322.2715 Ignition interlock device.—

(5) In addition to any fees authorized by rule for the installation and maintenance of the ignition interlock device, the authorized installer of the device shall collect and remit $12 for each installation to the department, which shall be deposited into the Highway Safety Operating Trust Fund to be used for the operation of the Ignition Interlock Device Program.

Section 38. Subsection (2) of section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.—

(2) *Notwithstanding* ~~the provisions of~~ subsection (1) ~~to the contrary notwithstanding~~, *an* ~~no~~ examination is *not* required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. *A* ~~Every~~ person applying for the return of a license suspended under s. 318.15 or s. 322.245 *must* ~~shall~~ present to the department certification from the court that he or she has complied with all obligations and penalties imposed ~~on him or her~~ pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of *$60* ~~$47.50~~, of which $37.50 shall be deposited into the General Revenue Fund and *$22.50* ~~$10~~ shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, $37.50 shall be retained and *$22.50* ~~$10~~ shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a *$45* ~~$35~~ fee or *$75* ~~$60~~ fee under *s. 322.21(8)* ~~the provisions of s. 322.21~~.

Section 39. Subsection (5) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(5) A private probation services provider authorized under s. 948.15 may not refer probationers to any DUI program owned in whole or in part by that probation services provider or its affiliates. The department shall establish rules to administer this subsection.

Section 40. Section 322.293, Florida Statutes, is amended to read:

322.293 DUI programs ~~Coordination Trust Fund~~; assessment; disposition.—

(1) The DUI programs ~~Coordination Trust Fund~~ shall be administered by the department~~,~~ and the costs of administration shall be borne by *the collections of revenue provided in this section* ~~the fund~~. All funds received by the *department* ~~DUI Programs Coordination Trust Fund~~ shall be used ~~solely~~ for the purposes set forth in this *chapter and for the general operations of the department* ~~section and s. 322.292~~. ~~However, if the Legislature passes legislation consolidating existing trust funds assigned to the department, all funds remaining in and deposited to the DUI Programs Coordination Trust Fund shall be transferred to the~~

~~consolidated trust funds, subject to their being earmarked for use solely for the purposes set forth in this section and s. 322.292.~~

(2) Each DUI program shall assess *$15* ~~$12~~ against each person enrolling in a DUI program at the time of enrollment, including persons who transfer to or from a program in another state. In addition, second and third offenders and those offenders under permanent driver's-license revocation who are evaluated for ~~eligibility for~~ license restrictions ~~under s. 322.271(2)(b) and (4)~~ shall be assessed *$15* ~~$12~~ upon enrollment in the program and upon each subsequent anniversary date while they are in the program, for the duration of the license period.

(3) All assessments collected under this section shall be *deposited into the Highway Safety Operating* ~~forwarded to the DUI Programs Coordination~~ Trust Fund within 30 days after the last day of the month in which the assessment was received.

Section 41. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2009, this act shall take effect September 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; terminating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; amending ss. 17.61 and 215.20, F.S.; deleting references to the trust fund; amending s. 316.066, F.S.; increasing the fee for a copy of a crash report provided by a certified traffic records center; amending s. 318.15, F.S.; increasing the amount and revising the disposition of a service charge for reinstatement of a suspended driver's license; amending s. 319.23, F.S.; increasing the fee relating to an application for a certificate of title for a motor vehicle or motor home; amending s. 319.32, F.S.; increasing fees for certain certificates of title; providing a fee for certain subsequent vehicle examinations; specifying criteria for such examinations; providing a fee for shipping and handling paper titles; providing for disposition of the proceeds from the fees; amending ss. 319.323 and 319.324, F.S.; increasing the fee relating to expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession; amending s. 320.023, F.S.; requiring that any voluntary contribution on a motor vehicle registration application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 320.03, F.S.; increasing the amount and revising the disposition of a fee for the registration of a motor vehicle; amending s. 320.04, F.S.; increasing a service charge on applications for an original or duplicate issuance or the transfer of any license plate, mobile home sticker, or validation sticker or for transfer or duplicate issuance of any registration certificate; providing for disposition of the proceeds from the service charges; amending s. 320.06, F.S.; revising the time period for which a registration license plate and replacement plates may be issued; revising fees for such replacement plates; increasing the fee for motor vehicle registration; amending s. 320.0607, F.S.; increasing fees for license plates; amending s. 320.072, F.S.; increasing a fee imposed on the initial registration application for certain vehicles; providing for disposition of the proceeds from the fees; amending s. 320.08, F.S.; increasing the annual license taxes for the operation of certain vehicles; revising the disposition of those taxes; amending s. 320.0801, F.S.; increasing and revising the disposition of surcharges on specified vehicles; amending s 320.0804, F.S.; increasing and revising the disposition of surcharges on specified vehicles; amending s. 320.08046, F.S.; increasing the surcharge levied on each license tax; amending s. 320.08048, F.S.; increasing the fee for sample license plates; amending s. 320.0805, F.S.; increasing the processing fee for personalized prestige license plates; amending s. 320.08056, F.S.; increasing the processing fee for specialty license plates; establishing an annual fee for the Autism license plate; amending s. 320.08058, F.S.; revising the distribution and authorized uses of proceeds from use fees for the Florida Golf specialty license plate; providing for the establishment of the Florida Junior Golf Council; creating an Autism license plate; amending s. 320.081, F.S.; revising provisions relating to the distribution of annual license taxes imposed on mobile homes, park trailers, travel trailers, and fifth-wheel trailers exceeding 35 feet in body length; requiring that such distribution be made by payment by warrant drawn monthly by the Chief Financial Officer; amending s. 320.13, F.S.; authorizing a motor vehicle importer or distributor to secure a manufacturer's license plate; amending s. 320.203, F.S.; revising the disposition of revenue derived from the registration of motor vehicles; creating s. 320.204, F.S.; requiring that a specified sum from the funds collected under ch. 320, F.S., be transferred annually to the Transportation Disadvantaged Trust Fund; amending s. 320.642, F.S.; providing a fee and a service charge for publication and delivery of a notice given by certain licensed dealers; providing for disposition of moneys collected; amending s. 321.23, F.S.; increasing the cost of receiving a copy of a crash report from the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; revising provisions relating to a fee for obtaining a duplicate identification card; amending s. 322.081, F.S.; requiring that any voluntary contribution on a driver's license application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 322.12, F.S.; increasing the fee for certain driver's license examinations; amending s. 322.135, F.S.; requiring driver's license agents to charge a service fee; limiting the circumstances under which the service fee is imposed; amending s. 322.20, F.S.; increasing fees for obtaining certain records from the Division of Driver Licenses; amending s. 322.201, F.S.; revising provisions relating to the certification of certain records as evidence; amending s. 322.21, F.S.; increasing commercial driver license fees; providing fees for persons requesting a review or a hearing and for the disposition of such fees; increasing the fees for the revocation or suspension of a driver's license or for refusing a breath, blood, or urine test; amending s. 322.2715, F.S.; requiring that an installer of a ignition interlock device collect and remit an installation fee to the department to be deposited into the Highway Safety Operating Trust Fund for the operation of the Ignition Interlock Device Program; amending s. 322.29, F.S.; increasing the fees for the return of a suspended license; amending s. 322.292, F.S.; prohibiting a private probation services provider from referring probationers to any DUI program owned in whole or in part by that probation services provider or its affiliates; requiring the department to adopt rules; amending s. 322.293, F.S., relating to the DUI Programs Coordination Trust Fund; conforming provisions to changes made by the act; providing effective dates.

On motion by Senator Fasano, the Conference Committee Report on **CS for CS for SB 1778** was adopted. **CS for CS for SB 1778** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1780

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1780, same being:

An act relating to the Department of State

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (662430) to CS for CS for SB 1780 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz

Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (662430)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 15.16, Florida Statutes, is amended to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(3) The Department of State may cause to be received electronically any records that are required to be filed with it pursuant to chapter 55, *chapter 117, chapter 118, chapter 495,* chapter 606, chapter 607, chapter 608, *chapter 610,* chapter 617, chapter 620, chapter 621, chapter 679, chapter 713, or chapter 865, through facsimile or other electronic transfers, for the purpose of filing such records. The originals of all such electronically transmitted records must be executed in the manner provided in paragraph (5)(b). The receipt of such electronic transfer constitutes delivery to the department as required by law. *The department may use electronic transmissions for purposes of notice in the administration of chapters 55, 117, 118, 495, 606, 607, 608, 610, 617, 620, 621, 679 and 713 and s. 865.09. The Department of State may collect e-mail addresses for purposes of notice and communication in the performance of its duties and may require filers and registrants to furnish such e-mail addresses when presenting documents for filing.*

Section 2. *Sections 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, Florida Statutes, are repealed.*

Section 3. Section 265.281, Florida Statutes, is amended to read:

265.281 Florida ~~Fine~~ Arts *and Culture* Act; short title.—Sections *265.281-265.709* ~~265.281-265.286 shall be known and~~ may be cited as the "Florida ~~Fine~~ Arts *and Culture* Act ~~of 1980~~."

Section 4. Section 265.282, Florida Statutes, is amended to read:

265.282 Legislative intent.—The Legislature recognizes the vast cultural resources available in *Florida* ~~the state~~ for the development, promotion, and enjoyment of *arts and culture* ~~the fine arts~~. It is the intent of the Legislature ~~by enactment of this legislation~~ to provide ~~for maximum efficiency in providing~~ state support for, and *to gain* ~~gaining~~ national and international recognition of, the efforts, works, and performances of Florida artists*,* ~~and~~ art agencies*, museums, and nonprofit organizations*. Furthermore, ~~it is~~ the ~~intent of the~~ Legislature *shall* ~~to~~ foster *and ensure*, through the *state arts administrative agency* programs *authorized in this act, that arts and culture have a significant and positive effect on Florida residents* ~~created hereunder, the development of a receptive climate for the fine arts; to enrich culturally and benefit the citizens of this state in their daily lives; to make Florida visits and vacations all the more appealing to the world; and to attract to Florida residency additional outstanding creators in the fields of fine arts through appropriate programs of publicity, education, coordination, grants, and activities, such as sponsorship of art lectures and exhibitions and central compilation and dissemination of information on the progress of the fine arts in Florida~~.

Section 5. Section 265.283, Florida Statutes, is amended to read:

265.283 Definitions ~~relating to Florida Fine Arts Act of 1980~~.—The following definitions shall apply to ss. *265.281-265.709* ~~265.281-265.286~~:

(1) "Council" means the Florida ~~Arts~~ Council *on Arts and Culture*.

(2) "Department" means the Department of State.

(3) "Director" means the Director of the Division of Cultural Affairs of the Department of State.

(4) "Division" means the Division of Cultural Affairs of the Department of State.

(5) "Panel" means a grant review panel.

(6) "Secretary" means the Secretary of State.

(7) *"Arts and cultural disciplines"* ~~"The arts" means any and all artistic disciplines, which~~ include, but are not limited to, music, dance, *theatre* ~~drama, theater programs~~, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, ~~and public~~ media *arts, visual arts, programs of museums,* and ~~the execution and exhibition of~~ other such allied, major art forms.

(8) "Local arts agency" means a public or private nonprofit organization located in Florida and operating on a permanent basis for the primary purpose of strengthening, supporting, and stabilizing the activities of one or more county art and cultural constituencies.

(9) "Historical museum" means a department or agency of state or local government or a public or private nonprofit organization located in Florida and operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting educational programs that are related to the historical resources of Florida.

(10) "Science museum" means a public or private nonprofit organization located in Florida and operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting programs for the observation and study of various types of natural science and science technology.

(11) "Youth and children's museum" means a public or private nonprofit organization located in Florida and operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting multidisciplinary and participatory programs for visitors who are 6 months to 15 years old, and their families, teachers, and caregivers.

(12) "State service organization" means a public or private nonprofit organization located in Florida operating on a permanent basis for the primary purpose of implementing programs that have cultural significance and that emphasize American creativity and the maintenance and encouragement of professional excellence.

(13) "Arts in education grants" means grants used to cultivate the learning and artistic development of all students and teachers by promoting, encouraging, and supporting arts and culture as an integral part of education and lifelong learning for residents and visitors.

(14) "Cultural support grants" means grants that provide support for general programs and specific cultural projects.

(15) "State touring program grants" means grants used to provide performances, activities, and exhibitions by Florida artists to communities.

(16) "Underserved arts community assistance program grants" means grants used by qualified organizations under the Rural Economic Development Initiative, pursuant to ss. 288.0656 and 288.06561, for the purpose of economic and organizational development for underserved cultural organizations.

(17) "Culture Builds Florida grants" means grants used for the purpose of connecting the arts to key areas of the division's long-term strategic plan.

Section 6. Section 265.284, Florida Statutes, is amended to read:

265.284 Chief cultural officer; director of division; powers and duties.—

(1) The Secretary of State is the chief cultural officer of the state~~, and the Division of Cultural Affairs is designated as the state arts administrative agency~~.

(2) The *division is the state arts administrative agency and* ~~Division of Cultural Affairs of the Department of State~~ shall be headed by a director who shall serve at the pleasure of the secretary ~~of State~~.

(3) The division ~~of Cultural Affairs~~ shall *directly administer and oversee* ~~have direct administrative authority and responsibility for~~ all of the programs authorized by this act. In furtherance thereof, the division shall ~~have the authority to~~:

(a) Accept and administer state and federal funds *appropriated by the Legislature or funds received from other public or private sources* ~~provided for the fine arts, the grants, and any program authorized by this act~~.

(b) Advance funds for grants on a quarterly basis.

(c) ~~(b) Subject to the approval of the Secretary of State,~~ Enter into *agreements for awarding grants or other* ~~such~~ contracts with any person, firm, performing arts company, educational institution, arts organization, corporation, or governmental agency as may be necessary or advisable to carry out its functions under this act.

~~(c) Seek, and help assure, a uniformity of artwork within state buildings and review all art content of existing public buildings or buildings of state ownership for the purpose of making recommendations to the Department of Management Services as to matters of installation, relocation, restoration, removal, or any other disposition of such works of art.~~

(d) *Upon* ~~On~~ request, or at its own initiative, consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and the Cabinet, concerning the acquisition by gift or purchase of fine art works, the appropriate use and display of state-owned art treasures for maximum public benefit, and the suitability of any structures or fixtures, including framing, primarily intended for ornamental or decorative purposes in *the interior of* public buildings.

(e) Accept on behalf of the state donations of money, property, art objects, and antiquities. Such donations of money and any cash income ~~which~~ may be received ~~by the division or which were previously receivedby the Florida Fine Arts Council~~ from the disposal of any donations of property, art objects, or antiquities*, which* shall be deposited into *the Florida Fine Arts* ~~a separate~~ Trust Fund and are hereby appropriated *for* ~~to the~~ use *by* ~~of~~ the division for the purposes *authorized in* ~~of~~ this act.

(f) Sponsor performances and exhibits; promote and encourage the study and appreciation of arts and culture; and collect, publish, and print pamphlets, papers, newsletters, and other materials related to arts and cultural programs available throughout the state.

(g) Conduct and support cultural programs and cultural exchanges by coordinating with the appropriate state agencies and other organizations.

(h) Accept funding and other forms of support for the purposes in this act.

(i) Notwithstanding s. 287.022 or s. 287.025(1)(e), enter into contracts to insure museum collections, artifacts, relics, and fine arts to which it holds title or which are on loan to the division.

(j) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(4) There is created the Florida Fine Arts Trust Fund to be administered by the department *and which* ~~of State for the purposes set forth by law. The Florida Fine Arts Trust Fund~~ shall consist of moneys appropriated by the Legislature *or* ~~and moneys~~ contributed ~~to the fund~~ from any other source.

~~(5) The division is further authorized to:~~

~~(a) Accept and administer moneys appropriated by the Legislature, and moneys received from the Federal Government or from other public or private sources, for the development of nationally recognized Florida performing arts groups through a state touring program. The division shall develop and establish a selection procedure which will ensure maximum opportunity for selection of and participation by Florida performing arts groups in the state touring program.~~

~~(b) Sponsor performances and exhibits; promote and encourage the study and appreciation of fine arts; and collect, publish, and print pamphlets, papers, newsletters, and other materials relating to fine arts programs available throughout the state.~~

~~(c) Conduct and support cultural programs and cultural exchanges in conjunction with the appropriate state agencies, including the acceptance of funding, technical assistance, and other forms of support for such purposes.~~

~~(d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties on it.~~

~~(6) Notwithstanding any provision of s. 287.022 or s. 287.025(1)(e), the division may enter into contracts to insure museum collections, artifacts, relics, and fine arts to which it holds title.~~

Section 7. Section 265.285, Florida Statutes, is amended to read:

265.285 Florida ~~Arts~~ Council *on Arts and Culture*; membership, duties.—

(1)(a) The Florida ~~Arts~~ Council *on Arts and Culture* is created *within* ~~in~~ the department as an advisory body, as defined in s. 20.03(7), *consisting* ~~to consist~~ of 15 members. Seven members shall be appointed by the Governor, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. The appointments, to be made in consultation with the Secretary of State, shall recognize the need for geographical representation. Council members appointed by the Governor shall be appointed for 4-year terms beginning on January 1 of the year of appointment. Council members appointed by the President of the Senate and the Speaker of the House of Representatives shall be appointed for 2-year terms beginning on January 1 of the year of appointment. A member of the council who serves two 4-year terms or two 2-year terms is not eligible for reappointment for 1 year following the expiration of the member's second term. A member whose term has expired shall continue to serve on the council until such time as a replacement is appointed. Any vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as for the original appointment. Members should have a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theatre, dance, folk arts, music, architecture, photography, ~~and~~ literature*, and media arts, or in the areas of science, history, or children's museums*. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts.

(b) The members shall elect a chair from their number annually. The council shall meet at the call of its chair, at the request of the *division* ~~department~~, or at such times as may be prescribed by its rules. A majority of the members of the council constitutes a quorum, and a meeting may not be held with less than a quorum present. The affirmative vote of a majority of the members of the council present is necessary for any official action by the council.

~~(c) The Secretary of State may appoint review panels representing various artistic disciplines to assist the Florida Arts Council in the grant review process. Review panel members shall serve for 1-year terms. Each panel shall include practicing artists or other persons actively involved in the specific discipline for which the panel is to review grants. The panels shall review grant applications and make recommendations to the council concerning the relative merits of the applicants. The division shall, by rule, establish criteria for reviewing grant applications to ensure compliance with applicable federal and state laws relating to discrimination and conflicts of interest.~~

~~(d) The council and panels shall provide a forum for public comment prior to voting on any art grant application.~~

(c) ~~(e)~~ Members of the council and panels *may* ~~shall~~ not receive any compensation for their services but shall be reimbursed for travel and expenses incurred in the performance of their duties, as provided in s. 112.061.

(d) ~~(f)~~ If a member of the council is absent from two consecutive meetings or any two regularly scheduled meetings in any calendar year, the council member's appointment shall be terminated unless the original appointing authority determines that extenuating circumstances exist.

(e) ~~(g)~~ The original appointing authority may remove any of his or her appointees from the council for misconduct or malfeasance in office, neglect of duty, incompetence, or permanent inability to perform official duties or if there has been an adjudication that the member is guilty of a felony.

(2) The ~~duties of the~~ council shall ~~be to~~:

(a) Advocate for arts and culture by encouraging the study and presentation of arts and cultural activities that are of public interest and encourage participation in such activities throughout the state.

(b) ~~(a)~~ Advise the secretary ~~of State~~ in ~~all~~ matters pertaining to *arts and cultural* ~~art, specifically with respect to any~~ programs *and grants administered* ~~operated~~ by the *division* ~~department as authorized hereunder~~.

~~(b) Stimulate and encourage throughout the state the study and presentation of the arts and public interest and participation therein.~~

~~(c) Make such surveys as may be advisable of public and private institutions which are engaged within the state in artistic and cultural activities.~~

(c) ~~(d)~~ Encourage the participation in and appreciation of ~~the~~ arts *and culture* to meet the needs and aspirations of persons in all parts of the state.

(d) ~~(e)~~ Encourage public interest in the *state's* cultural heritage ~~of this state~~ and expand *its* ~~the~~ cultural resources ~~of the state~~.

(e) ~~(f)~~ Encourage and assist freedom of artistic expression *that is* essential for the well-being of the arts.

(f) ~~(g)~~ Advise the secretary ~~of State~~ in ~~all~~ matters concerning the awarding of grants for ~~the~~ arts *and culture as authorized in* ~~under~~ this act.

~~(h) Promote the enhancement and beautification of the interiors of the Capitol Building and other public buildings and advise appropriate state officers, state agencies, and the Department of Management Services in this regard.~~

(g) ~~(i)~~ Review applications for grants for the acquisition, renovation, or construction of cultural facilities and recommend a priority for the receipt of such grants, as provided in s. 265.701.

Section 8. Section 265.286, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 265.286, F.S., for present text.)

265.286 Art and cultural grants.—

(1) The secretary may appoint review panels consisting of members from various art and cultural disciplines and programs to assist the council in the grant review process. Each panel member shall be appointed to a 1-year term. Each panel shall consist of practicing artists or other professionals actively involved in the specific discipline or program for which the panel has been appointed. Each panel shall review and score grant applications and recommend to the council the applicants to which grants should be awarded. The panels shall submit lists of eligible applicants by score. The division shall adopt rules establishing a formula for such scoring.

(2) The council and each panel shall provide a forum for public comment before voting on any grant application.

(3) After the council reviews the lists of eligible applicants submitted by each review panel, it shall develop two lists, one of which must consist of eligible applicants for general program support funding and one of which must consist of eligible applicants for specific cultural project funding, and submit the lists to the secretary. The secretary shall review the council's recommendations and, beginning July 1, 2010, include the lists of approved applicants in the department's legislative budget request submitted to the Legislature.

(4) Project grants shall be funded from the secretary's approved list by score until all appropriated funds are depleted. If specific project grant funds are returned to the division, it shall award such funds to the next grant applicant on the secretary's list of approved applicants. General program support grants shall be awarded to applicants on the secretary's list in amounts determined by rule.

(5) The division shall fund:

(a) Grants for general program support for science museums, youth and children's museums, historical museums, local arts agencies, state service organizations, and organizations that have cultural program activities in any of the art and cultural disciplines defined in s. 265.283(7).

(b) Grants for specific cultural projects for arts in education, museums, Culture Builds Florida, or nonprofit public or private organizations having cultural project activity in any of the art and cultural disciplines.

(c) Grants for a touring program that has a selection procedure that ensures the maximum opportunity for Florida artists and cultural groups.

(d) An individual artist fellowship program. The division shall establish a selection procedure that identifies individual artists of exceptional talent and demonstrated ability and distribute grant appropriations as provided by rule.

(e) Other programs consistent with the purpose of this act.

(6) The division shall adopt rules establishing:

(a) Eligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact, matching requirements, and other requirements to further the purposes of this act.

(b) Particular grant programs, categories of grants, and procedures necessary for the prudent administration of the grant programs.

(c) The panel review process, including, but not limited to, criteria for reviewing grant applications to ensure compliance with applicable federal and state law, including those related to discrimination and conflicts of interest. The division may not award any new grant that will, in whole or in part, inure to the personal benefit of any council or review panel member during the member's term of office if the council or panel member participated in the vote of the council or panel recommending the award. This paragraph does not prohibit the division from awarding a grant to an entity with which a council or panel member is associated.

(7) The division shall award grants:

(a) To supplement the financial support of artistic and cultural activities and programs that, without the assistance, may otherwise be unavailable to Florida residents.

(b) To activities and programs that have substantial artistic and cultural significance and emphasize creativity and professional excellence.

(c) To activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin.

(d) For other reasons consistent with this act.

(8) Eligible grantees must:

(a) Be a nonprofit, tax-exempt Florida corporation; or

(b) A local or state governmental entity, school district, community college, college, university, agency of state government, or artist engaged in or concerned with arts and cultural activities.

(9) In order to equitably distribute limited state funding, applicants may apply for and be awarded only one grant per annual grant cycle, except for cultural facilities, a cultural endowment, or touring program grants and individual artist fellowships.

(10) Of the total amount of grant funds available from all sources for grants, except cultural facilities and cultural endowments, 70 percent shall be awarded on at least a dollar-to-dollar matching basis. Up to 50 percent of the grantee's match may consist of in-kind funds. Up to 30 percent of all grant funds may be awarded on a nonmatching basis, including individual fellowships.

(11) The division shall adopt rules to administer and implement this section.

Section 9. Subsection (1) of section 607.1420, Florida Statutes, is amended to read:

607.1420 Grounds for administrative dissolution.—

(1) The Department of State may commence a proceeding under s. 607.1421 to administratively dissolve a corporation if:

(a) The corporation has failed to file its annual report *and* ~~or~~ pay the annual report filing fee *by 5 p.m. Eastern Time on the third Friday in September* ~~within the time required by this act~~;

(b) The corporation is without a registered agent or registered office in this state for 30 days or more;

(c) The corporation does not notify the Department of State within 30 days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

(d) The corporation has failed to answer truthfully and fully, within the time prescribed by this act, interrogatories propounded by the Department of State; or

(e) The corporation's period of duration stated in its articles of incorporation has expired.

Section 10. Subsections (1) and (2) of section 607.1421, Florida Statutes, are amended to read:

607.1421 Procedure for and effect of administrative dissolution.—

(1) If the Department of State determines that one or more grounds exist under s. 607.1420 for dissolving a corporation, it shall serve the corporation with ~~written~~ notice of its *intention to administratively dissolve the corporation* ~~determination under s. 607.0504(2), stating the grounds therefor~~. *If the corporation has provided the department with an electronic mail address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of dissolution to each dissolved corporation. Issuance of the certificate of dissolution may be by electronic transmission to any corporation that has provided the department with an electronic mail address.*

(2) If the corporation does not correct each ground for dissolution *under s. 607.1420(1)(b), (c), (d), or (e)* or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the department does not exist within 60 days of issuance of the notice, the department shall administratively dissolve the corporation by issuing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. *Issuance of the certificate of dissolution may be by electronic transmission to any corporation that has provided the department with an electronic mail address.*

Section 11. Subsection (1) of section 607.1530, Florida Statutes, is amended to read:

607.1530 Grounds for revocation of authority to transact business.—The Department of State may commence a proceeding under s. 607.1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation has failed to file its annual report with the Department of State *by 5 p.m. Eastern Time on the third Friday in September* ~~within the time required by this act~~.

Section 12. Subsections (1) and (2) of section 607.1531, Florida Statutes, are amended to read:

607.1531 Procedure for and effect of revocation.—

(1) If the Department of State determines that one or more grounds exist under s. 607.1530 for revocation of a certificate of authority, the Department of State shall serve the foreign corporation with ~~written~~ notice of *its intent to revoke the foreign corporation's certificate of authority* ~~such determination under s. 607.15101~~. *If the foreign corporation has provided the department with an electronic mail address, such notice shall be by electronic transmission. Revocation for failure to file an annual report shall occur on the fourth Friday in September of each year. The department shall issue a certificate of revocation to each revoked corporation. Issuance of the certificate of revocation may be by electronic transmission to any corporation that has provided the department with an electronic mail address.*

(2) If the foreign corporation does not correct each ground for revocation *under s. 607.1530(2)-(7)* or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist within 60 days after issuance of notice ~~is perfected under s. 607.15101~~, the Department of State shall revoke the foreign corporation's certificate of authority by *issuing* ~~signing~~ a certificate of revocation that recites the ground or grounds for revocation and its effective date. *Issuance of the certificate of revocation may be by electronic transmission to any foreign corporation that has provided the department with an electronic mail address.*

Section 13. Paragraph (a) of subsection (1) of section 608.448, Florida Statutes, is amended to read:

608.448 Grounds for administrative dissolution.—

(1) The Department of State may commence a proceeding under s. 608.4481 to administratively dissolve a limited liability company if:

(a) The limited liability company has failed to file its annual report *and* ~~or~~ pay the annual report filing fee *by 5 p.m. Eastern Time on the third Friday in September* ~~within the time required by this chapter~~.

Section 14. Subsections (1) and (2) of section 608.4481, Florida Statutes, are amended to read:

608.4481 Procedure for and effect of administrative dissolution.—

(1) If the Department of State determines that one or more grounds exist under s. 608.448 for dissolving a limited liability company, it shall serve the limited liability company with ~~written~~ notice of its *intent to administratively dissolve the limited liability company* ~~determination, stating the grounds therefor~~. *If the limited liability company has provided the department with an electronic mail address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of dissolution to each dissolved limited liability company. Issuance of the certificate of dissolution may be by electronic transmission to any limited liability company that has provided the department with an electronic mail address.*

(2) If the limited liability company does not correct each ground for dissolution *under s. 608.448(1)(b), (c), (d), or (e)* or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist within 60 days after issuance of the notice, the Department of State shall administratively dissolve the limited liability company by issuing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. *Issuance of the certificate of dissolution may be by electronic transmission to any limited liability company that has provided the department with an electronic mail address.*

Section 15. Subsection (1) of section 608.512, Florida Statutes, is amended to read:

608.512 Grounds for revocation of authority to transact business.— The Department of State may commence a proceeding under s. 608.513 to revoke the certificate of authority of a foreign limited liability company authorized to transact business in this state if:

(1) The foreign limited liability company has failed to file its annual report with the Department of State *by 5 p.m. Eastern Time on the third Friday in September* ~~within the time required by this chapter~~.

Section 16. Subsections (1) and (2) of section 608.513, Florida Statutes, are amended to read:

608.513 Procedure for and effect of revocation.—

(1) If the Department of State determines that one or more grounds exist under s. 608.512 for revocation of a certificate of authority, the Department of State shall serve the foreign limited liability company with ~~written~~ notice of *its intent to revoke the foreign limited liability company's certificate of authority* ~~such determination under s. 608.5101~~. *If the foreign limited liability company has provided the department with an electronic mail address, such notice shall be by electronic transmission. Revocation for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of revocation to each revoked foreign limited liability company. Issuance of the certificate of revocation may be by electronic transmission to any foreign limited liability company that has provided the department with an electronic mail address.*

(2) If the foreign limited liability company does not correct each ground for revocation *under s. 608.512(2)-(9)* or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist within 60 days after issuance of notice ~~is perfected under s. 608.5101~~, the Department of State shall revoke the foreign limited liability company's certificate of authority by *issuing* ~~signing~~ a certificate of revocation that recites the ground or grounds for revocation and its effective date. *Issuance of the certificate of revocation may be by electronic transmission to any foreign limited liability company that has provided the department with an electronic mail address.*

Section 17. Subsection (1) of section 617.1420, Florida Statutes, is amended to read:

617.1420 Grounds for administrative dissolution.—

(1) The Department of State may commence a proceeding under s. 617.1421 to administratively dissolve a corporation if:

(a) The corporation has failed to file its annual report *and* ~~or~~ pay the annual report filing fee *by 5 p.m. Eastern Time on the third Friday in September* ~~within the time required by this act~~;

(b) The corporation is without a registered agent or registered office in this state for 30 days or more;

(c) The corporation does not notify the Department of State within 30 days after its registered agent or registered office has been changed, after its registered agent has resigned, or after its registered office has been discontinued;

(d) The corporation has failed to answer truthfully and fully, within the time prescribed by this act, interrogatories propounded by the Department of State; or

(e) The corporation's period of duration stated in its articles of incorporation has expired.

Section 18. Subsections (1) and (2) of section 617.1421, Florida Statutes, are amended to read:

617.1421 Procedure for and effect of administrative dissolution.—

(1) If the Department of State determines that one or more grounds exist under s. 617.1420 for administratively dissolving a corporation, it shall serve the corporation with ~~written~~ notice of its *intent* ~~determination~~ under s. 617.0504(2) *to administratively dissolve the corporation* ~~, stating the grounds therefor~~. *If the corporation has provided the department with an electronic mail address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of dissolution to each dissolved corporation. Issuance of the certificate of dissolution may be by electronic transmission to any corporation that has provided the department with an electronic mail address.*

(2) If the corporation does not correct each ground for dissolution *under s. 617.1420(1)(b), (c), (d), or (e)* or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by

the department does not exist within 60 days after issuance of the notice, the department shall administratively dissolve the corporation by issuing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. *Issuance of the certificate of dissolution may be by electronic transmission to any corporation that has provided the department with an electronic mail address.*

Section 19. Subsection (1) of section 617.1530, Florida Statutes, is amended to read:

617.1530 Grounds for revocation of authority to conduct affairs.—The Department of State may commence a proceeding under s. 617.1531 to revoke the certificate of authority of a foreign corporation authorized to conduct its affairs in this state if:

(1) The foreign corporation has failed to file its annual report with the Department of State *by 5 p.m. Eastern Time on the third Friday in September* ~~within the time required by this act~~.

Section 20. Subsections (1) and (2) of section 617.1531, Florida Statutes, are amended to read:

617.1531 Procedure for and effect of revocation.—

(1) If the Department of State determines that one or more grounds exist under s. 617.1530 for revocation of a certificate of authority, the Department of State shall serve the foreign corporation with ~~written~~ notice of *its intent to revoke the foreign corporation's certificate of authority* ~~such determination under s. 617.1510~~. *If the foreign corporation has provided the department with an electronic mail address, such notice shall be by electronic transmission. Revocation for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of revocation to each revoked corporation. Issuance of the certificate of revocation may be by electronic transmission to any foreign corporation that has provided the department with an electronic mail address.*

(2) If the foreign corporation does not correct each ground for revocation *under s. 617.1530(2)-(7)* or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist within 60 days after issuance of notice ~~is perfected under s. 617.1510~~, the Department of State shall revoke the foreign corporation's certificate of authority by *issuing* ~~signing~~ a certificate of revocation that recites the ground or grounds for revocation and its effective date. *Issuance of the certificate of revocation may be by electronic transmission to any foreign corporation that has provided the department with an electronic mail address.*

Section 21. Subsections (1), (2), and (3) of section 620.1809, Florida Statutes, are amended to read:

620.1809 Administrative dissolution.—

(1) The Department of State may dissolve a limited partnership administratively if the limited partnership does not~~, within 60 days after the due date~~:

(a) Pay any fee or penalty due to the Department of State under this act ~~or other law~~;

(b) Deliver its annual report to the Department of State *by 5 p.m. Eastern Time on the third Friday in September*;

(c) Appoint and maintain a registered agent as required by s. 620.1114; or

(d) Deliver for filing a statement of a change under s. 620.1115 within 30 days after a change has occurred in the name of the registered agent or the registered office address.

(2) If the Department of State determines that a ground exists for administratively dissolving a limited partnership, the Department of State shall *serve notice on the limited partnership of its intent to administratively dissolve the limited partnership* ~~file a record of the determination and send a copy to the limited partnership~~. *If the limited partnership has provided the department with an electronic mail address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of dissolution to each dissolved limited partnership. Issuance of the certificate of dissolution may be by electronic transmission to any limited partnership that has provided the department with an electronic mail address.*

(3) If within 60 days after sending *notice of dissolution,* ~~the copy~~ the limited partnership does not correct each ground for dissolution *under s. 620.1809(1)(a), (c), or (d)* or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist, the Department of State shall administratively dissolve the limited partnership *and issue a certificate* ~~by preparing, signing, and filing a declaration~~ of dissolution that states the grounds for dissolution. *Issuance of the certificate of dissolution may be by electronic transmission to any limited partnership that has provided the department with an electronic mail address.* ~~The Department of State shall send the limited partnership a copy of the filed declaration.~~

Section 22. Section 620.1906, Florida Statutes, is amended to read:

620.1906 Revocation of certificate of authority.—

(1) A certificate of authority of a foreign limited partnership to transact business in this state may be revoked by the Department of State in the manner provided in subsections (2) and (3) if the foreign limited partnership does not:

(a) Pay, within 60 days after the due date, any fee or penalty due to the Department of State under this act ~~or other law~~;

(b) Deliver~~, within 60 days after the due date,~~ its annual report *to the Department of State by 5 p.m. Eastern Time on the third Friday in September* ~~required under s. 620.1210~~;

(c) Appoint and maintain an agent for service of process as required by s. 620.1114(2); or

(d) Deliver for filing a statement of a change under s. 620.1115 within 30 days after a change has occurred in the name or address of the agent.

(2) *If the Department of State determines that one or more grounds exist under s. 620.1906 for revocation of a foreign limited partnership, it shall notify the foreign limited partnership of its intent to revoke the foreign limited partnership's certificate of authority. If the foreign limited partnership has provided the department with an electronic mail address, such notice shall be by electronic transmission. Revocation for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of revocation to each revoked foreign limited partnership. Issuance of the certificate of revocation may be by electronic transmission to any foreign limited partnership that has provided the department with an electronic mail address.* ~~In order to revoke a certificate of authority, the Department of State must prepare, sign, and file a notice of revocation and send a copy to the foreign limited partnership. The notice must state:~~

~~(a) The effective date of the revocation, which must be at least 60 days after the date the Department of State sends the copy.~~

~~(b) The foreign limited partnership's failures to comply with subsection (1) which are the reason for the revocation.~~

(3) If within 60 days after sending a notice of revocation, the foreign limited partnership does not correct each ground for revocation under s. 620.1906(1)(a), (c), or (d), or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the department does not exist, the department shall revoke the foreign limited partnership's authority to transact business in this state and issue a certificate of revocation that states the grounds for revocation. Issuance of the certificate of revocation may be by electronic transmission to any foreign limited partnership that has provided the department with an electronic mail address.

(4) ~~(3)~~ The authority of the foreign limited partnership to transact business in this state ceases on the effective date of the *certificate* ~~notice~~ of revocation unless before that date the foreign limited partnership cures each failure to comply with subsection (1) ~~stated in the notice~~. ~~If the foreign limited partnership cures the failures, the Department of State shall so indicate on the filed notice.~~

Section 23. Subsection (3) of section 620.9003, Florida Statutes, is amended to read:

620.9003 Annual report.—

(3) *The Department of State may administratively revoke the statement of qualification of a partnership that fails to file its annual report and pay the required filing fee by 5 p.m. Eastern Time on the third Friday in September. The Department of State shall serve 60-day notice on the limited liability partnership of its intent to revoke the statement of qualification. If the partnership has provided the department with an electronic mail address, such notice shall be by electronic transmission. Revocation for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of revocation of the statement of qualification to each revoked partnership. Issuance of the certificate of revocation of the statement of qualification may be by electronic transmission to any partnership that has provided the department with an electronic mail address.* ~~The Secretary of State may administratively revoke the statement of qualification of a partnership that fails to file an annual report when due or to pay the required filing fee. The Secretary of State shall provide the partnership at least 60 days' written notice of intent to revoke the statement. The notice is effective 5 days after it is deposited in the United States mail addressed to the partnership at its chief executive office set forth in the last filed statement of qualification or annual report. The notice must specify the annual report that has not been filed, the fee that has not been paid, and the date on or after which the revocation will become effective. The revocation is not effective if the annual report is filed and the fee is paid before the effective date of the revocation.~~

Section 24. Subsection (1) of section 679.525, Florida Statutes, is amended to read:

679.525 Processing fees.—

(1) Except as otherwise provided in subsection (3), the nonrefundable processing fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in s. 679.5021(3), is:

(a) For filing an initial financing statement, $25 for the first page, which shall include the cost of filing a termination statement for the financing statement;

(b) For filing an amendment, $12 for the first page;

(c) For indexing by additional debtor, secured party, or assignee, $3 per additional name indexed;

(d) For use of a nonapproved form, $5;

(e) For each additional page attached to a record, $3;

(f) For a certified copy of a financing statement and any and all associated amendments, $30; ~~and~~

(g) For a photocopy of a filed record, $1 per page*; and* ~~.~~

(h) For filing an initial financing statement, an additional $10 for the first page. Receipts from this fee shall be deposited into the General Revenue Fund and are not included in the receipts for purposes of calculating the contractor's compensation for performing services regarding the Florida Secured Transaction Registry.

Section 25. Paragraph (b) of subsection (6) of section 865.09, Florida Statutes, is amended to read:

865.09 Fictitious name registration.—

(6) RENEWAL.—

(b) In the last year of the registration, the division shall *notify the owner or registrant of the expiration of the fictitious name* ~~mail to the last reported mailing address or to the address of any registered owner of a name a statement of renewal~~. *If the owner or registrant of the fictitious name has provided the department with an electronic mail address, such notice shall be by electronic transmission.*

Section 26. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the Department of State to use electronic transmission to notify and communicate in the performance of its duties; authorizing the department to collect e-mail addresses and require filers and registrants to furnish such e-mail addresses for presenting documents and filing; repealing ss. 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, F.S., relating to the Cultural Institutions Program and Trust Fund, general support program for cultural institutions, audit information and admission fees for state theater contract organizations, science museums and grants, youth and children's museum and grants, regional cultural facilities, and historical museum grants; amending s. 265.281, F.S.; renaming the "Florida Fine Arts Act of 1980" as the "Florida Arts and Culture Act"; amending s. 265.282, F.S.; revising legislative intent to include the promotion of activities involving arts and culture; providing support for museums and nonprofit organizations; amending s. 265.283, F.S.; revising and providing definitions; amending s. 265.284, F.S.; revising the duties and responsibilities of the Division of Cultural Affairs within the department to administer funds, sponsor events encouraging arts and cultural programs, and enter into certain contracts; requiring that the division adopt rules; amending s. 265.285, F.S.; renaming the "Florida Arts Council" as the "Florida Council on Arts and Culture"; requiring that the council meet at the request of the division; deleting provisions authorizing the Secretary of State to appoint review panels; revising the duties of the council; amending s. 265.286, F.S.; authorizing the Secretary of State to appoint review panels representing arts and cultural disciplines and programs to assist the council in the grant review process; providing membership; providing terms; providing duties and responsibilities; requiring that the council review grant application lists; requiring that the secretary review the council's recommendations and submit approved lists to the Legislature by a specified date; establishing procedures for the awarding and funding of grants; authorizing the division to provide funding for certain programs and areas; requiring that the division adopt rules establishing eligibility criteria, grant programs, and the panel review process; requiring that the division award grants under certain circumstances; establishing eligibility requirements for grantees; limiting grant awards to one recipient per grant cycle; providing exceptions; providing a formula for the distribution of matching and nonmatching funds; providing for certain in-kind funds; deleting provisions relating to the division's authority to expend appropriated funds for grants; deleting provisions establishing criteria for such grants; amending ss. 607.1420 and 607.1421, F.S.; revising provisions relating to the administrative dissolution of a corporation by the department to conform to changes made by the act; amending ss. 607.1530 and 607.1531, F.S.; revising provisions relating to revocation of a certificate of authority to conform to changes made by the act; amending ss. 608.448 and 608.4481, F.S.; revising provisions relating to administrative dissolution of a limited liability company to conform to changes made by the act; amending ss. 608.512 and 608.513, F.S.; revising provisions relating to the revocation of a certificate of authority of a foreign limited liability company to conform to changes made by the act; amending ss. 617.1420, 617.1421, 617.1530, 617.1531, 620.1809, 620.1906, and 620.9003, F.S.; conforming provisions to changes made by the act; amending s. 679.525, F.S., relating to processing fees; requiring an additional fee for filing an initial financing statement; providing for deposit of receipts into the General Revenue Fund; prohibiting inclusion of receipts for calculating contractor's compensation for performing services; amending s. 865.09, F.S.; revising provisions relating to notice of the expiration of a fictitious name registration; requiring that the department serve such notice by electronic transmission if the owner or registrant of the fictitious name has provided an electronic mail address to the department; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **CS for CS for SB 1780** was adopted. **CS for CS for SB 1780** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Baker	Constantine
Altman	Bennett	Crist

Dean
Detert
Deutch
Diaz de la Portilla
Dockery
Fasano
Gaetz
Garcia
Gardiner
Gelber
Haridopolos
Hill
Jones
Joyner
Justice
King
Lawson
Lynn
Oelrich
Peaden
Pruitt
Rich
Richter
Ring
Siplin
Smith
Sobel
Storms
Villalobos
Wilson
Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1782

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1782, same being:

An act relating to the Unemployment Compensation Claims and Benefits Information System

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (478068) to CS for SB 1782 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (478068)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 443.1113, Florida Statutes, is created to read:

443.1113 Unemployment Compensation Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the Unemployment Compensation Claims and Benefits Information Systems by the Legislature, the Agency for Workforce Innovation shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the "Unemployment Compensation Claims and Benefits Information System:"

(a) Claims and benefit mainframe system.

(b) Florida unemployment Internet direct.

(c) Florida continued claim Internet directory.

(d) Call center interactive voice response system.

(e) Benefit overpayment screening system.

(f) Internet and Intranet appeals system.

(2) The Unemployment Compensation Claims and Benefits System shall accomplish the following main business objectives:

(a) Wherever cost-effective and operationally feasible, eliminate or automate existing paper processes and enhance any existing automated workflows in order to expedite customer transactions and eliminate redundancy.

(b) Enable on-line, self-service access to claimant and employer information and federal and state reporting.

(c) Integrate benefit payment control with the adjudication program and collection system in order to improve the detection of fraud.

(d) Comply with all requirements established in federal and state law for unemployment compensation.

(e) Integrate with the Department of Revenue's statewide unified tax system that collects unemployment compensation taxes.

(3) The scope of the Unemployment Compensation Claims and Benefits Information System does not include any of the following functionalities:

(a) Collection of unemployment compensation taxes.

(b) General ledger, financial management, or budgeting capabilities.

(c) Human resource planning or management capabilities.

(4) The project to implement the Unemployment Compensation Claims and Benefits Information System shall be comprised of the following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) The new Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems and shall be deployed to full production operational status no later than the end of fiscal year 2010-2011.

(c) The new Call Center Interactive Voice Response System and the Benefit Overpayment Screening System shall be deployed to full production operational status no later than the end of fiscal year 2011-2012.

(d) The new Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

(5) The Agency for Workforce Innovation shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

(a) The project sponsor for the Unemployment Compensation Claims and Benefits Information System project is the executive director of the Agency for Workforce Innovation.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The executive director of the Agency for Workforce Innovation.

2. The executive director of the Department of Revenue.

3. The director of the Office of Unemployment Compensation within the Agency for Workforce Innovation.

4. The program director of the General Tax Administration Program Office within the Department of Revenue.

5. The chief information officer of the Agency for Workforce Innovation.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.

2. Assessing the project's alignment with the strategic goals of the Agency for Workforce Innovation for administering the unemployment compensation program.

3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.

4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.

5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the Agency for Workforce Innovation and the Department of Revenue. The project management team is responsible for:

1. Providing daily planning, management, and oversight of the project.

2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.

3. Submitting written monthly project status reports to the executive steering committee which include:

a. Planned versus actual project costs;

b. An assessment of the status of major milestones and deliverables;

c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;

d. Identification of risks that must be managed; and

e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 2. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Unemployment Compensation Claims and Benefits Information System; creating s. 443.1113, F.S.; directing the Agency for Workforce Innovation to replace and enhance the functionality of specified systems if funding is available; requiring accomplishment of specified objectives; excluding specific system functionality; establishing project phases and timeframes; specifying the project sponsor and governance structure; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **CS for SB 1782** was adopted. **CS for SB 1782** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Constantine

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1796

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1796, same being:

An act relating to governmental financial information

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (535300) to CS for CS for SB 1796 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large

s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (535300)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(4) The Legislative Auditing Committee*:*

(a) May take under investigation any matter within the scope of an audit, review, or examination either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and, in connection with such investigation, may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(b) Shall provide oversight and management of the website developed pursuant to s. 215.985.

Section 2. Section 215.985, Florida Statutes, is created to read:

215.985 Transparency in government spending.—

(1) This section may be cited as the "Transparency Florida Act."

(2) As used in this section, the term:

(a) "Governmental entity" means any state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, any department, division, bureau, commission, authority, district, or agency thereof, or any public school district, community college, state university, or associated board.

(b) "Website" means a site on the Internet which is easily accessible to the public at no cost and does not require the user to provide any information.

(c) "Committee" means the Legislative Auditing Committee created in s. 11.40.

(3) The Executive Office of the Governor, in consultation with the appropriation committees of the Senate and the House of Representatives, shall establish a single website, directly accessible through the state's

official Internet portal, which provides information relating to each appropriation in the General Appropriation Act for each branch of state government and state agency.

(a) At a minimum, the information provided must include:

1. Disbursement data for each appropriation by the object code associated with each expenditure established within the Florida Accounting Information Resource Subsystem. Expenditure data must include the name of the payee, the date of the expenditure, the amount of the expenditure, and the statewide document number.

2. For each appropriation, any adjustments, including vetoes, approved supplemental appropriations included in legislation other than the General Appropriations Act, budget amendments, other actions approved pursuant to chapter 216, and any other adjustments authorized by law.

3. Status of spending authority for each appropriation in the approved operating budget, including released, unreleased, reserved, and disbursed balances.

4. Position and rate information for positions provided in the General Appropriations Act.

(b) All data provided through the website must be data currently available in the state's financial management information system referenced in s. 215.93.

(4) The committee shall propose providing additional state fiscal information, which may include, but is not limited to, the following information for state agencies:

(a) Details of nonoperating budget authority established pursuant to s. 216.181.

(b) Trust fund balance reports, including cash available, investments, and receipts.

(c) General revenue fund balance reports, including revenue received and amounts disbursed.

(d) Fixed capital outlay project data, including original appropriation and disbursements throughout the life of the project.

(e) A 10-year history of appropriations indicated by agency.

(f) Links to state audits or reports related to the expenditure and dispersal of state funds.

(g) Links to program or activity descriptions for which funds may be expended.

(5) The committee shall recommend a format for collecting and displaying information from state universities, public schools, community colleges, local governmental units, and other governmental entities receiving state appropriations.

(6) By March 1, 2010, the committee shall develop a schedule for adding other information to the website by type of information and governmental entity, including timeframes and development entity. The schedule shall be submitted to the President of the Senate and the Speaker of the House of Representatives. Additional information may include:

(a) Disbursements by the governmental entity from funds established within the treasury of the governmental entity, including, for all branches of state government, allotment balances in the Florida Accounting Information Resource Subsystem.

(b) Revenues received by each governmental entity, including receipts or deposits by the governmental entity into funds established within the treasury of the governmental entity.

(c) Information relating to a governmental entity's bonded indebtedness, including, but not limited to, the total amount of obligation stated in terms of principal and interest, an itemization of each obligation, the term of each obligation, the source of funding for repayment of each obligation, the amounts of principal and interest previously paid to reduce each obligation, the balance remaining of each obligation, any refinancing of any obligation, and the cited statutory authority to issue such bonds.

(d) Links to available governmental entity websites.

(7) A counter shall be established on the website to show the number of times the website has been accessed.

(8) By August 31 of each fiscal year, each executive branch agency, the state court system, and the Legislature shall establish allotments in the Florida Accounting Information Resource Subsystem for planned expenditures of state appropriations.

(9) The committee shall coordinate with the Financial Management Information Board in developing any recommendations for including information on the website which is necessary to meet the requirements of s. 215.91(8).

(10) Functional owners as defined in s. 215.94 and other governmental entities shall provide information necessary to accomplish the purposes of this section.

(11) Any municipality or special district having a population of 10,000 or fewer is exempt from this section. Population determinations must be based on the most recent population estimates prepared pursuant to s. 186.901.

(12) This section does not require or permit the disclosure of information that is considered confidential by state or federal law.

(13) The Office of Policy and Budget in the Executive Office of the Governor shall ensure that all data added to the website remains accessible to the public for 10 years.

(14) The committee shall prepare an annual report detailing progress in establishing the single website and providing recommendations for enhancement of the content and format of the website and related policies and procedures. The first report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011, and annually by November 1 thereafter.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to governmental financial information; amending s. 11.40, F.S.; directing the Legislative Auditing Committee to provide oversight and management of a state website providing information on governmental appropriations and expenditures; creating s. 215.985, F.S.; providing a short title; providing definitions; requiring the Executive Office of the Governor to establish a website providing information relating to each appropriation in the General Appropriations Act; requiring the committee to propose providing additional state information and a format for collecting and displaying information from other governmental entities on the website; requiring the committee to develop a schedule by a certain date for adding other information to the website and submit it to the President of the Senate and the Speaker of the House of Representatives; requiring all branches of state government to establish allotments in the Florida Accounting Information Resource Subsystem for planned expenditures; requiring the committee to coordinate with the Financial Management Information Board in developing certain website information; requiring governmental entities to provide information as necessary; excepting certain small municipalities and special districts from the requirements of the act; requiring the Office of Policy and Budget in the Executive Office of the Governor to ensure that all data added to the website remains accessible to the public for a certain time; requiring an annual report to the Governor and Legislature on progress toward establishing the website; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for CS for SB 1796** was adopted. **CS for CS for SB 1796** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1798

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1798, same being:

An act relating to state employees

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (962574) to CS for SB 1798 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.

At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (962574)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *All collective bargaining issues at impasse for the 2009-2010 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved as follows:*

(1) Collective bargaining issues at impasse between the State of Florida and the Florida State Fire Service Association regarding Article 5 "Representation Rights," Article 14 "State Vehicles and Vessels," Article 18 "Leaves of Absence," Article 23 "Hours of Work and Overtime," Article 24 "On-call Assignment, Call-Back and Residency," and Article 30 "Prevailing Rights" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(2) Collective bargaining issues at impasse between the State of Florida and the American Federation of State, County and Municipal Employees, Florida Council 79, regarding Article 5 "Union Activities and Employee Representation," Article 7 "Discipline," Article 9 "Vacant" (Proposed by AFSCME as "Reassignment, Transfer, Change in Duty Station"), Article 10 "Vacant" (Proposed by AFSCME as "Promotion"), Article 14 "Performance Review," Article 18 "Leaves of Absence, Hours of Work, Disability Leave," Article 24 "On-call Assignment and Call Back," AFSCME proposed new article "Workload Quota," and AFSCME proposed new Article "Evaluation of Supervisory Employees" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement. Article 8 "Workforce Reduction" shall be resolved pursuant to the state's last offer dated April 7, 2009.

(3) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Law Enforcement Unit regarding Article 5 "Employee Representation and Association Activities" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(4) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Special Agent Unit regarding Article 5 "Employee Representation and Association Activities" and Article 24 "On-Call Assignment – Call-back and Court Appearances" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(5) Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists – State Employees Attorneys Guild regarding Article 5 "Employee Rights, Management and Union Communications," Article 8 "Workforce Reduction," and Article 17 "Training and Education" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

All other mandatory collective bargaining issues at impasse for the 2009-2010 fiscal year which are not addressed by this act or the General Appropriations Act for the 2009-2010 fiscal year shall be resolved consistent with the personnel rules in effect on May 1, 2009, and by otherwise maintaining the status quo under the language of the applicable current collective bargaining agreements.

Section 2. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state employees; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing for all other mandatory collective bargaining issues that are at impasse and that are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules or by otherwise maintaining the status quo; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for SB 1798** was adopted. **CS for SB 1798** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1802

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1802, same being:

An act relating to retirement

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (207418) to CS for SB 1802 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
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s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson

Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (207418)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 121.71, Florida Statutes, is amended to read:

121.71 Uniform rates; process; calculations; levy.—

(1) In conducting the system actuarial study required under s. 121.031, the actuary shall follow all requirements specified thereunder to determine, by Florida Retirement System employee membership class, the dollar contribution amounts necessary for the forthcoming fiscal year for the defined benefit program. In addition, the actuary shall determine, by Florida Retirement System membership class, based on an estimate for the forthcoming fiscal year of the gross compensation of employees participating in the optional retirement program, the dollar contribution amounts necessary to make the allocations required under ss. 121.72 and 121.73. For each employee membership class and subclass, the actuarial study shall establish a uniform rate necessary to fund the benefit obligations under both Florida Retirement System retirement plans~~,~~ by dividing the sum of total dollars required by the estimated gross compensation of members in both plans.

(2) Based on the uniform rates set forth in subsection (3), employers shall make monthly contributions to the Division of Retirement, which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer contribution may be made on or after the beginning date of the change.

(3) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, *2009* ~~2008~~	Percentage of Gross Compensation, Effective July 1, *2010* ~~2009~~
Regular Class	8.69%	*9.63%* ~~9.60%~~
Special Risk Class	19.76%	*22.11%* ~~22.03%~~
Special Risk Administrative Support Class	11.39%	*12.10%* ~~11.98%~~
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.32%	*15.20%* ~~14.56%~~
Elected Officers' Class - Justices, Judges	18.40%	*20.65%* ~~20.37%~~
Elected Officers' Class - County Elected Officers	15.37%	*17.50%* ~~17.06%~~
Senior Management Class	11.96%	*13.43%* ~~13.36%~~
DROP	9.80%	*11.14%* ~~10.96%~~

(4) The state actuary shall recognize and use an appropriate level of available excess assets of the Florida Retirement System Trust Fund to offset the difference between the normal costs of the Florida Retirement System and the statutorily prescribed contribution rates.

Section 2. *As part of the actuarial study required by s. 121.031(3), Florida Statutes, based on the results of June 30, 2009, the administrator of the Florida Retirement System shall contract with the state actuary to conduct an actuarial study of the Florida Retirement System which considers the following methods of funding the Deferred Retirement Option Program:*

(1) Through a separate contribution rate regardless of the participant's membership class, which has been the method through the 2008 valuation;

(2) Treat participants as retirees such that the payroll associated with the participants is not used to develop the contribution rates for the respective membership class, and the employer is not required to make contributions on such payroll except for unfunded actuarial liability contributions; and

(3) Treat participants as active members such that the payroll associated with the participants is used to develop the contribution rates for the respective membership class, and the employer is required to make contributions on the payroll at the same contribution rate as the employer pays for an active member of the applicable class.

Section 3. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 4. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2009, and July 1, 2010; requiring the state actuary to consider additional factors when conducting the annual actuarial study of the State Retirement System; specifying the factors to be considered; providing a declaration of important state interest; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for SB 1802** was adopted. **CS for SB 1802** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Crist	Garcia
Alexander	Dean	Gardiner
Altman	Detert	Gelber
Aronberg	Deutch	Haridopolos
Baker	Diaz de la Portilla	Hill
Bennett	Dockery	Jones
Bullard	Fasano	Joyner
Constantine	Gaetz	Justice

King
Lawson
Lynn
Oelrich
Peaden
Pruitt
Rich
Richter
Ring
Siplin
Smith
Sobel
Storms
Villalobos
Wilson
Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1804

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1804, same being:

An act relating to state-owned real property

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (229380) to CS for SB 1804 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson
s/ Ted Deutch
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s/ Dave Aronberg
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Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
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s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

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At Large
Mary Brandenburg
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s/ Rachel V. Burgin
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s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
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Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
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Joseph A. "Joe" Gibbons
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s/ Adam Hasner, At Large
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s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
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s/ William L. "Bill" Proctor
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Betty Reed
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Hazelle P. "Hazel" Rogers
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s/ Robert C. "Rob" Schenck
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s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (229380)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (15) is added to section 253.034, Florida Statutes, to read:

253.034 State-owned lands; uses.—

(15) Before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies and state universities, with priority consideration given to state universities.

Section 2. Paragraph (k) of subsection (4) of section 255.249, Florida Statutes, is amended to read:

255.249 Department of Management Services; responsibility; department rules.—

(4) The department shall adopt rules pursuant to chapter 120 providing:

(k) For a lease of less than 5,000 square feet, a method for certification by the agency head or the agency head's designated representative that all criteria for leasing have been fully complied with and for the filing of a copy of such lease and all supporting documents with the department for its review and approval as to technical sufficiency *and whether it is in the best interests of the state*.

Section 3. Subsection (2) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(2)(a) Except as provided in s. 255.2501, a state agency may not lease a building or any part thereof unless prior approval of the lease conditions and of the need therefor is first obtained from the department. Any approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by

the department subject to final approval by the head of the Department of Management Services and s. 255.2502.

(b) ~~The approval of the department, except for technical sufficiency, need not be obtained~~ For the lease of less than 5,000 square feet of space*, a state agency must notify the department at least 30 days before the execution of the lease. The department shall review the lease and determine whether suitable space is available in a state-owned building located in the same geographic region. If the department determines that space is not available, the department shall determine whether the state agency lease is in the best interests of the state. If the department determines that the execution of the lease is not in the best interests of the state, the department shall notify the agency proposing the lease, the Governor, and the presiding officers of each house of the Legislature of such finding in writing.* ~~within a privately owned building, provided the agency head or the agency head's designated representative has certified compliance with applicable leasing criteria as may be provided pursuant to s. 255.249(4)(k) and has determined such lease to be in the best interest of the state.~~ A lease that is for a term extending beyond the end of a fiscal year is subject to the provisions of ss. 216.311, 255.2502, and 255.2503.

(c) The department shall adopt as a rule uniform leasing procedures for use by each state agency other than the Department of Transportation. Each state agency shall ensure that the leasing practices of that agency are in substantial compliance with the uniform leasing rules adopted under this section and ss. 255.249, 255.2502, and 255.2503.

(d) Notwithstanding paragraph (a) and except as provided in ss. 255.249 and 255.2501, a state agency may not lease a building or any part thereof unless prior approval of the lease terms and conditions and of the need therefor is first obtained from the department. The department may not approve any term or condition in a lease agreement which has been amended, supplemented, or waived unless a comprehensive analysis, including financial implications, demonstrates that such amendment, supplement, or waiver is in the state's long-term best interest. Any approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the department subject to final approval by the head of the Department of Management Services and the provisions of s. 255.2502.

Section 4. Present paragraphs (f) through (ee) of subsection (6) of section 627.351, Florida Statutes, are redesignated as paragraphs (g) through (ff), respectively, and a new paragraph (f) is added to that subsection, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(f) The corporation is subject to the provisions of chapter 255.

Section 5. *Database of state-owned property.—*

(1) The Department of Management Services is directed to create, administer, and maintain a comprehensive database of all state-owned real property. To that end, the Department of Management Services shall prepare a plan to compile the database and address the following issues in the plan:

(a) A method for requiring that specific information be provided for each property in the database in order to determine appropriate valuation.

(b) A method for maintaining and updating the database.

(c) A method for identifying and assessing the database properties for potential disposition.

(d) A method for requiring that the Department of Management Services be notified of identified properties for purposes of conducting a strategic valuation and disposition analysis.

(2) The Department of Management Services shall submit the plan to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by January 4, 2010.

Section 6. *In an effort to improve cost efficiencies and maximize revenues to the state, by disposing of surplus property, the Department of Management Services, in coordination with the Board of Trustees of the Internal Improvement Trust Fund, shall begin immediately the disposition process of the Fuller Warren Building, the Bloxham Building, the Bloxham Annex Properties "A, B, and C," the Firestone Building, and the Winchester Building.*

Section 7. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state-owned real property; amending s. 253.034, F.S.; requiring the state to offer to lease state-owned buildings or lands to state agencies and universities before offering them for sale, lease, or sublease to others; amending s. 255.249, F.S.; requiring that the department determine if certain leases are in the best interests of the state; amending s. 255.25, F.S.; requiring that a state agency seeking to lease a privately owned building or land receive a determination from the Department of Management Services that the lease serves the best interests of the state; requiring the department to review the lease and determine if suitable space is available in a state-owned building in the same geographic region; requiring the department to notify the state agency proposing the lease, the Governor, and the Legislature of certain finding; amending s. 627.351, F.S.; subjecting Citizens Property Insurance Corporation to ch. 255, F.S., relating to public property and publicly owned buildings; requiring the Department of Management Services to create and maintain a database of state-owned real property; providing requirements for the database; requiring a report to the Governor and Legislature; requiring the Department of Management Services, in coordination with the Board of Trustees of the Internal Improvement Trust Fund, to begin the process of disposing of certain buildings; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for SB 1804** was adopted. **CS for SB 1804** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1806

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1806, same being:

An act relating to the service charge on income of trust funds

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (937848) to CS for SB 1806 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder

Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (937848)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(1) A service charge of *8* ~~7~~ percent, representing the estimated pro rata share of the cost of general government paid from the General Revenue Fund, is hereby appropriated from all income of a revenue nature deposited in all trust funds except those enumerated in s. 215.22. Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.

(2) Notwithstanding the provisions of subsection (1)*,* ~~:~~

~~(a)~~ the trust funds of the Department of Citrus and the Department of Agriculture and Consumer Services, including funds collected in the General Inspection Trust Fund for marketing orders and in the Florida Citrus Advertising Trust Fund, shall be subject to a *4 percent* ~~3 percent~~ service charge, which is hereby appropriated to the General Revenue Fund. This paragraph does not apply to the Conservation and Recreation Lands Program Trust Fund, the Citrus Inspection Trust Fund, the Florida Forever Program Trust Fund, the Market Improvements Working Capital Trust Fund, the Pest Control Trust Fund, the Plant Industry Trust Fund, or other funds collected in the General Inspection Trust Fund in the Department of Agriculture and Consumer Services.

~~(b) The Save the Manatee Trust Fund in the Fish and Wildlife Conservation Commission shall be subject to a 3 percent service charge, which is hereby appropriated to the General Revenue Fund.~~

~~(3) A service charge of 0.3 percent is hereby appropriated from income of a revenue nature deposited in the trust funds enumerated in subsection (4). Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.~~

~~(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:~~

~~(a) Within the Agency for Health Care Administration, the Health Care Trust Fund.~~

~~(b) Within the Agency for Workforce Innovation:~~

~~1. The Employment Security Administration Trust Fund.~~

~~2. The Special Employment Security Administration Trust Fund.~~

~~(c) Within the Department of Agriculture and Consumer Services:~~

~~1. The Conservation and Recreation Lands Program Trust Fund.~~

~~2. The General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized by s. 570.20.~~

~~3. The Division of Licensing Trust Fund.~~

~~(d) Within the Department of Business and Professional Regulation:~~

~~1. The Administrative Trust Fund.~~

~~2. The Alcoholic Beverage and Tobacco Trust Fund.~~

~~3. The Cigarette Tax Collection Trust Fund.~~

~~4. The Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund.~~

~~5. The Hotel and Restaurant Trust Fund, with the exception of those fees collected for the purpose of funding of the hospitality education program as stated in s. 509.302.~~

~~6. The Professional Regulation Trust Fund.~~

~~7. The trust funds administered by the Division of Pari-mutuel Wagering.~~

~~(e) Within the Department of Children and Family Services:~~

~~1. The Administrative Trust Fund.~~

~~2. The Child Welfare Training Trust Fund.~~

~~3. The Domestic Violence Trust Fund.~~

~~4. The Grants and Donations Trust Fund.~~

~~5. The Operations and Maintenance Trust Fund.~~

~~(f) Within the Department of Citrus, the Florida Citrus Advertising Trust Fund, including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in s. 601.15(7).~~

~~(g) Within the Department of Community Affairs, the Operating Trust Fund.~~

~~(h) Within the Department of Education:~~

~~1. The Educational Certification and Service Trust Fund.~~

~~2. The Phosphate Research Trust Fund.~~

~~(i) Within the Department of Elderly Affairs:~~

~~1. The Administrative Trust Fund.~~

~~2. The Federal Grants Trust Fund.~~

~~3. The Grants and Donations Trust Fund.~~

~~4. The Operations and Maintenance Trust Fund.~~

~~(j) Within the Department of Environmental Protection:~~

~~1. The Administrative Trust Fund.~~

~~2. The Air Pollution Control Trust Fund.~~

~~3. The Conservation and Recreation Lands Trust Fund.~~

~~4. The Ecosystem Management and Restoration Trust Fund.~~

~~5. The Environmental Laboratory Trust Fund.~~

~~6. The Florida Coastal Protection Trust Fund.~~

~~7. The Florida Permit Fee Trust Fund.~~

~~8. The Grants and Donations Trust Fund.~~

~~9. The Inland Protection Trust Fund.~~

~~10. The Internal Improvement Trust Fund.~~

~~11. The Land Acquisition Trust Fund.~~

~~12. The Minerals Trust Fund.~~

~~13. The Nonmandatory Land Reclamation Trust Fund.~~

~~14. The State Park Trust Fund.~~

~~15. The Water Quality Assurance Trust Fund.~~

~~16. The Working Capital Trust Fund.~~

~~(k) Within the Department of Financial Services:~~

~~1. The Agents County Tax Trust Fund.~~

~~2. The Insurance Regulatory Trust Fund.~~

~~3. The Special Disability Trust Fund.~~

~~4. The Workers' Compensation Administration Trust Fund.~~

~~(l) Within the Department of Health:~~

~~1. The Administrative Trust Fund.~~

~~2. The Brain and Spinal Cord Injury Program Trust Fund.~~

~~3. The Donations Trust Fund.~~

~~4. The Emergency Medical Services Trust Fund.~~

~~5. The Epilepsy Services Trust Fund.~~

~~6. The Florida Drug, Device, and Cosmetic Trust Fund.~~

~~7. The Grants and Donations Trust Fund.~~

~~8. The Medical Quality Assurance Trust Fund.~~

~~9. The Nursing Student Loan Forgiveness Trust Fund.~~

~~10. The Planning and Evaluation Trust Fund.~~

~~11. The Radiation Protection Trust Fund.~~

~~(m) Within the Department of Highway Safety and Motor Vehicles, the DUI Programs Coordination Trust Fund.~~

~~(n) Within the Department of Legal Affairs, the Crimes Compensation Trust Fund.~~

~~(o) Within the Department of Management Services:~~

~~1. The Administrative Trust Fund.~~

~~2. The Architects Incidental Trust Fund.~~

~~3. The Bureau of Aircraft Trust Fund.~~

~~4. The Florida Facilities Pool Working Capital Trust Fund.~~

~~5. The Grants and Donations Trust Fund.~~

~~6. The Police and Firefighters' Premium Tax Trust Fund.~~

~~7. The Public Employees Relations Commission Trust Fund.~~

~~8. The State Personnel System Trust Fund.~~

~~9. The Supervision Trust Fund.~~

~~10. The Working Capital Trust Fund.~~

~~(p) Within the Department of Revenue:~~

~~1. The Additional Court Cost Clearing Trust Fund.~~

~~2. The Administrative Trust Fund.~~

~~3. The Certification Program Trust Fund.~~

~~4. The Fuel Tax Collection Trust Fund.~~

~~5. The Local Alternative Fuel User Fee Clearing Trust Fund.~~

~~6. The Local Option Fuel Tax Trust Fund.~~

~~7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.~~

~~8. The Motor Vehicle Warranty Trust Fund.~~

~~9. The Oil and Gas Tax Trust Fund.~~

~~10. The Operations Trust Fund.~~

~~11. The Severance Tax Solid Mineral Trust Fund.~~

~~12. The State Alternative Fuel User Fee Clearing Trust Fund.~~

~~13. All taxes levied on motor fuels other than gasoline levied pursuant to the provisions of s. 206.87(1)(a).~~

~~(q) Within the Department of State:~~

~~1. The Records Management Trust Fund.~~

~~2. The trust funds administered by the Division of Historical Resources.~~

~~(r) Within the Department of Transportation, all income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund.~~

~~(s) Within the Department of Veterans' Affairs:~~

~~1. The Grants and Donations Trust Fund.~~

~~2. The Operations and Maintenance Trust Fund.~~

~~3. The State Homes for Veterans Trust Fund.~~

~~(t) Within the Division of Administrative Hearings, the Administrative Trust Fund.~~

~~(u) Within the Fish and Wildlife Conservation Commission:~~

~~1. The Conservation and Recreation Lands Program Trust Fund.~~

~~2. The Florida Panther Research and Management Trust Fund.~~

~~3. The Land Acquisition Trust Fund.~~

~~4. The Marine Resources Conservation Trust Fund, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 379.354.~~

~~(v) Within the Florida Public Service Commission, the Florida Public Service Regulatory Trust Fund.~~

~~(w) Within the Justice Administrative Commission, the Indigent Criminal Defense Trust Fund.~~

~~(x) Within the Office of Financial Regulation of the Financial Services Commission:~~

~~1. The Administrative Trust Fund.~~

~~2. The Anti Fraud Trust Fund.~~

~~3. The Financial Institutions' Regulatory Trust Fund.~~

~~4. The Regulatory Trust Fund.~~

(3) Subsection (1) does ~~The enumeration of the foregoing moneys or trust funds shall~~ not prohibit the applicability of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

(4) ~~(5)~~ There is appropriated from the proper respective trust funds from time to time such sums as may be necessary to pay to the General Revenue Fund the service charges imposed by this section.

Section 2. Paragraph (b) of subsection (9) of section 527.23, Florida Statutes, is amended to read:

527.23 Marketing orders; referendum requirements; assessments.—

(9)

(b) The collected assessments shall be deposited into the General Inspection Trust Fund and shall be used for the sole purpose of implementing the marketing order for which the assessment was collected. *Four* ~~Three~~ percent of all income of a revenue nature deposited in this fund, including transfers from any subsidiary accounts thereof and any interest income, shall be deposited in the General Revenue Fund pursuant to chapter 215. The department is not subject to the procedures found in s. 287.057 in the expenditure of these funds. However, the director of the Division of Marketing and Development shall file with the internal auditor of the department a certification of conditions and circumstances justifying each contract or agreement entered into without competitive bidding.

Section 3. Subsection (1) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(1) All donations and all inspection fees and other funds authorized and received from whatever source in the enforcement of the inspection laws administered by the department shall be paid into the General Inspection Trust Fund of Florida, which is created in the office of the Chief Financial Officer. All expenses incurred in carrying out the provisions of the inspection laws shall be paid from this fund as other funds are paid from the State Treasury. A percentage of all revenue deposited in this fund, including transfers from any subsidiary accounts, shall be deposited in the General Revenue Fund pursuant to chapter 215, except that funds collected for marketing orders shall pay at the rate of *4* ~~3~~ percent.

Section 4. Paragraph (a) of subsection (7) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(7) All excise taxes levied and collected under the provisions of this chapter shall be paid into the State Treasury on or before the 15th day of each month; such moneys shall be accounted for in a special fund to be designated as the Florida Citrus Advertising Trust Fund, and all moneys in such fund are hereby appropriated to the Department of Citrus for the following purposes:

(a) *Four* ~~Three~~ percent of all income of a revenue nature deposited in this fund, including transfers from any subsidiary accounts thereof and any interest income, shall be deposited in the General Revenue Fund pursuant to chapter 215.

Section 5. *The amendments to sections 215.20, 527.23, 570.20, and 601.15, Florida Statutes, made by this act apply to all service charges deposited into the General Revenue Fund on or after July 1, 2009.*

Section 6. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the service charge on income of trust funds; amending s. 215.20, F.S.; increasing the service charge on income of a revenue nature deposited into certain trust funds; deleting provisions providing a reduced service charge on the income of certain trust funds; amending s. 527.23, F.S.; increasing surcharge on income of a trust fund for income relating to marketing orders; amending s. 570.20, F.S.; increasing the service charge on income to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 601.15, F.S.; increasing the service charge on income to the Florida Citrus Advertising Trust Fund; providing for application of the act; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for SB 1806** was adopted. **CS for SB 1806** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 2574

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 2574, same being:

An act relating to information technology

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (640248) to CS for SB 2574 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.

At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
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Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
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Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (640248)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 11.90, Florida Statutes, is amended to read:

11.90 Legislative Budget Commission.—

(7) The commission shall review ~~information resources management needs identified in agency long range program plans for consistency with the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office. The commission shall also review~~ proposed budget amendments associated with information technology that involve more than one agency, that have an outcome that impacts another agency, or that exceed $500,000 in total cost over a 1-year period.

Section 2. Section 14.204, Florida Statutes, is amended to read:

14.204 Agency for Enterprise Information Technology.—The Agency for Enterprise Information Technology is created within the Executive Office of the Governor.

(1) The head of the agency shall be the Governor and Cabinet.

(2) The agency *is* ~~shall be~~ a separate budget entity *and* ~~that~~ is not subject to control, supervision, or direction by the Executive Office of the Governor ~~in any manner~~, including, but not limited to, purchasing,

transactions involving real or personal property, personnel, or budgetary matters.

(3) The agency shall have an executive director who *is the state's Chief Information Officer and who* must:

(a) Have a degree from an accredited postsecondary institution;

(b) Have at least 7 years of executive-level experience in managing information technology organizations; *and*

(c) Be appointed by the Governor and confirmed by the Cabinet, subject to confirmation by the Senate, and serve at the pleasure of the Governor and Cabinet. ~~; and~~

~~(d) Be the chief information officer of the state.~~

(4) The agency shall have the following duties and responsibilities:

(a) Develop strategies for the design, delivery, and management of the enterprise information technology services established in law.

(b) Monitor the delivery and management of the enterprise information technology services as established in law.

(c) Make recommendations to the agency head and the Legislature concerning other information technology services that should be designed, delivered, and managed as enterprise information technology services as defined in s. 282.0041.

(d) Plan and establish policies for managing proposed statutorily authorized enterprise information technology services, which includes:

1. Developing business cases that, when applicable, include the components identified in s. 287.0574;

2. Establishing and coordinating project-management teams;

3. Establishing formal risk-assessment and mitigation processes; and

4. Providing for independent monitoring of projects for recommended corrective actions.

~~(e) Define the architecture standards for enterprise information technology services and develop implementation approaches for statewide migration to those standards.~~

(e) ~~(f)~~ *Beginning October 1, 2010,* develop*,* ~~and~~ publish*, and biennially update* a *long-term* strategic enterprise information technology plan that identifies and recommends strategies *and opportunities to improve the delivery of cost-effective and efficient* ~~for how~~ enterprise information technology services *to be proposed for establishment pursuant to s. 282.0056* ~~will deliver effective and efficient government services to state residentsand improve the operations of state agencies~~.

(f) ~~(g)~~ Perform duties related to the state data center system as provided in s. 282.201.

(g) ~~(h)~~ Coordinate procurement negotiations for hardware and software acquisition necessary to consolidate data center or computer facilities infrastructure.

(h) ~~(i)~~ In consultation with the Division of Purchasing in the Department of Management Services, coordinate procurement negotiations for software that will be used by multiple agencies.

(i) ~~(j)~~ In coordination with, and through the services of, the Division of Purchasing in the Department of Management Services, develop best practices for technology procurements.

(5) The Office of Information Security shall be created within the agency. The agency shall designate a state Chief Information Security Officer who shall oversee the office and report directly to the executive director.

(6) ~~(5)~~ The agency shall operate in a manner that ensures the participation and representation of state agencies and the Agency Chief Information Officers Council established in s. 282.315.

(7) ~~(6)~~ The agency may adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to carry out its statutory duties.

Section 3. Subsection (10) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(10) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be only one offender-based information and records *computer* system maintained by the Department of Corrections for the joint use of the department and the Parole Commission. This data system *shall be* ~~is~~ managed through the *department's* Justice Data Center~~, which is hereby transferred to the department under this act pursuant to a type two transfer authorized under s. 20.06(2)~~. The department shall develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council under s. 943.08, such offender-based information*, including clemency administration information and other computer services* ~~system designed~~ to serve the needs of both the department and the Parole Commission. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 4. Paragraphs (e), (w), (x), and (y) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(e) The Chief Information Officer *in the Agency for Enterprise Information Technology* ~~, deputy chief information officers, chief technology officers, and deputy chief technology officers in the State Technology Office~~. Unless otherwise fixed by law, the *Agency for Enterprise Information Technology* ~~State Technology Office~~ shall set the salary and benefits of *this position* ~~these positions~~ in accordance with the rules of the Senior Management Service.

~~(w) All managers, supervisors, and confidential employees of the State Technology Office. The State Technology Office shall set the salaries and benefits of these positions in accordance with the rules established for the Selected Exempt Service.~~

(w) ~~(x)~~ Managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support and attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

(x) ~~(y)~~ All officers and employees of the Justice Administrative Commission, Office of the State Attorney, Office of the Public Defender, regional offices of capital collateral counsel, offices of criminal conflict and civil regional counsel, and Statewide Guardian Ad Litem Office, including the circuit guardian ad litem programs.

Section 5. Section 282.003, Florida Statutes, is amended to read:

282.003 Short title.—This part may be cited as the "*Enterprise* Information Technology *Services* ~~Resources~~ Management Act."

Section 6. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—*As used in this chapter* ~~For the purposes of this part~~, the term:

(1) "Agency" *has the same meaning as* ~~means those entities described~~ in s. 216.011(1)(qq).

(2) "Agency chief information officer" means the person *employed* ~~appointed~~ by the agency head to coordinate and manage the information technology functions and responsibilities applicable to that agency*,* ~~and~~ to participate and represent the agency in developing strategies for implementing enterprise information technology services *established pursuant to this part,* ~~identified in law~~ and *to develop* ~~developing~~ recommendations for enterprise information technology policy.

(3) "Agency Chief Information Officers Council" means the council created in s. 282.315.

(4) "Agency for Enterprise Information Technology" means the agency created in s. 14.204.

(5) "Agency information technology service" means a service that directly helps an agency fulfill its statutory or constitutional responsibilities and policy objectives and is usually associated with the agency's primary or core business functions.

(6) "Annual budget meeting" means a meeting of the board of trustees of a primary data center to review data center usage to determine the apportionment of board members for the following fiscal year, review rates for each service provided, and determine any other required changes.

(7) "Breach" has the same meaning as in s. 817.5681(4).

(8) ~~(7)~~ "Business continuity plan" means a plan for disaster recovery which provides for the continued functioning of a primary data center during and after a disaster.

(9) ~~(8)~~ "Computing facility" means agency space containing fewer than *a total of* 10 *physical or logical* servers, any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023, but excluding *single, logical-server* ~~single server~~ installations that exclusively perform a utility function such as file and print servers.

(10) ~~(9)~~ "Customer entity" means an entity that obtains services from a primary data center.

(11) ~~(10)~~ "Data center" means agency space containing 10 or more *physical or logical* servers any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023.

(12) "Department" means the Department of Management Services.

~~(11) "Enterprise level" means all executive branch agencies created or authorized in statute to perform legislatively delegated functions.~~

(13) ~~(12)~~ "Enterprise information technology service" means an information technology service that is used in all agencies or a subset of agencies and is established in law to be designed, delivered, and managed at the enterprise level.

(14) ~~(13)~~ "E-mail, messaging, and calendaring service" means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses.

(15) ~~(14)~~ "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

(16) ~~(15)~~ "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

(17) ~~(16)~~ "Information technology policy" means statements that describe clear choices for how information technology will deliver effective and efficient government services to residents and improve state agency operations. A policy may relate to investments, business applications, architecture, or infrastructure. A policy describes its rationale, implications of compliance or noncompliance, the timeline for implementation, metrics for determining compliance, and the accountable structure responsible for its implementation.

(18) ~~(17)~~ "Performance metrics" means the measures of an organization's activities and performance.

(19) ~~(18)~~ "Primary data center" means a state or nonstate agency data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities. A primary data center may be authorized in law or designated by the Agency for Enterprise Information Technology pursuant to s. 282.201.

(20) ~~(19)~~ "Project" means an endeavor that has a defined start and end point; is undertaken to create or modify a unique product, service, or result; and has specific objectives that, when attained, signify completion.

(21) "Risk analysis" means the process of identifying security risks, determining their magnitude, and identifying areas needing safeguards.

(22) ~~(20)~~ "Service level" means the key performance indicators (KPI) of an organization or service which must be regularly performed, monitored, and achieved.

(23) ~~(21)~~ "Service-level agreement" means a written contract between a data center and a customer entity which specifies the scope of services provided, service level, the duration of the agreement, the responsible parties, and service costs. A service-level agreement is not a rule pursuant to chapter 120.

(24) ~~(22)~~ "Standards" means *required practices, controls, components, or configurations established by an authority* ~~the use of current, open, nonproprietary, or non-vendor specific technologies~~.

(25) "Threat" means any circumstance or event that may cause harm to the integrity, availability, or confidentiality of information technology resources.

(26) ~~(23)~~ "Total cost" means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources; however, the total cost of loans or gifts of information technology to state universities to be used in instruction or research does not include fair market value.

(27) ~~(24)~~ "Usage" means the billing amount charged by the primary data center, less any pass-through charges, to the customer entity.

(28) ~~(25)~~ "Usage rate" means a customer entity's usage or billing amount as a percentage of total usage.

Section 7. Subsections (2) and (3) of section 282.0056, Florida Statutes, are amended to read:

282.0056 Development of work plan; development of implementation plans; and policy recommendations.—

(2) ~~By December 31, 2009,~~ The agency *may* ~~shall~~ develop~~,~~ and submit to the President of the Senate*,* ~~and~~ the Speaker of the House of Representatives, *and the Governor by October 1 of each year* implementation plans for ~~at least one of the following~~ proposed enterprise information technology services to be established in law~~:~~

~~(a) A shared or consolidated enterprise information technology service delivery and support model for the e-mail, messaging, and calendaring service.~~

~~(b) Information security.~~

~~(c) Consideration of a planned replacement cycle for computer equipment~~.

(3) In developing policy recommendations and implementation plans for established and proposed enterprise information technology services,

the agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing information technology resources that are associated with each service, and develop strategies and timeframes for statewide migration. ~~For purposes of consolidating state owned or state operated computer rooms and data centers, the agency shall develop a migration plan for any consolidation effort.~~

Section 8. Subsection (2), paragraph (c) of subsection (3), and subsection (4) of section 282.201, Florida Statutes, are amended to read:

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041, is established.

(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—The Agency for Enterprise Information Technology shall:

(a) Collect and maintain information necessary for developing policies relating to the data center system, including, but not limited to, an inventory of facilities.

(b) Annually approve cost-recovery mechanisms and rate structures for primary data centers which recover costs through charges to customer entities.

(c) By December 31 of each year beginning in 2009, submit to the Legislature recommendations to improve the efficiency and effectiveness of computing services provided by state data center system facilities. Such recommendations may include, but need not be limited to:

1. Policies for improving the cost-effectiveness and efficiency of the state data center system.

2. Infrastructure improvements supporting the consolidation of facilities or preempting the need to create additional data *centers* ~~center facilities~~ or computing facilities.

3. Standards for an objective, credible energy performance rating system that data center boards of trustees can use to measure state data center energy consumption and efficiency on a biannual basis.

4. Uniform disaster recovery standards.

5. Standards for *primary data centers* providing transparent financial data to user agencies.

6. Consolidation of contract practices or coordination of software, hardware, or other technology-related procurements.

7. Improvements to data center governance structures.

(d) By *October 1* ~~December 31~~ of each year beginning in 2009, *recommend to the Governor and Legislature* ~~identify~~ at least two nonprimary data centers ~~or computing facilities~~ for consolidation into a primary data center or nonprimary data center facility.

1. The consolidation proposal must provide a transition plan *that includes:* ~~, including~~

a. Estimated transition costs *for each data center or computing facility recommended for consolidation;* ~~;~~

b. Detailed timeframes for the *complete* transition *of each data center or computing facility recommended for consolidation;* ~~;~~

c. Proposed *recurring and nonrecurring fiscal impacts, including increased or decreased costs and associated budget impacts for affected budget entities;* ~~budgetary savings,~~ and

d. Substantive legislative changes necessary to implement the transition.

e. Identification of computing resources to be transferred and those that will remain in the agency. The transfer of resources must include all hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services but excluding application development.

2. ~~1.~~ Recommendations shall be based on the goal of maximizing current and future cost savings. The agency shall consider the following criteria in selecting consolidations that maximize efficiencies by providing the ability to:

a. Consolidate purchase decisions;

b. Leverage expertise and other resources to gain economies of scale;

c. Implement state information technology policies more effectively;

d. Maintain or improve the level of service provision to customer entities; and

e. Make progress towards the state's goal of consolidating data centers and computing facilities into primary data centers.

3. ~~2.~~ The agency shall establish workgroups as necessary to ensure participation by affected agencies in the development of recommendations related to consolidations.

(e) ~~3.~~ By December 31, 2010, the agency shall develop and submit to the Legislature an overall consolidation plan for state data centers ~~and computing facilities~~. The plan shall indicate a timeframe for the consolidation of all remaining *nonprimary data centers* ~~facilities~~ into primary data centers, including existing and proposed *primary* data centers, by 2019.

~~4. This paragraph expires July 1, 2017.~~

(f) ~~(e)~~ Develop and establish *rules* ~~policies by rule~~ relating to the operation of the state data center system which ~~must~~ comply with applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R. The *rules* ~~policies~~ may address:

1. Ensuring that financial information is captured and reported consistently and accurately.

2. Requiring the establishment of service-level agreements executed between a data center and its customer entities for services provided.

3. Requiring annual full cost recovery on an equitable rational basis. The cost-recovery methodology must ensure that no service is subsidizing another service and may include adjusting the subsequent year's rates as a means to recover deficits or refund surpluses from a prior year.

4. Requiring that any special assessment imposed to fund expansion is based on a methodology that apportions the assessment according to the proportional benefit to each customer entity.

5. Requiring that rebates be given when revenues have exceeded costs, that rebates be applied to offset charges to those customer entities that have subsidized the costs of other customer entities, and that such rebates may be in the form of credits against future billings.

6. Requiring that all service-level agreements have a contract term of up to 3 years, but may include an option to renew for up to 3 additional years contingent on approval by the board, and require at least a 180-day notice of termination.

7. Designating any nonstate data centers as primary data centers if the center:

a. Has an established governance structure that represents customer entities proportionally.

b. Maintains an appropriate cost-allocation methodology that accurately bills a customer entity based on the actual direct and indirect costs to the customer entity, and prohibits the subsidization of one customer entity's costs by another entity.

c. Has sufficient raised floor space, cooling, redundant power capacity, including uninterruptible power supply and backup power generation, to accommodate the computer processing platforms and support

necessary to host the computing requirements of additional customer entities.

8. Removing nonstate data centers from primary data center designation if the nonstate data center fails to meet standards necessary to ensure that the state's data is maintained pursuant to subparagraph 7.

(3) STATE AGENCY DUTIES.—

(c) The chief information officer of each state agency shall assist the Agency for Enterprise Information Technology *at the request of* ~~as required by~~ the *Agency for Enterprise Information Technology* ~~agency~~.

(4) AGENCY LIMITATIONS.—

(a) Unless authorized by the Legislature or as provided in *paragraphs (b) and (c)* ~~paragraph (b)~~, a state agency may not:

1. Create a new computing facility or data center, or expand the capability to support additional computer equipment in an existing computing facility or nonprimary data center;

2. Transfer existing computer services to a nonprimary data center or computing facility;

3. Terminate services with a primary data center or transfer services between primary data centers without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer; or

4. Initiate a new computer service if it does not currently have an internal data center except with a primary data center.

(b) Exceptions to the limitations in *subparagraphs (a)1., 2., and 4.* ~~paragraph (a)~~ may be granted by ~~the agency head of~~ the Agency for Enterprise Information Technology if there is insufficient capacity in a primary data center to absorb the workload associated with agency computing services.

1. A request for an exception must be submitted in writing to the Agency for Enterprise Information Technology. The agency must accept, accept with conditions, or deny the request within 60 days after receipt of the written request. The agency's decision is not subject to chapter 120.

2. At a minimum, the agency may not approve a request unless it includes:

a. Documentation approved by the primary data center's board of trustees which confirms that the center cannot meet the capacity requirements of the agency requesting the exception within the current fiscal year.

b. A description of the capacity requirements of the agency requesting the exception.

c. Documentation from the agency demonstrating why it is critical to the agency's mission that the expansion or transfer must be completed within the fiscal year rather than when capacity is established at a primary data center.

(c) Exceptions to subparagraph (a)3. may be granted by the board of trustees of the primary data center if the termination or transfer of services can be absorbed within the current cost-allocation plan.

(d) Upon the termination of or transfer of agency computing services from the primary data center, the primary data center shall require information sufficient to determine compliance with this section. If a primary data center determines that an agency is in violation of this section, it shall report the violation to the Agency for Enterprise Information Technology.

Section 9. Paragraph (j) is added to subsection (1) of section 282.203, Florida Statutes, subsection (2) of that section is amended, and paragraph (j) is added to subsection (3) of that section, to read:

282.203 Primary data centers.—

(1) DATA CENTER DUTIES.—Each primary data center shall:

(j) Be the custodian of resources and equipment that are located, operated, supported, and managed by the center for the purposes of chapter 273.

(2) BOARD OF TRUSTEES.—Each primary data center shall be headed by a board of trustees as defined in s. 20.03.

(a) The members of the board shall be appointed by the agency head or chief executive officer of the representative customer entities of the primary data center and shall serve at the pleasure of the appointing customer entity. ~~The initial appointments of members shall be made as soon as practicable, but not later than July 1, 2008.~~

1. For each of the first 2 fiscal years that a center is in operation, membership shall be ~~apportioned~~ as provided in subparagraph 3. based on projected customer entity usage rates for the fiscal operating year of the primary data center. However, at a minimum:

a. During the Southwood Shared Resource Center's first 2 operating years, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of Health, and the Department of Revenue must each have at least one trustee.

b. During the Northwood Shared Resource Center's first operating year, the Department of State and the Department of Education must each have at least one trustee.

2. After the second full year of operation, membership shall be ~~apportioned~~ as provided in subparagraph 3. based on the most recent estimate of customer entity usage rates for the prior year and a projection of usage rates for the first 9 months of the next fiscal year. Such calculation must be completed before the annual budget meeting held before the beginning of the next fiscal year so that any decision to add or remove board members can be voted on at the budget meeting and become effective on July 1 of the subsequent fiscal year.

3. *Each customer entity that has a projected usage rate of 4 percent or greater during the fiscal operating year of the primary data center shall have one trustee on the board.* ~~Membership shall be apportioned using the following criteria:~~

4. The total number of votes for each trustee shall be apportioned as follows:

a. Customer entities of a primary data center whose usage rate represents 4 *but less than 15* ~~to 14~~ percent of total usage shall have one *vote* ~~trustee~~.

b. Customer entities of a primary data center whose usage rate represents 15 *but less than 30* ~~to 29~~ percent of total usage shall have two *votes* ~~trustees~~.

c. Customer entities of a primary data center whose usage rate represents 30 *but less than 50* ~~to 49~~ percent of total usage shall have three *votes* ~~trustees~~.

d. A customer entity of a primary data center whose usage rate represents 50 percent or more of total usage shall have four *votes* ~~trustees~~.

e. A single trustee *having one vote* shall represent those customer entities that represent less than 4 percent of the total usage. The trustee shall be selected by a process determined by the board.

~~f. The executive director of the Agency for Enterprise Information Technology shall serve as a voting member of the board.~~

(b) Before July 1 of each year, each board of trustees of a primary data center shall elect a chair and a vice chair to a term of 1 year or until a successor is elected. The vice chair shall serve in the absence of the chair. ~~The vice chair may not be from the same customer entity as the chair.~~ The chair may be elected to serve one additional successive term.

(c) Members of the board representing customer entities who fail to timely pay for data center services do not have voting rights.

(d) The board shall take action by majority vote. If there is a tie, the chair shall be on the prevailing side.

(e) The executive director of the Agency for Enterprise Information Technology shall be the advisor to the board.

(f) To facilitate planned data center consolidations, board membership may be adjusted as provided in the General Appropriations Act.

(3) BOARD DUTIES.—Each board of trustees of a primary data center shall:

(j) Maintain the capabilities of the primary data center's facilities. Maintenance responsibilities include, but are not limited to, ensuring that adequate conditioned floor space, fire suppression, cooling, and power is in place; replacing aging equipment when necessary; and making decisions related to data center expansion and renovation, periodic upgrades, and improvements that are required to ensure the ongoing suitability of the facility as an enterprise data center consolidation site in the state data center system. To the extent possible, the board shall ensure that its approved annual cost-allocation plan recovers sufficient funds from its customers to provide for these needs pursuant to s. 282.201(2)(e).

Section 10. Section 282.204, Florida Statutes, is amended to read:

282.204 Northwood Shared Resource Center.—

(1) ~~Beginning July 1, 2008,~~ A workgroup shall be established within the Department of Children and Family Services for the purpose of developing a plan for converting its data center to a primary data center.

(a) The workgroup shall be chaired by a member appointed by the secretary of the department. Workgroup members may include other state agencies who will be customers of the data center during the 2009-2010 fiscal year. The workgroup shall include staff members who have appropriate financial and technical skills as determined by the chair of the workgroup.

(b) The conversion plan shall address organizational changes, personnel changes, cost-allocation plan changes, and any other changes necessary to effectively convert to a primary state data center capable of providing computer services as required by s. 282.201.

(c) The workgroup shall submit recommendations for facilitating the conversion to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2008.

(2) Effective July 1, 2009, The Northwood Shared Resource Center *is an agency* ~~is~~ established within the Department of Children and Family Services for administrative purposes only.

(a) The center is ~~designated as~~ a primary data center and shall be a separate budget entity that is not subject to control, supervision, or direction of the department in any manner, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(b) ~~(3)~~ The center shall be headed by a board of trustees as provided in s. 282.203, who shall comply with all requirements of that section related to the operation of the center and with the *rules* ~~policies~~ of the Agency for Enterprise Information Technology related to the design and delivery of enterprise information technology services. *The secretary of the department may appoint a temporary board chair for the purpose of convening the board of trustees, selecting a chair, and determining board membership.*

(3) The Department of Children and Family Services and the center shall identify resources associated with information technology functions which are not related to the support, management, and operation of the data center but which currently exist within the same budget entity as the data center. By October 1, 2009, the center shall submit a budget amendment to transfer resources associated with these functions to the department.

Section 11. Section 282.205, Florida Statutes, is amended to read:

282.205 Southwood Shared Resource Center.—

~~(1) Effective July 1, 2008,~~ The Southwood Shared Resource Center is *an agency* established within the department ~~of Management Services~~ for administrative purposes only.

(1) The center is designated as a primary data center and shall be a separate budget entity that is not subject to control, supervision, or direction of the department in any manner, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

~~(2) The Department of Management Services and the center shall identify resources associated with information technology functions which are not related to the support, management, and operation of the data center but which currently exist within the same budget entity as the data center. By October 1, 2008, the center shall submit a budget amendment to transfer resources associated with these functions to the Department of Management Services.~~

(2) ~~(3)~~ The center shall be headed by a board of trustees as provided in s. 282.203, who shall comply with all requirements of that section related to the operation of the center and with the *rules* ~~policies~~ of the Agency for Enterprise Information Technology related to the design and delivery of enterprise information technology services.

Section 12. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "*Enterprise* Security of Data and Information Technology ~~Infrastructure~~ Act."

(2) Information technology security is established as an enterprise information technology service as defined in s. 287.0041.

(3) ~~(2)(a)~~ The *Office of Information Security within the* Agency for Enterprise Information Technology~~, in consultation with each agency head,~~ is responsible for *establishing rules and publishing guidelines* ~~assessing and recommending minimum operating procedures~~ for ensuring an *appropriate* ~~adequate~~ level of security for all data and information technology resources for executive branch agencies ~~created or authorized in statute to perform legislatively delegated functions~~. *The office shall also perform the following duties and responsibilities:*

(a) Develop, and annually update by February 1, an enterprise information security strategic plan that includes security goals and objectives for the strategic issues of information security policy, risk management, training, incident management, and survivability planning.

(b) Develop enterprise security rules and published guidelines for:

1. Comprehensive risk analyses and information security audits conducted by state agencies.

2. Responding to suspected or confirmed information security incidents, including suspected or confirmed breaches of personal information or exempt data.

3. Agency security plans, including strategic security plans and security program plans.

4. The recovery of information technology and data following a disaster.

5. The managerial, operational, and technical safeguards for protecting state government data and information technology resources.

(c) Assist agencies in complying with the provisions of s. 282.318.

(d) Pursue appropriate funding for the purpose of enhancing domestic security.

(e) Provide training for agency information security managers.

(f) Annually review the strategic and operational information security plans of executive branch agencies.

(4) To assist the *Office of Information Security* ~~agency~~ in carrying out *its responsibilities* ~~this responsibility,~~ each agency head shall, at a minimum:

(a) ~~1.~~ Designate an information security manager *to* ~~who shall~~ administer the security program of the agency for its data and information

technology resources. *This designation must be provided annually in writing to the office by January 1.*

(b) Submit to the office annually by July 31, the agency's strategic and operational information security plans developed pursuant to the rules and guidelines established by the office.

1. The agency strategic information security plan must cover a 3-year period and define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the office. Additional issues may be included.

2. The agency operational information security plan must include a progress report for the prior operational information security plan and a project plan that includes activities, timelines, and deliverables for security objectives that, subject to current resources, the agency will implement during the current fiscal year. The cost of implementing the portions of the plan which cannot be funded from current resources must be identified in the plan.

(c) ~~2.~~ Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology *for* ~~in~~ performing postauditing duties.

(d) ~~3.~~ Develop, and periodically update, written internal policies and procedures, which ~~shall~~ include procedures for notifying the *office* ~~Agency for Enterprise Information Technology~~ when *a suspected or confirmed breach, or* an information security incident*,* occurs ~~or data is compromised~~. Such policies and procedures must be consistent with the *rules and guidelines established* ~~standard operating procedures adopted~~ by the *office* ~~Agency for Enterprise Information Technology in order~~ to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from ~~the provisions of~~ s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology *for* ~~in~~ performing postauditing duties.

(e) ~~4.~~ Implement appropriate cost-effective safeguards to *address* ~~reduce, eliminate, or recover from the~~ identified risks to the data, information, and information technology resources of the agency.

(f) ~~5.~~ Ensure that periodic internal audits and evaluations of the agency's security program for the data, information, and information technology resources of the agency are conducted. The results of such ~~internal~~ audits and evaluations are confidential information and exempt from ~~the provisions of~~ s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology *for* ~~in~~ performing postauditing duties.

(g) ~~6.~~ Include appropriate security requirements in the written specifications for the solicitation of information technology and information technology resources *and services,* which are consistent with the *rules and guidelines established* ~~standard security operating procedures adopted~~ by the *office* ~~Agency for Enterprise Information Technology~~.

(h) Provide security awareness training to employees and users of the agency's communication and information resources concerning information security risks and the responsibility of employees and users to comply with policies, standards, guidelines, and operating procedures adopted by the agency to reduce those risks.

(i) Develop a process for detecting, reporting, and responding to suspected or confirmed security incidents, including suspected or confirmed breaches consistent with the security rules and guidelines established by the office.

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the office.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the office in accordance with this subsection.

(5) ~~(b)~~ *Each* ~~In those instances under this subsection in which the state agency or department develops state contracts, the~~ state agency ~~or department~~ shall include appropriate security requirements in the specifications for the solicitation *of* ~~forstate~~ contracts for procuring information technology or information technology resources *or services which are consistent with the rules and guidelines established by the Office of Information Security*.

~~(3) The Agency for Enterprise Information Technology shall designate a chief information security officer.~~

~~(4) The Agency for Enterprise Information Technology shall develop standards and templates for conducting comprehensive risk analyses and information security audits by state agencies, assist agencies in their compliance with the provisions of this section, pursue appropriate funding provided for the purpose of enhancing domestic security, establish minimum guidelines and procedures for the recovery of information technology following a disaster, and provide training for agency information security managers. Standards, templates, guidelines, and procedures shall be published annually, no later than September 30 each year, to enable agencies to incorporate them in their planning for the following fiscal year.~~

(6) ~~(5)~~ The Agency for Enterprise Information Technology may adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ relating to information security and to administer the provisions of this section.

(7) By December 31, 2010, the Agency for Enterprise Information Technology shall develop, and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a proposed implementation plan for information technology security. The agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing security information technology resources, and develop strategies, timeframes, and resources necessary for statewide migration.

Section 13. Paragraph (b) of subsection (2) of section 282.33, Florida Statutes, is amended to read:

282.33 Objective standards for data center energy efficiency.—

(2) State shared resource data centers and other data centers that the Agency for Enterprise Information Technology has determined will be recipients for consolidating data centers, which are designated by the Agency for Enterprise Information Technology, shall evaluate their data center facilities for energy efficiency using the standards established in this section.

(b) By December 31, 2010, and *biennially* ~~biannually~~ thereafter, the Agency for Enterprise Information Technology shall submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of state *primary* data centers.

Section 14. Section 282.34, Florida Statutes, is created to read:

282.34 Statewide e-mail system.—A state e-mail system that includes the service delivery and support for a statewide e-mail, messaging, and calendaring service is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies and reduce the current cost of operation and support.

(1) The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail system. The center shall centrally host, manage, and operate the e-mail system.

(2) By December 31, 2009, the Agency for Enterprise Information Technology shall submit a proposed plan for the establishment of the e-mail system to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan shall be developed to reduce costs to the state and include, at a minimum:

(a) An analysis of the in-house and external sourcing options that should be considered for delivery and support of the service. The analysis shall include an internally hosted system option, an externally sourced

system option, and, if necessary, a combined in-house and externally sourced option.

(b) A cost-benefit analysis that estimates all major cost elements associated with each sourcing option, including the nonrecurring and recurring costs of each option. The analysis must also include a comparison of the total cost of each enterprise e-mail sourcing option and the total cost of existing e-mail services in order to determine the level of savings that can be expected.

(c) Estimated expenditures for each state agency associated with e-mail costs for the 2009-2010 fiscal year.

(d) The plan must identify any existing e-mail infrastructure that should be considered for reuse.

(e) A concise analysis of the ability of each sourcing option to meet major system requirements, including federal and state requirements for confidentiality, privacy, security, and records retention.

(f) A complete description of the scope of functionality, operations, and required resources associated with each sourcing option.

(g) Recommendations for standardizing the format of state e-mail addresses.

(h) A reliable schedule for the decommissioning of all state agency e-mail systems and the migration of all agencies to the new system beginning by July 1, 2010, and completing by June 30, 2013.

(3) In order to develop the recommended plan for the new system, the Agency for Enterprise Information Technology shall consult with and, as necessary, form workgroups consisting of agency e-mail management staff, agency chief information officers, and agency budget directors. State agencies must cooperate with the Agency for Enterprise Technology in its development of the plan.

(4) Unless authorized by the Legislature or as provided in subsection (5), a state agency shall not:

(a) Initiate a new e-mail service with any entity other than the provider of the statewide e-mail system service;

(b) Terminate a statewide e-mail system service without giving written notice of termination 180 days in advance; or

(c) Transfer e-mail system services from the provider of the statewide e-mail system service.

(5) Exceptions to paragraphs (4)(a), (b), and (c) may be granted by the Agency for Enterprise Information Technology only if the Southwood Shared Resource Center is unable to meet agency e-mail service requirements. Requests for exceptions must be submitted in writing to the Agency for Enterprise Information Technology and include confirmation by the Southwood Shared Resource Center board of trustees that it cannot meet the requesting agency's e-mail service requirements.

Section 15. *The Division of Statutory Revision is requested to create part IV of chapter 282, consisting of sections 282.701 through 282.711, Florida Statutes.*

Section 16. Section 282.701, Florida Statutes, is created to read:

282.701 Short title.—This part may be cited as the "Communication Information Technology Services Act."

Section 17. *Section 282.102, Florida Statues, is transferred and renumbered as section 282.702, Florida Statutes.*

Section 18. Section 282.103, Florida Statutes, is transferred, renumbered as section 282.703, Florida Statutes, and amended to read:

282.703 ~~282.103~~ SUNCOM Network; exemptions from the required use.—

(1) There is created within the department ~~of Management Services~~ the SUNCOM Network, which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to *this part* ~~ss. 282.102-282.111~~. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The *department* ~~State Technology Office~~ shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies and state universities *shall* ~~are required to~~ use the SUNCOM Network for agency and state university communications services as the services become available; however, no agency or university is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency or university, the agency or university shall notify the *department* ~~State Technology Office~~ in writing and detail the requirements for that communications service. If the *department* ~~office~~ is unable to meet an agency's or university's requirements by enhancing SUNCOM Network service, the *department* ~~office~~ may grant the agency or university an exemption from the required use of specified SUNCOM Network services.

Section 19. Section 282.104, Florida Statutes, is transferred, renumbered as section 282.704, Florida Statutes, and amended to read:

282.704 ~~282.104~~ Use of state SUNCOM Network by municipalities.—Any municipality may request the *department* ~~State Technology Office~~ to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and ~~under such~~ conditions as the *department* ~~office~~ may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the *department* ~~office~~. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 20. Section 282.105, Florida Statutes, is transferred, renumbered as section 282.705, Florida Statutes, and amended to read:

282.705 ~~282.105~~ Use of state SUNCOM Network by nonprofit corporations.—

(1) The *department* ~~State Technology Office~~ shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision ~~of the state~~; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision ~~of the state~~ during the ~~period of~~ time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network ~~pursuant to this section~~ shall provide to the *department* ~~office~~, upon request, proof of compliance with subsection (1).

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities *are* ~~shall be~~ eligible to use the state SUNCOM Network, subject to the terms and conditions of the *department* ~~office~~.

(4) Institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 *are* ~~shall be~~ eligible to use the state SUNCOM Network, subject to the terms and conditions of the *department* ~~office~~. Such entities *are* ~~shall~~ not ~~be~~ required to satisfy the other criteria of this section.

(5) Private, nonprofit elementary and secondary schools *are* ~~shall be~~ eligible for rates and services on the same basis as public schools *if such* ~~,~~

~~providing these nonpublic~~ schools do not have an endowment in excess of $50 million.

Section 21. Section 282.106, Florida Statutes, is transferred, renumbered as section 282.706, Florida Statutes, and amended to read:

282.706 ~~282.106~~ Use of SUNCOM Network by libraries.—The *department* ~~State Technology Office~~ may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, state universities, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 22. Section 282.107, Florida Statutes, is transferred and renumbered as section 282.707, Florida Statutes, and amended to read:

282.707 ~~282.107~~ SUNCOM Network; criteria for usage.—

(1) The department ~~of Management Services~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified *under this part* ~~pursuant to ss. 282.102-282.111~~ or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The department ~~of Management Services~~ shall adopt rules for implementing and operating the state SUNCOM Network, which ~~shall~~ include ~~its~~ procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties *before terminating* ~~prior to termination of~~ voice communications service.

(3) ~~Nothing in~~ This section *does not* ~~shall be construed to~~ limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of telecommunications companies.

Section 23. *Section 282.109, Florida Statutes, is transferred and renumbered as section 282.708, Florida Statutes.*

Section 24. Section 282.1095, Florida Statutes, is transferred, renumbered as section 282.709, Florida Statutes, and amended to read:

282.709 ~~282.1095~~ State agency law enforcement radio system and interoperability network.—

(1) The *department* ~~State Technology Office~~ may acquire and *administer* ~~implement~~ a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels. ~~The Joint Task Force on State Agency Law Enforcement Communications is established in the State Technology Office to advise the office of member agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the State Technology Office. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.~~

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards to be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The department shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all common system equipment.

(c)1. The department may rent or lease space on any tower under its control and refuse to lease space on any tower at any site.

2. The department may rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for the use of such space shall be established by the department for each site if it is determined to be practicable and feasible to make space available.

3. The department may rent, lease, or sublease ground space on lands acquired by the department for the construction of privately owned or publicly owned towers. The department may, as a part of such rental, lease, or sublease agreement, require space on such towers for antennae as necessary for the construction and operation of the state agency law enforcement radio system or any other state need.

4. All moneys collected by the department for rents, leases, and subleases under this subsection shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund established in subsection (3) and may be used by the department to construct, maintain, or support the system.

5. The positions necessary for the department to accomplish its duties under this subsection shall be established in the General Appropriations Act and funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.

(d) The department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

1. In implementing such powers and duties, the department shall consult and act in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

2. The department may make the mutual aid channels available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security.

(e) The department may allow other state agencies to use the statewide radio communications system under terms and conditions established by the department.

(2) *The Joint Task Force on State Agency Law Enforcement Communications is created adjunct to the department to advise the department of member-agency needs relating to the planning, designing, and establishment of the statewide communication system.*

(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. *A* ~~Any~~ joint task force member may, upon notification to the chair *before* ~~prior to~~ the beginning of any scheduled meeting, appoint an alternative to re-

present the member on the task force and vote on task force business in his or her absence.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The department shall provide technical support to the joint task force.

~~(f) The State Technology Office is hereby authorized to rent or lease space on any tower under its control. The office may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the office for each site, when it is determined to be practicable and feasible to make space available. The office may refuse to lease space on any tower at any site. All moneys collected by the office for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the office to construct, maintain, or support the system.~~

~~(g) The State Technology Office is hereby authorized to rent, lease, or sublease ground space on lands acquired by the office for the construction of privately owned or publicly owned towers. The office may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the office to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.~~

~~(h) The State Technology Office may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The office shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The office shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.~~

(3) *The State Agency Law Enforcement Radio System Trust Fund is established in the department and funded from surcharges collected under ss. 318.18, 320.0802 and 328.72.* Upon appropriation, moneys in the trust fund may be used by the *department* ~~office~~ to acquire by competitive procurement the equipment*,* ~~;~~ software*,* ~~;~~ and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. *318.18,* 320.0802*,* and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the *department* ~~office to provide~~ for payment of the recurring maintenance costs of the system.

~~(4)(a) The office shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.~~

~~(b) The joint task force, in consultation with the office, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.~~

~~(5) The office shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.~~

(4) ~~(6)(a)~~ The *department* ~~State Technology Office~~ may create and *administer* ~~implement~~ an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security.

(a) The *department* ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The office may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The *department* ~~State Technology Office~~ may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The *department* ~~State Technology Office~~, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 25. Section 282.111, Florida Statutes, is transferred, renumbered as section 282.710, Florida Statutes, and amended to read:

282.710 ~~282.111~~ Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime ~~generally~~. To this end, all law enforcement agencies within the state are directed to provide the *department* ~~State Technology Office~~ with any information the *department* ~~office~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The *department* ~~State Technology Office~~ is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the *department* ~~office~~ shall divide the state into appropriate regions and shall develop a program *that includes* ~~which shall include~~, but *is* not ~~be~~ limited to~~, the following provisions~~:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision *that depicts* ~~which shall depict~~ the communication interfaces between municipal, county, and state law enforcement entities *operating* ~~which operate~~ within the region.

(c) *A* frequency allocation and use provision *that includes* ~~which shall include~~, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The *department* ~~office~~ shall adopt any necessary rules and regulations for *administering* ~~implementing~~ and coordinating the statewide system of regional law enforcement communications.

(4) The *secretary of the department* ~~Chief Information Officer of the State Technology Office~~ or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, *may* ~~is authorized to~~ coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) *A* ~~No~~ law enforcement communications system *may not* ~~shall~~ be established or ~~present system~~ expanded without the prior approval of the *department* ~~State Technology Office~~.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the *department* ~~State Technology Office~~ in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 26. Section 282.21, Florida Statutes, is transferred, renumbered as section 282.711, Florida Statutes, and amended to read:

282.711 ~~282.21~~ ~~The State Technology Office's~~ *Remote* electronic access services.—The *department* ~~State Technology Office~~ may collect fees for providing remote electronic access pursuant to s. 119.07(2). The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 27. *Section 282.22, Florida Statutes, is repealed.*

Section 28. Paragraph (h) is added to subsection (3) of section 287.042, Florida Statutes, and paragraph (b) of subsection (4) and subsections (15) and (16) of that section are amended, to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(3) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(h) Development, in consultation with the Agency Chief Information Officers Council, of procedures to be used by state agencies when procuring information technology commodities and contractual services to ensure compliance with public-records requirements and records-retention and archiving requirements.

(4)

(b) To prescribe, in consultation with the *Agency Chief Information Officers Council* ~~State Technology Office~~, procedures for procuring information technology and information technology consultant services which provide for public announcement and qualification, competitive solicitations, contract award, and prohibition against contingent fees. Such procedures shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.

(15)~~(a)~~ To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies. ~~However, the department shall consult with the State Technology Office on joint agreements that involve the purchase of information technology. Agencies entering into joint purchasing agreements with the department or the State Technology Office shall authorize the department or the State Technology Office to contract for such purchases on their behalf.~~

(a) ~~(b)~~ Each agency that has been appropriated or has existing funds for *such purchase* ~~the purchases~~, shall, upon contract award by the department, transfer their portion of the funds into the department's Operating Trust Fund for payment by the department. *The* ~~These~~ funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

(b) ~~(c)~~ Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If *an* ~~any~~ agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency's available funds. The Chief Financial Officer shall report ~~all of~~ these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

(16)~~(a)~~ To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, *if* ~~when~~ it is determined in writing to be cost-effective and in the best interest of the state, to enter into a written agreement authorizing an agency to make purchases under *such* ~~a~~ contract ~~approved by the department and let by the Federal Government, another state, or a political subdivision~~.

~~(b) For contracts pertaining to the provision of information technology, the State Technology Office, in consultation with the department, shall assess the technological needs of a particular agency, evaluate the contracts, and determine whether to enter into a written agreement with the letting federal, state, or political subdivision body to provide information technology for a particular agency.~~

Section 29. Subsection (9) of section 1004.52, Florida Statutes, is amended to read:

1004.52 Community computer access grant program.—

(9) The institute~~, based upon guidance from the State Technology Office and the state's Chief Information Officer,~~ shall establish minimum requirements governing the specifications and capabilities of any computers purchased with funds awarded under this grant program.

Section 30. *Rules 60DD-1, 60DD-4, 60DD-5, 60DD-6, 60DD-7, and 60DD-8, Florida Administrative Code, are repealed, and the Department of State is directed to remove these rules from the Florida Administrative Code. Rule 60DD-2, Florida Administrative Code, is transferred to the Agency for Enterprise Information Technology.*

Section 31. Section 17 of chapter 2008-116, 2008 Laws of Florida, is amended to read:

Section 17. All data center functions performed, managed, operated, or supported by state agencies with resources and equipment currently located in a state primary data center created by this act, excluding application development, shall be transferred to the primary data center and that agency shall become a full-service customer entity by July 1, 2010. All resources and equipment located in the primary data center shall be operated, managed, and controlled by the primary data center. *The primary data center in which such resources and equipment are located shall be the custodian of such resources and equipment for purposes of chapter 273, Florida Statutes.* Data center functions include, but are not limited to, *responsibility for* all data center hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, ~~production control,~~ backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services.

(1) To accomplish the transition, each state agency that is a customer entity of a primary data center shall:

(a) By October 1, 2009, submit a plan to the board of trustees of the appropriate primary data center describing costs and resources currently used to manage and maintain hardware and operating and support software housed at the primary data center, and a plan for transferring all resources allocated to data center functions to the primary data center. The plan shall:

1. Include the itemized expenditures for all of the related equipment and software in the previous 5 fiscal years.

2. Propose averages or weighted averages for transferring spending authority related to equipment and software based upon spending in the previous 5 fiscal years and projected needs for the upcoming 2 fiscal years.

(b) Submit with its 2010-2011 legislative budget request budget adjustments necessary to accomplish the transfers. These adjustments shall include budget requests to replace existing spending authority in

the appropriations categories used to manage, maintain, and upgrade hardware, operating software, and support software with an amount in a single appropriation category to pay for the services of the primary data center.

(2) The board of trustees of each primary data center shall:

(a) Be responsible for the efficient transfer of resources in user agencies relating to the provision of full services and shall coordinate the legislative budget requests of the affected agencies.

(b) Include in its 2010-2011 legislative budget request additional budget authority to accommodate the transferred functions.

(c) Develop proposed cost-recovery plans for its customer entities at its annual budget meeting held before July 1, 2010, using the principles established in s. 282.203, Florida Statutes.

Section 32. Subsection (17) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(17) In addition to any penalties imposed, a surcharge of $3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in *s. 282.709* ~~s. 282.1095~~, and to provide technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications, as described in *s. 282.710* ~~s. 282.111~~. This subsection expires July 1, 2012. The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for ~~the purposes of~~ managing, administering, and overseeing the Statewide Law Enforcement Radio System, and providing technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications. The Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

Section 33. Subsection (4) of section 393.002, Florida Statutes, is amended to read:

393.002 Transfer of Florida Developmental Disabilities Council as formerly created in this chapter to private nonprofit corporation.—

(4) *The* ~~This~~ designated nonprofit corporation *is* ~~shall be~~ eligible to use the state communications system in accordance with *s. 282.705(3)* ~~s. 282.105(3)~~.

Section 34. Paragraph (a) of subsection (2) of section 1001.26, Florida Statutes, is amended to read:

1001.26 Public broadcasting program system.—

(2)(a) The Department of Education is responsible for implementing the provisions of this section pursuant to *s. 282.702* ~~s. 282.102~~ and may employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this section.

Section 35. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to information technology; amending s. 11.90, F.S.; deleting an obsolete provision relating to duties of the Legislative Budget Commission; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; requiring the agency to complete certain duties relating to a proposed enterprise information technology services plan by a specified date; creating the Office of Information Security within the agency; designating the Chief Information Security Officer as head of the office and who reports to the executive director of the agency; amending 20.315, F.S., relating to the offender-based information system; deleting obsolete provisions; amending s. 110.205, F.S.; revising certain positions relating to the obsolete State Technology Office that are exempted from career service; amending s. 282.003, F.S.; renaming the Information Technology Resources Management Act as the "Enterprise Information Technology Services Management Act"; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to proposed enterprise information technology services submitted by the agency; deleting the requirement that the agency develop a migration plan; amending s. 282.201, F.S.; revising the duties of the agency; specifying the requirements for obtaining an exception to the limitations on agencies relating to computer services; amending s. 282.203, F.S.; providing an additional duty for a state primary data center; revising the date for appointing a board of trustees of a primary data center; revising the method for determining representation on the board of trustees; revising the role on the board of the executive director of the Agency for Enterprise Information Technology; allowing board membership resulting from consolidations to be adjusted in the appropriations act; providing an additional duty of the board; amending s. 282.204, F.S.; deleting obsolete provisions; providing that the Northwood Shared Resource Center is an agency established with the Department of Children and Family Services; authorizing the secretary of the department to appoint a temporary chair of the center's board of trustees; requiring the agency and the department to identify and transfer department resources by budget amendment; amending s. 282.205, F.S.; deleting obsolete provisions relating to the Southwood Shared Resource Center; amending s. 282.318, F.S.; renaming the Security of Data and Information Technology Infrastructure Act as the "Enterprise Security of Data and Information Technology Act"; providing that information technology security is an enterprise information technology service; substituting the Office of Information Security for the agency and revising the associated duties related to information technology security; requiring the agency to submit a plan for information technology security to the Legislature and Governor by a certain date; amending s. 282.33, F.S.; specifying that the Agency for Enterprise Information Technology shall make recommendations relating to the efficiency of state primary data centers; creating s. 282.34, F.S.; establishing a state e-mail system as an enterprise information technology service; directing the Southwood Shared Resource Center to manage and operate the system; directing the agency to conduct an analysis of such service by a certain date and establish a workgroup to develop an implementation plan; prohibiting a state agency from terminating such service unless authorized by the Legislature; requesting the Division of Statutory Revision to create part IV of ch. 282, F.S.; creating s. 282.701, F.S.; providing a short title; transferring and renumbering s. 282.102, F.S., relating to the powers of the Department of Management Services with respect to a state communication system; transferring, renumbering, and amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S., relating to the SUNCOM system; substituting the department for the State Technology Office; transferring and renumbering s. 282.109, F.S., relating to the emergency control of the state communications system; transferring, renumbering, and amending ss. 282.1095 and 282.111, F.S., relating to the communications system for law enforcement agencies; substituting the department for the State Technology Office; transferring, renumbering, and amending s. 282.21, F.S., relating to remote electronic access; substituting the department for the State Technology Office; repealing s. 282.22, F.S., relating to materials and products acquired or developed by the State Technology Office; amending s. 287.042, F.S.; revising the duties of the department to include the development of procedures that ensure certain records requirements; deleting the requirement that the department consult with the office on agreements for the joint purchase of information technology; deleting a requirement for the department and office to access certain contracts; amending s. 1004.52, F.S.; deleting the requirement that the Institute on Urban Policy and Commerce consult with the office and the Chief Information Officer on requirements for computers purchased for the community computer access grant program; repealing and transferring certain administrative rules relating to the State Technology Office; amending s. 17, chapter 2008-116, Laws of Florida; providing that a state primary data center is the custodian of resources and equipment located in the data center for the purposes of ch. 272, F.S.; amending ss. 318.18, 393.002, and 1001.26, F.S.; conforming cross-references; providing an effective date.

On motion by Senator Haridopolos, the Conference Committee Report on **CS for SB 2574** was adopted. **CS for SB 2574** passed as amended by

the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 2694

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 2694, same being:

An act relating to state financial matters

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (444982) to CS for CS for SB 2694 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair

s/ David Rivera
Chair

s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (444982)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 216.311, Florida Statutes, is amended to read:

216.311 Unauthorized contracts ~~in excess of appropriations~~; penalty.—

(1) *An* ~~No~~ agency or branch of state government *may not enter into any* ~~shall~~ contract ~~to spend,~~ or ~~enter into any~~ agreement*:*

(a) To spend~~,~~ any moneys in excess of the amount appropriated to such agency or branch unless specifically authorized by law~~, and any contract or agreement in violation of this chapter shall be null and void~~.

(b) That requires the state to pay liquidated damages or early termination fees for a breach or early termination of a contract or agreement by such agency or branch due to an act of the Legislature which provides less than full funding for the contract during the fiscal year.

(c) That requires the state to pay interest, other than interest paid pursuant to s. 215.422, to another party because the agency or branch has insufficient budget authority to pay the underlying obligation of the contract or agreement in the current year.

(d) That binds the state to make future-year payments to offset payments not made in a prior year due to insufficient budget authority, unless the Legislature expressly authorizes the agency or branch to enter into such contract or agreement.

(e) To grant to any party the right or privilege to collect and retain fees or other revenues from persons who are not a party to the contract which would otherwise be payable to the state and deposited into the State Treasury, unless the Legislature expressly authorizes the agency or branch to enter into such contract or agreement.

(2) Notwithstanding any law authorizing an agency to enter into a lease, an agency may not enter into a lease or lease-purchase agreement for tangible personal property which requires the state to pay more than $500,000 over the term of the lease or agreement if the term of the lease or agreement exceeds 1 fiscal year unless such lease or agreement is expressly authorized by the Legislature.

(3) Any contract or agreement in violation of this section is null and void.

(4)~~(2)~~ Any *public officer or employee* ~~person~~ who willfully *enters into a contract or other agreement in violation of this section commits* ~~contracts to spend, or enters into an agreement to spend, any money in excess of the amount appropriated to the agency or branch for whom the contract or agreement is executed is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Notwithstanding subsection (1), the following agencies may enter into the following contracts or agreements:

(a) In order to spend funds appropriated for the approved 5-year work program, the Department of Transportation may enter into contracts and other agreements that require the state to pay liquidated damages as a result of a breach of those contracts or agreements.

(b) In order to administer the state group insurance program as provided in s. 110.123, the Department of Management Services may enter into contracts and other agreements that permit health care providers, health maintenance organizations, preferred provider organizations, and insurers to collect premiums and copayments from participants in the group insurance program.

(c) In order to administer the state Medicaid plan and the Florida Healthy Kids program, the Agency for Health Care Administration may enter into contracts and other agreements that permit health care providers to collect premiums and copayments from participants in the Medicaid plan and the Healthy Kids program.

(6) Notwithstanding subsection (2), in order to administer the real estate and other investment portfolios as provided in s. 215.47, the State Board of Administration may enter into contracts and such other agreements that are necessary to carry out the investment duties of the board.

(7) For purposes of this section and ss. 216.312 and 216.313, the terms "contract" and "agreement" include the initial contract or agreement, any amendment to the contract or agreement, and any extension or renewal of the contract or agreement.

Section 2. Section 216.312, Florida Statutes, is created to read:

216.312 Reporting contract expenditures.—

(1) At least 30 days before an executive or judicial branch public officer or employee enters into any contract or agreement, or any series of contracts or agreements between the same parties, on behalf of the state which requires payments by the state in excess of $10 million in any fiscal or calendar year, the officer or employee must notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of the intent to enter into such contract or agreement or series of contracts or agreements.

(2) At least 30 days before an executive or judicial branch public officer or employee enters into any contract or agreement on behalf of the state which requires minimal or no payments by the state or authorizes the other party to make expenditures in anticipation of revenues, the officer or employee must notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of the intent to enter into such contract or agreement.

(3) At least 30 days before an executive or judicial branch public officer or employee enters into any contract or agreement on behalf of the state which requires initial expenditures by the other party and for which the other party will not receive payment from the state within 180 days after the expenditure, the officer or employee must notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of the intent to enter into such contract or agreement.

(4) The execution of any contract or agreement described in this section is an action or proposed action that is subject to s. 216.177(2)(b).

Section 3. Section 287.0582, Florida Statutes, is transferred and renumbered as section 216.313, Florida Statutes, and amended to read:

216.313 ~~287.0582~~ *Contract appropriations* ~~Contracts which require annual appropriation~~; contingency statement.—

(1) An executive or judicial branch public officer or employee may not enter into any contract or agreement on behalf of the state or judicial branch which binds the state or its executive agencies or the judicial branch for the purchase of services or tangible personal property unless the contract identifies the specific appropriation of state funds from which the state will make payment under the contract in the first year of the contract, or unless the Legislature expressly authorizes the agency or the judicial branch to enter into such contract absent a specific appropriation of funds.

(2) An ~~No~~ executive *or judicial* branch public officer or employee *may not* ~~shall~~ enter into any contract *or agreement* on behalf of the state~~,~~ which ~~contract~~ binds the state ~~or its executive agencies~~ for the purchase of services or tangible personal property ~~for a period in excess of 1 fiscal year,~~ unless the following *statements are* ~~statement is~~ included in the contract:

(a) "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(b) "This contract may be terminated by the state upon 30 days' written notice if funding for this contract is specifically eliminated pursuant to:

1. A deficit reduction plan implemented by the Governor or the Chief Justice or by an act of the Legislature after certification pursuant to section 216.221, Florida Statutes, that a deficit will occur in the General Revenue Fund; or

2. A deficit reduction plan implemented by the Governor or Chief Justice pursuant to section 216.221(10), Florida Statutes, or by an act of the Legislature, after a determination by the Chief Financial Officer that a deficit will occur with respect to the appropriations from a specific trust fund in the current fiscal year."

(3) A contract or other agreement that exceeds:

(a) The CATEGORY TWO threshold amount provided in s. 287.017 must be signed by the agency head, executive director, or chief judge, as appropriate, or a designated senior management employee.

(b) A term of 12 months may not be executed by any executive or judicial branch agency unless the agency head, executive director, or chief judge, as appropriate, determines that the contract is in compliance with the requirements of this chapter and certifies such compliance in writing within the contract or agreement.

(c) The CATEGORY FIVE threshold amount provided in s. 287.017 must require the written acceptance or rejection of contract deliverables.

(4) Any contract or other agreement in violation of this section is null and void.

(5) Any public officer or employee who willfully enters into a contract or other agreement in violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (4) of section 287.063, Florida Statutes, is amended to read:

287.063 Deferred-payment commodity contracts; preaudit review.—

(4) *Beginning July 1, 2009, an agency may not enter into a lease or deferred payment purchase arrangement for the acquisition of equipment that has a total cost greater than $500,000 unless the Legislature has expressly authorized such lease or deferred payment purchase arrangement in the General Appropriations Act.* ~~For purposes of this section, deferred payment commodity contracts for replacing the state accounting and cash management systems may include equipment, accounting software, and implementation and project management services.~~

Section 5. Subsection (9) of section 287.064, Florida Statutes, is amended to read:

287.064 Consolidated financing of deferred-payment purchases.—

(9) *Beginning July 1, 2009, an agency may not enter into amaster equipment financing agreement that has a total cost exceeding $500,000 unless the Legislature has expressly authorized such agreement in the General Appropriations Act.* ~~For purposes of this section, deferred payment commodity contracts for replacing the state accounting and cash management systems may include equipment, accounting software, and implementation and project management services.~~

Section 6. This act shall take effect July 1, 2009, and applies to initial contracts and agreements, amendments to a contract or agreement, and extensions or renewals of a contract or agreement which are executed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state financial matters; amending s. 216.311, F.S.; prohibiting an agency or branch of state government from contracting to pay, without legislative authority, liquidated damages or early termination fees resulting from the breach or early termination of a contract or agreement, from contracting to pay interest because of insufficient budget authority to pay an obligation in the current year, from obligating the state to make future payments to cover unpaid payments, or from granting to a party the right to collect fees or other revenues from nonparties; providing that such contracts are null and void; prohibiting an agency from entering into certain lease or lease-purchase agreements unless expressly authorized by the Legislature; providing exceptions for certain agency contracts or agreements; authorizing the State Board of Administration to enter into contracts and other agreements that are necessary to carry out the investment duties of the board; defining the terms "contract" and "agreement"; creating s. 216.312, F.S.; requiring the executive and judicial branch to notify the Governor and the Legislature before entering into contracts or agreements in excess of a certain amount, which authorize expenditures in anticipation of revenues, or for which payment is delayed for a certain time after expenditure; transferring, renumbering, and amending s. 287.0582, F.S.; requiring a state contract to identify the appropriation that funds the contract; providing an exception; expanding the statement that must be included in state contracts to include grounds for terminating the contract based on budget deficits; requiring the judicial branch to include the statement in its contracts; providing an exception; requiring the agency head, executive director, or chief judge, as appropriate, or a designated senior management employee to sign contracts that exceed a certain amount; requiring the agency head, executive director, or chief judge to review certain contracts and certify compliance with ch. 216, F.S.; requiring contracts exceeding a specified amount to require written acceptance or rejection of contract deliverables; providing that contracts in violation of these provisions are null and void; providing penalties; amending s. 287.063, F.S.; prohibiting certain lease or deferred payment purchases by state agencies unless expressly authorized by the Legislature in the appropriations act; amending s. 287.064, F.S.; prohibiting certain master equipment financing agreements unless expressly authorized by the Legislature in the appropriations act; providing for application; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for CS for SB 2694** was adopted. **CS for CS for SB 2694** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Alexander	Altman
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Smith
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Oelrich	
Gaetz	Peaden	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1720

The Honorable Jeff Atwater
President of the Senate

May 6, 2009

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1720, same being:

An act relating to trust funds

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (566108) to CS for SB 1720 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard

s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (566108)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Capital Collateral Regional Counsel Trust Fund.*—

(1) The Capital Collateral Regional Counsel Trust Fund is created within the Justice Administrative Commission. Moneys credited to the trust fund shall be used for the purpose of funding the activities of the capital collateral regional counsels.

(2) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Capital Collateral Regional Counsel Trust Fund shall, unless terminated sooner, be terminated on July 1, 2013. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

Section 2. Paragraph (a) of subsection (3) of section 27.702, Florida Statutes, is amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(3)(a) The capital collateral regional counsel shall file motions seeking compensation for representation and reimbursement for expenses pursuant to 18 U.S.C. s. 3006A when providing representation to indigent persons in the federal courts, and shall deposit all such payments received into the *Capital Collateral Regional Counsel Trust* ~~General Revenue~~ Fund.

Section 3. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating the Capital Collateral Regional Counsel Trust Fund; specifying the purposes of the trust fund; providing for future review and termination or re-creation of the trust fund; amending s. 27.702, F.S.; providing for the deposit of funds reimbursing the state for representation of certain indigent persons into the Capital Collateral Regional Counsel Trust Fund; providing an effective date.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 1720** was adopted. **CS for SB 1720** as amended by the Conference Committee Report passed by the required constitutional three-fifths vote of the membership and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1722

The Honorable Jeff Atwater
President of the Senate

May 6, 2009

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1722, same being:

An act relating to the Department of Corrections

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (572382) to CS for SB 1722 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich

s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (572382)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsection (10) of section 775.082, Florida Statutes, is renumbered as subsection (11), and a new subsection (10) is added to that section, to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(10) If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third-degree felony but not a forcible felony as defined in s. 776.08, and excluding any third-degree felony violation under chapter 810, and if the total sentence points pursuant to s. 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to this section.

Section 2. Section 921.00241, Florida Statutes, is created to read:

921.00241 Prison diversion program.—

(1) Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2009, a court may divert from the state correctional system an offender who would otherwise be sentenced to a state facility by sentencing the offender to a nonstate prison sanction as provided in subsection (2). An offender may be sentenced to a nonstate prison sanction if the offender meets all of the following criteria:

(a) The offender's primary offense is a felony of the third degree.

(b) The offender's total sentence points score, as provided in s. 921.0024, is not more than 48 points, or the offender's total sentence points score is 54 points and six of those points are for a violation of probation, community control, or other community supervision, and do not involve a new violation of law.

(c) The offender has not been convicted or previously convicted of a forcible felony as defined in s. 776.08, but excluding any third-degree felony violation under chapter 810.

(d) The offender's primary offense does not require a minimum mandatory sentence.

(2) If the court elects to impose a sentence as provided in this section, the court shall sentence the offender to a term of probation, community control, or community supervision with mandatory participation in a prison diversion program of the Department of Corrections if such program is funded and exists in the judicial circuit in which the offender is sentenced. The prison diversion program shall be designed to meet the unique needs of each judicial circuit and of the offender population of that circuit. The program may require residential, nonresidential, or day reporting requirements, substance abuse treatment, employment, restitution, academic or vocational opportunities, or community service work.

(3) The court that sentences a defendant to a nonstate prison sanction pursuant to subsection (2) shall make written findings that the defendant meets the criteria in subsection (1) and the sentencing order must indicate that the offender was sentenced to the prison diversion program pursuant to subsection (2). The court may order the offender to pay all or a portion of the costs related to the prison diversion program if the court determines that the offender has the ability to pay.

Section 3. Paragraph (a) of subsection (3) of section 944.10, Florida Statutes, is amended to read:

944.10 Department of Corrections to provide buildings; sale and purchase of land; contracts to provide services and inmate labor.—

(3)(a) The department may enter into lease-purchase agreements to provide correctional facilities for the housing of state inmates. However, no such lease-purchase agreement shall be entered into without specific legislative authorization of that agreement, and funds must be specifically appropriated for each lease-purchase agreement. The facilities provided through such agreements shall meet the program plans and specifications of the department. The department may enter into such lease agreements with private corporations and other governmental entities. However, notwithstanding the provisions of s. 255.25(3)(a), *the department may not enter into* ~~no~~ such lease agreement ~~may be entered into~~ except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder*, unless the lease-purchase agreement is entered into with the Department of Management Services, the Florida Correctional Finance Corporation, or the successors or assignees of either*.

Section 4. *The amendments to s. 944.10(3)(a), Florida Statutes, made by this act shall expire July 1, 2010, and the text of that paragraph shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 5. Section 944.171, Florida Statutes, is created to read:

944.171 Housing of inmates.—

(1) Notwithstanding s. 944.17, the department may contract with county or municipal facilities for the purpose of housing inmates committed to the department.

(a) Notwithstanding ss. 944.17 and 944.1905, before transferring a state inmate to another facility as authorized under this section, the inmate must be reclassified and scored as to custody risk based on the current offense and not on prior criminal history. Upon return to a state correctional institution, the inmate must be reclassified based on ss. 944.17 and 944.1905.

(b) Any inmate placed in another facility under this section remains under the jurisdiction of the department.

(2) Notwithstanding s. 944.17, the department may enter into contracts with another state, a political subdivision of another state, or a correctional management services vendor in another state for the transfer and confinement in that state of inmates who have been committed to the custody of the department.

(a) Any such contract must include:

1. A termination date.

2. Provisions concerning the costs of inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs, or treatment, including those costs not reasonably included as part of normal maintenance.

3. Provisions concerning participation in programs of inmate employment, if any, the disposition or crediting of any payments received by inmates on account of employment, and the crediting of proceeds or disposal of any products resulting from employment.

4. Provisions for the delivery and retaking of inmates.

5. A provision for a waiver of extradition by the parties to the contract.

6. Retention of jurisdiction of the inmates transferred by Florida.

7. Regular reporting procedures concerning Florida inmates by officials of the state, political subdivision, or correctional management services vendor with which the department is contracting.

8. Provisions concerning procedures for community supervision, including probation, parole, conditional release, and discharge.

9. The same standards of reasonable and humane care as the inmates would receive in an appropriate institution in this state.

10. Any other matters that are necessary and appropriate to establish the obligations, responsibilities, and rights of Florida and the state, political subdivision, or correctional management services vendor with which the department is contracting.

(b) Inmates from Florida state prisons while in an institution in another state are subject to all the laws and rules concerning the confinement of persons committed for violations of the laws of that state, except that the sentence must be executed consistent with the sentencing and gain-time laws of this state and except as otherwise provided for by any contract entered into under this section.

(c) The Florida Parole Commission shall conduct any parole hearing for an inmate confined under a contract pursuant to this section according to the rules of the commission.

(d) Contracts under this section shall be procured in accordance with s. 287.057.

(3) Any beds contracted under this section shall be added to the total capacity of the correctional system as defined in s. 944.023, notwithstanding any law to the contrary.

(4) In making placements authorized by this section, the department shall consider, to the extent possible, the proximity of the receiving facility to the inmate's family, consistent with s. 944.8031.

(5) The Department of Corrections may adopt rules to administer this section.

Section 6. Paragraph (a) of subsection (1) of section 945.6037, Florida Statutes, is amended to read:

945.6037 Nonemergency health care; inmate copayments.—

(1)(a) ~~Effective October 1, 1997,~~ For each nonemergency visit by an inmate to a health care provider which ~~visit~~ is initiated by the inmate, the inmate must make a copayment of *$5* ~~$4~~. A copayment may not be charged for the required initial medical history and physical examination of the inmate.

Section 7. Section 945.604, Florida Statutes, is created to read:

945.604 Medical claims.—

(1) DEFINITION OF "CLAIM."—As used in this section, for a noninstitutional health care provider the term "claim" means a paper or electronic billing instrument submitted to the department which consists of the HCFA 1500 data set, or its successor, and has all mandatory entries for a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 463 or a psychologist licensed under chapter 490, or any appropriate billing instrument that has all mandatory entries for any other noninstitutional health care provider. For an institutional health care provider, the term "claim" means a paper or electronic billing instrument submitted to the department which consists of the UB-92 data set, or its successor, with entries stated as mandatory by the National Uniform Billing Committee.

(2) SUBMISSION DATE.—Claims for payment or underpayment are considered submitted on the date the claim for payment is mailed or electronically transferred to the department by the health care provider. Claims for overpayment are considered submitted on the date the claim for overpayment is mailed or electronically transferred to the health care provider by the department.

(3) CLAIMS FOR PAYMENT OR UNDERPAYMENT.—

(a) Claims for payment or underpayment must be submitted to the department within 6 months after the following have occurred:

1. The discharge of the inmate for inpatient services rendered to the inmate or the date of service for outpatient services rendered to the inmate; and

2. The health care provider has been furnished with the correct name and address of the department.

(b) Claims for payment or underpayment must not duplicate a claim previously submitted unless it is determined the original claim was not received or is otherwise lost.

(c) The department is not obligated to pay claims for payment or underpayment which were not submitted in accordance with paragraph (a).

(4) CLAIMS FOR OVERPAYMENT.—

(a) If the department determines that it has made an overpayment to a health care provider for services rendered to an inmate, it must make a claim for such overpayment to the provider's designated location. The department shall provide a written or electronic statement specifying the basis for overpayment. The department must identify the claim or claims, or overpayment claim portion thereof, for which a claim for overpayment is submitted.

(b) The department must submit a claim for overpayment to a health care provider within 30 months after the department's payment of the claim, except that claims for overpayment may be submitted beyond that time from providers convicted of fraud pursuant to s. 817.234.

(c) Health care providers are not obligated to pay claims for overpayment which were not submitted in accordance with paragraph (b).

(d) A health care provider must pay, deny, or contest the department's claim for overpayment within 40 days after the receipt of the claim for overpayment.

(e) A health care provider that denies or contests the department's claim for overpayment or any portion of a claim shall notify the department, in writing, within 40 days after the provider receives the claim. The notice that the claim for overpayment is denied or contested must identify the contested portion of the claim and the specific reason for contesting or denying the claim and, if contested, must include a request for additional information.

(f) All contested claims for overpayment must be paid or denied within 120 days after receipt of the claim. Failure to pay or deny the claim for overpayment within 140 days after receipt creates an uncontestable obligation to pay the claim.

(g) The department may not reduce payment to the health care provider for other services unless the provider agrees to the reduction or fails to respond to the department's claim for overpayment as required by this subsection.

(5) NONWAIVER OF PROVISIONS.—The provisions of this section may not be waived, voided, or nullified by contract.

Section 8. Section 945.6041, Florida Statutes, is created to read:

945.6041 Inmate medical services.—

(1) As used in this section, the term:

(a) "Emergency medical transportation services" includes, but is not limited to, services rendered by ambulances, emergency medical services vehicles, and air ambulances as those terms are defined in s. 401.23.

(b) "Health care provider" has the same meaning as provided in s. 766.105.

(2) Compensation to a health care provider to provide inmate medical services may not exceed 110 percent of the Medicare allowable rate if the health care provider does not have a contract to provide services with the department or the private correctional facility, as defined in s. 944.710, which houses the inmate. However, compensation to a health care provider may not exceed 125 percent of the Medicare allowable rate if:

(a) The health care provider does not have a contract to provide services with the department or the private correctional facility, as defined in s. 944.710, which houses the inmate; and

(b) The health care provider reported a negative operating margin for the previous year to the Agency for Health Care Administration through hospital-audited financial data.

(3) Compensation to an entity to provide emergency medical transportation services for inmates may not exceed 110 percent of the Medicare allowable rate if the entity does not have a contract with the department or a private correctional facility, as defined in s. 944.710, to provide the services.

(4) This section does not apply to charges for medical services provided at a hospital operated by the department.

Section 9. Paragraph (b) of subsection (7) of section 947.1405, Florida Statutes, is amended to read:

947.1405 Conditional release program.—

(7)

(b) For a releasee whose crime was committed on or after October 1, 1997, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:

1. As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. The polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and at the expense of the sex offender. The results of the ~~polygraph~~ examination *may* ~~shall~~ not be used as evidence in a hearing to prove that a violation of supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.

5. Electronic monitoring of any form when ordered by the commission. *Any person who has been placed under supervision and is electronically monitored by the department must pay the department for the cost of the electronic monitoring service at a rate that may not exceed the full cost of the monitoring service. Funds collected under this subparagraph shall be deposited into the General Revenue Fund. The department may exempt a person from the payment of all or any part of the electronic monitoring service cost if the department finds that any of the factors listed in s. 948.09(3) exist.*

Section 10. Subsection (1) of section 948.01, Florida Statutes, is amended to read:

948.01 When court may place defendant on probation or into community control.—

(1) Any *state* court ~~of the state~~ having original jurisdiction of criminal actions may at a time to be determined by the court, ~~either~~ with or without an adjudication of the guilt of the defendant, hear and determine the question of the probation of a defendant in a criminal case, except for an offense punishable by death, who has been found guilty by the verdict of a jury, has entered a plea of guilty or a plea of nolo contendere, or has been found guilty by the court trying the case without a jury.

(a) If the court places the defendant on probation or into community control for a felony, the department shall provide immediate supervision by an officer employed in compliance with the minimum qualifications for officers as provided in s. 943.13. ~~In no circumstances shall~~ A private entity *may not* provide probationary or supervision services to felony or misdemeanor offenders sentenced or placed on probation or other supervision by the circuit court.

(b) The department, in consultation with the Office of the State Courts Administrator, shall develop and disseminate to the courts uniform order of supervision forms by July 1 of each year or as necessary. The courts shall use the uniform order of supervision forms provided by the department for all persons placed on community supervision.

Section 11. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(2) Any person being electronically monitored by the department as a result of *being placed* ~~placement~~ on *supervision* ~~community control~~ shall ~~be required to~~ pay *the department for electronic monitoring services at a rate* ~~as a surcharge an amount~~ that may not exceed the full cost of the monitoring service in addition to the cost of supervision ~~fee~~ as directed by the sentencing court. The *funds collected under this subsection* ~~surcharge~~ shall be deposited in the General Revenue Fund. *The department may exempt a person from paying all or any part of the costs of the electronic monitoring service if it finds that any of the factors listed in subsection (3) exist.*

Section 12. Subsections (5) and (6) of section 948.11, Florida Statutes, are amended to read:

948.11 Electronic monitoring devices.—

(5) Any person being electronically monitored by the department as a result of *being placed* ~~placement~~ on *supervision* ~~community control~~ shall

~~be required to~~ pay *the department for the electronic monitoring services* ~~a surcharge~~ as provided in s. 948.09(2).

(6) For probationers, community controllees, or conditional releasees who have current or prior convictions for violent or sexual offenses, the department, in carrying out a court or commission order to electronically monitor an offender, must use a system that actively monitors and identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations. Procurement of electronic monitoring services under this subsection shall be by *competitive procurement in accordance with* ~~invitation to bid as defined in~~ s. 287.057.

Section 13. Section 957.09, Florida Statutes, is amended to read:

957.09 Applicability of chapter to other provisions of law.—

(1)(a) Any offense that if committed at a state correctional facility would be a crime *is* ~~shall be~~ a crime if committed by or with regard to inmates at private correctional facilities operated pursuant to a contract entered into under this chapter.

(b) All laws relating to commutation of sentences, release and parole eligibility, and the award of sentence credits ~~shall~~ apply to inmates incarcerated in a private correctional facility operated pursuant to a contract entered into under this chapter.

(2) The provisions of this chapter are supplemental to the provisions of ss. 944.105 and 944.710-944.719. However, in any conflict between a provision of this chapter and a provision of such other sections, the provision of this chapter shall prevail.

(3) The provisions of law governing the participation of minority business enterprises are applicable to this chapter.

(4) The provisions of this chapter do not apply to contracts between the department and county and municipal entities, other states, political subdivisions of another state, or correctional management service vendors in another state for the transfer and confinement of state inmates.

Section 14. Paragraph (c) of subsection (5) of section 958.045, Florida Statutes, is amended to read:

958.045 Youthful offender basic training program.—

(5)

(c) The portion of the sentence served *before* ~~prior to~~ placement in the basic training program may not be counted toward program completion. *The department shall submit a report to the court at least 30 days before the youthful offender is scheduled to complete the basic training program. The report must describe the offender's performance in the basic training program. If the youthful offender's performance is satisfactory, the court shall issue an order modifying the sentence imposed and place the offender on probation subject to the offender successfully completing the remainder of the basic training program.* ~~Upon the offender's completion of the basic training program, the department shall submit a report to the court that describes the offender's performance. If the offender's performance has been satisfactory, the court shall issue an order modifying the sentence imposed and placing the offender on probation.~~ The term of probation may include placement in a community residential program. If the offender violates the conditions of probation, the court may revoke probation and impose any sentence that it might have originally imposed.

Section 15. Subsection (2) of section 960.292, Florida Statutes, is amended to read:

960.292 Enforcement of the civil restitution lien through civil restitution lien order.—The civil restitution lien shall be made enforceable by means of a civil restitution lien order.

(2) Upon motion by the state, upon petition of the local subdivision, crime victim, or aggrieved party, or on its own motion, the court in which the convicted offender is convicted shall enter civil restitution lien orders in favor of crime victims, the state, its local subdivisions, and other aggrieved parties. The court shall retain continuing jurisdiction over the convicted offender for the sole purpose of entering civil restitution lien orders *for the duration of the sentence and up to 5 years from release from incarceration or supervision, whichever occurs later*.

Section 16. Paragraph (b) of subsection (2) of section 960.293, Florida Statutes, is amended to read:

960.293 Determination of damages and losses.—

(2) Upon conviction, a convicted offender is liable to the state and its local subdivisions for damages and losses for incarceration costs and other correctional costs.

(b) If the conviction is for an offense other than a capital or life felony, a liquidated damage amount of $50 per day of the convicted offender's sentence shall be assessed against the convicted offender and in favor of the state or its local subdivisions. *Damages shall be based upon the length of the sentence imposed by the court at the time of sentencing.*

Section 17. Section 960.297, Florida Statutes, is amended to read:

960.297 Authorization for governmental right of restitution for costs of incarceration.—

(1) The state and its local subdivisions, in a separate civil action or as counterclaim in any civil action, may seek recovery of the damages and losses set forth in s. 960.293.

(2) For those convicted offenders convicted before July 1, 1994, the state and its local subdivisions, in a separate civil action or as a counterclaim in any civil action, may seek recovery of the damages and losses set forth in s. 960.293, for the convicted offender's remaining sentence after July 1, 1994.

(3) Civil actions authorized by this section may be commenced at any time during the offender's incarceration and up to 5 years after the date of the offender's release from incarceration or supervision, whichever occurs later.

Section 18. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Corrections; amending s. 775.082, F.S.; requiring that the court sentence certain offenders to a nonstate prison sanction unless the court makes written findings that ordering an offender to a nonstate prison sanction could present a danger to the public; creating s. 921.00241, F.S.; providing that on or after a specified date a court may divert from the state correctional system certain offenders who otherwise would be sentenced to state prison; providing eligibility criteria for participation in the state prison diversion program if such a program is funded and exists in the circuit; requiring the court to make written findings that the offender meets the eligibility criteria for the diversion program; authorizing the court to order the offender to pay the costs of the prison diversion program if the offender is able to do so; amending s. 944.10, F.S.; exempting certain lease agreements by the department from the requirements for advertisement and competitive bids; providing for the future reversion as of a specified date of the statutory text relating to such lease agreements; creating s. 944.171, F.S.; authorizing the Department of Corrections to contract with county and municipal entities to house inmates committed to the department; authorizing the department to enter into contractual agreements with another state, a political subdivision of another state, or a vendor in another state to transfer and confine Florida inmates within that state; requiring the reclassification of inmates before a transfer occurs; providing for the contents of the contract; providing that a transferred inmate remains subject to the rules of the Florida Parole Commission; requiring that contracts for the transfer of inmates be procured according to state law; requiring that additional beds authorized under a contract be added to the total capacity of the state correctional system; authorizing the department to adopt rules; amending s. 945.6037, F.S.; increasing the copayment that an inmate must make for a nonemergency visit to a health care provider; creating s. 945.604, F.S.; defining the term "claim" for purposes of the State of Florida Correctional Medical Authority Act; providing for filing and payment of medical claims for payment or underpayment; providing for filing and payment of claims for overpayment; providing for recovery of overpayment of claims; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide

inmate medical services with the department or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; amending s. 947.1405, F.S.; requiring any person who has been placed under supervision and is electronically monitored by the department to pay the department for the cost of the electronic monitoring service; requiring that funds collected from the person be deposited into the General Revenue Fund; authorizing the Department of Corrections to exempt a person from the payment of all or any part of the electronic monitoring service cost under certain circumstances; amending s. 948.01, F.S.; requiring that the department disseminate and that the courts use uniform order of supervision forms when placing a defendant on community supervision; amending s. 948.09, F.S.; requiring a person to pay the department the cost of electronically monitoring the offender while the offender is placed on supervision; providing for a cost cap on the monitoring service; providing that the department may exempt a person from paying all or any part of the costs of the electronic monitoring service under certain circumstances; amending s. 948.11, F.S.; requiring a person who is electronically monitored on supervision to pay the department for the electronic monitoring services; amending s. 957.09, F.S.; providing that the provisions governing private correctional facilities do not apply to contracts between the department and county and municipal entities, other states, political subdivisions of another state, or correctional management service vendors in another state for the transfer and confinement of state inmates; amending s. 958.045, F.S.; requiring the Department of Corrections to submit a report to the court at least 30 days before a youthful offender is scheduled to complete the basic training program; requiring the court to modify the youthful offender's sentence and place the offender on probation if the youthful offender has successfully completed the basic training program; amending s. 960.292, F.S.; providing for retention of court jurisdiction over certain offenders for a specified period after release from incarceration or supervision for the sole purpose of entering civil restitution orders; amending s. 960.293, F.S.; providing that damages due from an offender for correctional costs be based upon the length of the sentence imposed by the court at the time of sentencing; amending s. 960.297, F.S.; providing a time period in which civil actions for the costs of incarceration may be initiated; providing an effective date.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 1722** was adopted. **CS for SB 1722** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1726

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1726, same being:

An act relating to postadjudicatory treatment-based drug court programs

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (155316) to CS for SB 1726 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed

s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (155316)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (3) through (8) of section 397.334, Florida Statutes, are renumbered as subsections (4) through (9), respectively, a new subsection (3) is added to that section, and present subsection (5) of that section is amended, to read:

397.334 Treatment-based drug court programs.—

(3)(a) Entry into any postadjudicatory treatment-based drug court program as a condition of probation or community control pursuant to s. 948.01, s. 948.06, or s. 948.20 must be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

(b) An offender who is sentenced to a postadjudicatory drug court program and who, while a drug court participant, is the subject of a violation of probation or community control under s. 948.06, based solely upon a failed or suspect substance abuse test administered pursuant to s. 948.01 or s. 948.03, shall have the violation of probation or community control heard by the judge presiding over the postadjudicatory drug court program. The judge shall dispose of any such violation, after a hearing on or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.

(6)(a) ~~(5)~~ Contingent upon an annual appropriation by the Legislature, each judicial circuit shall establish, at a minimum, one coordinator position for the treatment-based drug court program within the state courts system to coordinate the responsibilities of the participating agencies and service providers. Each coordinator shall provide direct support to the treatment-based drug court program by providing coordination between the multidisciplinary team and the judiciary, providing case management, monitoring compliance of the participants in the treatment-based drug court program with court requirements, and providing program evaluation and accountability.

(b) Each circuit shall report sufficient client-level and programmatic data to the Office of State Courts Administrator annually for purposes of program evaluation. Client-level data include primary offenses that resulted in the drug court referral or sentence, treatment compliance, completion status and reasons for failure to complete, offenses committed during treatment and the sanctions imposed, frequency of court appearances, and units of service. Programmatic data include referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources.

Section 2. Subsection (3) of section 921.0026, Florida Statutes, is amended, and paragraph (m) is added to subsection (2) of that section, to read:

921.0026 Mitigating circumstances.—This section applies to any felony offense, except any capital felony, committed on or after October 1, 1998.

(2) Mitigating circumstances under which a departure from the lowest permissible sentence is reasonably justified include, but are not limited to:

(m) The defendant's offense is a nonviolent felony, the defendant's Criminal Punishment Code scoresheet total sentence points under s. 921.0024 are 52 points or fewer, and the court determines that the defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program as part of the sentence. For purposes of this paragraph, the term "nonviolent felony" has the same meaning as provided in s. 948.08(6).

(3) *Except as provided in paragraph (2)(m),* the defendant's substance abuse or addiction, including intoxication at the time of the offense, is not a mitigating factor under subsection (2) and does not, under any circumstances, justify a downward departure from the permissible sentencing range.

Section 3. Subsection (7) is added to section 948.01, Florida Statutes, to read:

948.01 When court may place defendant on probation or into community control.—

(7)(a) Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2009, the sentencing court may place the defendant into a postadjudicatory treatment-based drug court program if the defendant's Criminal Punishment Code scoresheet total sentence points under s. 921.0024 are 52 points or fewer and the defendant is a nonviolent felony offender, amenable to substance abuse treatment, and otherwise qualifies under s. 397.334(3). The satisfactory completion of the program shall be a condition of the defendant's probation or community control. As used in this subsection, the term "nonviolent felony" means a third-degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

(b) The defendant must be fully advised of the purpose of the program and the defendant must agree to enter the program. The original sentencing court shall relinquish jurisdiction of the defendant's case to the postadjudicatory drug court program until the defendant is no longer active in the program, the case is returned to the sentencing court due to the defendant's termination from the program for failure to comply with the terms thereof, or the defendant's sentence is completed.

Section 4. Paragraph (i) is added to subsection (2) of section 948.06, Florida Statutes, to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(2)

(i)1. Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2009, the court may order the defendant to successfully complete a postadjudicatory treatment-based drug court program if:

a. The court finds or the offender admits that the offender has violated his or her community control or probation and the violation was due only to a failed or suspect substance abuse test;

b. The offender's Criminal Punishment Code scoresheet total sentence points under s. 921.0024 are 52 points or fewer after including points for the violation;

c. The underlying offense is a nonviolent felony. As used in this subsection, the term "nonviolent felony" means a third-degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08;

d. The court determines that the offender is amenable to the services of a postadjudicatory treatment-based drug court program;

e. The court has explained the purpose of the program to the offender and the offender has agreed to participate; and

f. The offender is otherwise qualified to participate in the program under the provisions of s. 397.334(3).

2. After the court orders the modification of community control or probation, the original sentencing court shall relinquish jurisdiction of the offender's case to the postadjudicatory treatment-based drug court program until the offender is no longer active in the program, the case is

returned to the sentencing court due to the offender's termination from the program for failure to comply with the terms thereof, or the offender's sentence is completed.

Section 5. Paragraphs (a), (b), and (c) of subsection (6) of section 948.08, Florida Statutes, are amended to read:

948.08 Pretrial intervention program.—

(6)(a) *For purposes of this subsection, the term "nonviolent felony" means a third-degree felony violation of chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.* Notwithstanding any provision of this section, a person who is charged with a *nonviolent* felony *and is identified as having a substance abuse problem or is charged with a felony* of the second or third degree for purchase or possession of a controlled substance under chapter 893, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud; who has not been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence; and who has not previously been convicted of a felony ~~nor been admitted to a felony pretrial program referred to in this section~~ is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period of not less than 1 year in duration, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time prior to trial and the defendant rejected that offer on the record, then the court or the state attorney may deny the defendant's admission to such a program.

2. If the state attorney believes that the facts and circumstances of the case suggest the defendant's involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled substances, the court shall deny the defendant's admission into a pretrial intervention program.

(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant is subject to a coordinated strategy developed by a drug court team under *s. 397.334(4)* ~~s. 397.334(3)~~. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(c) At the end of the pretrial intervention period, the court shall consider the recommendation of the administrator pursuant to subsection (5) and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to *s. 397.334(4)* ~~s. 397.334(3)~~, if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include substance abuse treatment programs offered by licensed service providers as defined in s. 397.311 or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

Section 6. Paragraph (b) of subsection (1) and subsection (2) of section 948.16, Florida Statutes, are amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program.—

(1)

(b) While enrolled in a pretrial intervention program authorized by this section, the participant is subject to a coordinated strategy developed by a drug court team under *s. 397.334(4)* ~~s. 397.334(3)~~. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(2) At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to *s. 397.334(4)* ~~s. 397.334(3)~~, if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the pretrial intervention program.

Section 7. Section 948.20, Florida Statutes, is amended to read:

948.20 Drug offender probation.—If it appears to the court upon a hearing that the defendant is a chronic substance abuser whose criminal conduct is a violation of s. 893.13(2)(a) or (6)(a), *or other nonviolent felony if such nonviolent felony is committed on or after July 1, 2009, and notwithstanding s. 921.0024 the defendant's Criminal Punishment Code scoresheet total sentence points are 52 points or fewer,* the court may either adjudge the defendant guilty or stay and withhold the adjudication of guilt. ~~; and,~~ In either case, *the court* ~~it~~ may *also* stay and withhold the imposition of sentence and place the defendant on drug offender probation *or into a postadjudicatory treatment-based drug court program if the defendant otherwise qualifies. As used in this section, the term "nonviolent felony" means a third-degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.*

(1) The Department of Corrections shall develop and administer a drug offender probation program which emphasizes a combination of treatment and intensive community supervision approaches and which includes provision for supervision of offenders in accordance with a specific treatment plan. The program may include the use of graduated sanctions consistent with the conditions imposed by the court. Drug offender probation status shall include surveillance and random drug testing, and may include those measures normally associated with community control, except that specific treatment conditions and other treatment approaches necessary to monitor this population may be ordered.

(2) Offenders placed on drug offender probation are subject to revocation of probation as provided in s. 948.06.

Section 8. Subsections (2) and (3) of section 985.345, Florida Statutes, are amended to read:

985.345 Delinquency pretrial intervention program.—

(2) While enrolled in a delinquency pretrial intervention program authorized by this section, a child is subject to a coordinated strategy developed by a drug court team under *s. 397.334(4)* ~~s. 397.334(3)~~. The coordinated strategy may include a protocol of sanctions that may be imposed upon the child for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a

substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or serving a period of secure detention under this chapter. The coordinated strategy must be provided in writing to the child before the child agrees to enter the pretrial treatment-based drug court program or other pretrial intervention program. Any child whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(3) At the end of the delinquency pretrial intervention period, the court shall consider the recommendation of the state attorney and the program administrator as to disposition of the pending charges. The court shall determine, by written finding, whether the child has successfully completed the delinquency pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to *s. 397.334(4)* ~~s. 397.334(3)~~, if the court finds that the child has not successfully completed the delinquency pretrial intervention program, the court may order the child to continue in an education, treatment, or urine monitoring program if resources and funding are available or order that the charges revert to normal channels for prosecution. The court may dismiss the charges upon a finding that the child has successfully completed the delinquency pretrial intervention program.

Section 9. *The Legislature intends to monitor and evaluate the implementation and effectiveness of postadjudicatory treatment-based drug court programs, particularly as they identify and serve offenders pursuant to ss. 948.01(7) and 948.06(2)(i), Florida Statutes. The Office of Program Policy Analysis and Government Accountability shall evaluate the effectiveness of postadjudicatory treatment-based drug court programs and issue a report of its findings and recommendations to the Legislature by October 1, 2010.*

Section 10. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postadjudicatory and pretrial treatment-based drug court programs; amending s. 397.334, F.S.; specifying criteria that a court must consider before sentencing a person to a postadjudicatory treatment-based drug court program; providing for the judge presiding over a program to hear violations of probation or community control by program participants; requiring circuit courts to report data relating to postadjudicatory treatment-based drug court programs to the Office of the State Courts Administrator; amending s. 921.0026, F.S.; providing that a court may depart from a lowest permissible sentence if the defendant is amenable to a drug court program and is otherwise qualified; amending s. 948.01, F.S.; authorizing a court to place certain nonviolent felony offenders who are on probation or community control into a postadjudicatory treatment-based drug court program; amending s. 948.06, F.S.; authorizing a court to place certain nonviolent felony offenders who violate their probation or community control into a postadjudicatory treatment-based drug court program; amending s. 948.08, F.S.; authorizing a court to place certain nonviolent felony offenders into a pretrial substance abuse education and treatment intervention program; conforming cross-references; amending s. 948.20, F.S.; authorizing a court to place certain chronic substance abusers who are nonviolent felony offenders into a postadjudicatory treatment-based drug court program; amending ss. 948.16 and 948.345, F.S.; conforming cross-references; providing legislative intent with respect to monitoring the programs; requiring that the Office of Program Policy Analysis and Government Accountability evaluate the programs and report to the Legislature; providing an effective date.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 1726** was adopted. **CS for SB 1726** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Baker	Crist
Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Diaz de la Portilla	Joyner	Ring
Dockery	Justice	Siplin
Fasano	King	Smith
Gaetz	Lawson	Sobel
Garcia	Lynn	Storms
Gardiner	Oelrich	Villalobos
Gelber	Peaden	Wilson
Haridopolos	Pruitt	Wise
Hill	Rich	
Jones	Richter	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1718

The Honorable Jeff Atwater
President of the Senate

May 6, 2009

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1718, same being:

An act relating to the state judicial system

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (658444) to CS for SB 1718 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
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s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
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Mary Brandenburg
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Jennifer Carroll
s/ Marti Coley

s/ David Rivera
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Gwyndolen "Gwyn" Clarke-Reed
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s/ Faye B. Culp
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s/ Kurt Kelly
Paige Kreegel
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s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
William L. "Bill" Proctor
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Betty Reed
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Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (658444)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 26.57, Florida Statutes, is amended to read:

26.57 Temporary designation of county court judge to preside over circuit court cases.—*A* ~~In each county where there is no resident circuit judge and the county court judge has been a member of the bar for at least 5 years and is qualified to be a circuit judge, the~~ county court judge may be designated on a temporary basis to preside over circuit court cases by the Chief Justice of the Supreme Court upon recommendation of the chief judge of the circuit. He or she may be assigned to exercise all county and circuit court jurisdiction in the county, except appeals from the county court. In addition, he or she may be required to perform the duties of circuit judge in other counties of the circuit as time may permit and as the need arises, as determined by the chief judge of the circuit. *A county court judge designated to preside over circuit court cases shall receive the same salary as a circuit court judge, to the extent that funds are specifically appropriated by law for such purposes.*

Section 2. Subsection (4) of section 27.511, Florida Statutes, is amended to read:

27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.—

(4)~~(a)~~ Each regional counsel shall serve on a full-time basis and may not engage in the private practice of law while holding office. Assistant regional counsel shall give priority and preference to their duties as assistant regional counsel and may not otherwise engage in the practice of criminal law. *However, part-time assistant regional counsel may practice criminal law for private payment so long as the representation does not result in a legal or ethical conflict of interest with a case for which the office of criminal conflict and civil regional counsel is providing representation. Assistant regional counsel may not accept criminal cases for reimbursement by the state under s. 27.5304.* Assistant regional counsel may not engage in civil proceedings for which the state compensates attorneys under s. 27.5304.

~~(b) Notwithstanding paragraph (a), part-time assistant regional counsel may practice criminal law for private payment so long as the representation does not result in a legal or ethical conflict of interest with a case for which the office of criminal conflict and civil regional counsel is providing representation. Assistant regional counsel may not accept criminal cases for reimbursement by the state under s. 27.5304. This paragraph expires June 30, 2010.~~

Section 3. Section 27.562, Florida Statutes, is amended to read:

27.562 Disposition of funds.—~~The first $50 of~~ All funds collected pursuant to s. 938.29 shall be *remitted to the Department of Revenue for deposit* ~~deposited~~ into the Indigent Criminal Defense Trust Fund *administered by the Justice Administrative Commission* pursuant to s. 27.525 ~~in satisfaction of the application fee for a determination of indigent status under s. 27.52 if the fee was not paid. The remaining funds collected pursuant to s. 938.29 shall be distributed as follows:~~

~~(1) Twenty-five percent shall be remitted to the Department of Revenue for deposit into the Justice Administrative Commission's Indigent Criminal Defense Trust Fund.~~

~~(2) Seventy-five percent shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.~~

The Justice Administrative Commission shall account for funds deposited into the Indigent Criminal Defense Trust Fund by circuit. Appropriations from the fund shall be proportional to each circuit's collections. All judgments entered pursuant to this part shall be in the name of the state.

Section 4. Effective June 1, 2009, section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges *and filing fees* in probate matters.—

(1) Except when otherwise provided, the clerk may impose service charges *or filing fees* for the following services *or filings*, not to exceed the following amounts:

(a) *Fee* for the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe-deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary administration . . . . . *$230* ~~$115~~

(b) *Charge for* caveat. $40

(c) *Fee for* petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record . . . . . *$230* ~~$115~~

(d) *Fee* for disposition of personal property without administration. . . . . *$230* ~~$115~~

(e) *Fee for* summary administration—estates valued at $1,000 or more. . . . . *$340* ~~$225~~

(f) *Fee for* summary administration—estates valued at less than $1,000 . . . . . *$230* ~~$115~~

(g) *Fee for* formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings . . . . . *$395* ~~$280~~

(h) *Fee for* guardianship proceedings of person only . . . . . *$230* ~~$115~~

(i) *Fee for* veterans' guardianship pursuant to chapter 744 . . . . . *$230* ~~$115~~

(j) *Charge for* exemplified certificates $7

(k) *Fee for* petition for determination of incompetency . . . . . *$230* ~~$115~~

The clerk shall remit $115 of each filing fee collected under paragraphs (a), (c)-(i), and (k) to the Department of Revenue for deposit into the State Courts Revenue Trust Fund.

(2) Upon application by the clerk and a showing of extraordinary circumstances, the service charges *or filing fees* set forth in this section may be increased in an individual matter by order of the circuit court before which the matter is pending, to more adequately compensate for the services performed *or filings made*.

(3) An additional service charge of $4 on petitions seeking summary administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship shall be paid to the clerk. The clerk shall transfer $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund clerk education. No additional fees, charges, or costs shall be added to the service charges *or filing fees* imposed under this section, except as authorized by general law.

(4) Recording shall be required for all petitions opening and closing an estate; petitions regarding real estate; and orders, letters, bonds, oaths, wills, proofs of wills, returns, and such other papers as the judge shall deem advisable to record or that shall be required to be recorded under the Florida Probate Code.

Section 5. Effective June 1, 2009, subsections (1) and (2) of section 28.241, Florida Statutes, are amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1)(a)*1.a. Except as provided in sub-subparagraph b. and sub-paragraph 2.,* the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to *$395* ~~$295~~ in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first *$265* ~~$85~~ in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, *$180 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund,* and $5 must be remitted to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund. ~~One third of any filing fees collected by the clerk of the circuit court in excess of $100 shall be remitted to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund.~~

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to $295 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $165 in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $80 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, and $5 must be remitted to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.

c. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Department of Financial Services Administrative Trust Fund to fund clerk education. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized *in this section* ~~herein~~ or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is $50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $265 in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $180 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, and $5 must be remitted to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund;

(II) Nine hundred dollars in all cases in which the value of the claim is more than $50,000 but less than $250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $770 in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $685 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, and $5 must be remitted to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund the contract with the Florida Clerks of Court Operations Corporation described in s. 28.35. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is $250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $1,770 in filing fees, $80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $1,685 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, and $5 must be remitted to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.

e. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund clerk education. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed $50. For purposes of this section, a case is reopened when a case previously reported as disposed of is resubmitted to a court and includes petitions for modification of a final judgment of dissolution. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;

2. A writ of replevin;

3. A distress writ;

4. A writ of attachment;

5. A motion for rehearing filed within 10 days;

6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;

7. A motion for dismissal filed after a mediation agreement has been filed;

8. A disposition of personal property without administration;

9. Any probate case prior to the discharge of a personal representative;

10. Any guardianship pleading prior to discharge;

11. Any mental health pleading;

12. Motions to withdraw by attorneys;

13. Motions exclusively for the enforcement of child support orders;

14. A petition for credit of child support;

15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;

16. Stipulations;

17. Responsive pleadings; or

18. Cases in which there is no initial filing fee.

(c)*1. A* ~~Any~~ party *in addition to* ~~other than~~ a party described in *sub-subparagraph (a)1.a.* ~~paragraph (a)~~ who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, *counterpetition,* or third-party complaint shall pay the clerk of court a fee of *$395* ~~$295~~. *A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of $295.* The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.

2. A party in addition to a party described in subparagraph (a)2. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a graduated fee of:

a. Three hundred and ninety-five dollars in all cases in which the value of the pleading is $50,000 or less;

b. Nine hundred dollars in all cases in which the value of the pleading is more than $50,000 but less than $250,000; or

c. One thousand nine hundred dollars in all cases in which the value of the pleading is $250,000 or more.

The clerk shall remit the fees collected under this subparagraph to the Department of Revenue for deposit into the General Revenue Fund, except that the clerk shall remit $100 of the fee collected under sub-sub-paragraph a., $605 of the fee collected under sub-subparagraph b., and $1,605 of the fee collected under sub-subparagraph c. to the Department of Revenue for deposit into the State Courts Revenue Trust Fund.

(d) The clerk of court shall collect a service charge of $10 for issuing a summons. The clerk shall assess the fee against the party seeking to have the summons issued.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed $280 for filing a notice of appeal from the county court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, $100 for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee. The clerk shall remit the first $80 to the Department of Revenue for deposit into the General Revenue Fund. ~~One third of the fee collected by the clerk in excess of $80 also shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.~~

Section 6. Section 28.33, Florida Statutes, is amended to read:

28.33 Investment of county funds by the clerk of the circuit court.— The clerk of the circuit court in each county shall invest county funds in excess of those required to meet expenses as provided in s. 218.415. No clerk investing such funds shall be liable for the loss of any interest when circumstances require the withdrawal of funds placed in a time deposit and needed for immediate payment of county obligations. Except for interest earned on moneys deposited in the registry of the court, all interest accruing from moneys deposited shall be deemed income of the *county and may be expended as receipts of the county as approved by the board of county commissioners pursuant to chapter 129* ~~office of the clerk of the circuit court investing such moneys and shall be deposited in the same account as are other fees and commissions of the clerk's office~~. The clerk may invest moneys deposited in the registry of the court and shall retain as income of the office of the clerk and as a reasonable investment management fee 10 percent of the interest accruing on those funds with the balance of such interest being allocated in accordance with the interest of the depositors.

Section 7. Subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Filing fees.—

(1)(a) Upon the institution of any civil action, suit, or proceeding in county court, the party shall pay the following filing fee, not to exceed:

1. For all claims less than $100 . . . . . $50.

2. For all claims of $100 or more but not more than $500. . . . . $75.

3. For all claims of more than $500 but not more than $2,500 . . . . . $170.

4. For all claims of more than $2,500 . . . . . $295.

5. In addition, for all proceedings of garnishment, attachment, replevin, and distress . . . . . $85.

6. Notwithstanding subparagraphs 3. and 5., for all claims of not more than $1,000 filed simultaneously with an action for replevin of property that is the subject of the claim. . . . . $125.

7. ~~6.~~ For removal of tenant action . . . . . *$180* ~~$265~~.

(b) The first $80 of the filing fee collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. The next $15 of the filing fee collected under subparagraph (a)4., and the first *$10* ~~$15~~ of *the* ~~each~~ filing fee collected under *subparagraph (a)7.* ~~subparagraph (a)6.~~, shall be deposited in the state courts' Mediation and Arbitration Trust Fund. ~~One third of any filing fees collected by the clerk under this section in excess of the first $95 collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund.~~ An additional filing fee of $4 shall be paid to the clerk. The clerk shall transfer $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund clerk education.

Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided herein, all filing fees shall be retained as fee income of the office of the clerk of circuit court. Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

(c) *A* ~~Any~~ party *in addition to* ~~other than~~ a party described in paragraph (a) who files a pleading in an original civil action in the county court for affirmative relief by cross-claim, counterclaim, *counterpetition,* or third-party complaint, or who files a notice of cross-appeal or notice of joinder or motion to intervene as an appellant, cross-appellant, or petitioner, shall pay the clerk of court a fee of $295 if the relief sought by the party under this paragraph exceeds $2,500. *The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.* This fee *does* ~~shall~~ not apply *if* ~~where~~ the cross-claim, counterclaim, *counterpetition,* or third-party complaint requires transfer of the case from county to circuit court. *However, the party shall pay to the clerk the standard filing fee for the court to which the case is to be transferred.* ~~The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.~~

(d) The clerk of court shall collect a service charge of $10 for issuing a summons. The clerk shall assess the fee against the party seeking to have the summons issued.

Section 8. Section 57.081, Florida Statutes, is amended to read:

57.081 Costs; right to proceed where prepayment of costs *and payment of filing fees* waived.—

(1) Any indigent person, except a prisoner as defined in s. 57.085, who is a party or intervenor in any judicial or administrative agency proceeding or who initiates such proceeding shall receive the services of the courts, sheriffs, and clerks, with respect to such proceedings, despite his or her present inability to pay for these services. Such services are limited to filing fees; service of process; certified copies of orders or final judgments; a single photocopy of any court pleading, record, or instrument filed with the clerk; examining fees; mediation services and fees; private court-appointed counsel fees; subpoena fees and services; service charges for collecting and disbursing funds; and any other cost or service arising out of pending litigation. In any appeal from an administrative agency decision, for which the clerk is responsible for preparing the transcript, the clerk shall record the cost of preparing the transcripts and the cost for copies of any exhibits in the record. Prepayment of costs to any court, clerk, or sheriff is not required *and payment of filing fees is not required* in any action if the party has obtained in each proceeding a certification of indigence in accordance with s. 27.52 or s. 57.082.

(2) Any sheriff who, in complying with the terms of this section, expends personal funds for automotive fuel or ordinary carfare in serving the process of those qualifying under this section may requisition the board of county commissioners of the county for the actual expense, and on the submission to the board of county commissioners of appropriate proof of any such expenditure, the board of county commissioners shall pay the amount of the actual expense from the general fund of the county to the requisitioning officer.

(3) If an applicant prevails in an action, costs shall be taxed in his or her favor as provided by law and, when collected, shall be applied to pay *filing fees or* costs *that* ~~which otherwise would have been required and which~~ have not been paid.

Section 9. Subsections (1) and (6) of section 57.082, Florida Statutes, are amended to read:

57.082 Determination of civil indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of an attorney in a civil case eligible for court-appointed counsel, or seeking relief from *payment* ~~prepayment~~ of *filing* fees and *prepayment of* costs under s. 57.081, based upon an inability to pay must apply to the clerk of the court for a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

The application must include a signature by the applicant which attests to the truthfulness of the information provided. The application form developed by the corporation must include notice that the applicant may seek court review of a clerk's determination that the applicant is not indigent, as provided in this section.

(b) The clerk shall assist a person who appears before the clerk and requests assistance in completing the application, and the clerk shall notify the court if a person is unable to complete the application after the clerk has provided assistance.

(c) The clerk shall accept an application that is signed by the applicant and submitted on his or her behalf by a private attorney who is representing the applicant in the applicable matter.

(d) A person who seeks appointment of an attorney in a case under chapter 39, at the trial or appellate level, for which an indigent person is eligible for court-appointed representation, shall pay a $50 application fee to the clerk for each application filed. The applicant shall pay the fee within 7 days after submitting the application. The clerk shall transfer monthly all application fees collected under this paragraph to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund, to be used as appropriated by the Legislature. The clerk may retain 10 percent of application fees collected monthly for administrative costs prior to remitting the remainder to the Department of Revenue. A person found to be indigent may not be refused counsel. If the person cannot pay the application fee, the clerk shall enroll the person in a payment plan pursuant to s. 28.246.

(6) PROCESSING CHARGE; PAYMENT PLANS.—A person who the clerk or the court determines is indigent for civil proceedings under this section shall be enrolled in a payment plan under s. 28.246 and shall be charged a one-time administrative processing charge under s. 28.24(26)(c). A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if it does not exceed 2 percent of the person's annual net income, as defined in subsection (1), divided by 12. The person may seek review of the clerk's decisions regarding a payment plan established under s. 28.246 in the court having jurisdiction over the matter. A case may not be impeded in any way, delayed in filing, or delayed in its progress, including the final hearing and order, due to nonpayment of any fees *or costs* by an indigent person. *Filing fees waived from payment under s. 57.081 may not be included in the calculation related to a payment plan established under this section.*

Section 10. Section 318.121, Florida Statutes, is amended to read:

318.121 Preemption of additional fees, fines, surcharges, and costs.—Notwithstanding any general or special law, or municipal or county ordinance, additional fees, fines, surcharges, or costs other than the court costs and surcharges assessed under s. 318.18(11), (13), ~~and~~ (18)*, and (19)* may not be added to the civil traffic penalties assessed in this chapter.

Section 11. Subsection (1) of section 318.15, Florida Statutes, as amended by section 2 of chapter 2009-6, Laws of Florida, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of 7 years from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

(b) However, a person who elects to attend driver improvement school and has paid the civil penalty as provided in s. 318.14(9), but who subsequently fails to attend the driver improvement school within the time specified by the court shall be deemed to have admitted the infraction and shall be adjudicated guilty. In such a case in which there was an 18 percent reduction pursuant to s. 318.14(9) as it existed *before February 1, 2009* ~~prior to the effective date of this act~~, the person must pay the clerk of the court that amount and a processing fee of up to $18, after which no additional penalties, court costs, or surcharges shall be imposed for the violation. *In all other such cases, the person must pay the clerk a processing fee of up to $18, after which no additional penalties, court costs, or surcharges shall be imposed for the violation.* The clerk of the court shall notify the department of the person's failure to attend driver improvement school and points shall be assessed pursuant to s. 322.27.

Section 12. Subsections (18) and (19) of section 318.18, Florida Statutes, as amended by section 3 of chapter 2009-6, Laws of Florida, are amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(18) In addition to any penalties imposed, an administrative fee of $12.50 must be paid for all noncriminal moving and nonmoving ~~traffic~~ violations under *chapters* ~~chapter~~ 316*, 320, and 322*. Revenue from the administrative fee shall be deposited by the clerk of court into the fine and forfeiture fund established pursuant to s. 142.01.

(19) In addition to any penalties imposed, an Article V assessment of $10 must be paid for all noncriminal moving and nonmoving ~~traffic~~ violations under *chapters* ~~chapter~~ 316*, 320, and 322*. The assessment is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35. Of the funds collected under this subsection:

(a) The sum of $5 shall be deposited in the State Courts Revenue Trust Fund for use by the state courts system;

(b) The sum of $3.33 shall be deposited in the State Attorneys Revenue Trust Fund for use by the state attorneys; and

(c) The sum of $1.67 shall be deposited in the Public Defenders Revenue Trust Fund for use by the public defenders.

Section 13. For the purpose of incorporating the amendments made by this act to section 318.18, Florida Statutes, in references thereto, subsections (18) and (19) of section 318.21, Florida Statutes, as amended by section 4 of chapter 2009-6, Laws of Florida, are reenacted to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(18) Notwithstanding subsections (1) and (2), the proceeds from the administrative fee imposed under s. 318.18(18) shall be distributed as provided in that subsection.

(19) Notwithstanding subsections (1) and (2), the proceeds from the Article V assessment imposed under s. 318.18(19) shall be distributed as provided in that subsection.

Section 14. If CS for SB 412, as enacted during the 2009 Regular Session, becomes law, paragraph (d) is added to subsection (1) of section 939.185, Florida Statutes, to read, and shall supersede and prevail over amendments made to that subsection by CS for SB 412:

939.185 Assessment of additional court costs and surcharges.—

(1)

(d) The clerk of court shall cause a certified copy of the court order imposing such costs to be recorded in the public records. Such record constitutes a lien against the person upon whom the costs are imposed and shall attach as a lien on any real property owned by such person located in the county in which such order is recorded in the same manner and to the same extent as a judgment recorded as provided in s. 55.10. Such order shall attach as a lien on any personal property owned by such person located in the state upon the filing with the Department of State of a judgment lien certificate regarding such order as provided in ss. 55.202-55.209. A lien created under this paragraph does not attach to, or make subject to execution of levy or foreclosure, any real or personal property otherwise exempt under s. 4, Art. X of the State Constitution. A lien created under this paragraph is enforceable in the same manner as provided by law.

Section 15. *Transfer of trust funds in excess of amount needed for clerk budgets.—By June 20th of each year, the Florida Clerks of Court Operations Corporation shall identify the amount of funds in the Clerks of Court Trust Fund in excess of the amount needed to fund the approved clerk of court budgets for the current state fiscal year. The Justice Administrative Commission shall transfer the amount identified by the corporation from the Clerks of Court Trust Fund to the General Revenue Fund by June 25th of each year.*

Section 16. *Each clerk of court shall implement an electronic filing process. The purpose of the electronic filing process is to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management. The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management. The clerks of court shall begin implementation no later than October 1, 2009. The Florida Clerks of Court Operations Corporation shall report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2010, on the status of implementing electronic filing. The report shall include the detailed status of each clerk office's implementation of an electronic filing process, and for those clerks who have not fully implemented electronic filing by March 1, 2010, a description of the additional steps needed and a projected timeline for full implementation. Revenues provided to counties and the clerk of court under s. 28.24(12)(e), Florida Statutes, for information technology may also be used to implement electronic filing processes.*

Section 17. *It is the intent of the Legislature that the First District Court of Appeal, through a pilot project conducted in cooperation with the Office of Judges of Compensation Claims, implement an electronic filing system for appeals of workers' compensation cases, in part to reduce costs to the Workers' Compensation Administrative Trust Fund. To the extent feasible, the system the First District Court of Appeal adopts shall use, or be compatible with, the current electronic filing system used by the Office of Judges of Compensation Claims and shall be capable of being used to receive and maintain electronic filings in other cases as may be authorized in the future. The chief judge of the First District Court of Appeal and the deputy chief judge of compensation claims are responsible for determining when the system is capable of reliably receiving electronic filings. It is further the intent of the Legislature that, in cases in which a judge of compensation claims enters an order finding a claimant indigent, all further processing shall use the electronic system to the fullest extent possible. In nonindigent cases in which an electronic filer uses a credit card to pay the court's filing fee, the First District Court of Appeal may impose a reasonable surcharge to recover any costs that financial institutions impose for the filer's use of the credit card, if necessary to ensure that the required filing fee to the state is satisfied fully. The chief judge of the First District Court of Appeal shall submit a report to the President of the Senate and the Speaker of the House of Representatives 9 months after the system is operational, addressing use of the system and identifying any statutory or fiscal factors affecting implementation of the system.*

Section 18. *Notwithstanding s. 28.36, Florida Statutes, the statewide budget cap for the clerks of court is $451,380,312 for the 2009-2010 state fiscal year. The Florida Clerks of Court Operations Corporation shall reduce the individual approved budgets of the clerks of court to ensure that the sum of the approved budgets does not exceed this statewide budget cap. This section shall take effect only if CS for CS for Senate Bill 2108, as enacted during the 2009 Regular Session, does not become a law.*

Section 19. *Effective on the same date as CS for CS for SB 2108, as enacted during the 2009 Regular Session, if that act becomes law:*

(1) By January 15, 2010, the Office of Program Policy Analysis and Government Accountability, in consultation with the Chief Financial Officer and the Auditor General, shall provide a report to the President of the Senate and the Speaker of the House of Representatives regarding the operation and functions of the clerks of court and the courts. The Office of Program Policy Analysis and Government Accountability shall examine who is performing each court-related function, how each function is funded, and how efficiently these functions are performed. The clerks of court, the Florida Clerks of Court Operations Corporation, and the state courts system shall cooperate fully with the office and, upon request, provide any and all information necessary to the review without cost or delay. The report shall describe in detail the base budget for each of the clerks and for the state courts system and report on the overall efficiency of the current process. Administrative overhead shall be calculated separately, and any apparent means to reduce such overhead shall be explored and included in the report. The study shall list each court-related function, a recommendation on who should perform the function, and a recommendation for how to pay for such function.

(2) The Technology Review Workgroup shall develop a proposed plan for identifying and recommending options for implementing the integrated computer system established in s. 29.008(1)(f)2., Florida Statutes. The plan shall describe the approaches and processes for evaluating the existing computer systems and data-sharing networks of the state courts system and the clerks of the court; identifying the required business and technical requirements; reliably estimating the cost, work, and change requirements; and examining the use of the funds collected under s. 28.24(12)(e), Florida Statutes. The plan may also address any necessary policy, operational, fiscal, or technical changes, including, but not limited to, potential changes to the distribution and use of funds collected under s. 28.24(12)(e), Florida Statutes, which may be needed in order to manage, implement, and operate an integrated computer system. The plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2010. The clerks of court, the Florida Clerks of Court Operations Corporation, and the state courts system shall cooperate fully with the workgroup and provide any and all information necessary for the completion of the project without cost or delay upon request. The workgroup shall work in conjunction with the Auditor General and consider the results of the plans, studies, and reports of the Office of Program Policy Analysis and Government Accountability under subsection (1). Until July 1, 2011, each clerk shall submit a summary of all new hardware and software purchases in excess of $25,000 to the Florida Clerks of Court Operations Corporation on a monthly basis, and the corporation shall a submit a report of all such purchases to the President of the Senate and the Speaker of the House of Representatives on a quarterly basis. The clerk shall include a statement with the summary that the purchases were made in good faith and were reasonable and necessary for the continuing efficient operations of the clerk's office.

(3) This section supersedes and prevails over section 18 of CS for CS for Senate Bill 2108, as enacted during the 2009 Regular Session. However, this section shall not take effect if CS for CS for Senate Bill 2108 does not become law.

Section 20. *(1) It is the intent of the Legislature that, if this act and CS for CS for Senate Bill 2108, as enacted during the 2009 Regular Session or an extension thereof, both become law, the Division of Statutory Revision shall read the acts together and, to the extent feasible, give full effect to the amendments made by this act to ss. 28.241(1)(a) and 34.041(1)(b), Florida Statutes, and the amendments made to those paragraphs by CS for CS for Senate Bill 2108. However, it is further the intent of the Legislature that, if both acts become law, the amendments made by CS for CS for Senate Bill 2108 with respect to the distribution of filing fees to the Clerks of the Court Trust Fund, rather than the Department of Financial Services' Administrative Trust Fund, and the use of those funds to fund the Florida Clerks of Court Operations Corporation, shall prevail. To that end, where this act refers in its amendments to ss. 28.241(1)(a) and 34.041(1)(b), Florida Statutes, to the distribution of filing fees to the Department of Financial Services' Administrative Trust Fund, it is the intent of the Legislature that the Division of Statutory Revision change those references to the Clerks of the Court Trust Fund and conform the use of those funds, including within both the existing and new language of those paragraphs contained in this act, consistent with CS for CS for Senate Bill 2108. It is further the intent of the Legislature that, if both acts become law, the division change references to the distribution of $5 of filing fees under s. 28.241(1)(a), Florida Statutes, including within both the existing and new language of that paragraph contained in this act, to reflect the distribution instead of $3.50 and $1.50, respectively, to the Clerks of Court Trust Fund and the Administrative Trust Fund within the Department of Financial Services, consistent with CS for CS for Senate Bill 2108.*

(2) This section shall take effect June 1, 2009.

Section 21. *(1) CS for CS for Senate Bill 2108, as enacted during the 2009 Regular Session, shall not take effect upon becoming a law as specified in section 22 of that act, but shall take effect July 1, 2009.*

(2) This section shall take effect June 1, 2009.

Section 22. Except as otherwise expressly provided in this act and except for this section, which shall take effect June 1, 2009, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the state judicial system; amending s. 26.57, F.S.; authorizing any county court judge to be designated by the Chief Justice of the Supreme Court to preside over circuit court cases; providing that such county court judge will receive the same salary as a circuit court judge, to the extent that funds are specifically appropriated by law for such purposes; amending s. 27.511, F.S.; eliminating future repeal of authority for part-time assistant criminal conflict and civil regional counsel to practice private criminal law under specified conditions; conforming changes; amending s. 27.562, F.S.; revising the distribution of fees and costs collected from persons who receive certain assistance from a public defender's office; amending s. 28.2401, F.S.; increasing the maximum amount the clerk of court may impose for certain actions in probate matters; providing for the deposit of revenues generated from the increased amount into the State Courts Revenue Trust Fund; delineating specified amounts as filing fees or service charges; amending s. 28.241, F.S.; increasing the maximum filing fee for certain civil actions; providing for a portion of circuit court filing fees to be deposited in the State Courts Revenue Trust Fund; eliminating a requirement for the clerk of court to remit a portion of excess filing fees to the Department of Revenue; prescribing a maximum filing fee for certain family law actions; providing for the distribution of such fee; providing for the payment of graduated filing fees in certain real property or mortgage foreclosure actions; providing a manner for valuing mortgage foreclosure claims; prescribing graduated filing fees based on the value of the claim; requiring a fee for filing a pleading for relief by counterpetition; providing for the payment of graduated filing fees for certain real property or mortgage foreclosure pleadings for relief by cross-claim, counterclaim, counterpetition, or third-party complaint; prescribing graduated filing fees based on the value of the pleading; providing for remittance of fees by the clerk of court and for deposit into specified funds; eliminating a requirement for the clerk of court to remit a portion of fees collected to the Department of Revenue for deposit into a specified trust fund; amending s. 28.33, F.S.; providing that interest on county funds invested by the clerk of court constitutes county funds; amending s. 34.041, F.S.; prescribing a maximum county court filing fee for claims of a specified value filed with an action for replevin; reducing the county court filing fee for an action to remove a tenant; providing for deposit of a portion of fees collected into the State Courts Revenue Trust Fund; eliminating a requirement for the clerk of court to remit a portion of excess filing fees to the Department of Revenue; requiring a fee for filing a pleading for relief by counterpetition in county court; specifying the applicable filing fee required when a case is transferred from county to circuit court; amending s. 57.081, F.S.; providing for the waiver of payment of civil filing fees by persons deemed indigent; revising a requirement for taxed costs in favor of an indigent person to be applied to unpaid costs, to conform; amending s. 57.082, F.S.; conforming changes to the waiver of payment of filing fees by persons deemed indigent; re-

vising provisions related to payment plans, to conform; excluding waived filing fees from payment plans; amending s. 318.121, F.S.; specifying that an Article V assessment is among the fees, fines, surcharges, and costs that may be added to civil traffic infractions; amending s. 318.15, F.S.; imposing a processing fee by the clerk of court on persons who elect to attend a driver improvement school following certain traffic violations but fail to attend; amending s. 318.18, F.S.; imposing an administrative fee and an assessment on motor vehicle license violations and driver's license violations; reenacting s. 318.21(18) and (19), F.S., relating to distribution of traffic-infraction penalties, to incorporate the amendments to s. 318.18, F.S., in references thereto; amending s. 939.185, F.S.; providing for the order assessing additional court costs and surcharges in certain criminal offenses and criminal traffic offenses to be recorded with the clerk of court; providing that such record constitutes a lien on certain real and personal property under specified conditions; providing for an exception and enforcement; providing that such amendments to s. 939.185(1), F.S., are contingent upon a specified act enacted during the 2009 Regular Session becoming law and supersede amendments made by that act; requiring the Florida Clerks of Court Operations Corporation to report annually on certain trust funds in excess of the amount needed to fund the clerk budgets; directing the Justice Administrative Commission to transfer the excess funds to the General Revenue Fund; requiring the clerk of court to implement a process for the electronic filing of court-related information; requiring the Florida Clerks of Court Operations Corporation to report on implementation of the electronic filing process; expressing legislative intent for the First District Court of Appeal to conduct a pilot project for electronic filing of workers' compensation cases; providing for a report on the pilot project; prescribing the statewide budget cap for the clerks of court for the 2009-2010 state fiscal year; directing the Florida Clerks of Court Operations Corporation to reduce the individual approved budgets of the clerks of court; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Chief Financial Officer and the Auditor General, to provide a report regarding the operation and relationship of the clerks of court and the courts to the Legislature by a specified date; providing report requirements; requiring the Technology Review Workgroup to develop a proposed plan for identifying and recommending options for implementing the integrated computer system and submit the plan to the Legislature by a specified date; providing plan requirements; requiring reports on certain purchases of computer hardware and software by clerks of court; superseding provisions relating to functions of the clerks of court and relating to computer hardware and software purchases by the clerks contained in a specified act enacted during the 2009 Regular Session; providing that such provisions do not take effect if the specified act does not become law; expressing legislative intent related to amendatory acts passed during the same legislative session; revising the effective date of a specified act enacted during the 2009 Regular Session; providing effective dates.

On motion by Senator Crist, the Conference Committee Report on **CS for SB 1718** was adopted. **CS for SB 1718** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Dockery	Lynn
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Smith
Constantine	Hill	Sobel
Crist	Jones	Storms
Dean	Joyner	Villalobos
Detert	Justice	Wilson
Deutch	King	Wise
Diaz de la Portilla	Lawson	

Nays—None

Vote after roll call:

Yea—Oelrich

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1676

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1676, same being:

An act relating to education funding

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (654660) to CS for CS for SB 1676 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly

Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (654660)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Part IX of chapter 159, Florida Statutes, consisting of sections 159.841, 159.842, 159.843, 159.844, and 159.845, is created to read:

PART IX

QUALIFIED SCHOOL CONSTRUCTION BONDS

159.841 Short title.—This part may be cited as the "Florida Qualified School Construction Bond Allocation Act."

159.842 Purpose.—The purpose of this part is to allocate the state volume limitation imposed by s. 54F(d) of the code on qualified school construction bonds to finance qualified school construction facilities. Any bond issued which uses a portion of the limitation imposed by s. 54F(d)(1) of the code, or uses a portion of the limitation reallocated to the state pursuant to s.54F(d)(2)(D) of the code, may not be issued in this state unless a written confirmation therefor is issued pursuant to this part.

159.843 Definitions.—As used in this part, the term:

(1) "Board" means the State Board of Education, created pursuant to s. 2, Art. IX of the State Constitution.

(2) "Code" means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(3) "Commissioner" means the Commissioner of Education.

(4) "Department" means the Department of Education, created pursuant to s. 20.15.

(5) "Issued" has the same meaning as in the code.

(6) "Qualified school construction bond" means a bond described in s. 54F(a) of the code.

(7) "Qualified school construction facility" means a facility permitted to be financed with qualified school construction bonds pursuant to s. 54F(a) of the code.

159.844 Allocation of state volume limitation.—

(1) The board shall establish a program for allocating the state volume limitation imposed by s. 54F(d)(1) of the code, or reallocated to the state pursuant to s. 54F(d)(2)(D) of the code, on qualified school construction bonds to finance qualified school construction facilities. The Department of Education shall administer the program for allocation of the state volume limitation pursuant to an application and issuance reporting process. Such program must include objective criteria to be considered in determining whether to grant a request for the volume limitation, including, but not limited to, the need for a qualified school construction facility in the area proposed in the application, the number of students to be served by such facility, and the cost-effectiveness of the proposed facility.

(2) The department shall annually determine the amount of qualified school construction bonds permitted to be issued in this state under s. 54F(d)(1) of the code and shall make such information available upon request to any person or agency.

(3) The department shall ensure that any volume limitation that is unused at the end of each calendar year is carried forward pursuant to s. 54F(e) of the code.

(4) The commissioner shall sign any certificate required by the code which relates to the allocation of the state volume limitation on qualified school construction bonds to finance qualified school construction facilities.

159.845 Rules.—The board and the department shall adopt any rules necessary to ensure the orderly implementation of this part.

Section 2. Paragraph (a) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) *Office of Technology and Information Services.*—Responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, *assisting school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund,* and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual School shall be administratively housed within the office.

Section 3. Section 1001.271, Florida Statutes, is created to read:

1001.271 Florida Information Resource Network.—Upon requisition by school districts, community colleges, universities, or other eligible users of the Florida Information Resource Network, the Commissioner of Education shall purchase the nondiscounted portion of Internet access services, including, but not limited to, circuits, encryption, content filtering, support, and any other services needed for the effective and efficient operation of the network. For the 2009-2010 fiscal year, each school district, the Florida School for the Deaf and the Blind, and the Regional Education Consortia eligible for the e-rate must submit a requisition to the Commissioner of Education for at least the same level of Internet access services used through the Florida Information Resource Network contract in the 2008-2009 fiscal year. Each user shall identify in its requisition the source of funds from which the commissioner is to make payments.

Section 4. Subsection (2) of section 1001.28, Florida Statutes, is amended to read:

1001.28 Distance learning duties.—The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

(2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders ~~on the education satellites, the SUNCOM Network~~, the Florida Information Resource Network (FIRN), *the Florida Knowledge Network,* ~~the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services' satellite communication facilities to support a~~

~~statewide advanced telecommunications services~~ and distance learning *initiatives* ~~network~~.

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, university board of trustees, the Board of Governors, or the State Board of Education.

Section 5. Subsection (3) is added to section 1001.395, Florida Statutes, as amended by section 1 of chapter 2009-3, Laws of Florida, to read:

1001.395 District school board members; compensation.—

(3) Notwithstanding the provisions of this section and s. 145.19, for the 2009-2010 fiscal year, the salary of each district school board member shall be the amount calculated pursuant to subsection (1) or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Section 6. Paragraph (a) of subsection (12) and subsection (25) of section 1001.42, Florida Statutes, as created by section 2 of chapter 2009-3, Laws of Florida, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(12) FINANCE.—Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

(a) *Provide for all schools to operate* ~~at least~~ *180 days.*—Provide for the operation of all public schools, both elementary and secondary, as free schools for a term of ~~at least~~ 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for such minimum term; and arrange for the levying of district school taxes necessary to provide the amount needed from district sources.

(25) EMPLOYMENT CONTRACTS.— ~~On or after February 1, 2009,~~ A district school board may not enter into an employment contract ~~that is funded from state funds and~~ that requires the district to pay *from state funds* an employee an amount in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement. *This subsection does not prohibit the payment of earned leave and benefits in accordance with the district's leave and benefits policies which were accrued by the employee before the contract terminates.*

Section 7. Paragraph (c) of subsection (2) of section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)

(c) Notwithstanding paragraph (a), the appropriation for the *2009-2010* ~~2008-2009~~ fiscal year may be less than $50,000 per school district and eligible member. If the amount appropriated is insufficient to provide $50,000, the funds available must be prorated among all eligible districts and members. This paragraph expires July 1, *2010* ~~2009~~.

Section 8. Subsections (6) and (7) are added to section 1001.47, Florida Statutes, to read:

1001.47 District school superintendent; salary.—

(6) Notwithstanding the provisions of this section and s. 145.19, elected district school superintendents may reduce their salary rate on a voluntary basis.

(7) Notwithstanding the provisions of this section and s. 145.19, for the 2009-2010 fiscal year the salary of each elected district school superintendent calculated pursuant to s. 1001.47 shall be reduced by 2 percent.

Section 9. Subsection (2) of section 1001.50, Florida Statutes, as amended by section 3 of chapter 2009-3, Laws of Florida, is amended, and subsections (5) and (6) are added to that section, to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.—

(2) The district school board of each of such districts shall enter into contracts of employment with the district school superintendent and shall adopt rules relating to his or her appointment; however, ~~on or after February 1, 2009,~~ the district school board may not enter into an employment contract ~~that is funded from state funds and~~ that requires the district to pay *from state funds* a superintendent an amount in excess of 1 year of the superintendent's annual salary for termination, buy-out, or any other type of contract settlement. *This subsection does not prohibit the payment of earned leave and benefits in accordance with the district's leave and benefits policies which were accrued by the superintendent before the contract terminates.*

(5) Notwithstanding any other law, resolution, or rule to the contrary, a district school superintendent employed under this section may not receive more than $225,000 in remuneration annually from state funds. As used in this subsection, the term "remuneration" means salary, bonuses, and cash-equivalent compensation paid to a district school superintendent by his or her employer for work performed, excluding health insurance benefits and retirement benefits. Only compensation, as defined in s. 121.021(22), provided to a district school superintendent may be used in calculating benefits under chapter 121.

(6) District school boards and superintendents employed pursuant to this section are encouraged to review the superintendent's annual remuneration for the 2009-2010 fiscal year and mutually agree to a reduction of at least 5 percent.

Section 10. Paragraph (g) of subsection (3) of section 1002.37, Florida Statutes, is amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(g) The Florida Virtual School shall receive additional state funds as may be provided in the General Appropriations Act*; however, such funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.*

Section 11. Section 1002.45, Florida Statutes, is amended to read:

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

(a) For purposes of this section, the term:

1. "Approved provider" means a provider that is approved by the Department of Education under subsection (2), the Florida Virtual School, or a franchise of the Florida Virtual School.

2. "Virtual instruction program" means a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both, and in which a Florida-certified teacher under chapter 1012 is responsible for at least:

a. Fifty percent of the direct instruction to students in kindergarten through grade 5; or

b. Eighty percent of the direct instruction to students in grades 6 through 12.

(b) ~~(a)~~ Beginning with the 2009-2010 school year, each school district shall provide eligible students within its boundaries the option of participating in a virtual instruction program. The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall *be:*

1. ~~provide virtual instruction to~~ Full-time *for* students enrolled in ~~full-time virtual courses in~~ kindergarten through grade *12.* ~~8~~

2. ~~or in~~ Full-time or part-time *for students enrolled in dropout prevention and academic intervention programs under s. 1003.53 or Department of Juvenile Justice education programs under s. 1003.52* ~~virtual courses~~ in grades 9 through 12 ~~as authorized in paragraph (7)(c)~~.

(c) To provide students with the option of participating in virtual instruction programs as required by paragraph (b), aschool district may:

1. Contract with the Florida Virtual School or establish a franchise of the Florida Virtual School for the provision of a program under paragraph (b). Using this option is subject to the requirements of this section and s. 1011.61(1)(c)1.b.(III) and (IV).

2. Contract with an approved provider under subsection (2) for the provision of a full-time program under subparagraph (b)1. or a full-time or part-time program under subparagraph (b)2.

3. Enter into an agreement with another school district to allow the participation of its students in an approved virtual instruction program provided by the other school district. The agreement must indicate a process for the transfer of funds required by paragraph (7)(b).

Contracts under subparagraph 1. or subparagraph 2. may include multidistrict contractual arrangements that may be executed by a regional consortium for its member districts. A multidistrict contractual arrangement or an agreement under subparagraph 3. is not subject to s. 1001.42(4)(d) and does not require the participating school districts to be contiguous.

~~(b) Each school district's virtual instruction program may consist of one or more schools that are operated by the district or by contracted providers approved by the Department of Education under subsection (2). School districts may participate in multidistrict contractual arrangements, which may include contracts executed by a regional consortium for its member districts, to provide such programs.~~

(d) ~~(e)~~ A charter school may enter into a joint agreement with the school district in which it is located for the charter school's students to participate in *the* ~~an approved district~~ *school district's* virtual instruction program.

(2) PROVIDER QUALIFICATIONS.~~—On or before March 1, 2009, and annually thereafter,~~

(a) The department shall *annually* provide school districts with a list of providers approved to offer virtual instruction *programs*. To be approved by the department, a ~~contract~~ provider must ~~annually~~ document that it:

1. ~~(a)~~ Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. ~~(b)~~ Complies with the antidiscrimination provisions of s. 1000.05;

3. ~~(c)~~ Locates an administrative office or offices in this state, requires its administrative staff to be state residents, ~~and~~ requires all instructional staff ~~members~~ to be Florida-certified teachers *under chapter 1012, and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records*;

4. ~~(d)~~ Possesses prior, successful experience offering online courses to elementary, middle, or high school students; *and*

~~(e) Utilizes an instructional model that relies on certified teachers, not parents, to provide at least 85 percent of the instruction to the student;~~

5. ~~(f)~~ Is accredited by the *Southern Association of Colleges and Schools Council on Accreditation and School Improvement, the North Central Association Commission on Accreditation and School Improvement, the Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, the New England Association of Schools and Colleges, the Northwest Association of Accredited Schools, the Western Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation.* ~~Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools; and~~

(b) An approved provider shall retain its approved status for a period of 3 years after the date of the department's approval under paragraph (a) as long as the provider continues to comply with all requirements of this section.

~~(g) Complies with all requirements under this section.~~

~~Notwithstanding this subsection, approved providers of virtual instruction shall include the Florida Virtual School established under s. 1002.37 and providers that operate under s. 1002.415.~~

(3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each *school district* virtual instruction program *under this section* ~~operated or contracted by a school district~~ must:

~~(a) Require all instructional staff to be certified professional educators under chapter 1012.~~

~~(b) Conduct a background screening of all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.~~

(a) ~~(c)~~ Align virtual course curriculum and course content to the Sunshine State Standards under s. 1003.41.

(b) ~~(d)~~ Offer instruction that is designed to enable a student to gain proficiency in each virtually delivered course of study.

(c) ~~(e)~~ Provide each student enrolled in the program with all the necessary instructional materials.

(d) ~~(f)~~ Provide, when appropriate, each ~~household having a~~ full-time student enrolled in the program with:

1. All equipment necessary for participants in the school district virtual instruction program, including, but not limited to, a computer, computer monitor, and printer; and

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

(e) ~~(g)~~ Not require tuition or student registration fees.

(4) *CONTRACT REQUIREMENTS* ~~PROGRAM CAPACITY; ENROLLMENT~~.—*Each contract with an approved provider must at minimum:*

(a) Set forth a detailed curriculum plan that illustrates how students will be provided services to attain proficiency in the Sunshine State Standards.

(b) Provide a method for determining that a student has satisfied the requirements for graduation in s. 1003.428, s. 1003.429, or s. 1003.43 if the contract is for the provision of a full-time virtual instruction program to students in grades 9 through 12.

(c) Specify a method for resolving conflicts among the parties.

(d) Specify authorized reasons for termination of the contract.

(e) Require the approved provider to be responsible for all debts of the school district virtual instruction program if the contract is not renewed or is terminated.

(f) Require the approved provider to comply with all requirements of this section. ~~Beginning with the 2010-2011 school year, except for courses offered by the Florida Virtual School under s. 1002.37, a school district may not increase the enrollment for its full-time virtual instruction program in excess of its prior school year enrollment unless the program for the previous school year is designated with a grade of "C," making satisfactory progress, or better under the school grading system provided in s. 1008.34.~~

(5) STUDENT ELIGIBILITY.—*A student may enroll in a* ~~Enrollment in a school district~~ virtual instruction program *provided by the*

school district in which he or she resides ~~is open to any student residing within the district's attendance area~~ if the student meets at least one of the following conditions:

(a) The student has spent the prior school year in attendance at a public school in this state and was enrolled and reported by a public school district for funding during the preceding October and February for purposes of the Florida Education Finance Program surveys.

(b) The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to the parent's permanent change of station orders.

(c) The student was enrolled during the prior school year in a school district virtual instruction program under this section or a K-8 Virtual School Program under s. 1002.415.

(6) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in a school district virtual instruction program must:

(a) Comply with the compulsory attendance requirements of s. 1003.21. Student attendance must be verified by the school district.

(b) Take state assessment tests within the school district in which such student resides, which must provide the student with access to the district's testing facilities.

(7) FUNDING.—

(a) For purposes of a *school* district virtual instruction program, "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).

(b) The school district *in which the student resides* shall report full-time equivalent students for the school district virtual instruction program ~~and for a charter school's students who participate under paragraph (1)(c)~~ to the department ~~only~~ in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program. *Funds received by the school district of residence for a student in a virtual instruction program provided by another school district under this section shall be transferred to the school district providing the virtual instruction program.*

~~(c) Full-time or part-time school district virtual instruction program courses provided under this section for students in grades 9 through 12 are limited to Department of Juvenile Justice programs, dropout prevention programs, and career and vocational programs.~~

(8) ASSESSMENT AND ACCOUNTABILITY.—

(a) ~~With the exception of the programs offered by the Florida Virtual School under s. 1002.37,~~ Each *approved provider contracted under this section* ~~school district virtual instruction program~~ must:

1. Participate in the statewide assessment program under s. 1008.22 and in the state's education performance accountability system under s. 1008.31.

2. Receive a school grade *under* ~~as provided in~~ s. 1008.34 *or a school improvement rating under s. 1008.341, as applicable. The school grade or school improvement rating received by each approved provider shall be based upon the aggregated assessment scores of all students served by the provider statewide* ~~A school district virtual instruction program shall be considered a school under s. 1008.34 for purposes of this section, regardless of the number of individual providers participating in the district's program~~. *The department shall publish the school grade or school improvement rating received by each approved provider on its Internet website.*

(b) The performance of part-time students *in grades 9 through 12* ~~under paragraph (7)(c)~~ shall not be included for purposes of school *grades or school improvement ratings* ~~grading~~ under subparagraph (a)2.; however, their performance shall be included for school grading *or school improvement rating* purposes by the nonvirtual school providing the student's primary instruction.

(c) *An approved provider* ~~A program~~ that *receives* ~~is designated with~~ a *school* grade of "D;" ~~making less than satisfactory progress,~~ or "F;" *under s. 1008.34 or a school improvement rating of "Declining" under s. 1008.341* ~~failing to make adequate progress,~~ must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(d) *An approved provider's contract must be terminated* ~~The school district shall terminate its program, including all contracts with providers for such program,~~ if the *provider* ~~program~~ receives a *school* grade of "D;" ~~making less than satisfactory progress,~~ or "F;" *under s. 1008.34 or a school improvement rating of "Declining" under s. 1008.341* ~~failing to make adequate progress,~~ for 2 years during any consecutive 4-year period. *A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with subsection (2) and has corrected each cause of the provider's low performance.* ~~If a contract is not renewed or is terminated, the contracted provider is responsible for all debts of the program or school operated by the provider.~~

~~(e) A school district that terminates its program under paragraph (d) shall contract with a provider selected and approved by the department for the provision of virtual instruction until the school district receives approval from the department to operate a new school district virtual instruction program.~~

(9) EXCEPTIONS.—A provider of digital or online content or curriculum that is used to supplement the instruction of students who are not enrolled in a *school district* virtual instruction program under this section is not required to meet the requirements of this section.

(10) MARKETING.—*Each school district shall provide* ~~Any~~ information ~~provided by a school district~~ to parents and students ~~regarding the school district's virtual instruction program must include information~~ about ~~opportunities available at, and~~ the parent's and student's right to *participate* ~~access~~ *in a school district virtual instruction program under this section and in* courses offered by~~,~~ the Florida Virtual School under s. 1002.37.

~~(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM. For the 2008-2009 school year, each school district in the state may offer a school district virtual instruction program to provide full-time virtual courses in kindergarten through grade 8 or to provide full-time or part-time virtual courses in grades 9 through 12 as authorized in paragraph (7)(c). Such program may be operated or contracted as provided under paragraph (1)(b) and must comply with all requirements of this section, except that contracts under this subsection may only be issued for virtual courses in kindergarten through grade 8 to providers operating under s. 1002.415 or for virtual courses in grades 9 through 12 as authorized under paragraph (7)(c) to providers who contracted with a regional consortium in the 2007-2008 school year to provide such services.~~

(11) ~~(12)~~ RULES.—The State Board of Education shall adopt rules necessary to administer this section, including rules that prescribe school district ~~and charter school~~ reporting requirements *under subsection (7).*

(12) STUDY.—The department shall review the advisability of legislatively authorizing school districts to contract with approved private providers for the provision of part-time virtual instruction programs for students in grades 9 through 12 who are not enrolled in programs under ss. 1003.52 and 1003.53. The department shall report its findings and recommendations to the presiding officers of the Legislature and the Governor by January 15, 2010.

Section 12. Paragraph (d) of subsection (3), paragraph (a) of subsection (4), and paragraph (d) of subsection (6) of section 1002.71, Florida Statutes, as amended by section 7 of chapter 2009-3, Laws of Florida, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(d) For programs offered by school districts pursuant to s. 1002.61 and beginning with the 2009 summer program, each district's funding shall be based on a ~~full-timeequivalent~~ student enrollment that is evenly di-

visible by 12. If the result of dividing a district's ~~full-time equivalent~~ student enrollment by 12 is not a whole number, the district's enrollment calculation shall be adjusted by adding the minimum number of ~~full-time equivalent~~ students to produce a ~~full-timeequivalent~~ student enrollment calculation that is evenly divisible by 12.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than *70* ~~10~~ percent of the hours authorized to be reported for funding under subsection (2) may withdraw from the program for good cause *and* ~~,~~ reenroll in one of the programs~~, and be reported for funding purposes as a full-time equivalent student in the program for which the child is reenrolled~~. The total funding for a child who reenrolls in one of the programs *for good cause may* ~~shall~~ not exceed one full-time equivalent student. *Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the agency's uniform attendance policy adopted pursuant to paragraph (6)(d).*

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(6)

(d) The Agency for Workforce Innovation shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must ~~establish a minimum requirement for student attendance and~~ include *at least* the following provisions:

1. Beginning with the 2009-2010 fiscal year for school-year programs*, a student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student* ~~and the 2009 summer program, a student who meets the minimum requirement of 80 percent of the total number of hours for the program may be reported as a full-time equivalent student for funding purposes~~.

2. *At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.* ~~A student who does not meet the minimum requirement may be reported only as a fractional part of a full-time equivalent student, reduced pro rata based on the student's attendance.~~

3. *A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance.* ~~A student who does not meet the minimum requirement may be reported as a full-time equivalent student if the student is absent for good cause in accordance with exceptions specified in the uniform attendance policy.~~

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

Section 13. Paragraph (g) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:

(g) *School operation.*—

1. Provide for the operation of all public schools as free schools for a term of ~~at least~~ 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for the minimum term; and arrange for the levying of district school taxes necessary to provide the amount needed from district sources.

2. Prepare, adopt, and timely submit to the Department of Education, as required by law and by rules of the State Board of Education, the annual school budget, so as to promote the improvement of the district school system.

Section 14. Paragraph (b) of subsection (2) and subsection (4) of section 1003.03, Florida Statutes, as amended by section 9 of chapter 2009-3, Laws of Florida, are amended to read:

1003.03 Maximum class size.—

(2) IMPLEMENTATION.—

(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.

2. For fiscal years 2006-2007 through *2009-2010* ~~2008-2009~~, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.

3. For fiscal year *2010-2011* ~~2009-2010~~ and thereafter, the calculation for compliance shall be at the individual classroom level.

4. For fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom shall be included in the calculation for compliance.

(4) ACCOUNTABILITY.—

(a)1. Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and not later than March 1 of each year, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(2)(d). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical.

2. In lieu of the transfer required by subparagraph 1., the Commissioner of Education may recommend a budget amendment, subject to approval by the Legislative Budget Commission, to transfer an alternative amount of funds from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction if the commissioner finds that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

3. For the 2007-2008 fiscal year and thereafter, if in any fiscal year funds from a district's class size operating categorical are required to be transferred to its fixed capital outlay fund and the district's class size operating categorical allocation in the General Appropriations Act for that fiscal year has been reduced by a subsequent appropriation, the Commissioner of Education may recommend a 50-percent reduction in the amount of the transfer.

(b) Beginning in the 2010-2011 fiscal year and each year thereafter, if the department determines that the number of students assigned to any individual class exceeds the class size maximum, as required in subsection (2), at the time of the third FEFP calculation, the department shall:

1. Identify, for each grade group, the number of classes in which the enrollment exceeds the maximum, the number of students which exceed the maximum for each class, and the total number of students which exceed the maximum for all classes.

2. Determine the number of full-time equivalent students which exceed the maximum class size for each grade group.

3. Multiply the total number of FTE students which exceed the maximum class size for each grade group by the district's FTE dollar amount of the class-size-reduction allocation for that year and calculate the total for all three grade groups.

4. Reduce the district's class-size-reduction operatingcategorical allocation by an amount equal to the sum of the calculation in subparagraph 3.

(c) Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and no later than March 1 of each year, the Executive Office of the Governor shall place these funds in reserve and the undistributed funds shall revert to the General Revenue Fund unallocated at the end of the fiscal year. The amount of funds reduced shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class-size-reduction operating categorical allocation.

(d) In lieu of the reduction calculation in paragraph (b), the Commissioner of Education may recommend a budget amendment, subject to approval of the Legislative Budget Commission, to reduce an alternative amount of funds from the district's class-size-reduction operating categorical allocation. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

(e) In addition to the calculation required in paragraph (a), at the time of the third FEFP calculation for the 2009-2010 fiscal year, the department shall also prepare a simulated calculation based on the requirements in paragraphs (b) and (c). This simulated calculation shall be provided to the school districts and the Legislature.

~~(b) Beginning in the 2005-2006 school year, the department shall determine by January 15 of each year which districts have not met the two student per year reduction required in subsection (2) based upon a comparison of the district's October student membership survey for the current school year and the February 2003 baseline student membership survey. The department shall report such districts to the Legislature. Each district that has not met the two student per year reduction shall be required to implement one of the following policies in the subsequent school year unless the department finds that the district comes into compliance based upon the February student membership survey:~~

~~1. Year round schools;~~

~~2. Double sessions;~~

~~3. Rezoning; or~~

~~4. Maximizing use of instructional staff by changingrequired teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session during the day.~~

~~A school district that is required to implement one of the policies outlined in subparagraphs 1. 4. shall correct in the year of implementation any past deficiencies and bring the district into compliance with the two-student-per-year reduction goals established for the district by the department pursuant to subsection (2). A school district may choose to implement more than one of these policies. The district school superintendent shall report to the Commissioner of Education the extent to which the district implemented any of the policies outlined in subparagraphs 1. 4. in a format to be specified by the Commissioner of Education. The Department of Education shall use the enforcement authority provided in s. 1008.32 to ensure that districts comply with the provisions of this paragraph.~~

~~(c) Beginning in the 2006-2007 school year, the department shall annually determine which districts do not meet the requirements described in subsection (2). In addition to enforcement authority provided in s. 1008.32, the Department of Education shall develop a constitutional compliance plan for each such district which includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation unless the department finds that the district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement the constitutional compliance plan developed by the state board until the district complies with the constitutional class size maximums.~~

Section 15. Paragraph (a) of subsection (1) of section 1004.55, Florida Statutes, is amended to read:

1004.55 Regional autism centers.—

(1) Seven regional autism centers are established to provide nonresidential resource and training services for persons of all ages and of all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Service delivery shall be consistent for all centers. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The *College of Medicine* ~~Department of CommunicationDisorders~~ at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

Section 16. Paragraphs (a) and (b) of subsection (5) of section 1006.06, Florida Statutes, are amended to read:

1006.06 School food service programs.—

(5)(a) Each district school board shall implement school breakfast programs that make breakfast meals available to all students in each elementary school. By the beginning of the 2010-2011 school year, *universal* ~~the~~ school breakfast programs shall *be offered in schools in which 80 percent or more of the students are eligible for free or reduced-price meals* ~~make breakfast meals available to all students in eachelementary, middle, and high school~~. Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program.

(b) Beginning with the 2009-2010 school year, each school district must annually set prices for breakfast meals at rates that, combined with federal reimbursements *and state allocations*, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds, except if the district school board approves lower rates.

Section 17. Subsection (5) is added to section 1006.21, Florida Statutes, to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.—

(5) Contiguous school districts shall make provisions for reciprocal policies and agreements for contracts for school bus transportation services, inspections, and screening requirements for public schools and public charter schools.

Section 18. Subsection (1) of section 1006.28, Florida Statutes, is amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of textbooks or sets of materials *that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve* ~~serving~~ as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

(a) *Courses of study; adoption.*—Adopt courses of study for use in the schools of the district.

(b) *Textbooks.*—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as may be needed. The district school board shall assure that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

(c) *Other instructional materials.*—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

Section 19. Paragraph (a) of subsection (2) of section 1006.40, Florida Statutes, as amended by section 10 of chapter 2009-3, Laws of Florida, is amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2)(a) Each district school board must purchase current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 2 years after the effective date of the adoption cycle; however, this requirement is waived for the adoption cycle occurring in the 2008-2009 academic year *for schools within the district which are identified in the top four categories of schools pursuant to s. 1008.33, as amended by CS/CS/HB 991, Engrossed 1. The Commissioner of Education may provide a waiver of this requirement for the adoption cycle occurring in the 2008-2009 academic year if the district demonstrates that it has intervention and support strategies to address the particular needs of schools in the lowest two categories*. Unless specifically provided for in the General Appropriations Act, the cost of instructional materials purchases required by this paragraph shall not exceed the amount of the district's allocation for instructional materials, pursuant to s. 1011.67, for the previous 2 years.

Section 20. Subsection (12) is added to section 1007.25, Florida Statutes, to read:

1007.25 General education courses; common prerequisites; and other degree requirements.—

(12)(a) A public postsecondary educational institution may not confer an associate in arts or baccalaureate degree upon any student who fails to successfully complete one of the following requirements:

1. Achieve a score that meets or exceeds a minimum score on a nationally standardized examination, as established by the State Board of Education in conjunction with the Board of Governors; or

2. Demonstrate successful remediation of any academic deficiencies and achieve a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level coursework identified by the State Board of Education in conjunction with the Board of Governors. The Department of Education shall specify the means by which a student may demonstrate successful remediation.

(b) Any student who, in the best professional opinion of the postsecondary educational institution, has a specific learning disability such that the student cannot demonstrate successful mastery of one or more of the authorized examinations but is achieving at the college level in every area despite his or her disability, and whose diagnosis indicates that further remediation will not succeed in overcoming the disability, may appeal through the appropriate dean to a committee appointed by the president or the chief academic officer for special consideration. The committee shall examine the evidence of the student's academic and medical records and may hear testimony relevant to the case. The committee may grant a waiver for one or more of the authorized examinations based on the results of its review.

(c) Each public postsecondary educational institution president shall establish a committee to consider requests for waivers from the requirements in paragraph (a). The committee shall be chaired by the chief academic officer of the institution and shall have four additional members appointed by the president as follows:

1. One faculty member from the mathematics department;

2. One faculty member from the English department;

3. The institutional test administrator; and

4. One faculty member from a department other than English or mathematics.

(d) Any student who has taken the authorized examinations and has not achieved a passing score, but has otherwise demonstrated proficiency in coursework in the same subject area, may request a waiver from the examination requirement. Waivers shall be considered only after students have been provided test accommodations or other administrative adjustments to permit the accurate measurement of the student's proficiency in the subject areas measured by the authorized examinations. The committee shall consider the student's educational records and other evidence as to whether the student should be able to pass the authorized examinations. A waiver may be recommended to the president upon a majority vote of the committee. The president may approve or disapprove the recommendation. The president may not approve a request that the committee has disapproved. If a waiver is approved, the student's transcript shall include a statement that the student did not meet the requirements of this subsection and that a waiver was granted.

Section 21. *Section 1008.29, Florida Statutes, is repealed.*

Section 22. Paragraph (c) of subsection (1) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(1) The Commissioner of Education shall coordinate uniform program structures, common definitions, and uniform management information systems for workforce education for all divisions within the department. In performing these functions, the commissioner shall designate deadlines after which data elements may not be changed for the coming fiscal or school year. School districts and community colleges shall be notified of data element changes at least 90 days prior to the

start of the subsequent fiscal or school year. Such systems must provide for:

(c) Maximum use of automated technology and records in existing databases and data systems. To the extent feasible, the Florida Information Resource Network *may* ~~shall~~ be employed for this purpose.

Section 23. Section 1010.06, Florida Statutes, is created to read:

1010.06 Indirect cost limitation.—State funds appropriated by the Legislature to the Division of Public Schools within the Department of Education may not be used to pay indirect costs to a university, community college, school district, or any other entity.

Section 24. Section 1010.11, Florida Statutes, is amended to read:

1010.11 Electronic transfer of funds.—Pursuant to the provisions of s. 215.85, each district school board, community college board of trustees, and university board of trustees shall adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, withdrawal, ~~or~~ investment*, or payment*. Electronic transactions shall comply with the provisions of chapter 668.

Section 25. Subsection (4) is added to section 1011.09, Florida Statutes, to read:

1011.09 Expenditure of funds by district school board.—All state funds apportioned to the credit of any district constitute a part of the district school fund of that district and must be budgeted and expended under authority of the district school board subject to the provisions of law and rules of the State Board of Education.

(4) During the 2009-2010 fiscal year, unless otherwise specifically approved by the district school board, public funds may not be expended for out-of-state travel or cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method. The expenditure of public funds for art programs, music programs, sports programs, and extracurricular programs for students is a higher priority than expending funds for employee travel and cellular phones.

Section 26. Subsection (4) of section 1011.18, Florida Statutes, is amended to read:

1011.18 School depositories; payments into and withdrawals from depositories.—

(4) HOW FUNDS DRAWN FROM DEPOSITORIES.—All money drawn from any district school depository holding same as prescribed herein shall be upon a check or warrant drawn on authority of the district school board as prescribed by law. Each check or warrant shall be signed by the chair or, in his or her absence, the vice chair of the district school board and countersigned by the district school superintendent, with corporate seal of the school board affixed. However, as a matter of convenience, the corporate seal of the district school board may be printed upon the warrant and a proper record of such warrant shall be maintained. The district school board may by resolution, a copy of which must be delivered to the depository, provide for internal funds to be withdrawn from any district depository by a check duly signed by at least two bonded school employees designated by the board to be responsible for administering such funds. However, the district school superintendent or his or her designee, after having been by resolution specifically authorized by the district school board, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds *to pay expenses, expenditures, or other disbursements that must be evidenced by an invoice or other appropriate documentation* in a similar manner ~~when the transfer does not represent an expenditure, advance, or reduction of cash assets~~. Such transfer may be made by electronic, telephonic, or other medium; and each transfer shall be confirmed in writing and signed by the district school superintendent or his or her designee.

Section 27. Subsection (2) and paragraphs (d) and (f) of subsection (3) of section 1011.60, Florida Statutes, are amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(2) MINIMUM TERM.—Operate all schools for a term of ~~at least~~ 180 actual teaching days or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days *or hours*, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days *or hours* is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency.

(3) EMPLOYMENT POLICIES.—Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.

(d) District school boards may authorize a maximum of six paid legal holidays which shall apply to the *total annual number of required* ~~196~~ days of service *adopted by the board*.

(f) Such rules must *not* require *more than 10* ~~12~~ calendar months of service for ~~such~~ principals*, other school site administrators, and instructional staff,* as prescribed by rules of the State Board of Education ~~and must require 10 months to include not less than 196 days of service~~, excluding Sundays and other holidays*. Principals, other school site administrators, and instructional staff may serve more than 10 calendar months of service if specifically approved by the district school board. Contracts for 12 months of service may* ~~, for all members of the instructional staff, with any such service on a 12 month basis to~~ include reasonable allowance for vacation or further study as prescribed by the school board in accordance with rules of the State Board of Education.

Section 28. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in *kindergarten through grade 5* ~~grades K-8~~ in a school district virtual instruction program *under* ~~as provided in~~ s. 1002.45 shall consist of a student who has

successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades *6 through 12* ~~9-12~~ in a school district virtual instruction program *under s. 1002.45(1)(b)1. and 2.* ~~as provided in s. 1002.45~~ shall consist of six full credit completions in programs listed in *s. 1011.62(1)(c)1.b. or c.* ~~s. 1011.62(1)(c)1.~~ and *3* 4. Credit completions can be a combination of either full credits or half credits.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in *s. 1011.62(1)(c) 1.b. for grades 6 through 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12* ~~s. 1011.62(1)(c)1. and 4~~. Credit completions can be a combination of either full credits or half credits.

(VI) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as $^1/_6$ FTE.

2. A student in membership in a program scheduled for more or less than 180 school days *or the equivalent on an hourly basis as specified by rules of the State Board of Education* is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 29. Present paragraphs (l) through (p) of subsection (1) of section 1011.62, Florida Statutes, are redesignated as paragraphs (m) through (q), respectively, a new paragraph (l) is added to that subsection, present paragraph (p) of that subsection is amended, and subsections (4) and (5), paragraph (b) of subsection (6), and paragraph (a) of subsection (12) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(l) Study hall.—A student who is enrolled in study hall may not be included in the calculation of full-time equivalent student membership for funding under this section.

(q) ~~(p)~~ *Calculation of additional full-time equivalent membership for the Florida Virtual School.*—The ~~total~~ reported full-time equivalent student membership for the Florida Virtual School *for students who are also enrolled in a school district* shall be multiplied by 0.114, and such value shall be added to the total full-time equivalent student membership.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. *The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (12)(b).* Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation *as calculated and adopted by the Legislature*, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. *On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:*

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board. ~~As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes.~~

~~(b) *Final calculation.*~~

~~1. The taxable value for school purposes certified by the Department of Revenue which is used in the fourth calculation with the annualized full-time student membership from the February student survey shall be the final taxable value used in the final calculation.~~

~~2. For purposes of this paragraph, the final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to chapter 194. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the taxable value for school purposes. The value certified under subparagraph 1. shall be the final taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraph (12)(b).~~

(b) ~~(c)~~ *Equalization of required local effort.*—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The Commissioner of Education shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 1011.71(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 1011.71(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. However, for those parcels studied pursuant to s. 195.096(3)(a) 1. which are receiving the assessment limitation set forth in s. 193.155, and for which the assessed value is less than the just value, the department shall use the assessed value in the numerator and the denominator of such assessment ratio. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(c) ~~(d)~~ *Exclusion.—*

1. In those instances in which:

a. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b. The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll, the plaintiff shall provide to the district school board of the county in which the property is located and to the Department of Education a certified copy of the petition and receipt for the good faith payment at the time they are filed with the court.

2. For purposes of computing the required local effort for each district affected by such petition, the Department of Education shall exclude from the district's total nonexempt assessment roll the assessed value of the property in contest and shall add the amount of the good faith payment to the district's required local effort.

(d) ~~(e)~~ *Recomputation.*—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph *(c)* ~~(d)~~, the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(e) Prior period funding adjustment millage.—

1. There shall be an additional millage to be known as the Prior Period Funding Adjustment Millage levied by a school district if the prior period unrealized required local effort funds are greater than zero. The Commissioner of Education shall calculate the amount of the prior period unrealized required local effort funds as specified in subparagraph 2. and the millage required to generate that amount as specified in this subparagraph. The Prior Period Funding Adjustment Millage shall be the quotient of the prior period unrealized required local effort funds divided by the current year taxable value certified to the Commissioner of Education pursuant to sub-subparagraph (a)1.a. This levy shall be in addition to the required local effort millage certified pursuant to this subsection. Such millage shall not affect the calculation of the current year's required local effort and the funds generated by such levy shall not be included in the district's Florida Education Finance Program allocation for that fiscal year. For purpose of the millage to be included on the Notice of Proposed Taxes, the Commissioner of Education shall adjust the required local effort millage computed pursuant to paragraph (a) as adjusted by paragraph (b) for the current year for any district that levies a Prior Period Funding Adjustment Millage to include all Prior Period Funding Adjustment Millage. For the purpose of this paragraph, there shall be a Prior Period Funding Adjustment Millage levied for each year certified by the Department of Revenue pursuant to sub-subparagraph (a) 2.a. since the previous year certification and for which the calculation in sub-subparagraph 2.b. is greater than zero.

2.a. As used in this subparagraph, the term:

(I) "Prior year" means a year certified under sub-subparagraph (a)2.a.

(II) "Preliminary taxable value" means:

(A) If the prior year is the 2009-2010 fiscal year or later, the taxable value certified to the Commissioner of Education pursuant to sub-subparagraph (a)1.a.

(B) If the prior year is the 2008-2009 fiscal year or earlier, the taxable value certified pursuant to the final calculation as specified in former paragraph (b) as that paragraph existed in the prior year.

(III) "Final taxable value" means the district's taxable value as certified by the property appraiser pursuant to s. 193.122(2) or (3), if applicable. This is the certification that reflects all final administrative actions of the value adjustment board.

b. For purposes of this subsection and with respect to each year certified pursuant to sub-subparagraph (a)2.a., if the district's prior year preliminary taxable value is greater than the district's prior year final taxable value, the prior period unrealized required local effort funds are the difference between the district's prior year preliminary taxable value and the district's prior year final taxable value, multiplied by the prior year district required local effort millage. If the district's prior year preliminary taxable value is less than the district's prior year final taxable value, the prior period unrealized required local effort funds are zero.

(5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The Legislature shall prescribe in the General Appropriations Act, pursuant to s. 1011.71(1), the rate of nonvoted current operating discretionary millage that shall be used to calculate a discretionary millage compression supplement. If the prescribed millage generates an amount of funds per unweighted FTE for the district that is less than the state average, the district shall receive an amount per FTE that, when added to the funds per FTE generated by the designated levy, shall equal the state average. ~~To be eligible for the supplement, a district must levy the maximum authorized millage pursuant to s. 1011.71.~~

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for safe schools.

3. Funds for supplemental academic instruction.

4. Funds for research-based reading instruction.

5. Funds for instructional materials if all instructional material purchases have been completed for that fiscal year, but no sooner than March 1, *2010* ~~2009~~.

(12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the FEFP shall be dis-

tributed periodically in the manner prescribed in the General Appropriations Act.

(a) ~~The basic amount for current operation for the FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amounts provided for categorical components within the FEFP, plus the discretionary millage compression supplement as determined in subsection (5), the amount for the sparsity supplement as determined in subsection (7), the decline in full time equivalent students as determined in subsection (8), the research based reading instruction allocation as determined in subsection (9), the allocation for juvenile justice education programs as determined in subsection (10), the quality assurance guarantee as determined in subsection (11), less the required local effort as determined in subsection (4).~~ If the funds appropriated for ~~the purpose of funding the total amount for~~ current operation *of the FEFP* ~~as provided in this paragraph~~ are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

Section 30. *Subsection (7) of section 1011.68, Florida Statutes, is repealed.*

Section 31. Section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district in the amount prescribed by the Legislature in the General Appropriations Act.

(2) Class size reduction operating categorical funds shall be used by school districts *to reduce class size as required in s. 1003.03, or the funds may be used for any lawful operating expenditure; however, priority shall be given to increasing salaries of classroom teachers.* ~~for the following:~~

~~(a) To reduce class size in any lawful manner, if the district has not met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2).~~

~~(b) For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) and to implement the differentiated pay provisions detailed in s. 1012.22.~~

Section 32. *Paragraph (b) of subsection (4) of section 1011.69, Florida Statutes, is repealed.*

Section 33. Section 1011.71, Florida Statutes, as amended by section 12 of chapter 2009-3, Laws of Florida, is amended to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(12) shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than *1.5* ~~1.75~~ mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:

(a) New construction and remodeling projects, as set forth in s. 1013.64(3)(b) and (6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 1013.15(2).

(c) The purchase, lease-purchase, or lease of school buses.

(d) Effective July 1, 2008, the purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection. *For the 2009-2010 fiscal year, the three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009, by a district school board pursuant to this paragraph.*

(f) Payment of loans approved pursuant to ss. 1011.14 and 1011.15.

(g) Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities.

(h) Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites pursuant to s. 1013.15(2), or of renting or leasing buildings or space within existing buildings pursuant to s. 1013.15(4).

(i) Payment of the cost of school buses when a school district contracts with a private entity to provide student transportation services if the district meets the requirements of this paragraph.

1. The district's contract must require that the private entity purchase, lease-purchase, or lease, and operate and maintain, one or more school buses of a specific type and size that meet the requirements of s. 1006.25.

2. Each such school bus must be used for the daily transportation of public school students in the manner required by the school district.

3. Annual payment for each such school bus may not exceed 10 percent of the purchase price of the state pool bid.

4. The proposed expenditure of the funds for this purpose must have been included in the district school board's notice of proposed tax for school capital outlay as provided in s. 200.065(10).

(j) Payment of the cost of the opening day collection for the library media center of a new school.

(3)(a) Notwithstanding subsection (2), if the revenue from 1.5 mills is insufficient to meet the payments due under a lease-purchase agreement entered into before June 30, 2009, by a district school board pursuant to paragraph (2)(e), or to meet other critical district fixed capital outlay needs, the board, in addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act. Millage levied pursuant to this subsection is subject to the provisions

of s. 200.065 and, combined with the 1.5 mills authorized in subsection (2), may not exceed 1.75 mills. If the district chooses to use up to 0.25 mills for fixed capital outlay, the compression adjustment pursuant to s. 1011.62(5) shall be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.

(b) In addition to the millage authorized in this section, each district school board may, by a super majority vote, levy an additional 0.25 mills for critical capital outlay needs or for critical operating needs. If levied for capital outlay, expenditures shall be subject to the requirements of this section. If levied for operations, expenditures shall be consistent with the requirements for operating funds received pursuant to s. 1011.62. If the district levies this additional 0.25 mills for operations, the compression adjustment pursuant to s. 1011.62(5) shall be calculated and added to the district's FEFP allocation. Millage levied pursuant to this paragraph is subject to the provisions of s. 200.065. In order to be continued, millage levied pursuant to this paragraph must be approved by the voters of the district at the next general election.

(4) ~~(3)~~ If the revenue from the millage authorized in subsection (2) is insufficient to make payments due under a lease-purchase agreement entered into prior to June 30, 2008, by a district school board pursuant to paragraph (2)(e), an amount up to *0.5* ~~0.25~~ mills of the taxable value for school purposes within the school district shall be legally available for such payments, notwithstanding other restrictions on the use of such revenues imposed by law.

(5) ~~(4)~~ Effective July 1, 2008, ~~and through June 30, 2010,~~ a school district may expend, subject to the provisions of s. 200.065, up to $100 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

(6) ~~(5)~~ Violations of the expenditure provisions in subsection (2) or subsection (4) shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

(7) ~~(6)~~ These taxes shall be certified, assessed, and collected as prescribed in s. 1011.04 and shall be expended as provided by law.

(8) ~~(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be construed to increase the maximum school millage levies as provided for in subsection (1).

(9) ~~(8)~~ In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 34. *If the Commissioner of Education determines that a school district acted in good faith, he or she may waive the equal-dollar reduction, required in s. 1011.71, Florida Statutes, for audit findings during the 2007-2008 fiscal year which were related to the purchase of software.*

Section 35. Paragraph (g) of subsection (3) of section 1012.33, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(3)

(g) Beginning July 1, 2001, for each employee who enters into a written contract, pursuant to this section, in a school district in which the employee was not employed as of June 30, 2001, or was employed as of June 30, 2001, but has since broken employment with that district for 1 school year or more, for purposes of pay, a district school board must recognize and accept each year of full-time public school teaching service earned in the State of Florida ~~or outside the state and~~ for which the employee received a satisfactory performance evaluation*; however, an employee may voluntarily waive this provision*. Instructional personnel employed pursuant to s. 121.091(9)(b)3. are exempt from the provisions of this paragraph.

(9) Notwithstanding this section or any other law or rule to the contrary, for the 2009-2010 and 2010-2011 fiscal years, district school boards should not enter into a new professional service contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds.

Section 36. Subsection (1) of section 1012.59, Florida Statutes, is amended to read:

1012.59 Certification fees.—

(1) The State Board of Education, by rule, shall establish separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping, and may establish procedures for scheduling and administering an examination upon an applicant's request. Each fee shall be based on department estimates of the revenue required to implement the provisions of law with respect to certification of school personnel. The application fee shall be nonrefundable. Each examination fee shall be sufficient to cover the actual cost of developing and administering the examination~~,but shall not exceed $100 for an examination~~.

Section 37. Subsection (6) is added to section 1012.71, Florida Statutes, to read:

1012.71 The Florida Teachers Lead Program.—

(6) For the 2009-2010 fiscal year, the Department of Education is authorized to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system. The pilot program must:

(a) Be established through a competitive procurement process;

(b) Provide the capability for participating teachers to purchase from online sources;

(c) Provide the capability for participating teachers to purchase from local vendors by means other than online purchasing;

(d) Generally comply with the provisions of this section;

(e) Be subject to annual auditing requirements to ensure accountability for funds received and disbursed; and

(f) Provide for all unused funds to be returned to the state at the close of each fiscal year.

Any participation in this pilot program by school districts and individual teachers must be on a voluntary basis. The department may limit the number of participating districts to the number it deems feasible to adequately measure the viability of the pilot program. The department is not required to implement this pilot program if it determines that the number

of school districts willing to participate is insufficient to adequately measure the viability of the pilot program.

Section 38. Subsection (6) is added to section 1013.37, Florida Statutes, to read:

1013.37 State uniform building code for public educational facilities construction.—

(6) Notwithstanding the requirements of section 22 of chapter 2008-227, Laws of Florida, the standards for new school construction, remodeling, and renovation projects shall be limited to the minimum standards for construction of educational facilities contained in section 423 of the Florida Building Code and the State Requirements for Educational Facilities contained in rules adopted by the Department of Education. This subsection expires July 1, 2010.

Section 39. Subsection (1) of section 1013.62, Florida Statutes, is amended, and paragraphs (f), (g), and (h) are added to subsection (2) of that section, to read:

1013.62 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools.

(a) To be eligible for a funding allocation, a charter school must:

1.a. ~~(a)1.~~ Have been in operation for 3 or more years;

b. Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;

c. ~~2.~~ Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; or

d. ~~3.~~ Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools.

2. ~~(b)~~ Have financial stability for future operation as a charter school.

3. ~~(c)~~ Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. ~~(d)~~ Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. ~~(e)~~ Serve students in facilities that are not provided by the charter school's sponsor.

(b) The first priority for charter school capital outlay funding *is* ~~shall be~~ to allocate to ~~the~~ charter schools that received funding in the 2005-2006 fiscal year an allocation of the same amount per capital outlay full-time equivalent student, up to the lesser of the actual number of capital outlay full-time equivalent students in the current year, or the capital outlay full-time equivalent students in the 2005-2006 fiscal year. After calculating the first priority, the second priority *is* ~~shall be~~ to allocate excess funds remaining in the appropriation in an amount equal to the per capital outlay full-time equivalent student amount in the first priority calculation to eligible charter schools not included in the first priority calculation and to schools in the first priority calculation with growth *greater than* ~~in excess of~~ the 2005-2006 capital outlay full-time equivalent students. After calculating the first and second priorities, excess funds remaining in the appropriation *must* ~~shall~~ be allocated to all eligible charter schools.

(c) A charter school's allocation *may* ~~shall~~ not exceed one-fifteenth of the cost per student station specified in s. 1013.64(6)(b). *Before releasing* ~~Prior to the release of~~ capital outlay funds to a school district on behalf of the charter school, the Department of Education *must* ~~shall~~ ensure that the district school board and the charter school governing board enter into a written agreement that *provides* ~~includes provisions~~ for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3) *if* ~~, in the event that~~ the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund.

(d) A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district.

(e) Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school *is* ~~shall be~~ determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. However, *a* ~~no~~ charter school or charter lab school *may not* ~~shall~~ receive state charter school capital outlay funds *greater than* ~~in excess of~~ the one-fifteenth cost per student station formula if the charter school's combination of state charter school capital outlay funds, capital outlay funds calculated through the reduction in the administrative fee provided in s. 1002.33(20), and capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student station formula.

(f) Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which *is* ~~shall be~~ calculated by averaging the results of the second and third enrollment surveys. The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

(2) A charter school's governing body may use charter school capital outlay funds for the following purposes:

(f) Effective July 1, 2008, purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements.

(g) Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.

(h) Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

Conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33(20) for renovation, repair, and maintenance of school facilities that are owned by the sponsor.

Section 40. Paragraph (b) of subsection (6) of section 1013.64, Florida Statutes, as amended by section 14 of chapter 2009-3, Laws of Florida, is amended, and subsection (7) is added to that section, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)

(b)1. A district school board, including a district school board of an academic performance-based charter school district, must not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; effort index grant funds provided in s. 1013.73; nonvoted *1.5-mill* ~~1.75 mill~~ levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Program funds provided

in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; or High Growth District Capital Outlay Assistance Grant Program funds provided in s. 1013.738 for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

a. $17,952 for an elementary school,

b. $19,386 for a middle school, or

c. $25,181 for a high school,

(January 2006) as adjusted annually to reflect increases or decreases in the Consumer Price Index.

2. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(7) Notwithstanding subsection (2), the district school board of Wakulla County shall contribute 1 mill in the 2009-2010 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the cost of currently funded special facilities construction projects. The district school board of Liberty County shall contribute 1 mill for each of the fiscal years 2009-2010 through 2011-2012 to the cost of currently funded special facilities construction projects. If funds are made available in the General Appropriations Act for the 2009-2010 fiscal year for the district school board of Calhoun County from the Special Facilities Construction Account, the district school board shall contribute 1.125 mills for each of the fiscal years from 2009-2010 through 2012-2013 to the cost of funded special facilities construction projects.

Section 41. *Section 9 of chapter 2008-142, Laws of Florida, is repealed.*

Section 42. *In order to implement Specific Appropriations 5A, 6, 7, 76, and 77 of the General Appropriations Act for the 2009-2010 fiscal year, the calculations of the Florida Education Finance Program for the 2009-2010 fiscal year in the document entitled "Public School Funding - The Florida Education Finance Program," dated May 5, 2009, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.*

Section 43. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education funding; creating part IX of ch. 159, F.S.; providing a short title; providing a purpose; providing definitions; requiring that the State Board of Education establish a program for allocating the state volume limitation imposed by the Internal Revenue Code on qualified school constructions bonds; requiring that the Department of Education administer such program; providing criteria for determining whether to grant a request for the volume limitation; requiring that the department annually determine the amount of qualified school construction bonds permitted to be issued and make such information available to the public; requiring that any unused volume limitation at the end of each calendar year be carried forward; requiring that the State Board of Education and the Department of Education adopt rules; amending s. 1001.20, F.S.; requiring that the Office of Technology and Information Services within the Office of the Commissioner of Education assist school districts in securing Internet access and telecommunications services that are eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund; creating s. 1001.271, F.S.; requiring that the Commissioner of Education purchase the nondiscounted portion of Internet access services for the Florida Information Resource Network; requiring each school district, the Florida School for the Deaf and the Blind, and the Regional Education Consortia that are eligible for the e-rate to submit a requisition to the commissioner for at least the same level of Internet access services used in the 2008-2009 fiscal year; requiring that each user of the network identify the source of funds in its requisition; amending s. 1001.28, F.S.; revising the Department of Education's duties regarding distance learning; amending s. 1001.395, F.S.; requiring that the salary of district school board members be the same amount as the annual calculation or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less, for a specified period; amending s. 1001.42, F.S.; revising provisions relating to the number of days that all schools are required to operate; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school board employee before his or her employment contract expires; amending s. 1001.451, F.S.; delaying the expiration of provisions relating to the amount of funding distributed to each school district and eligible member of a regional consortium service organization; amending s. 1001.47, F.S.; authorizing elected district school superintendents to reduce their salary rates on a voluntary basis; requiring that each elected district school superintendent's salary be reduced by 2 percent for the 2009-2010 fiscal year; amending s. 1001.50, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school superintendent before his or her employment contract terminates; limiting the amount of remuneration that a district school superintendent receives annually from state funds; providing a definition for the term "remuneration"; limiting the use of the superintendent's compensation in calculating benefits under ch. 121, F.S.; encouraging district school boards and superintendents to review the superintendent's annual remuneration for the 2009-2010 fiscal year and mutually agree to at least a 5 percent reduction; amending s. 1002.37, F.S.; providing that the Florida Virtual School may not receive additional state funds for the purpose of fulfilling the class size requirements; amending s. 1002.45, F.S.; revising provisions relating to school district virtual instruction programs; providing definitions; authorizing school districts to offer virtual instruction programs through various methods; specifying additional requirements for providers of virtual instruction programs; providing requirements for retention of approved provider status; providing requirements for school district contracts with providers; revising student eligibility criteria for enrollment in school district virtual instruction programs; revising funding and reporting provisions; revising assessment and accountability provisions for approved providers; providing for publication of school grades and school improvement ratings; revising contract termination requirements; deleting obsolete provisions; requiring that the Department of Education review and report on the advisability of authorizing approved private providers to provide specified virtual instruction programs; amending s. 1002.71, F.S.; revising provisions relating to the funding of prekindergarten programs; amending s. 1003.02, F.S.; conforming provisions to changes made by the act; amending s. 1003.03, F.S.; extending dates relating to the calculation of the number of students for purposes of complying with the maximum-class-size requirement; providing duties for the Department of Education if the department determines that the number of students assigned to any individual class exceeds the class size maximum; providing for the reduction of the class-size-reduction operating categorical allocation under certain circumstances; requiring that the department prepare a simulated calculation; amending s. 1004.55, F.S.; providing that the regional autism center at Florida State University, which is currently located at the Department of Communication Disorders, be located at the College of Medicine at Florida State University; amending s. 1006.06, F.S.; providing that universal school breakfast programs be offered only in schools in which 80 percent or more of the students are eligible for free or reduced price meals; revising provisions relating to school breakfast programs to include state allocations; amending s. 1006.21, F.S.; revising provisions relating to the duties of district school superintendents and district school boards regarding transportation; requiring that contiguous school districts make provisions for reciprocal policies and agreements for contracts for school bus transportation services, inspections, and screening requirements for public schools and public charter schools; amending s. 1006.28, F.S.; clarifying the definition of the term "adequate instructional materials"; amending s. 1006.40, F.S.; revising provisions relating to the use of the instructional materials allocation; authorizing the Commissioner of Education to waive for certain schools within a district a requirement to purchase current instructional materials; amending s. 1007.25, F.S.; prohibiting public postsecondary educational institutions from conferring an associate in arts or baccalaureate degree upon any student who fails to successfully complete certain requirements; providing for a waiver and appeal process for students who have a specific learning disability; requiring that each public postsecondary educational institution establish a committee to consider requests for such waivers; providing for committee membership; repealing s. 1008.29, F.S., relating to the college-level communication and mathematics skills examination;

amending s. 1008.41, F.S.; authorizing rather than requiring the Commissioner of Education to employ the Florida Information Resource Network to perform certain functions relating to workforce education; creating s. 1010.06, F.S.; prohibiting the Division of Public Schools within the Department of Education from using state funds appropriated by the Legislature to pay indirect costs to a university, community college, school district, or other entity; amending s. 1010.11, F.S.; authorizing each district school board, community college board of trustees, and university board of trustees to electronically transfer funds for payment; amending s. 1011.09, F.S.; prohibiting a district school board from using funds for out-of-state travel, cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service through any means, unless otherwise specifically approved by the district school board; amending s. 1011.18, F.S.; authorizing a district school superintendent to transfer funds from a district school depository to pay expenses, expenditures, or other disbursements if proper documentation is provided; amending s. 1011.60, F.S.; revising the minimum requirements for the Florida Education Finance Program relating to the term of operation; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student"; amending s. 1011.62, F.S.; requiring that a student who is enrolled in study hall not be included in the calculation of full-time equivalent student membership for funding purposes; revising requirements for calculating the district required local effort; revising the requirements for the Department of Revenue with respect to certification of taxable value as reflected by final administrative actions of the value adjustment board; providing for calculating a prior period funding adjustment millage in addition to the required local effort millage; providing definitions; extending a date relating to categorical funds for instructional materials; deleting provisions relating to the total allocation of state funds to each district for current operation for the FEFP; repealing s. 1011.68(7), F.S., relating to funds for student transportation; removing a provision that authorizes a district school board to transfer funds to its Florida Education Finance Program; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operating categorical funds; repealing s. 1011.69(4)(b), relating to funds that are excluded from the school-level allocation under the Equity in School-Level Funding Act; amending s. 1011.71, F.S.; revising certain provisions relating to the district school tax; waiving the three-fourths limit for certain lease-purchase agreements for a specified period; authorizing a district school board to levy an additional millage for fixed capital outlay under certain circumstances; authorizing a district school board to levy, by a super majority vote, an additional millage for critical capital outlay needs or operating needs, subject to approval of the electors at the next general election; authorizing the Commissioner of Education to waive the equal-dollar reduction in Florida Education Finance Program funds if he or she finds that a school district acted in good faith; amending s. 1012.33, F.S.; revising provisions relating to contracts for instructional staff; advising a district school board not to enter into a new professional service contract if the only available funds are from nonrecurring Federal Stabilization Funds; amending s. 1012.59, F.S.; revising provisions relating to fees for educator certification; amending s. 1012.71, F.S.; authorizing the Department of Education to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system; providing requirements for such pilot program; providing that participation in the pilot program is voluntary; authorizing the department to limit the number of participants to adequately test the viability of the pilot program; amending s. 1013.37, F.S.; requiring that the standards for new school construction, remodeling, and renovation projects be limited to certain minimum standards for construction of educational facilities in the Florida Building Code and the State Requirements for Educational Facilities; providing for future expiration; amending s. 1013.62, F.S.; revising the criteria for determining a charter school's eligibility for capital outlay funding; amending s. 1013.64, F.S.; revising certain limitations on the use of nonvoted millage for school district capital projects; requiring that the school districts of Wakulla County and Liberty County contribute specific millage amounts to the cost of current special facilities projects for specified fiscal years; repealing s. 9, chapter 2008-142, Laws of Florida; abrogating the expiration of certain amendments relating to categorical funding for the operation of schools; providing for implementation of specified appropriations; providing for the incorporation by reference of certain calculations used by the Legislature for the 2009-2010 fiscal year; providing an effective date.

On motion by Senator Wise, the Conference Committee Report on **CS for CS for SB 1676** was adopted. **CS for CS for SB 1676** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1696

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1696, same being:

An act relating to higher education funding

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (588994) to CS for CS for SB 1696 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente *s/ David Rivera*

Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (588994)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 413.30, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

413.30 Eligibility for vocational rehabilitation services.—

(7) If the division provides an eligible person with vocational rehabilitation services in the form of vehicle modifications, the division shall consider all options available, including the purchase of a new, original equipment manufacturer vehicle that complies with the Americans with Disabilities Act for transportation vehicles. The division shall make the decision on vocational rehabilitation services based on the best interest of the client and cost-effectiveness.

Section 2. Subsection (47) is added to section 1001.64, Florida Statutes, to read:

1001.64 Community college boards of trustees; powers and duties.—

(47) A board of trustees may not enter into an employment contract that requires the community college to pay a community college president an amount from state funds in excess of 1 year of the president's annual salary for termination, buy-out, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the president in accordance with the community college's leave and benefits policies before the contract terminates.

Section 3. Paragraph (d) is added to subsection (5) of section 1001.706, Florida Statutes, to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO PERSONNEL.—

(d) The Board of Governors may not enter into an employment contract that requires the board to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement. This paragraph does not prohibit the payment of leave and benefits accrued by the employee in accordance with the board's leave and benefits policies before the contract terminates.

Section 4. Paragraph (d) is added to subsection (5) of section 1001.74, Florida Statutes, to read:

1001.74 Powers and duties of university boards of trustees.—

(5) POWERS AND DUTIES RELATING TO PERSONNEL.—

(d) A board of trustees may not enter into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement. This paragraph does not prohibit the payment of leave and benefits accrued by the employee in accordance with the university's leave and benefits policies before the contract terminates.

Section 5. Section 1004.445, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1004.445, F.S., for present text.)

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.—

(1) CREATION AND MISSION.—The Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute is established within the University of South Florida. The institute has a statewide mission to advance research, education, treatment, prevention, and the early detection of Alzheimer's disease and is responsible for distributing peer-reviewed competitive grant funds for Alzheimer's disease research.

(2) BOARD OF DIRECTORS.—The board of directors for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute is created to oversee the management and operation of the institute. The board of directors shall consist of seven members who shall serve at the pleasure of the entity that appoints them. A board member's term shall expire after 4 years, but the member may be reappointed to a subsequent 4-year term. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one person to serve on the board of directors. The Board of Trustees of the University of South Florida shall appoint four persons to serve on the board of directors. Trustees are eligible for appointment to the board of directors. The chair of the board of directors shall be elected by a majority vote from among the membership of the board. Members of the board of directors may not receive a salary. The board of directors may organize and appoint an advisory council of concerned citizens to assist the institute in carrying out its duties.

(3) CHIEF EXECUTIVE OFFICER.—The institute shall be administered by a chief executive officer who shall be appointed by and serve at the pleasure of the president of the University of South Florida or the president's designee. The chief executive officer shall prepare an annual report for the institute which describes the expenditure of all of the institute's funds and provides information regarding research that has been conducted or funded by the institute, including the expected and actual results of the research.

(4) BUDGET.—The institute's budget shall include the moneys appropriated in the General Appropriations Act, donated, or otherwise provided to the institute from private, local, state, and federal sources, as

well as technical and professional income generated or derived from practice activities at the institute. Any appropriation to the institute shall be expended for the purposes specified in this section, including conducting and supporting research and related clinical services, awarding institutional grants and investigator-initiated research grants to other persons within the state through a peer-reviewed competitive process, developing and operating integrated data projects, providing assistance to the memory disorder clinics established in s. 430.502, and providing for the operation of the institute.

Section 6. *On or before July 1, 2009, the board of directors of the not-for-profit corporation created as an instrumentality of the state pursuant to s. 1004.445, Florida Statutes, shall transfer all unexpended balances, records, functions, facilities, and assets of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute to the University of South Florida under the oversight of the board of directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, as created in this act.*

Section 7. Subsection (11) is redesignated as subsection (12), subsections (1), (2), (3), (4), and (6) and paragraph (d) of subsection (10) of section 1009.21, Florida Statutes, are amended, and a new subsection (11) is added to that section, to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(1) As used in this section*, the term*:

(a) ~~The term~~ "Dependent child" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.

(b) "Initial enrollment" means the first day of class at an institution of higher education.

(c) ~~(b)~~ ~~The term~~ "Institution of higher education" means any ~~public~~ community college *as defined in s. 1000.21(3)* or state university *as defined in s. 1000.21(6)*.

(d) ~~(c)~~ ~~A~~ "Legal resident" or "resident" *means* ~~is~~ a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

(e) "Nonresident for tuition purposes" means a person who does not qualify for the in-state tuition rate.

(f) ~~(d)~~ ~~The term~~ "Parent" means the natural or adoptive parent or legal guardian of a dependent child.

(g) ~~(e)~~ ~~A~~ "Resident for tuition purposes" *means* ~~is~~ a person who qualifies as provided in *this section* ~~subsection (2)~~ for the in-state tuition rate~~; a "nonresident for tuition purposes" is a person who does not qualify for the in-state tuition rate~~.

(2)(a) To qualify as a resident for tuition purposes:

1. A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 *consecutive* months immediately prior to his or her *initial enrollment in an institution of higher education* ~~qualification~~.

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 *consecutive* months immediately prior to the child's *initial enrollment in an institution of higher education* ~~qualification~~, provided the child has resided continuously with such relative for the 5 years immediately prior to the child's *initial enrollment in an institution of higher education* ~~qualification~~, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

(c) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be deemed to be this state if either parent is a legal resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions.

(3)*(a)* An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the in-state tuition rate until he or she has provided such evidence related to legal residence and its duration *or, if thatindividual is a dependent child, evidence of his or her parent's legal residence and its duration,* as may be required by *law and by* officials of the institution of higher education from which he or she seeks the in-state tuition rate.

(b) Except as otherwise provided in this section, evidence of legal residence and its duration shall include clear and convincing documentation that residency in this state was for a minimum of 12 consecutive months prior to a student's initial enrollment in an institution of higher education.

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph. No single piece of evidence shall be conclusive.

1. The documents must include at least one of the following:

a. A Florida voter's registration card.

b. A Florida driver's license.

c. A State of Florida identification card.

d. A Florida vehicle registration.

e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.

f. Proof of a homestead exemption in Florida.

g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or GED was earned within the last 12 months.

h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

2. The documents may include one or more of the following:

a. A declaration of domicile in Florida.

b. A Florida professional or occupational license.

c. Florida incorporation.

d. A document evidencing family ties in Florida.

e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

(4) With respect to a dependent child, the legal residence of *the dependent child's* ~~such individual's~~ parent or parents is prima facie evidence of the *dependent child's* ~~individual's~~ legal residence, which evidence may be reinforced or rebutted, relative to the age and general

circumstances of the *dependent child* ~~individual~~, by the other evidence of legal residence required of or presented by the *dependent child* ~~individual~~. However, the legal residence of *a dependent child's* ~~an individual whose~~ parent or parents *who* are domiciled outside this state is not prima facie evidence of the *dependent child's* ~~individual's~~ legal residence if that *dependent child* ~~individual~~ has lived in this state for 5 consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

(6)*(a) Except as otherwise provided in this section, a person who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes if that person or, if that person is a dependent child, his or her parent presents clear and convincing documentation that supports permanent legal residency in this state for at least 12 consecutive months rather than temporary residency for the purpose of pursuing an education, such as documentation of full-time permanent employment for the prior 12 months or the purchase of a home in this state and residence therein for the prior 12 months while not enrolled in an institution of higher education.*

(b) If a person who is a dependent child and his or her parent move to this state while such child is a high school student and the child graduates from a high school in this state, the child may become eligible for reclassification as a resident for tuition purposes when the parent submits evidence that the parent qualifies for permanent residency.

(c) If a person who is a dependent child and his or her parent move to this state after such child graduates from high school, the child may become eligible for reclassification as a resident for tuition purposes after the parent submits evidence that he or she has established legal residence in the state and has maintained legal residence in the state for at least 12 consecutive months.

(d) A person who is classified as a nonresident for tuition purposes and who marries a legal resident of the state or marries a person who becomes a legal resident of the state may, upon becoming a legal resident of the state, become eligible for reclassification as a resident for tuition purposes upon submitting evidence of his or her own legal residency in the state, evidence of his or her marriage to a person who is a legal resident of the state, and evidence of the spouse's legal residence in the state for at least 12 consecutive months immediately preceding the application for reclassification. ~~Any nonresident person, irrespective of sex, who marries a legal resident of this state or marries a person who later becomes a legal resident may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.~~

(10) The following persons shall be classified as residents for tuition purposes:

(d) Full-time instructional and administrative personnel employed by state public schools~~, community colleges,~~ and institutions of higher education~~, as defined in s. 1000.04,~~ and their spouses and dependent children.

(11) Each institution of higher education shall establish a residency appeal committee comprised of at least three members to consider student appeals of residency determinations, in accordance with the institution's official appeal process. The residency appeal committee must render to the student the final residency determination in writing. The institution must advise the student of the reasons for the determination.

Section 8. Subsection (4) and paragraph (b) of subsection (16) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Community college student fees.—

(4) Each community college board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees established in subsection (3)~~, provided that any amount from 10 to 15 percent above the standard tuition and fees established in subsection (3) shall be used only to support safety and security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Education based on criteria approved by the board of trustees, including, but not limited to, criteria such as local crime data and information, and strategies for the implementation of local safety plans. Should a college decide to increase the tuition and fees, the funds raised by increasing the tuition and fees must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes~~.

(16)

(b) The amount of the distance learning course user fee may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course. If a community college assesses the distance learning course user fee, the institution may not assess any other fees to cover the additional costs. By September 1 of each year, each board of trustees shall report to the Division of Community Colleges the total amount of revenue generated by the distance learning course user fee for the prior *fiscal* ~~academic~~ year and how the revenue was expended.

Section 9. Paragraph (c) of subsection (4) and subsection (5) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(4)

(c) The Board of Governors, or the board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. *Except as otherwise provided in this section,* the sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate programs *and* ~~pursuant to this section may not exceed 10 percent in any year, and adjustments to out-of-state fees or tuition for~~ professional programs may not exceed 15 percent in any year.

(5) A university ~~that has a service area that borders another state~~ may implement ~~a plan for~~ a differential out-of-state fee *for the following:*~~.~~

(a) A student from another state that borders the service area of the university.

(b) A graduate student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21 and has a .25 full-time equivalent appointment or greater as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate.

(c) A graduate student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21 and is receiving a full fellowship.

Section 10. Subsection (2) of section 1009.27, Florida Statutes, is amended to read:

1009.27 Deferral of fees.—

(2) Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, *chapter 33,* chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

Section 11. Section 1009.286, Florida Statutes, is created to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(1) It is the intent of the Legislature to encourage each undergraduate student who enrolls in a state university to complete the student's respective baccalaureate degree program in the most efficient way possible while providing for access to additional college coursework. Therefore, the Legislature intends to enact a policy that provides incentives for efficient baccalaureate degree completion.

(2) State universities shall require a student to pay an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

(3) Except as otherwise provided by law and for purposes of this section, the following credit hours shall be included when calculating the number of hours taken by a student:

(a) All credit hours for courses taken at the state university from which the student is seeking a baccalaureate degree, including:

1. Failed courses.

2. Courses that are dropped after the university's advertised last day of the drop and add period.

3. Courses from which a student withdraws, except as provided in subsection (4).

4. Repeated courses, except repeated courses for which the student has paid the full cost of instruction as provided in s. 1009.285.

(b) All credit hours earned at another institution and accepted for transfer by the state university and applied toward the student's baccalaureate degree program.

(4) For purposes of this section, credit hours earned under the following circumstances are not calculated as hours required to earn a baccalaureate degree:

(a) College credits earned through an articulated accelerated mechanism identified in s. 1007.27.

(b) Credit hours earned through internship programs.

(c) Credit hours required for certification, recertification, or certificate programs.

(d) Credit hours in courses from which a student must withdraw due to reasons of medical or personal hardship.

(e) Credit hours taken by active-duty military personnel.

(f) Credit hours required to achieve a dual major taken while pursuing a baccalaureate degree.

(g) Remedial and English as a Second Language credit hours.

(h) Credit hours earned in military science courses that are part of the Reserve Officers' Training Corps (ROTC) program.

(5) Each state university and community college shall implement a process for notifying students regarding the provisions of this section. Notice must be provided by a state university or a community college upon a student's initial enrollment in the institution. Such notice must be provided a second time by a state university when a student has earned the credit hours required to complete the baccalaureate degree program in which the student is enrolled. The notice must include a recommendation that each student who intends to earn credit hours at the institution in excess of the credit hours required for the baccalaureate degree program in which the student is enrolled meet with his or her academic advisor.

(6) For purposes of this section, the term "state university" includes the institutions identified in s. 1000.21(6) and the term "community college" includes the institutions identified in s. 1000.21(3).

(7) The provisions of this section become effective for students who enter a community college or a state university for the first time in the 2009-2010 academic year and thereafter.

Section 12. Paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility for state financial aid awards and tuition assistance grants.—

(1)(a) The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by an accrediting agency recognized by the State Board of Education; any Florida institution the credits of which are acceptable for transfer to state universities; any career center; or any private career institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, ~~s. 1009.76,~~ s. 1009.77, s. 1009.89, or s. 1009.891. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants. Falsification of such information shall result in the denial of any pending application and revocation of any award or grant currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards or tuition assistance grants commit a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards or tuition assistance grants wrongfully obtained.

Section 13. Paragraph (a) of subsection (5) of section 1009.53, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

1009.53 Florida Bright Futures Scholarship Program.—

(5) The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or the equivalent. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status*; however*, *an institution* ~~but~~ must make a refund to the department *within 30 days after the end of the semester of any funds received for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period, unless the student has been granted an exception by the department pursuant to subsection (11)* ~~if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy~~.

(11) Funds for any scholarship within the Florida Bright Futures Scholarship Program may not be used to pay for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period. However, a student who receives an award under this program and subsequently drops one or more courses or withdraws from all courses after the end of the drop and add period due to a verifiable illness or other documented emergency may be granted an exception pursuant to s. 1009.40(1)(b)4., unless the institution's policy is to refund the cost of the courses. The department shall notify eligible recipients of the provisions of this subsection. Each institution shall notify award recipients of the provisions of this subsection during the registration process.

Section 14. Paragraph (a) of subsection (1) of section 1009.532, Florida Statutes, is amended, and paragraph (c) is added to that subsection to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) *Effective for students funded in the 2009-2010 academic year and thereafter, earn* ~~Complete~~ at least *24* ~~12~~ semester credit hours or the equivalent in the last academic year in which the student earned a scholarship *if the student was enrolled full time, or a prorated number of credit hours as determined by the Department of Education if the student was enrolled less than full time for any part of the academic year. If a student fails to earn the minimum number of hours required to renew the scholarship, the student shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. Such student is eligible to restore the award the following academic year if the student earns the hours for which he or she was enrolled at the level defined by the department and meets the grade point average for renewal. A student is eligible for such restoration one time. The department shall notify eligible recipients of the provisions of this paragraph. Each institution shall notify award recipients of the provisions of this paragraph during the registration process.*

(c) Reimburse or make satisfactory arrangements to reimburse the institution for the award amount received for courses dropped after the end of the drop and add period or courses from which the student withdraws after the end of the drop and add period unless the student has received an exception pursuant to s. 1009.53(11).

Section 15. Subsection (2) of section 1009.534, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1009.534 Florida Academic Scholars award.—

(2) Effective January 1, 2008, a Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay tuition *and* ~~,~~ fees~~, and an additional amount for college-related expenses annually as specified in law or the General Appropriations Act~~. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average tuition and fees of a public postsecondary education institution at the comparable level~~, plus the annual amount specified in law or the General Appropriations Act for college-related expenses~~.

(5) Notwithstanding subsections (2) and (4), a Florida Academic Scholar is eligible for an award equal to the amount specified in the General Appropriations Act for the 2009-2010 academic year. This subsection expires July 1, 2010.

Section 16. Subsection (4) is added to section 1009.535, Florida Statutes, to read:

1009.535 Florida Medallion Scholars award.—

(4) Notwithstanding subsection (2), a Florida Medallion Scholar is eligible for an award equal to the amount specified in the General Appropriations Act for the 2009-2010 academic year. This subsection expires July 1, 2010.

Section 17. Subsection (4) of section 1009.536, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. ~~A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Medallion Scholars award at any renewal period. All other provisions of that program apply, and the credit hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.~~

(5) Notwithstanding subsection (2), a Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount specified in the General Appropriations Act for the 2009-2010 academic year. This subsection expires July 1, 2010.

Section 18. Section 1009.54, Florida Statutes, is amended to read:

1009.54 Critical Teacher Shortage Program.—There is created the Critical Teacher Shortage Program. ~~Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund.~~ The Chief Financial Officer shall authorize expenditures ~~from the trust fund~~ upon receipt of vouchers approved by the Department of Education for the critical teacher shortage programs established in ~~s. 1009.57,~~ s. 1009.58~~,~~ or s. 1009.59. ~~The Chief Financial Officer shall also authorize expenditures from the trust fund for the "Chappie" James Most Promising Teacher Scholarship Loan Program and the Critical Teacher Shortage Scholarship Loan Program recipients who participated in these programs prior to July 1, 1993, provided that such students continue to meet the renewal eligibility requirements that were in effect at the time that their original awards were made. Students who participated in the "Chappie" James Most Promising Teacher Scholarship Loan Program prior to July 1, 1993, shall not have their awards reduced as a result of the addition of new students to the program.~~ All scholarship loan repayments pursuant to s. 1009.57*, the "Chappie" James Most Promising Teacher Scholarship Loan Program, and the Critical Teacher Shortage Scholarship Loan Program* shall be deposited into the State Student Financial Assistance Trust Fund. Any remaining balance at the end of any fiscal year that has been allocated to the program shall remain in the trust fund and be available for the individual programs in future years.

Section 19. Subsection (1) and paragraph (c) of subsection (2) of section 1009.55, Florida Statutes, are amended to read:

1009.55 Rosewood Family Scholarship Program.—

(1) There is created a Rosewood Family Scholarship Program for ~~minority persons with preference given to~~ the direct descendants of the Rosewood families, not to exceed 25 scholarships per year. ~~Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund.~~

(2) The Rosewood Family Scholarship Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for administering this program which shall at a minimum provide for the following:

(c) The department shall rank eligible initial applicants for the purposes of awarding scholarships ~~with preference being given to the direct descendants of the Rosewood families. The remaining applicants shall be ranked~~ based on need as determined by the Department of Education.

Section 20. Subsection (2) of section 1009.57, Florida Statutes, is repealed, subsection (3) is renumbered as subsection (2), and paragraphs (b) and (c) of the renumbered subsection (2) of that section are amended, to read:

1009.57 Florida Teacher Scholarship and Forgivable Loan Program.—

(2) ~~(3)~~

(b) An undergraduate forgivable loan may be awarded for 2 undergraduate years~~, not to exceed $4,000 per year,~~ or for a maximum of 3 years for programs requiring a fifth year of instruction to obtain initial teaching certification. *The amount of the scholarship shall be prorated based on available appropriations and may not exceed $4,000 per year.*

(c) A graduate forgivable loan may be awarded for 2 graduate years. *The amount of the scholarship shall be prorated based on available appropriations and may* ~~,~~ not ~~to~~ exceed $8,000 per year. In addition to meeting criteria specified in paragraph (a), a loan recipient at the graduate level shall:

1. Hold a bachelor's degree from any college or university accredited by a regional accrediting association as defined by State Board of Education rule.

2. Not already hold a teaching certificate resulting from an undergraduate degree in education in an area of critical teacher shortage as designated by the State Board of Education.

3. Not have received an undergraduate forgivable loan as provided for in paragraph (b).

Section 21. Subsection (3) of section 1009.58, Florida Statutes, is amended to read:

1009.58 Critical teacher shortage tuition reimbursement program.—

(3) Participants may receive tuition reimbursement payments for up to 9 semester hours, or the equivalent in quarter hours, per year. *The amount of the reimbursement per semester hour shall be prorated based on available appropriations and may not* ~~, at a rate not to~~ exceed $78 per semester hour, up to a total of 36 semester hours. All tuition reimbursements shall be contingent on passing an approved course with a minimum grade of 3.0 or its equivalent.

Section 22. Subsection (2) of section 1009.59, Florida Statutes, is amended to read:

1009.59 Critical Teacher Shortage Student Loan Forgiveness Program.—

(2) ~~From the funds available,~~ The Department of Education may make loan principal repayments*, which shall be prorated based on available appropriations,* as follows:

(a) Up to $2,500 a year for up to 4 years on behalf of selected graduates of state-approved undergraduate postsecondary teacher preparation programs, persons certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(b) Up to $5,000 a year for up to 2 years on behalf of selected graduates of state-approved graduate postsecondary teacher preparation programs, persons with graduate degrees certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

Section 23. Subsections (1) and (3) of section 1009.60, Florida Statutes, are amended to read:

1009.60 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's community colleges and its public and private universities that have teacher education programs.

(1) The minority teacher education scholars program shall provide an annual scholarship *in an amount that shall be prorated based on available appropriations and may not exceed* ~~of~~ $4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private universities in the junior year and is admitted into a teacher education program.

(3) The total amount appropriated annually for new scholarships in the program must be divided by $4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. *If the total amount appropriated for new scholarships is insufficient to award $4,000 to each eligible student, the amount of the scholarship shall be prorated based on available appropriations.*

Section 24. Subsection (2) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(2)*(a)* The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on *the cost to award up to* ~~a 7-year plan that would be capable of awarding the following schedule of scholarships:~~

~~(a) In the initial year, 700 scholarships of $4,000 each to scholars in the junior year of college.~~

~~(b) In the second year, 350 scholarships to new scholars in their junior year and 700 renewal scholarships to the rising seniors.~~

~~(c) In each succeeding year,~~ 350 scholarships to new scholars in the junior year and *up to 350* renewal scholarships to the 350 rising seniors.

(b) The corporation shall report to the Department of Education, by the date established by the department, the eligible students to whom scholarship moneys are disbursed each academic term and any other information requested by the department in accordance with s. 1009.94. By June 30 of each fiscal year, the corporation shall remit to the department any appropriated funds that were not distributed for scholarships, less the 5 percent for administration, including administration of the required training program, authorized pursuant to subsection (3).

Section 25. Paragraph (e) of subsection (5) of section 1009.701, Florida Statutes, is amended to read:

1009.701 First Generation Matching Grant Program.—

(5) In order to be eligible to receive a grant pursuant to this section, an applicant must:

(e) Have *met the eligibility requirements in s. 1009.50 for* demonstrated financial need *for the Florida Public Student Assistance Grant Program* ~~by completing the Free Application for Federal Student Aid~~.

Section 26. *Sections 1009.76 and 1009.765, Florida Statutes, are repealed.*

Section 27. Subsections (2) and (3) of section 1009.94, Florida Statutes, are amended to read:

1009.94 Student financial assistance database.—

(2) For purposes of this section, financial assistance includes:

(a) For all students, any scholarship, grant, loan, fee waiver, tuition assistance payment, or other form of compensation provided from state or federal funds.

(b) For students attending public institutions, any scholarship, grant, loan, fee waiver, tuition assistance payment, or other form of compensation supported by institutional funds.

(c) Any financial assistance provided under s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.55, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

(3) The database must include records on any student receiving any form of financial assistance as described in subsection (2). *Each institution* ~~Institutions~~ participating in any state financial assistance program shall annually *report* ~~submit~~ such information to the Department of Education*, by the date and* in a format prescribed by the department and consistent with the provisions of s. 1002.22*, the eligible students to whom financial assistance is disbursed each academic term, the eligibility requirements for recipients, and the aggregate demographics of recipients*.

Section 28. Paragraphs (a), (b), and (c) of subsection (2) of section 1009.98, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(2) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan. The board may restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(a)1. Through the community college plan, the advance payment contract *may* ~~shall~~ provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 1009.21, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 1009.23, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

3. Effective July 1, 2009, the board may offer an advance payment contract for the community college plan covering prepaid registration fees and the fees authorized in s. 1009.23. Such a contract may be offered in specific increments for use toward an associate degree. The total number of hours purchased for a qualified beneficiary may not exceed the average number of hours required for the conference of an associate degree.

(b)1. Through the university plan, the advance payment contract *may* ~~shall~~ provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 1009.21, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 1009.24(9)-(12), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

3. Effective July 1, 2007, the board may provide advance payment contracts for the tuition differential authorized in s. 1009.24(16) for a specified number of undergraduate semester credit hours, which may not exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees.

4. Effective July 1, 2009, the board may offer an advance payment contract for the university plan covering prepaid registration fees, the fees authorized in s. 1009.24(9)-(12), and the tuition differential authorized in s. 1009.24(16). Such a contract may be offered in specific increments for use toward a baccalaureate degree. The total number of hours purchased for a qualified beneficiary may not exceed the average number of hours required for the conference of a baccalaureate degree.

(c) The cost of participation in contracts authorized under paragraph (a) or paragraph (b) shall be based primarily on the current and projected ~~registration~~ fees *included in the plan* within the Florida ~~Community~~ College System or the State University System, respectively, *the number of credit hours or semesters included in the plan,* and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary.

(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

(a) As used in this subsection, the term:

1. "Actuarial reserve" means the amount by which the expected value of the assets exceed the expected value of the liabilities of the trust fund.

2. "Dormitory fees" means the fees included under advance payment contracts pursuant to s. 1009.98(2)(d).

3. "Fiscal year" means the fiscal year of the state pursuant to s. 215.01.

4. "Local fees" means the fees covered by an advance payment contract provided pursuant to subparagraph (2)(b)2.

5. "Tuition differential" means the fee covered by advance payment contracts sold pursuant to subparagraph (2)(b)3. The base rate for the tuition differential fee for the 2012-2013 fiscal year is established at $37.03 per credit hour. The base rate for the tuition differential in subsequent years is the amount paid by the board for the tuition differential for the preceding year adjusted pursuant to subparagraph (b)2.

(b) Effective with the 2009-2010 academic year and thereafter, and notwithstanding the provisions of s. 1009.24, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract whose contract was purchased before July 1, 2009, shall be:

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.

2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

3. As to local fees, the board shall pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.

4. As to dormitory fees, the board shall pay the state universities 6 percent above the amount assessed for dormitory fees in the preceding fiscal year.

5. Qualified beneficiaries of advance payment contracts purchased before July 1, 2007, are exempt from paying any tuition differential fee.

(c) The board shall pay state universities the actual amount assessed in accordance with law for registration fees, the tuition differential, local fees, and dormitory fees for advance payment contracts purchased on or after July 1, 2009.

(d) The board shall annually evaluate or cause to be evaluated the actuarial soundness of the trust fund.

Section 29. Effective upon this act becoming a law, subsection (5) of section 1011.32, Florida Statutes, is amended to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.—

(5) A project may not be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the direct-support organization's matching account *for this purpose* ~~and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature~~. *However, this requirement does not preclude the community college or direct-support organization from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics or models, for use in its efforts to raise private funds for a facility and for site preparation, planning, and construction.* The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible facility. *Each community college shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.* ~~However, these requirements shall not preclude the community college or direct-support organization from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics and/or models, for use in its efforts to raise private funds for a facility. Additionally, any private sources of funds expended for this purpose are eligible for state matching funds should the project materialize as provided for in this section.~~

Section 30. Section 1011.521, Florida Statutes, is created to read:

1011.521 Appropriation to private colleges and universities.—

(1) Subject to the provisions of this section, the Legislature may provide an annual appropriation to support Florida private colleges and universities. Such appropriations may be used to provide access to Florida residents seeking a postsecondary education, to fulfill the state's need for graduates in specific disciplines, and to support medical research.

(2) Each institution receiving an appropriation under this section shall submit a proposed expenditure plan to the Department of Education by the date and in the format established by the department.

(3) By September 1 of each fiscal year, each institution receiving an appropriation under this section shall submit a report to the Department of Education detailing expenditures of the funds received under this section in the preceding fiscal year. Any funds used to provide financial assistance to students shall be reported to the department in accordance with s. 1009.94.

(4) An institution may not expend any of the funds received under this section for the construction of any buildings.

Section 31. Subsection (4) of section 1011.83, Florida Statutes, is amended to read:

1011.83 Financial support of community colleges.—

(4) State ~~policy for~~ funding *for* baccalaureate degree programs approved pursuant to s. 1007.33 shall be *as provided in the General Appropriations Act* ~~to limit state support for recurring operating purposes to no more than 85 percent of the amount of state expenditures for direct instruction per credit hour in upper-level state university programs~~. ~~A community college may temporarily exceed this limit due to normal enrollment fluctuations or unforeseeable circumstances or while phasing in new programs. This subsection does not authorize the Department of Education to withhold legislative appropriations to any community college.~~

Section 32. Subsection (12) is added to section 1011.85, Florida Statutes, to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Community Colleges.—

(12) Each community college shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.

Section 33. Subsection (7) is added to section 1011.94, Florida Statutes, to read:

1011.94 University Major Gifts Program.—

(7) Each university shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.

Section 34. Section 1012.83, Florida Statutes, is amended to read:

1012.83 Contracts with administrative and instructional staff.—

(1) Each person employed in an administrative or instructional capacity in a community college shall be entitled to a contract as provided by rules of the State Board of Education.

(2) A community college board of trustees may not enter into an employment contract that requires the community college to pay an employee an amount from appropriated state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the employee in accordance with the community college's leave and benefits policies before the contract terminates.

Section 35. Effective upon this act becoming a law, subsection (5) of section 1013.79, Florida Statutes, is amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(5) A project may not be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the separate university program account designated for this purpose. *However, these requirements do not preclude the university from expending funds derived from private sources to develop a prospectus, including preliminary architectural schematics or models, for use in its efforts to raise private funds for a facility, and for site preparation, planning, and construction* ~~and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature~~. The Board of Governors shall establish a method for validating the receipt and deposit of private matching funds. The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible facility. *Each university shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.* ~~However, these requirements shall not preclude the university from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics or models, for use in its efforts to raise private funds for a facility. Additionally, any private sources of funds expended for this purpose are eligible for state matching funds should the project materialize as provided for in this section.~~

Section 36. *Notwithstanding s. 1009.24(4)(d), Florida Statutes, Florida State University is authorized to exceed the 5 percent cap on annual increases to the aggregate sum of activity and service, health, and athletic fees for the 2009-2010 fiscal year for the purpose of increasing the health fee. Revenue generated by the increase in the health fee shall be used to construct a health service center. Any increase in the health fee must be approved by the health committee pursuant to s. 1009.24(11), Florida Statutes.*

Section 37. *A state university may not enact any policy that requires students to have health insurance coverage, unless such policy was in place before May 5, 2009. This section expires July 1, 2010.*

Section 38. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 413.30, F.S.; providing requirements of the Division of Vocational Rehabilitation for the provision of vehicle modifications for eligible persons; amending s. 1001.64,

F.S.; prohibiting a community college board of trustees from entering into an employment contract that requires the community college to pay the president an amount from state funds in excess of 1 year of the president's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the president before the contract terminates is not prohibited; amending s. 1001.706, F.S.; prohibiting the Board of Governors from entering into an employment contract that requires the board to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1001.74, F.S.; prohibiting a university board of trustees from entering into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1004.445, F.S.; revising provisions relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; establishing the institute within the University of South Florida; providing a mission for the institute; creating a board of directors to oversee the management and operation of the institute; providing for membership and terms; providing for the transfer of unexpended balances, records, functions, facilities, and assets of the institute from the not-for-profit corporation to the University of South Florida; amending s. 1009.21, F.S.; revising definitions; defining the terms "initial enrollment" and "nonresident for tuition purposes"; revising provisions relating to the qualifications as a resident for tuition purposes; requiring certain documentation to demonstrate state residency; providing eligibility requirements for reclassification of status; requiring institutions to establish residency appeal committees; amending s. 1009.23, F.S.; deleting the requirement that a community college board of trustees use a specified portion of tuition and fees for safety and security purposes; revising terminology; amending s. 1009.24, F.S.; revising maximum annual adjustments to out-of-state fees or tuition for graduate programs at state universities; revising provisions relating to the differential out-of-state fee; amending s. 1009.27, F.S.; revising provisions relating to deferment of fees for certain veterans; creating s. 1009.286, F.S.; providing requirements for additional payment by state university students for certain credit hours exceeding degree program completion requirements; providing criteria for calculating credit hours; providing exceptions; requiring state universities and community colleges to implement a process for notifying students of certain information; amending s. 1009.40, F.S.; deleting a cross-reference to conform; amending s. 1009.53, F.S., relating to the Florida Bright Futures Scholarship Program; revising provisions relating to a refund to the Department of Education of funds received by a postsecondary educational institutions for certain courses; prohibiting the use of funds for certain purposes; requiring that the Department of Education and institutions notify eligible recipients of such policies; amending s. 1009.532, F.S.; revising the requirements for student eligibility to renew a scholarship under the Florida Bright Futures Scholarship Program; providing criteria for such student to restore the award; requiring that the department and institutions notify eligible recipients of such policies; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars Award; providing for award amounts to be specified in the General Appropriations Act; amending s. 1009.535, F.S., relating to the Florida Medallion Scholars Award; providing for award amounts to be specified in the General Appropriations Act; amending s. 1009.536, F.S.; deleting a provision that allows a Florida Gold Seal Scholar to apply for a Florida Medallion Scholars award; providing for award amounts to be specified in the General Appropriations Act; amending s. 1009.54, F.S.; revising provisions relating to the Critical Teacher Shortage program; amending s. 1009.55, F.S.; revising eligibility for the Rosewood Family Scholarship Program to direct descendants; deleting obsolete language; amending ss. 1009.57, 1009.58, 1009.59, 1009.60, and 1009.605, F.S.; revising provisions relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Student Loan Forgiveness Program, the minority teacher education scholars program, and the Florida Fund for Minority Teachers, Inc.; requiring that the amount of scholarships awarded under such programs be prorated based on available appropriations and not exceed specified amounts; amending s. 1009.701, F.S.; requiring that an applicant under the First Generation Matching Grant Program meet the same eligibility requirements required under the Florida Public Student Assistance Grant Program; repealing ss. 1009.76 and 1009.765, F.S., relating to Ethics in Business scholarships; amending s. 1009.94, F.S.; providing reporting requirements for postsecondary institutions participating in certain state student financial assistance programs; amending s. 1009.98, F.S.; revising provisions relating to the prepaid community college and university plans; authorizing the Florida Prepaid College Board to offer an advance payment contract covering certain fees for such plans; providing definitions regarding payments on behalf of qualified beneficiaries of an advance payment contract; providing the amounts of fees to be paid by the board; providing an exemption for certain qualified beneficiaries from paying any tuition differential fee; requiring that the board pay state universities the actual amount assessed for registration fees, tuition differential fees, local fees, and dormitory fees for certain advanced payment contracts; creating s. 1011.521, F.S.; authorizing appropriations to private colleges and universities for specified uses; providing reporting requirements and restrictions on expenditures; amending s. 1011.83, F.S.; revising provisions relating to financial support of community colleges; providing for state funding of baccalaureate degree programs in the General Appropriations Act; amending ss. 1011.32, 1011.85, and 1011.94, F.S.; requiring that donors be notified of a delay in the availability of state matching funds for the Community College Facility Enhancement Challenge Grant Program, the Dr. Philip Benjamin Matching Grant Program for Community Colleges, and the University Major Gifts Program; amending s. 1012.83, F.S.; conforming provisions relating to contracts with community college administrative and instructional staff to changes made by the act; amending s. 1013.79, F.S.; providing that a university may expend funds from private sources for site preparation, planning, and construction; requiring that donors be notified of a delay in the availability of state matching funds for the University Facility Enhancement Challenge Grant Program; providing an exemption for a specified university from requirements relating to student fees; prohibiting a state university from enacting any policy that requires students to have health insurance coverage, unless the policy was enacted before a specified date; providing for the future expiration of such prohibition; providing effective dates.

On motion by Senator Lynn, the Conference Committee Report on **CS for CS for SB 1696** was adopted. **CS for CS for SB 1696** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—32

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Pruitt
Altman	Fasano	Rich
Aronberg	Gaetz	Richter
Baker	Gardiner	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Villalobos
Dean	King	Wilson
Detert	Lawson	Wise
Deutch	Lynn	

Nays—7

Crist	Justice	Storms
Gelber	Oelrich	
Joyner	Sobel	

Vote after roll call:

Yea—Garcia

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 2198

The Honorable Jeff Atwater May 7, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 2198, same being:

An act relating to tobacco settlement agreements

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (911836) to CS for SB 2198 attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel

s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
Pat Patterson
Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams

s/ Peter Nehr
s/ H. Marlene O'Toole
Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
s/ Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (911836)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 569.23, Florida Statutes, is amended to read:

569.23 *Security* ~~bond~~ requirements for tobacco settlement agreement signatories, successors, *parents,* and affiliates.—

(1) *As used in this section, the term "tobacco settlement agreement" means any settlement agreement, as amended, entered into by the state and one or more cigarette manufacturers in settlement of State of Florida v. American Tobacco Co., No. 95-1466AH (Fla. 15th Cir. Ct.). As used in this section, the term "security" means supersedeas bonds, other surety permitted by Florida law, or cash.*

(2) In any civil action involving a signatory, or *a* successor, *parent,* or ~~an~~ affiliate of a signatory, to *a* ~~the~~ tobacco settlement agreement, ~~as defined in s. 215.56005(1)(f),~~ the *security* ~~appeal bond~~ to be furnished during the pendency of all appeals or discretionary appellate reviews, *including reviews by the United States Supreme Court,* of any judgment in such litigation shall be set pursuant to applicable laws or court rules, except that the total *cumulative value of all security required to stay the execution of the judgment* ~~bond for all defendants~~ may not exceed $100 million *for all appellants collectively*, regardless of the total value of the judgment.

(3)(a)1. In civil actions against a signatory, or a successor, parent, or affiliate of a signatory, to a tobacco settlement agreement brought by or on behalf of persons who claim or have been determined to be members of a former class action that was decertified in whole or in part, the trial courts shall automatically stay the execution of any judgment in any such actions during the pendency of all appeals or discretionary appellate reviews of such judgment in Florida courts, upon provision of security as required in this paragraph. All security shall be provided through the posting with or payment into the registry of the clerk of the Supreme Court.

2. The total amount of security that must be provided for all appellants collectively with regard to a single judgment is equal to the lesser of the amount of the judgment to be stayed or the amount of security per judgment required based on the following tiers of judgments on appeal in the courts of this state at the time the security is provided:

TIER - NUMBER OF JUDGEMENTS	*AMOUNT OF SECURITY PER JUDGEMENT*	*MAXIMUM TOTAL ALL SECURITY*
1-40	*$5,000,000*	*$200,000,000*
41-80	*$2,500,000*	*$200,000,000*

81-100	*$2,000,000*	*$200,000,000*
101-150	*$1,333,333*	*$199,999,950*
151-200	*$1,000,000*	*$200,000,000*
201-300	*$666,667*	*$200,000,100*
301-500	*$400,000*	*$200,000,000*
501-1,000	*$200,000*	*$200,000,000*
1,001-2,000	*$100,000*	*$200,000,000*
2,001-3,000	*$66,667*	*$200,001,000*

3. In cases having multiple defendants, an individual appellant shall provide security in proportion to the percent or amount of liability specifically allocated against that appellant in the judgment, or, if liability is not specifically allocated in the judgment, for a share of the unallocated portion of the judgment determined by dividing the unallocated portion of the judgment equally among all defendants against whom the judgment is entered. Once an appellant has provided its required security with respect to a judgment, that appellant is entitled to a stay of that judgment regardless of whether other defendants in that case have provided the security required of them.

4. When the number of judgments on appeal changes so that the total is within a higher or lower tier, the amount of security required in each case shall change by operation of law, upon notice provided by any party to all other parties and upon deposit within 30 days after notice of any additional security required hereunder, from the amount of security previously posted to an amount consistent with the statutory appeal bond rights prescribed in this paragraph. When the amount of security on deposit is changed pursuant to this subparagraph, the security shall be modified as follows:

a. If the security on deposit is in the form of a supersedeas bond or other surety, the appellant shall replace or supplement that supersedeas bond or other surety with security in the new amount as required by this paragraph.

b. If the security on deposit is in the form of cash, the clerk of the Supreme Court shall, as appropriate:

(I) Upon the request of the appellant and notice to all appellees affected, refund to the appellant the difference between the amount of security on deposit and the reduced amount of security required or hold the difference as a credit against future security to be posted by that appellant; or

(II) Record any additional cash provided by the appellant.

(b)1. In any action subject to this subsection, if there is no appeal or discretionary appellate review pending in a Florida court and an appellant exercises its right to seek discretionary appellate review outside of Florida courts, including a review by the United States Supreme Court, the trial court shall automatically stay the execution of the judgment in any such action during the pendency of the appeal, upon provision of security as required in this paragraph. All security shall be provided through the posting with or payment into the registry of the clerk of the Supreme Court of this state.

2. The amount of security shall be equal to the lesser of the amount of the judgment to be stayed or three times the security required to stay the execution of a judgment during all appellate review in Florida courts at the time appellate review is sought under this paragraph.

(c) A claim may not be made against the security provided by an appellant unless an appellant fails to pay a judgment in a case covered by this subsection within 30 days after the judgment becomes final. For purposes of this subsection, a judgment is "final" following the completion of all appeals or discretionary appellate reviews, including reviews by the United States Supreme Court. If an appellant fails to pay a judgment within such time period, the security for that judgment provided by that appellant shall be available to satisfy the judgment in favor of the appellee. Upon satisfaction of the judgment in any case, the clerk of the Supreme Court may refund any security on deposit with respect to that case to the appellant upon an order from the trial court confirming satisfaction of the judgment.

(d) The clerk of the Supreme Court shall collect fees for receipt of deposits under this subsection as authorized by ss. 28.231 and 28.24(10)(a). In addition, for as long as any cash remains on deposit with the clerk pursuant to this subsection, the clerk of the Supreme Court is entitled to regularly receive as an additional fee the net investment income earned thereon. The clerk shall use the services of the Chief Financial Officer, as needed, for the custody and management of all bonds, other surety, or cash posted or deposited with the clerk. All fees collected pursuant to this subsection shall be deposited in the State Courts Revenue Trust Fund for use as specified by law.

(e)1. It is the intent of the Legislature that the clerk of the Supreme Court maintain a record of the number of appeals in Florida courts and all security posted with or paid into the registry of the Supreme Court under this subsection. It is further the intent of the Legislature that the clerk regularly update the records to reflect any revisions in the amount of previously posted or paid security.

2. A signatory, or a successor, parent, or affiliate of a signatory, to a tobacco settlement agreement shall maintain on a continuing basis an accounting of security provided under this subsection, including, but not limited to, the specific amount of security provided with respect to each specific judgment and the date on which it was provided, the amount and date of any adjustments upward or downward to security provided and the basis for the adjustment, and the date of any final disposition related to security. By July 15 of each year, the entity shall provide to the clerk of the Supreme Court an updated copy of the accounting reflecting activity through the immediately preceding June 30, in a manner prescribed by the Supreme Court. A verified copy of such accounting shall also be filed in each circuit court case in which each such judgment was entered.

3. By August 1, 2009, a signatory, or a successor, parent, or affiliate of a signatory, to a tobacco settlement agreement shall provide to the clerk of the Supreme Court a list of all civil actions, as of the date the list is provided and identified by case name and court case number, against the signatory, or a successor, parent, or affiliate of a signatory, brought by or on behalf of persons who claim or have been determined to be members of a former class action that was decertified in whole or in part. A signatory, or a successor, parent, or affiliate of a signatory, shall provide to the clerk the same information on any additional actions filed within 60 days after the additional action is joined.

(f) This subsection expires December 31, 2012.

(4) ~~(2)~~ Notwithstanding *subsections (2) and (3)* ~~subsection (1)~~, if, after notice and hearing, a plaintiff proves by a preponderance of the evidence that a defendant who posted *or paid security under this section* ~~such bond or equivalent surety~~ is purposefully dissipating assets outside the ordinary course of business to avoid payment of the judgment, the court may enter necessary orders *as to that defendant* to protect the plaintiff, including an order that the *security* ~~bond or equivalent surety~~ be posted *or paid* in an amount up to the full amount of the judgment *against that defendant*.

(5) ~~(3)~~ This section does not apply to any past, present, or future action brought by the State of Florida against one or more signatories to the settlement agreement.

Section 2. This act shall take effect upon becoming a law, and applies to all judgments entered on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to tobacco settlement agreements; amending s. 569.23, F.S.; providing definitions; including a parent of a signatory to a tobacco settlement agreement within provisions limiting security required in certain appeals; prescribing the security necessary to stay execution of judgments pending appeal in actions by certain former class action members against signatories to a tobacco settlement agreement and related entities; prescribing the form and manner of posting or paying such security, the level of appeals to which the security is applicable, the amount of the security based on the number of appeals, the amount of security in cases having multiple defendants, and changes in the amount of security based on changes in the number of appeals;

providing for the stay of execution of a judgment when a case is appealed to a court outside this state; prescribing the amount of security necessary to stay execution of such a judgment; providing conditions under which claims may be made against security provided for an appeal; prescribing when a judgment is final; authorizing the clerk of the Supreme Court to collect fees related to maintenance of such security; expressing legislative intent for the clerk of the Supreme Court to maintain records on the number of appeals and amount of security; requiring a signatory to a tobacco settlement agreement and related entities to maintain and provide to the clerk of the Supreme Court an accounting of security provided for appeals; requiring such signatory or related entity to provide information to the clerk on certain civil actions filed against the signatory or related entity; providing for future expiration of security provisions related to actions by former class action members; permitting a court to order a defendant that dissipates assets to avoid payment of a judgment to increase the appeal security; providing for applicability; providing an effective date.

On motion by Senator Haridopolos, the Conference Committee Report on **CS for SB 2198** was adopted. **CS for SB 2198** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—29

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Oelrich
Altman	Fasano	Peaden
Aronberg	Gaetz	Pruitt
Baker	Gardiner	Richter
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Storms
Dean	King	Wise
Detert	Lawson	

Nays—10

Crist	Justice	Villalobos
Deutch	Rich	Wilson
Gelber	Ring	
Joyner	Sobel	

Vote after roll call:

Yea—Garcia

RECESS

On motion by Senator Villalobos, the Senate recessed at 1:25 p.m. to reconvene upon call of the President.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 2:36 p.m. A quorum present—39:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5013, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5013

The Honorable Jeff Atwater
President of the Senate

May 6, 2009

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5013, same being:

An act relating to Transportation

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment (063495) attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons

Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large
s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
s/ Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
s/ Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (063495)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (26) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(26) To provide for the *enhancement of environmental benefits, including air and water quality; to prevent roadside erosion; to conserve the* ~~conservation of~~ natural roadside growth and scenery*;* and *to provide* for the implementation and maintenance of roadside *conservation, enhancement, stabilization, and* ~~beautification~~ programs.~~, and~~ No less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department *for the purchase of plant materials, with,* to ~~beautification programs. Except where prohibited by federal law or federal regulation and to~~ the *greatest* extent practical, a minimum of 50 percent of these funds *for* ~~shall be used to purchase~~ large plant materials *and* ~~with~~ the remaining funds for other plant materials. All such plant materials shall be purchased from *Florida commercial nursery* ~~Florida-based nurseryman~~ stock *in this state* on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

Section 2. In order to implement Specific Appropriations 1986 through 2095 of the 2009-2010 General Appropriations Act, section 337.025, Florida Statutes, is amended to read:

337.025 Innovative highway projects; department to establish program.—

(1) The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than $120 million in contracts annually for the purposes authorized by this section.

(2) ~~However,~~ The annual cap on contracts provided in *subsection (1)* ~~this section~~ shall not apply to*:*

(a) Turnpike enterprise projects*, and* ~~nor shall~~ turnpike enterprise projects *shall not* be counted toward the department's annual cap.

(b) Transportation projects funded by the American Recovery and Reinvestment Act of 2009.

Section 3. Subsection (2) of section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction aggregate materials.—

(2) LEGISLATIVE INTENT.—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state's construction industry, transportation system, and overall health, safety, and welfare. *In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.*

Section 4. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in *repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements,* resurfacing or reconstructing county roads*,* or ~~in~~ constructing capacity or safety improvements to county roads.

(4)(a) Small counties shall be eligible to compete for funds that have been designated for the Small County Outreach Program for projects on county roads. The department shall fund 75 percent of the cost of projects on county roads funded under the program.

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition*, which may be evidenced through an established pavement management plan*.

(c) The following criteria shall be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Information as evidenced to the department through an established pavement management plan.

f. ~~e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 5. Subsections (1), (3), (4), and (5) of section 479.261, Florida Statutes, are amended to read:

479.261 Logo sign program.—

(1) The department shall establish a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists about available gas, food, lodging, ~~and~~ camping*, attractions, and other* services*, as approved by the Federal Highway Administration,* at interchanges~~,~~ through the use of business logos~~,~~ and may include additional interchanges under the program. ~~A logo sign for nearby attractions may be added to this program if allowed by federal rules.~~

(a) *As used in this chapter, the term* ~~An~~ "attraction" *means* ~~as used in this chapter is defined as~~ an establishment, site, facility, or landmark *that* ~~which~~ is open a minimum of 5 days a week for 52 weeks a year; *that* ~~which charges an admission for entry; which~~ has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and *that* ~~which~~ is publicly recognized as a bona fide tourist attraction. ~~However, the permits for businesses seeking to participate in the attractions logo sign program shall be awarded by the department annually to the highest bidders, notwithstanding the limitation on fees in subsection (5), which are qualified for available space at each qualified location, but the fees therefor may not be less than the fees established for logo participants in other logo categories.~~

(b) The department shall incorporate the use of RV-friendly markers on specific information logo signs for establishments that cater to the needs of persons driving recreational vehicles. Establishments that qualify for participation in the specific information logo program and that also qualify as "RV-friendly" may request the RV-friendly marker on their specific information logo sign. An RV-friendly marker must consist of a design approved by the Federal Highway Administration. The department shall adopt rules in accordance with chapter 120 to administer this paragraph, including rules setting forth the minimum requirements that establishments must meet in order to qualify as RV-friendly. These requirements shall include large parking spaces, entrances, and exits that can easily accommodate recreational vehicles and facilities having appropriate overhead clearances, if applicable.

(c) The department may implement a 3-year, rotation-based logo program providing for the removal and addition of participating businesses in the program.

(3) Logo signs may be installed upon the issuance of an annual permit by the department or its agent and payment of *a* ~~an application and~~ permit fee to the department or its agent.

(4) The department may contract pursuant to s. 287.057 for the provision of services related to the logo sign program, including recruitment and qualification of businesses, review of applications, permit issuance, and fabrication, installation, and maintenance of logo signs. The department may reject all proposals and seek another request for proposals or otherwise perform the work. ~~If the department contracts for the provision of services for the logo sign program, the contract must require, unless the business owner declines, that businesses that previously entered into agreements with the department to privately fund logo sign construction and installation be reimbursed by the contractor for the cost of the signs which has not been recovered through a previously agreed upon waiver of fees.~~ The contract also may allow the contractor to retain a portion of the annual fees as compensation for its services.

(5) *At a minimum,* permit fees for businesses that participate in the program must be established in an amount sufficient to offset the total cost to the department for the program, including contract costs. The department shall provide the services in the most efficient and cost-effective manner through department staff or by contracting for some or all of the services. *The department shall adopt rules that set reasonable rates based upon factors such as population, traffic volume, market demand, and costs for annual permit fees. However, annual permit fees for sign locations inside an urban area, as defined in s. 334.03(32), may not exceed $5,000 and annual permit fees for sign locations outside an urban area, as defined in s. 334.03(32), may not exceed $2,500. After recovering program costs, the proceeds from the annual permit fees shall be deposited into the State Transportation Trust Fund and used for transportation purposes.* ~~Such annual permit fee shall not exceed $1,250.~~

Section 6. Subsections (7) and (8) of section 348.54, Florida Statutes, are amended to read:

348.54 Powers of the authority.—Except as otherwise limited herein, the authority shall have the power:

(7) To borrow money *and to make* and issue negotiable bonds, *notes, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter referred to as "bonds of the authority," for the purpose of financing all or part of the improvement or extension of the expressway system and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for the expressway system, and for any other purpose authorized by this part,* and to provide for the rights of the holders thereof.

(8) To secure the payment of bonds by a pledge of all or any portion of the revenues or such other moneys legally available therefor and of all or any portion of the Hillsborough County gasoline tax funds in the manner provided by this part; and in general to provide for the security of the bonds and the rights and remedies of the holders thereof. Interest upon the amount of gasoline tax funds to be repaid to the county pursuant to s. 348.60 shall be payable, at the highest rate applicable to any outstanding bonds of the authority, out of revenues and other available moneys not required to meet the authority's obligations to its bondholders. *The authority shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, including the city and the county, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.*

Section 7. *(1) The Department of Community Affairs, in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. The Office of Tourism, Trade, and Economic Development and the Florida Energy and Climate Commission shall provide technical assistance to the departments in developing and administering the program.*

(2)(a) The application for a pilot project shall:

1. Identify the proposed location of the energy economic zone, which must be within an adopted urban service area and may include a county landfill outside the urban service boundary;

2. Present a proposed strategic plan for development and redevelopment in the energy economic zone;

3. Demonstrate consistency of the strategic plan with the local comprehensive plan or include proposed plan amendments necessary to achieve consistency; and

4. Identify comprehensive plan amendments that will be proposed to implement chapter 2008–191, Laws of Florida.

(b) The strategic plan under subparagraph (a)1. must include mixed-use and form-based standards that integrate multimodal transportation facilities with land use and development patterns to reduce reliance on automobiles, encourage certified green building developments and renewable energy systems, encourage creation of green jobs, and demonstrate how local financial and regulatory incentives will be used in the energy economic zone.

(c) The Department of Community Affairs shall grant at least one application if the application meets the requirements of this subsection and the community has demonstrated a prior commitment to energy conservation, carbon reduction, green building, and economic development. The Department of Community Affairs and the Office of Tourism, Trade, and Economic Development shall provide the pilot community,

including businesses within the energy economic zone, with technical assistance in identifying and qualifying for eligible grants and credits in job creation, energy, and other areas.

(3) The Department of Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit an interim report by February 15, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the status of the pilot program. The report shall contain any recommendations deemed appropriate by the department for statutory changes to accomplish the goals of the pilot program community, including whether it would be beneficial to provide financial incentives similar to those offered to an enterprise zone.

(4) If the pilot project is ongoing, the Department of Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15, 2012, evaluating whether the pilot program has demonstrated success. The report shall contain recommendations with regard to whether the program should be expanded for use by other local governments and whether state policies should be revised to encourage the goals of the program.

Section 8. *(1) The Northwest Florida Regional Transportation Planning Organization, an interlocal agency under part I of chapter 163, Florida Statutes, is authorized to study the feasibility of advance-funding the costs of capacity projects in its member counties and making recommendations to the Legislature by February 1, 2010. The Department of Transportation may assist the organization in conducting the study.*

(2) Results of any study authorized by this section shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the department, any metropolitan planning organization in any county served by the organization, and the counties served by the organization and shall discuss the financial feasibility of advance-funding the costs of capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties. The study must be based on the following assumptions:

(a) Any advanced projects must be consistent with the Northwest Florida Regional Transportation Planning Organization's 5-year plan and the department's work program.

(b) Any bonds shall have a maturity not to exceed 30 years.

(c) A maximum of 25 percent of the department's capacity funds allocated annually to the counties served by the Northwest Florida Regional Transportation Planning Organization may be used to pay debt service on the bonds.

(d) Bond proceeds may only be used for the following components of a construction project on a state road: planning, engineering, design, right-of-way acquisition, and construction.

(e) The cost of the projects must be balanced with the proceeds available from the bonds.

(f) The department shall have final approval of the projects financed through the sale of bonds.

(3) The study shall contain:

(a) An analysis of the financial feasibility of advancing capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties.

(b) A long-range, cost-feasible finance plan that identifies the project cost, revenues by source, financing, major assumptions, and a total cash flow analysis beginning with implementation of the project and extending through final completion of the project.

(c) A tentative list of capacity projects and the priority in which they would be advanced. These projects must be consistent with the criteria in s. 339.135(2)(b), Florida Statutes.

(d) A 5-year work program of the projects to be advanced. This program must be consistent with chapter 339, Florida Statutes.

(e) A report of any statutory changes, including a draft bill, needed to give the Northwest Florida Regional Transportation Planning Organization the ability to advance construction projects. The draft bill language shall address, at a minimum:

1. Developing a list of road projects to be advanced, consistent with the organization's 5-year plan.

2. Giving the department the authority to review projects to determine consistency with its current work program.

3. Giving the organization the authority to issue bonds with a maturity of not greater than 30 years.

4. Requiring proceeds of the bonds to be delivered to the department to pay the cost of completing the projects.

5. Requiring the road projects to be consistent with the organization's 5-year plan.

6. Permitting any participating county to elect to undertake responsibility for the payment of a portion of the cost of any project in the county pursuant to an agreement with the organization and the department.

7. Providing that, in each year that the bonds are outstanding, no more than 25 percent of the state transportation funds appropriated for capacity projects advanced pursuant to the terms of this section and within the area of operation of the organization shall be paid over to the organization for the purpose of paying debt service on bonds the organization issued for such capacity projects. Such payments shall be made in lieu of programming any new projects in the work program.

8. Providing that, in the event that the capacity funds allocated to the member counties of the organization are less than the amount needed to satisfy the payment requirements under the contract, the department shall defer the funded capacity on any other projects in the member counties of the organization to the extent necessary to make up such deficiency, so as to enable the organization to make the required debt service payments on the bonds or to replenish the reserves established for the bonds which may have been used to make up such deficiency. Under no circumstances shall the department provide any funds for these capacity projects in excess of the amount that would be allocated to the member counties pursuant to statutory formula and legislative appropriation.

9. Providing that the bonds shall state on their face that they do not constitute a pledge of the full faith or taxing power of the state, and no holder of any bond shall have the right to compel payment of the bonds from any funds of the state, other than amounts required to be paid to the organization under the contract. The bonds shall be limited and special obligations payable solely from the sources described herein.

10. Establishing such other terms and provisions as may be deemed reasonable and necessary to enable the organization to market the bonds at the most advantageous rates possible.

(4) The Legislature may authorize the implementation of the Northwest Florida Regional Transportation Planning Organization's study after a satisfactory showing that these prerequisites have been met and that any source of funding for any bonds to be issued has been approved by the Department of Transportation.

Section 9. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to transportation; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation to provide for certain environmental conditions; amending s. 337.025, F.S.; exempting transportation projects funded by the American Recovery and Reinvestment Act of 2009 from specified caps on annual contract amounts; amending s. 337.0261, F.S.; recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s. 339.2818, F.S., relating to the Small County Outreach Program; revising the purpose of the program to include certain program purposes; revising eligibility and prioritization criteria; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway

system; revising the definition of the term "attraction"; removing provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; revising contract provisions for related services; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for certain sign locations; providing for distribution and use of proceeds from such fees; amending s. 348.54, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to make and issue certain bonds and other evidences of indebtedness and obligations; specifying liability for the payment of the principal of or interest on such obligations; requiring the Department of Community Affairs, in consultation with the Department of Transportation, to implement the Energy Economic Zone Pilot Program for specified purposes; requiring that the Office of Tourism, Trade, and Economic Development and the Florida Energy and Climate Commission provide technical assistance; specifying intended goals of the program; providing an application process for a pilot project; requiring that the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development provide the pilot community with certain assistance; requiring the Department of Community Affairs to submit reports to the Governor and the Legislature; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; providing an effective date.

On motion by Senator Gardiner, the Conference Committee Report on **HB 5013** was adopted. **HB 5013** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Votes Recorded:

May 8, 2009: Yea-Gelber

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5129, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5129

The Honorable Jeff Atwater May 6, 2009
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5129, same being:

An act relating to child support enforcement

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander
Chair
s/ Thad Altman, At Large
s/ Carey Baker
Larcenia J. Bullard
s/ Victor D. Crist
s/ Nancy C. Detert
s/ Paula Dockery
s/ Don Gaetz
Andy Gardiner
s/ Mike Haridopolos, At Large
s/ Dennis L. Jones, D.C.
s/ Charlie Justice
s/ Alfred "Al" Lawson, Jr.
At Large
s/ Durell Peaden, Jr.
s/ Nan H. Rich
Jeremy Ring
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Frederica S. Wilson

s/ Ted Deutch
Vice Chair
s/ Dave Aronberg
s/ Michael S. "Mike" Bennett
Lee Constantine
s/ Charles S. "Charlie" Dean, Sr.
s/ Alex Diaz de la Portilla
s/ Mike Fasano
Rudy Garcia
Dan Gelber
s/ Anthony C. "Tony" Hill, Sr.
Arthenia L. Joyner
s/ James E. "Jim" King, Jr.
s/ Evelyn J. Lynn
s/ Steve Oelrich
Ken Pruitt
s/ Garrett S. Richter
s/ Gary Siplin
s/ Eleanor Sobel
s/ J. Alex Villalobos
s/ Stephen R. Wise

Managers on the part of the Senate

s/ Marcelo Llorente
Chair
s/ Sandra "Sandy" Adams
s/ Kevin C. Ambler
s/ Gary Aubuchon
s/ Ellyn Setnor Bogdanoff
At Large
Mary Brandenburg
Ronald A. Brisé
s/ Rachel V. Burgin
Jennifer Carroll
s/ Marti Coley
s/ Faye B. Culp
s/ Chris Dorworth
s/ Eric Eisnaugle
Adam M. Fetterman
s/ Anitere Flores
s/ Erik Fresen
s/ Bill Galvano, At Large
Audrey Gibson
s/ Denise Grimsley
s/ D. Alan Hays
s/ Doug Holder
s/ Ed Hooper
s/ Matt Hudson
Mia L. Jones
Martin David "Marty" Kiar
John Legg
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Dave Murzin
s/ Bryan Nelson
Mark S. Pafford
s/ Pat Patterson
s/ Juan-Carlos "J.C." Planas
s/ Stephen L. Precourt
Kevin J. G. Rader
s/ Ron Reagan, At Large

s/ David Rivera
Chair
s/ Janet H. Adkins
s/ Thomas "Tom" Anderson
Leonard L. Bembry
s/ Esteban L. Bovo, Jr.
Debbie Boyd
Oscar Braynon II
Dwight M. Bullard
s/ Dean Cannon, At Large
Gwyndolen "Gwyn" Clarke-Reed
s/ Steve Crisafulli
s/ Carl J. Domino
Brad Drake
s/ Greg Evers
Keith Fitzgerald
s/ Clay Ford
s/ James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
s/ Richard "Rich" Glorioso
s/ Adam Hasner, At Large
Bill Heller
s/ Ed Homan
s/ Mike Horner
Dorothy L. Hukill
s/ Kurt Kelly
Paige Kreegel
Janet C. Long
s/ Debbie Mayfield
Seth McKeel
s/ Peter Nehr
H. Marlene O'Toole
s/ Jimmy Patronis
s/ Scott Plakon
s/ Ralph Poppell
s/ William L. "Bill" Proctor
s/ Lake Ray
Betty Reed

s/ Ronald "Doc" Renuart
Yolly Roberson
Darryl Ervin Rouson
Ron Saunders, At Large
s/ Ron Schultz
Kelly Skidmore, At Large
Darren Soto
Richard L. Steinberg
Priscilla Taylor
s/ Nicholas R. "Nick" Thompson
s/ John Tobia
s/ Charles E. Van Zant
s/ Michael B. "Mike" Weinstein
Trudi K. Williams
Kenneth L. "Ken" Roberson
Hazelle P. "Hazel" Rogers
Maria Lorts Sachs
s/ Robert C. "Rob" Schenck
Elaine J. Schwartz
s/ William D. Snyder
s/ Kelli Stargel
Dwayne L. Taylor
Geraldine F. "Geri" Thompson
Perry E. Thurston, Jr., At Large
s/ Baxter G. Troutman
s/ Will W. Weatherford
Alan B. Williams
s/ Juan C. Zapata

Managers on the part of the House

Conference Committee Amendment (159935)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (7) through (22) of section 61.046, Florida Statutes, are renumbered as subsections (8) through (23), respectively, and a new subsection (7) is added to that section to read:

61.046 Definitions.—As used in this chapter, the term:

(7) "Health insurance" means coverage under a fee-for-service arrangement, health maintenance organization, or preferred provider organization, and other types of coverage available to either parent, under which medical services could be provided to a dependent child.

Section 2. Paragraph (b) of subsection (1) of section 61.13, Florida Statutes, is amended to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(1)

(b) Each order for support shall contain a provision for health *insurance* ~~care coverage~~ for the minor child when *health insurance* ~~the coverage~~ is *reasonable in cost and accessible to the child* ~~reasonably available~~. *Health insurance is presumed to be reasonable in cost if the incremental cost of adding health insurance for the child or children does not exceed 5 percent of the gross income, as defined in s. 61.30, of the parent responsible for providing health insurance. Health insurance is accessible to the child if the health insurance is available to be used in the county of the child's primary residence or in another county if the parent who has the most time under the time-sharing plan agrees. If the time-sharing plan provides for equal time-sharing, health insurance is accessible to the child if the health insurance is available to be used in either county where the child resides or in another county if both parents agree.* ~~Coverage is reasonably available if either the obligor or obligee has access at a reasonable rate to a group health plan.~~ The court may require the obligor ~~either~~ to provide health *insurance* ~~care coverage~~ or to reimburse the obligee for the cost of health *insurance* ~~care coverage~~ for the minor child when *insurance* ~~coverage~~ is provided by the obligee. *The presumption of reasonable cost may be rebutted by evidence of any of the factors in s. 61.30(11)(a). The court may deviate from what is presumed reasonable in cost only upon a written finding explaining its determination why ordering or not ordering the provision of health insurance or the reimbursement of the obligee's cost for providing health insurance for the minor child would be unjust or inappropriate.* In *any* ~~either~~ event, the court shall apportion the cost of *health insurance* ~~coverage~~, and any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6). The court may order that payment of *noncovered* ~~uncovered~~ medical, dental, and prescription medication expenses of the minor child be made directly to the obligee on a percentage basis. *In a proceeding for medical support only, each parent's share of the child's health insurance and noncovered medical expenses shall equal the parent's percentage share of the combined net income of the parents. The percentage share shall be calculated by dividing each parent's net monthly income by the combined monthly net income of both parents. Net income is calculated as specified by s. 61.30(3) and (4).*

1. In a non-Title IV-D case, a copy of the court order for health *insurance* ~~care coverage~~ shall be served on the obligor's union or employer by the obligee when the following conditions are met:

a. The obligor fails to provide written proof to the obligee within 30 days after receiving effective notice of the court order that the health *insurance* ~~care coverage~~ has been obtained or that application for *health insurance* ~~coverage~~ has been made;

b. The obligee serves written notice of intent to enforce an order for health *insurance* ~~care coverage~~ on the obligor by mail at the obligor's last known address; and

c. The obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee that the health *insurance* ~~care coverage~~ existed as of the date of mailing.

2.a. A support order enforced under Title IV-D of the Social Security Act which requires that the obligor provide health *insurance* ~~care coverage~~ is enforceable by the department through the use of the national medical support notice, and an amendment to the support order is not required. The department shall transfer the national medical support notice to the obligor's union or employer. The department shall notify the obligor in writing that the notice has been sent to the obligor's union or employer, and the written notification must include the obligor's rights and duties under the national medical support notice. The obligor may contest the withholding required by the national medical support notice based on a mistake of fact. To contest the withholding, the obligor must file a written notice of contest with the department within 15 business days after the date the obligor receives written notification of the national medical support notice from the department. Filing with the department is complete when the notice is received by the person designated by the department in the written notification. The notice of contest must be in the form prescribed by the department. Upon the timely filing of a notice of contest, the department shall, within 5 business days, schedule an informal conference with the obligor to discuss the obligor's factual dispute. If the informal conference resolves the dispute to the obligor's satisfaction or if the obligor fails to attend the informal conference, the notice of contest is deemed withdrawn. If the informal conference does not resolve the dispute, the obligor may request an administrative hearing under chapter 120 within 5 business days after the termination of the informal conference, in a form and manner prescribed by the department. However, the filing of a notice of contest by the obligor does not delay the withholding of premium payments by the union, employer, or health plan administrator. The union, employer, or health plan administrator must implement the withholding as directed by the national medical support notice unless notified by the department that the national medical support notice is terminated.

b. In a Title IV-D case, the department shall notify an obligor's union or employer if the obligation to provide health *insurance* ~~care coverage~~ through that union or employer is terminated.

3. In a non-Title IV-D case, upon receipt of the order pursuant to subparagraph 1., or upon application of the obligor pursuant to the order, the union or employer shall enroll the minor child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period and withhold any required premium from the obligor's income. If more than one plan is offered by the union or employer, the child shall be enrolled in the group health plan in which the obligor is enrolled.

4.a. Upon receipt of the national medical support notice under subparagraph 2. in a Title IV-D case, the union or employer shall transfer the notice to the appropriate group health plan administrator within 20 business days after the date on the notice. The plan administrator must enroll the child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period, and the union or employer must withhold any required premium from the obligor's income upon notification by the plan administrator that the child is enrolled. The child shall be enrolled in the group health plan in which the obligor is enrolled. If the group health plan in which the obligor is enrolled is not available where the child resides or if the obligor is not enrolled in group coverage, the child shall be enrolled in the lowest cost group health plan that is *accessible to* ~~available where~~ the child ~~resides~~.

b. If health *insurance* ~~care coverage~~ or the obligor's employment is terminated in a Title IV-D case, the union or employer that is withholding premiums for health *insurance* ~~care coverage~~ under a national medical support notice must notify the department within 20 days after the termination and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

5.a. The amount withheld by a union or employer in compliance with a support order may not exceed the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended. The union or employer shall withhold the maximum allowed by the Consumer Credit Protection Act in the following order:

(I) Current support, as ordered.

(II) Premium payments for health *insurance* ~~care coverage~~, as ordered.

(III) Past due support, as ordered.

(IV) Other medical support or *insurance* ~~coverage~~, as ordered.

b. If the combined amount to be withheld for current support plus the premium payment for health *insurance* ~~care coverage~~ exceed the amount allowed under the Consumer Credit Protection Act, and the health *insurance* ~~care coverage~~ cannot be obtained unless the full amount of the premium is paid, the union or employer may not withhold the premium payment. However, the union or employer shall withhold the maximum allowed in the following order:

(I) Current support, as ordered.

(II) Past due support, as ordered.

(III) Other medical support or *insurance* ~~coverage~~, as ordered.

6. An employer, union, or plan administrator who does not comply with the requirements in sub-subparagraph 4.a. is subject to a civil penalty not to exceed $250 for the first violation and $500 for subsequent violations, plus attorney's fees and costs. The department may file a petition in circuit court to enforce the requirements of this subparagraph.

7. The department may adopt rules to administer the child support enforcement provisions of this section that affect Title IV-D cases.

Section 3. Subsection (5) of section 61.1301, Florida Statutes, is amended to read:

61.1301 Income deduction orders.—

(5) By July 1, 2006, the department shall provide a payor with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006, concerning an obligor to whom the payor pays income. The department shall provide a payor who requests Internet access with a user code and password to allow the payor to receive notices electronically and to download the information necessary to begin income deduction and health *insurance* ~~care coverage~~ enrollment. If a participating payor does not respond to electronic notice by accessing the data posted by the department within 48 hours, the department shall mail the income deduction or medical support notice to the payor.

Section 4. Subsections (5) through (14) of section 409.2554, Florida Statutes, are renumbered as subsections (6) through (15), respectively, and a new subsection (5) is added to that section to read:

409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss. 409.2551-409.2598, the term:

(5) "Health insurance" means coverage under a fee-for-service arrangement, health maintenance organization, or preferred provider organization, and other types of coverage available to either parent, under which medical services could be provided to a dependent child.

Section 5. Paragraphs (b), (c), and (e) of subsection (5) of section 409.2561, Florida Statutes, are amended to read:

409.2561 Support obligations when public assistance is paid; assignment of rights; subrogation; medical and health insurance information.—

(5) With respect to cases for which there is an assignment in effect:

(b) When ~~the obligor receives~~ health insurance *is obtained* ~~coverage~~ for the dependent child, the IV-D agency shall provide health insurance policy information, including any information available about the health insurance policy which would permit a claim to be filed or, in the case of a health maintenance or preferred provider organization, service to be provided, to the state Medicaid agency.

(c) The state Medicaid agency, upon receipt of the health *insurance* ~~coverage~~ information from the IV-D agency, shall notify the ~~obligor's~~ insuring entity that the Medicaid agency must be notified within 30 days *after the health insurance* ~~when such coverage~~ is discontinued.

(e) Upon the state Medicaid agency receiving notice from the ~~obligor's~~ insuring entity that the *health insurance* ~~coverage~~ is discontinued due to cancellation or other means, the Medicaid agency shall notify the IV-D agency of such discontinuance and the effective date. When appropriate, the IV-D agency shall then take action to bring the obligor before the court for enforcement.

Section 6. Paragraph (e) of subsection (7) of section 409.2563, Florida Statutes, is amended to read:

409.2563 Administrative establishment of child support obligations.—

(7) ADMINISTRATIVE SUPPORT ORDER.—

(e) An administrative support order must comply with *ss. 61.13(1) and 61.30* ~~s. 61.30~~. The department shall develop a standard form or forms for administrative support orders. An administrative support order must provide and state findings, if applicable, concerning:

1. The full name and date of birth of the child or children;

2. The name of the parent from whom support is being sought and the other parent or caretaker relative;

3. The parent's duty and ability to provide support;

4. The amount of the parent's monthly support obligation;

5. Any obligation to pay retroactive support;

6. The parent's obligation to provide for the health care needs of each child, whether through *health* insurance ~~coverage~~, contribution towards the cost of *health* insurance ~~coverage~~, payment or reimbursement of health care expenses for the child, or any combination thereof;

7. The beginning date of any required monthly payments and health *insurance* ~~care coverage~~;

8. That all support payments ordered must be paid to the Florida State Disbursement Unit as provided by s. 61.1824;

9. That the parents, or caretaker relative if applicable, must file with the department when the administrative support order is rendered, if they have not already done so, and update as appropriate the information required pursuant to paragraph (13)(b);

10. That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses pursuant to paragraph (13)(c); and

11. That if the parent ordered to pay support receives unemployment compensation benefits, the payor shall withhold, and transmit to the department, 40 percent of the benefits for payment of support, not to exceed the amount owed.

An income deduction order as provided by s. 61.1301 must be incorporated into the administrative support order or, if not incorporated into the administrative support order, the department or the Division of Administrative Hearings shall render a separate income deduction order.

Section 7. Subsection (5) of section 409.2572, Florida Statutes, is amended to read:

409.2572 Cooperation.—

(5) As used in this section only, the term "applicant for or recipient of public assistance for a dependent child" refers to such applicants and recipients of public assistance as defined in *s. 409.2554(8)* ~~s. 409.2554(7)~~, with the exception of applicants for or recipients of Medicaid solely for the benefit of a dependent child.

Section 8. Subsection (7) of section 409.2576, Florida Statutes, is amended to read:

409.2576 State Directory of New Hires.—

(7) WAGE WITHHOLDING NOTICE AND NATIONAL MEDICAL SUPPORT NOTICE.—The department shall transmit a wage withholding notice consistent with s. 61.1301 and, when appropriate, a national medical support notice, as defined in s. 61.046, to the employee's employer within 2 business days after entry of the new hire information into the State Directory of New Hires' database, unless the court has determined that the employee's wages are not subject to withholding or, for purposes of the national medical support notice, the support order does not contain a provision for the employee to provide health *insurance* ~~care coverage~~. The withholding notice shall direct the employer to withhold income in accordance with the income deduction order, and the national medical support notice shall direct the employer to withhold premiums for health *insurance* ~~care coverage~~.

Section 9. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for enforcement of medical support obligations in child-support-enforcement cases; amending s. 61.13, F.S.; establishing standards for a presumption of reasonable costs of and accessibility of health insurance; requiring that the court make a written finding before deviating from the presumed reasonable cost; providing method for calculating a child's health insurance and noncovered medical expenses under certain circumstances; amending s. 61.1301, F.S.; conforming a provision to changes made by the act; amending s. 409.2554, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for the enforcement of medical support obligations in child-support-enforcement cases that received services under the Social Security Act; amending s. 409.2561, F.S.; conforming provisions to changes made by the act; amending s. 409.2563, F.S.; conforming provisions to changes made by the act; amending s. 409.2572, F.S.; conforming a cross-reference to changes made by the act; amending s. 409.2576, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Baker, the Conference Committee Report on **HB 5129** was adopted. **HB 5129** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Constantine	Fasano
Alexander	Crist	Gaetz
Altman	Dean	Garcia
Aronberg	Detert	Gardiner
Baker	Deutch	Haridopolos
Bennett	Diaz de la Portilla	Hill
Bullard	Dockery	Jones
Joyner	Peaden	Smith
Justice	Pruitt	Sobel
King	Rich	Storms
Lawson	Richter	Villalobos
Lynn	Ring	Wilson
Oelrich	Siplin	Wise

Nays—None

Votes Recorded:

May 8, 2009: Yea-Gelber

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for SB 344** which he approved on May 6, 2009.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2600; SB 2602; CS for CS for SB 1012; CS for SB 1658; CS for SB 1660; CS for SB 1662; CS for SB 1664; CS for CS for SB 1676; CS for CS for SB 1696; CS for SB 1718; CS for SB 1720; CS for SB 1722; CS for CS for SB 1724; CS for SB 1726; CS for SB 1742; CS for SB 1744; CS for SB 1748; CS for SB 1750; CS for SB 1754; CS for SB 1758; CS for CS for SB 1778; CS for CS for SB 1780; CS for SB 1782; CS for SB 1786; CS for CS for SB 1796; CS for SB 1798; CS for SB 1802; CS for SB 1804; CS for SB 1806; CS for CS for SB 1840; CS for SB 2574; and CS for CS for SB 2694: Chairs: Rivera and Llorente; Members At Large: Bogdanoff, Cannon, Galvano, Hasner, Lopez-Cantera, Reagan, Thurston, Saunders, Skidmore; Criminal & Civil Justice Appropriations: Chair: Adams; Members At Large: Thompson, N., Rouson, Eisnaugle, Planas, Snyder, Soto, Taylor, P.; Government Operations Appropriations: Chair: Hays; Members At Large: Hooper, Braynon, Ford, McBurney, Nelson, Schultz, Williams, A.; Health Care Appropriations: Chair: Ambler; Members At Large: Patronis, Brandenburg, Frishe, Grimsley, Homan, Jones, Kreegel, Renuart; Healthy Seniors Appropriations: Chair: Domino; Members At Large: Anderson, Schwartz, Hudson, Nehr, Pafford; Human Services Appropriations: Chair: Zapata; Members At Large: Holder, Roberson, Y., Roberson, K., Van Zant, Rader, Rogers; Natural Resources Appropriations: Chair: Poppell; Members At Large: Williams, T., Boyd, Bembry, Crisafulli, Fetterman, Mayfield, Plakon, Troutman; PreK-12 Appropriations: Chair: Flores; Members At Large: Legg, Kiar, Adkins, Bullard, Coley, Clarke-Reed, Culp, Fresen, Stargel, Weinstein; State Universities & Private Colleges Appropriations: Chair: Proctor; Members At Large: Precourt, Heller, Burgin, Dorworth, O'Toole, Patterson, Reed, Taylor, D.; State & Community Colleges & Workforce Appropriations: Chair: Weatherford; Members At Large: McKeel, Brise, Kelly, Thompson G., Tobia; Transportation & Economic Development Appropriations: Chair: Glorioso; Members At Large: Evers, Gibbons, Aubuchon, Bovo, Carroll, Drake, Gibson, Horner, Hukill, Long, Murzin, Ray, Sachs, Schenck, Steinberg, Fitzgerald.

Robert L. "Bob" Ward, Clerk

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for CS for CS for SB 788 and HB 7145: Chair: Galvano; Members At Large: Adams, Hays, Abruzzo and Gibbons.

Robert L. "Bob" Ward, Clerk

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Reports in their entirety and passed CS for CS for SB 788, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1722, CS for SB 1726, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for CS for SB 1796, CS for SB 1798, CS for SB 1802, CS for SB 1804, CS for SB 1806, CS for CS for SB 1840, CS for SB 2198, CS for SB 2574, SB 2600, SB 2602, and CS for CS for SB 2694 as amended by the Conference Committee Reports; has accepted the Conference Committee Report as an entirety and passed CS for SB 1720 as amended by the Conference Committee Report, by the required constitutional three-fifths vote of the membership of the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 and passed CS for CS for HB 481 as amended; and concurred in Senate amendment 1 and passed HB 701 as amended.

Robert L. "Bob" Ward, Clerk

ENROLLING REPORTS

SB 316, CS for CS for SB 1552 and CS for CS for SB 1616 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 7, 2009.

R. Philip Twogood, Secretary

SCR 2726 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 5, 2009.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for CS for SB 1796; Aronberg—CS for SB 538; Baker—SB 442, CS for SJR 532, CS for SB 554, CS for CS for SB 606, SB 628, SB 1030, CS for CS for SB 1114, SB 1210, SB 1286, SM 1330, CS for SB 1340, SB 1394, SB 1426, CS for CS for SB 1502, SB 2080, CS for CS for SB 2150, CS for CS for SB 2276, CS for SB 2282, CS for CS for SB 2322, CS for SB 2324, CS for CS for SB 2536, CS for CS for SB 2682, CS for CS for CS for SB 2684, CS for CS for SB 2700; Gaetz—CS for SJR 532; Lynn—CS for CS for SB 168, CS for CS for CS for CS for SB 1276, CS for CS for SB 1548, CS for SB 2374, CS for CS for CS for SB 2404; Oelrich—CS for CS for SB 1796; Storms—CS for CS for SB 1796

ADJOURNMENT

On motion by Senator Villalobos, the Senate in extended session adjourned sine die at 2:57 p.m.

Attachment A

Question by Senator Garcia and answer by Senator Jones regarding SB 788 (An act relating to a gaming compact between the State of Florida and the Seminole Tribe of Florida), transcribed from recording of Senate Session on May 8, 2009. See Journal page 1368

Senator Garcia: For purposes of a question to Senator Jones, Is the language in line 2250 and 2259, which requires two years of live racing, intended to prevent a jai alai fronton from being eligible under this section since they don't conduct racing but instead conduct jai alai games?

Senator Jones: Senator Garcia, lines 2250 to 2259 only refers to live racing by para-mutuals, so would only include races not games.

Journal of the Senate

Final Reports After Adjournment Sine Die — Regular Session 2009

ENROLLING REPORTS

CS for CS for SB 126 and CS for CS for CS for SB 1128 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 13, 2009.

CS for SB 198, CS for CS for SB 456, CS for CS for CS for CS for SB 1540, CS for CS for SB 1640, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1720, CS for SB 1722, CS for SB 1726, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for CS for SB 1796, CS for SB 1798, CS for SB 1802, CS for SB 1804, CS for SB 1806, CS for CS for SB 1840, CS for SB 2574, SB 2600, SB 2602 and CS for CS for SB 2694 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 15, 2009.

SB 30, CS for SB 46, CS for SB 58, CS for CS for SB 168, CS for CS for SB 360, CS for SB 522, SB 524, CS for SB 538, CS for CS for SB 714, CS for CS for SB 762, CS for CS for SB 810, CS for SB 858 and CS for CS for SB 1062 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 18, 2009.

CS for CS for CS for SB 2630 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 22, 2009.

SB 216, SB 252, CS for SB 408, CS for SB 414, CS for SB 718, SB 872, CS for SB 1580, CS for CS for CS for SB 2430 and SB 1960 and CS for CS for SB 2612 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 26, 2009.

CS for CS for SB 918 and CS for SB 1018 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 29, 2009.

CS for SM 152, CS for SJR 532 and SM 1330 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 29, 2009.

CS for CS for SB 162, CS for SB 258, CS for CS for SB 526, CS for SB 720, CS for SB 742, CS for CS for CS for SB 904, CS for SB 948, CS for CS for SB 1000, CS for SB 1312, CS for SB 2158, CS for SB 2282, CS for SB 2504, CS for CS for SB 2658 and CS for CS for SB 2700 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 3, 2009.

CS for CS for SB 788 and CS for SB 2198 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 4, 2009.

SB 234, CS for CS for SB 440, CS for CS for CS for CS for SB 462, CS for CS for CS for SB 494, CS for CS for SB 606, CS for SB 620, CS for SB 624, CS for SB 746, CS for CS for SB 1078, CS for CS for SB 1100, CS for SB 1122, CS for SB 1534, CS for CS for SB 1868, SB 2064, CS for CS for SB 2108, CS for SB 2188, CS for CS for SB 2252, CS for CS for SB 2276 and SB 2330 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 8, 2009.

SB 166, CS for CS for SB 278, CS for SB 412, CS for SB 554, CS for CS for SB 712, CS for CS for SB 766, CS for CS for SB 926, SB 1030, CS for CS for SB 1144, SB 1248, CS for CS for CS for SB 1986, SB 2080, CS for CS for SB 2150, CS for CS for SB 2226, CS for CS for SB 2538, CS for CS for SB 2626, CS for SB 2666 and CS for CS for SB 2682 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 15, 2009.

R. Philip Twogood, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which he approved—

CS for CS for SB 126 and CS for CS for CS for SB 1128 on May 14, 2009.

SB 316, CS for CS for SB 456, CS for CS for SB 1552 and CS for CS for SB 1616 on May 20, 2009.

CS for SB 198, CS for CS for CS for CS for SB 1540, CS for CS for SB 1640, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1720, CS for SB 1722, CS for SB 1726, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for CS for SB 1796, CS for SB 1798, CS for SB 1802, CS for SB 1804, CS for SB 1806, CS for CS for SB 1840, CS for SB 2574, SB 2600 and SB 2602 on May 27, 2009.

CS for CS for CS for SB 2630 on May 28, 2009.

SB 30, CS for SB 46, CS for CS for SB 168, CS for CS for SB 360, CS for SB 522, SB 524, CS for SB 538, CS for CS for SB 762, CS for CS for SB 810, CS for SB 858 and CS for CS for SB 1062 on June 1, 2009.

CS for SB 58, CS for CS for SB 918 and CS for SB 1018 on June 2, 2009.

SB 216, SB 252, CS for SB 408, CS for SB 414, SB 872, CS for SB 1122, CS for SB 1580, CS for CS for CS for SB 2430 and SB 1960, and CS for CS for SB 2612 on June 10, 2009.

CS for CS for SB 2700 on June 11, 2009.

CS for CS for SB 788 on June 15, 2009.

CS for CS for SB 162, CS for SB 258, CS for CS for SB 526, CS for CS for SB 606, CS for SB 620, CS for SB 720, CS for SB 742, CS for SB 746, CS for CS for CS for SB 904, CS for SB 948, CS for CS for SB 1000, CS for CS for SB 1100, CS for SB 1312, CS for SB 1534, CS for SB 2158, CS for SB 2188, CS for SB 2198, CS for CS for SB 2252, CS for CS for SB 2276, CS for SB 2282, CS for SB 2504 and CS for CS for SB 2658 on June 16, 2009.

CS for CS for SB 440, CS for CS for CS for CS for SB 462, CS for CS for CS for SB 494, CS for SB 624, CS for CS for SB 1078, CS for CS for SB 1868, SB 2064, CS for CS for SB 2108 and SB 2330 on June 18, 2009.

SB 234 on June 23, 2009.

CS for CS for SB 278, CS for SB 412, CS for SB 554, CS for CS for

SB 712, CS for CS for SB 766, CS for CS for SB 926, SB 1030, CS for CS for SB 1144, SB 1248, CS for CS for CS for SB 1986, CS for CS for SB 2150, CS for CS for SB 2538, CS for CS for SB 2626, CS for SB 2666 and CS for CS for SB 2682 on June 24, 2009.

CS for CS for SB 2226 on June 29, 2009.

SB 2080 on June 30, 2009.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1495, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Forty-first Regular Session of the Legislature convened under the Constitution as revised in 1968, held from March 3 through May 1, 2009 and extended through 2:57 p.m. May 8, 2009. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.

R. Philip Twogood
Secretary of the Senate

Tallahassee, Florida
June 30, 2009

INDEX

TO THE

JOURNAL OF THE SENATE

MARCH 3 THROUGH MAY 8, 2009

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HOW TO FIND OR TRACE A BILL, RESOLUTION OR MEMORIAL

When the bill, resolution or memorial number is unknown, use the:

SUBJECT INDEX OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The subject matter of each bill is indexed and cross-indexed in an alphabetical arrangement, using topics of catchwords related closely to the subject matter. This is followed by the number of the bill, resolution or memorial.

When the bill, resolution or memorial number is known, use the:

NUMERICAL INDICES OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

Each bill is listed in numerical order. Opposite each bill number is the subject, the name of introducer, the page numbers where the bill involved appears in the journal, and the final status of the bill.

Tracing all Senate and House Actions

It is possible to trace the progress of legislation from introduction to final disposition, step by step, as it is recorded on the various pages of the Senate Journal by looking at the pages referred to in the numerical index.

To follow the progress of Senate legislation passed by the Senate and sent to the House, use the indices contained in the House Journal to trace House action.

MEMBERS OF THE SENATE; BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED; AND COMMITTEE ASSIGNMENTS

REGULAR SESSION
March 3 through May 8, 2009

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses adopted one-house resolutions also boldfaced.)

ALEXANDER, JD—17th District
Introduced: 322, 950, 952, 954, 956, 958, 980, 1350, 1352, **1796**, **1798**, 1800, **1802**, **1804**, **1806**, 1808, 1810, 1812, 1814, 1816, 1818, 2058, **2080**, 2088, 2180, 2182, 2184, 2186, **2694**
Co-introduced: **662**, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Policy and Steering Committee on Ways and Means, Chair; Ethics and Elections, Chair; Policy and Steering Committee on Governmental Operations; Banking and Insurance; Rules; *Select Committee on Florida's Economy*; and *Joint Legislative Budget Commission*

ALTMAN, THAD—24th District
Introduced: 618, 642, 744, 860, **926**, 1022, 1088, **1112**, 1124, 1140, 1184, 1278, 1382, 1404, 1428, 1582, 1584, 1588, 1590, 1610, 1654, 1904, 1928, 1942, 2004, 2026, **2064**, 2156, 2170, 2190, 2244, 2376, 2392, 2434, 2436, 2438, 2440, 2442, 2444, 2446, 2448, 2450, 2452, 2454, 2456, 2458, 2474, 2492, 2494, 2496, 2498, 2500, 2502, **2504**, 2506, 2508, 2510, 2512, 2514, 2516, 2518, 2540, 2542, 2544, 2546, 2548, 2550, 2552, 2556, 2558, 2560, 2578, 2620, 2654
Co-introduced: 124, **316**, **344**, **532**, 556, 580, 596, **662**, **904**, 1004, 1006, **1122**, 1212, 1310, 1468, **1796**, 1908, **2134**, 2322, **2626**, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bill Introduced: 2750

Committees: Finance and Tax, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Ways and Means; Community Affairs; Health Regulation; Transportation; *Joint Committee on Public Counsel Oversight*; and *Joint Legislative Sunset Committee*

ARONBERG, DAVE—27th District
Introduced: 28, 48, 68, 70, 148, 150, **152**, 204, 336, 472, 550, 594, 612, 614, 740, 994, 1064, 1066, 1288, 1324, 1392, 1396, 1400, 1402, 1550, 1554, 1604, 1606, 1620, 1626, 1922, 2070, 2238, 2460, 2588, 2624, 2642, 2696, **2698**
Co-introduced: **102**, 116, **198**, 236, 310, **316**, **462**, 500, 502, **538**, **662**, **918**, **1000**, 1008, 1126, 1424, 1646, **1796**, 2018, **2134**, 2374, 2462, **2726**, **2742**, **2780**, **2782**, **2800**, **2824**
Local Bill Introduced: 14

Committees: Policy and Steering Committee on Governmental Operations, Vice Chair; Military Affairs and Domestic Security, Chair; Rules, Vice Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Agriculture; General Government Appropriations; Health Regulation; and Regulated Industries

ATWATER, JEFF—25th District
Introduced: **2800**
Co-introduced: **662**, **2134**, **2698**, **2726**, **2742**, **2780**, **2782**

BAKER, CAREY—20th District
Introduced: 20, 38, 210, 212, 214, 394, 396, 446, 478, 480, 482, 498, **538**, 582, 598, 658, 674, 792, 794, 796, 798, 800, 886, 920, 942, 1072, 1074, 1076, **1078**, 1328, 1422, 1528, **1546**, 1556, 1560, 1578, 1600, 1602, 1636, 1736, 1738, **1740**, **1742**, **1744**, 1746, **1748**, **1750**, 1752, **1754**, 1756, **1758**, 1760, 1762, 1764, 1766, 1768, 1770, 1772, 1774, 1864, 2060, 2098, 2208, **2252**, 2268, 2410, 2530, 2592, **2658**, 2668, 2670, 2690, 2728, **2732**
Co-introduced: 130, **198**, 206, **216**, 236, 238, **316**, 442, **494**, **532**, 550, **554**, 556, 580, **606**, 628, 644, **662**, 768, 854, 878, 888, 1024, 1030, 1114, 1184, 1210, 1212, 1278, 1286, 1302, 1310, **1330**, 1340, 1394, 1426, 1502, 1526, 1550, 1572, 1606, 1854, 1894, 1908, 1972, 1974, 2072, **2080**, **2134**, **2150**, 2156, 2246, **2276**, **2282**, 2310, 2322, 2324, 2522, 2536, 2572, **2626**, **2666**, **2682**, 2684, **2700**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: General Government Appropriations, Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Agriculture; Ethics and Elections; Judiciary; and Transportation

BENNETT, MICHAEL S. "MIKE"—21st District
Introduced: 200, 240, 304, 352, **360**, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 426, 444, 474, **494**, 560, 630, **722**, 724, 728, 730, 738, 856, 892, 894, 900, 1040, 1042, 1058, 1060, 1218, **1264**, 1296, 1306, 1344, 1354, 1356, 1372, 1388, 1436, 1470, 1478, 1542, **1552**, 1562, 1618, 1624, 1842, 1856, 1894, 1966, 1974, 2016, 2036, 2062, 2100, 2148, **2150**, 2152, 2154, **2282**, 2412, 2532, 2534, 2664, 2674, **2824**
Co-introduced: **126**, **198**, 220, 310, 314, **316**, 556, **662**, 666, **918**, 942, 962, 1008, **1122**, 1132, 1288, 1310, 1386, 1468, 1502, **1580**, 1906, 1908, **2134**, **2626**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Community Affairs, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Governmental Operations; Banking and Insurance; Finance and Tax; Health Regulation; Military Affairs and Domestic Security; Reapportionment; and *Select Committee on Florida's Economy*

BULLARD, LARCENIA J.—39th District
Introduced: 110, 112, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 250, 280, 282, 284, 286, 288, 290, 292, 294, **296**, **298**, 1320, 1438, **1440**, **2112**, **2114**, 2470
Co-introduced: 80, **102**, 114, **126**, 150, **344**, 450, **662**, **904**, 1008, **1128**, 1430, **1540**, 1576, 1936, **2134**, 2240, 2466, 2582, **2698**, **2742**, **2764**, **2780**, **2782**

Committees: Agriculture, Vice Chair; Transportation, Vice Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Social Responsibility; Education Pre-K - 12; Education Pre-K - 12 Appropriations; Higher Education; and *Joint Legislative Auditing Committee*

CONSTANTINE, LEE—22nd District
Introduced: 118, 120, 122, 124, **252**, 274, **316**, 592, 674, 806, 982, 1002, 1004, 1012, 1014, 1160, 1212, 1266, **1384**, 1442, 1444, 1446, 1450, 1452, 1454, 1456, 1458, 1460, 1462, 1464, 1466, 1472, 1474, 1476, 1492, 1494, 1496, 1498, 1512, 1514, 1516, 1518, 1520, 1646, 1648, 1938, 1968, 1976, 1994, 1996, 1998, 2000, 2002, 2102, 2104, 2296, 2318, 2372, 2490, 2536, 2554, 2618, 2640
Co-introduced: **198**, **662**, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Environmental Preservation and Conservation, Chair; Judiciary, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Social Responsibility; Education Pre-K - 12; Higher Education Appro-

priations; Rules; Transportation; *Joint Committee on Public Counsel Oversight, Chair*; and *Joint Legislative Budget Commission*

CRIST, VICTOR D.—12th District
Introduced: 208, 276, 320, 324, 348, 354, **412**, **414**, 470, 652, 890, 1054, 1084, 1086, 1090, 1092, 1094, 1096, 1106, 1108, 1110, 1186, 1224, 1340, 1406, 1434, 1612, 1716, **1718**, **1720**, **1722**, 1724, **1726**, 1728, 1730, 1732, 1734, 1844, 1892, 2006, 2074, 2094, 2128, 2178, 2250, 2266, 2298, 2584, **2814**, 2828, **2832**
Co-introduced: **168**, **198**, 236, **316**, 340, 350, 388, 434, **440**, **456**, **462**, 502, 508, **526**, **662**, 852, 1004, **1062**, 1126, 1154, 1502, 1848, 2018, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bills Introduced: 18, 2718

Committees: Criminal and Civil Justice Appropriations, Chair; Policy and Steering Committee on Ways and Means; Commerce; Criminal Justice; Governmental Oversight and Accountability; and Rules

DEAN, CHARLES S. "CHARLIE", SR.—3rd District
Introduced: 16, 236, 326, 432, 436, 438, 458, **554**, 636, 638, 654, 656, 868, 924, 936, 940, 1024, 1286, 1368, 1468, 1982, 1984, 2082, 2090, 2116, 2118, 2120, 2122, 2138, 2312, 2328, 2334, 2386, 2522, 2572, 2636, 2648, **2820**
Co-introduced: **198**, **316**, **456**, 556, 564, 566, **662**, **1128**, 1310, 1828, 1908, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Agriculture, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Governmental Operations; Criminal Justice; General Government Appropriations; Governmental Oversight and Accountability; Reapportionment; Regulated Industries; *Joint Administrative Procedures Committee*; and *Joint Select Committee on Collective Bargaining*

DETERT, NANCY C.—23rd District
Introduced: 756, 758, 760, 854, 864, 1298, **1334**, 1410, 1412, 1848, 1912, 1914, 1920, 2038, 2040, 2130, 2254, 2374, 2426, 2432, **2538**, 2638, **2778**
Co-introduced: 150, **198**, 306, 350, 556, **662**, 892, 1008, 1022, 1042, 1134, 1288, 1380, **2134**, 2240, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Education Pre-K - 12, Chair; Policy and Steering Committee on Social Responsibility; Children, Families, and Elder Affairs; Commerce; Education Pre-K - 12 Appropriations; Environmental Preservation and Conservation; and *Florida Legislative Committee on Intergovernmental Relations*

DEUTCH, TED—30th District
Introduced: 44, 220, 386, 902, **904**, 912, 1322, 1558, 1572, **1840**, 1874, 1900, 1990, 2008, 2012, 2462, 2476, 2488, 2564, 2580, 2582, 2586, 2646
Co-introduced: **102**, 150, **152**, **198**, 206, 310, **344**, **538**, **662**, **1000**, 1008, 1066, 1302, 1372, 1404, **2134**, **2698**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Policy and Steering Committee on Ways and Means, Vice Chair; Regulated Industries, Vice Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Governmental Operations; Community Affairs; Criminal Justice; Higher Education Appropriations; Military Affairs and Domestic Security; and Rules

DIAZ DE LA PORTILLA, ALEX—36th District
Introduced: 1978, 2010, 2014, **2764**
Co-introduced: **198**, **662**, 1908, 2018, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Governmental Operations; Children, Families, and Elder Affairs; Ethics and Elections; Regulated Industries; Transportation and Economic Development Appropriations; and *Joint Legislative Auditing Committee, Alternating Chair*

DOCKERY, PAULA—15th District
Introduced: **126**, 270, 272, 358, 502, 632, 676, 678, 680, 690, 706, 708, 710, 2230, 2738
Co-introduced: 150, 172, **198**, 274, 546, **662**, **926**, 1032, 1180, 1182, 1214, 1608, 2018, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Criminal Justice, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Social Responsibility; Environmental Preservation and Conservation; Transportation; Transportation and Economic Development Appropriations; and *Joint Committee on Public Counsel Oversight*

FASANO, MIKE—11th District
Introduced: 22, 42, 400, **408**, 410, 416, 434, **440**, 442, 450, 454, **462**, 464, 468, 534, 540, 542, 558, 562, 600, 602, 604, **624**, 626, 644, 646, 648, 682, 742, **746**, 770, 850, 852, 862, 880, 882, 884, 928, 930, 966, 988, **1000**, 1006, 1032, 1034, 1036, 1046, 1056, **1062**, 1120, 1132, 1164, 1182, 1214, 1292, **1312**, 1326, 1336, 1366, 1370, 1398, 1420, 1500, 1502, 1568, 1594, 1608, 1776, **1778**, **1780**, **1782**, 1784, 1786, 1788, 1790, 1792, 1794, 1820, 1830, 1882, 1934, 1940, 2018, 2164, 2384, 2650, 2652, **2702**, **2768**, **2772**, **2804**
Co-introduced: **198**, **216**, 556, **606**, **662**, **714**, 752, 764, 1010, 1022, **1122**, 1288, 1310, 1372, **1534**, 1550, 1878, 1908, **2134**, **2226**, 2480, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bills Introduced: 2708, 2710, 2724

Committees: Transportation and Economic Development Appropriations, Chair; Policy and Steering Committee on Governmental Operations; Policy and Steering Committee on Ways and Means; Banking and Insurance, Communications, Energy, and Public Utilities; Ethics and Elections; Judiciary; and *Joint Legislative Budget Commission*

GAETZ, DON—4th District
Introduced: **234**, **278**, **456**, 484, 486, 556, 568, 570, 572, 574, 576, 578, 584, 586, 588, 634, 702, 876, 960, 962, 964, **1122**, 1138, 1252, 1424, 1924, **1986**, 2216, 2242, 2262, 2322, 2324, 2336, 2338, 2340, 2342, 2344, 2346, 2348, 2350, 2352, 2354, 2356, 2358, 2360, 2362, 2364, 2366, 2370, 2388, 2394, 2398, 2416, 2418, 2594, 2598, 2614, **2794**, **2798**, **2830**
Co-introduced: 158, **198**, **216**, 270, 304, **344**, 348, 352, **360**, 364, 442, **532**, 542, 564, 566, 580, **662**, 852, **918**, 1006, 1036, 1182, 1302, 1380, **1796**, 1828, 1848, 1906, 1908, **2134**, 2254, 2462, **2626**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Policy and Steering Committee on Commerce and Industry, Chair; Health Regulation, Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Education Pre-K - 12; Health and Human Services Appropriations; Rules; and *Select Committee on Florida's Economy, Chair*

GARCIA, RUDY—40th District
Introduced: 452, 640, 650, 736, 808, **810**, 812, 814, 816, 818, 820, 822, 824, **858**, 914, **944**, 968, 1030, 1570, 1630, 2194, 2202, 2302, 2568
Co-introduced: **662**, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Commerce, Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Ways and Means; Children, Families, and Elder Affairs; Community Affairs; Education Pre-K - 12 Appropriations; Rules; *Joint Committee on Public Counsel Oversight*; and *Joint Legislative Budget Commission*

GARDINER, ANDY—9th District
Introduced: 422, 424, 428, 430, 1212, 1302, 1310, 1854, 1910, **2140**, 2142, 2144, 2146, 2286, 2402, 2478, 2480, 2604
Co-introduced: **606**, **662**, 1908, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Transportation, Chair; Policy and Steering Committee on Commerce and Industry; Community Affairs; Ethics and Elections; Health Regulation; Rules; Transportation and Economic Development Appropriations; and *Joint Legislative Auditing Committee*

GELBER, DAN—35th District
Introduced: 1136, 1622, 1628, 1632, 1634, 1638, 1652, 1858, 1860, 1958, 1960, 1962, 2258, 2270, 2278, 2280, 2308, **2430**, **2700**
Co-introduced: **102**, **152**, **198**, 500, 596, **662**, 1008, 1404, 1576, 2012, 2018, **2134**, 2546, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Commerce, Vice Chair; Higher Education Appropriations, Vice Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Communications, Energy, and Public Utilities; Judiciary; *Select Committee on Florida's Economy*; and *Joint Committee on Public Counsel Oversight*

HARIDOPOLOS, MIKE—26th District
Introduced: 12, 36, 62, 350, 392, 564, 566, 580, 616, 1526, 1906, 2028, 2042, 2044, 2046, 2048, 2050, 2052, 2054, 2066, 2068, **2106**, **2158**, 2160, **2198**, 2284, 2378, **2574**, **2626**, **2630**, 2656, **2666**, **2722**
Co-introduced: 314, **360**, 556, **662**, 860, 1212, 1310, 1502, **1796**, 1908, **2134**, 2244, 2322, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Policy and Steering Committee on Governmental Operations, Chair; Governmental Oversight and Accountability, Chair; Reapportionment, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Ways and Means; Communications, Energy, and Public Utilities; Health and Human Services Appropriations; Judiciary; Transportation; *Select Committee on Florida's Economy*; *Florida Legislative Committee on Intergovernmental Relations*; and *Joint Select Committee on Collective Bargaining, Co-Chair*

HILL, ANTHONY C. "TONY", SR.—1st District
Introduced: 34, 506, 508, 510, 512, 514, 516, 518, 520, **662**, 668, 688, 866, 922, **934**, **946**, **970**, **972**, 1254, 1256, 1258, 1260, 1376, 1378, 1536, **2132**, **2134**, 2136, 2166, 2248, **2808**, **2810**, **2826**
Co-introduced: **102**, **198**, 342, **344**, **360**, **810**, 1022, 2586, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bills Introduced: **30**, 32

Committees: Transportation and Economic Development Appropriations, Vice Chair; Policy and Steering Committee on Governmental Operations; Policy and Steering Committee on Ways and Means; Children, Families, and Elder Affairs; Community Affairs; Military Affairs and Domestic Security; Regulated Industries; *Select Committee on Florida's Economy*; and *Florida Legislative Committee on Intergovernmental Relations, Chair*

JONES, DENNIS L., D.C.—13th District
Introduced: 528, 684, 686, 694, 696, 698, 700, **714**, 716, **788**, 790, 826, 828, 830, 832, 834, 836, 838, 840, 842, **948**, 1162, 1172, **1330**, 1332, 1418, **1640**, 2316, **2526**, **2770**
Co-introduced: 114, **198**, 274, **344**, **662**, 1008, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bill Introduced: 2712

Committees: Regulated Industries, Chair; Policy and Steering Committee on Commerce and Industry; Criminal and Civil Justice Appropriations; Environmental Preservation and Conservation; Governmental Oversight and Accountability; Health Regulation; and Rules

JOYNER, ARTHENIA L.—18th District
Introduced: **168**, 170, **224**, **226**, 228, 264, **420**, 1008, **1018**, 1038, 1048, 1050, 1052, 1098, 1300, 1304, 1544, 1548, 1566, 1646, 1822, 1862, 1964, 2022, 2188, 2260, 2300, 2304, 2408, 2616, 2678, **2714**, **2766**, **2774**, **2812**
Co-introduced: **102**, 114, 150, **180**, **198**, 220, 310, 314, **344**, 434, 500, 596, 604, **662**, **918**, **1128**, **1312**, 1430, **1440**, 1468, 1480, 1880, 2012, 2018, **2134**, 2240, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bill Introduced: 2718

Committees: Communications, Energy, and Public Utilities, Vice Chair; Judiciary, Vice Chair; Policy and Steering Committee on Commerce and Industry; Criminal and Civil Justice Appropriations; Ethics and Elections; Transportation; and *Joint Administrative Procedures Committee, Chair*

JUSTICE, CHARLIE—16th District
Introduced: 114, 116, **198**, 202, 206, **216**, 266, 346, 356, 488, 536, 660, 772, 774, 2078, 2424, 2608
Co-introduced: **102**, 150, 270, 500, **662**, 792, 1008, 1024, 1402, 2012, **2134**, 2322, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bill Introduced: 2718

Committees: Policy and Steering Committee on Social Responsibility, Vice Chair; Ethics and Elections, Vice Chair; Finance and Tax, Vice Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Ways and Means; Children, Families, and Elder Affairs; Commerce; Rules; and *Joint Legislative Budget Commission*

KING, JAMES E. "JIM", JR.—8th District
Introduced: 342, **718**, 1146, 1148, 1150, 1152, 1154, 1156, 1168, 1190, 1194, 1380, 1430, 1530, 2092, 2126, 2246, **2740**, **2744**
Co-introduced: **198**, **316**, **360**, **662**, **762**, **788**, 836, **926**, 1260, 1310, 1378, 2018, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Policy and Steering Committee on Energy, Environment, and Land Use, Chair; Communications, Energy, and Public Utilities, Chair; Policy and Steering Committee on Governmental Operations; Criminal Justice; Governmental Oversight and Accountability; Higher Education Appropriations; Regulated Industries; Rules; and *Select Committee on Florida's Economy*

LAWSON, ALFRED J. "AL", JR.—6th District
Introduced: 24, 26, 64, **1170**, **1374**, 1480, 1482, 1484, 1486, 1488, 1504, 1506, 1508, 1510, 1926, 1930, 2176, **2430**, 2524, 2662, 2686, 2704, **2742**, **2776**, **2780**, **2782**
Co-introduced: **102**, 150, **198**, **344**, 556, **662**, **918**, 960, 962, 1008, 1310, **2134**, **2282**, **2726**, **2800**
Local Bill Introduced: 66

Committees: General Government Appropriations, Vice Chair; Policy and Steering Committee on Governmental Operations; Policy and Steering Committee on Ways and Means; Banking and Insurance; Governmental Oversight and Accountability; Health Regulation; Reapportionment; Rules; *Joint Legislative Budget Commission*; and *Joint Select Committee on Collective Bargaining*

LYNN, EVELYN J.—7th District
Introduced: **526**, 530, **532**, 608, 628, 692, 704, 734, 888, 1020, 1134, 1358, 1362, 1448, 1592, **1696**, 1698, 1700, 1702, 1704, 1706, 1708, 1710, 1712, 1714, 1878, 1970, 2274, 2576, **2806**
Co-introduced: **126**, **168**, **198**, **234**, 236, 270, 308, **344**, **360**, **408**, 410, 454, **456**, 478, 502, 550, 556, 580, **662**, **712**, **762**, **810**, **918**, 1006, 1022, 1024, 1032, **1112**, **1122**, 1126, **1128**, 1276, 1372, 1468, 1502, 1548, 1572, **1616**, 1682, 1848, 1880, 1896, **1986**, **2134**, **2226**, 2240, 2244, 2248, **2276**, **2282**, 2374, 2404, 2426, **2538**, 2572, 2614, 2660, 2684, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Higher Education Appropriations, Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Ways and Means; Commerce; Higher Education; Military Affairs and Domestic Security; and Rules

OELRICH, STEVE—14th District
Introduced: 496, 504, **620**, 622, **766**, 768, 844, 846, 848, 886, 1082, 1178, 1216, 1390, 1394, 1614, **1616**, 1650, 1884, 2076, 2096, 2200, 2256, **2276**, 2406, **2528**, 2746, 2748

Co-introduced: 150, **198**, 210, 212, **344**, 564, 566, 628, 656, **662**, **720**, **926**, **1122**, 1126, 1310, 1370, 1502, **1796**, 1908, **2134**, **2626**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Higher Education, Chair; Military Affairs and Domestic Security, Vice Chair; Policy and Steering Committee on Governmental Operations; Commerce; Communications, Energy, and Public Utilities; General Government Appropriations; and *Joint Legislative Committee on Everglades Oversight*

PEADEN, DURELL, JR.—2nd District
Introduced: **720**, **1144**, **1158**, 1318, 1346, 1656, **1658**, **1660**, **1662**, **1664**, 1666, 1668, 1670, 1672, 1674, 1866, **1868**, 1872, 1880, 1932, 2024, 2196, 2332, 2390, 2414, 2520, 2622, 2688
Co-introduced: **198**, 578, **662**, **1986**, **2134**, 2322, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Health and Human Services Appropriations, Chair; Policy and Steering Committee on Commerce and Industry; Policy and Steering Committee on Ways and Means; Agriculture; Commerce; Judiciary; Military Affairs and Domestic Security; and *Joint Legislative Sunset Committee*

PRUITT, KEN—28th District
Introduced: **58**, 672, **712**, **762**, 764, 978, 1026, 1364, 1490, **2108**, 2606, **2682**, **2734**
Co-introduced: **360**, 556, **662**, 1908, **2134**, **2626**, **2698**, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bills Introduced: 40, 52

Committees: Policy and Steering Committee on Social Responsibility, Chair; Policy and Steering Committee on Ways and Means; Communications, Energy, and Public Utilities; Finance and Tax; Higher Education; Rules; *Select Committee on Florida's Economy*; and *Joint Legislative Budget Commission, Alternating Chair*

RICH, NAN H.—34th District
Introduced: 306, 310, **344**, 448, 460, 500, 596, 666, 878, 896, **918**, 990, 992, **996**, **1068**, **1128**, 1386, 1414, 1416, 1598, 1876, 2030, **2214**, 2240, 2706
Co-introduced: **102**, 150, **168**, **198**, 220, **224**, **226**, **252**, 274, **318**, 578, 602, **662**, **926**, 1008, 1022, 1404, 1576, 1642, **1840**, 2012, 2018, **2134**, 2270, **2726**, **2742**, **2764**, **2780**, **2782**, **2800**
Local Bills Introduced: 50, 56, 60

Committees: Policy and Steering Committee on Energy, Environment, and Land Use, Vice Chair; Children, Families, and Elder Affairs, Vice Chair; Health and Human Services Appropriations, Vice Chair; Policy and Steering Committee on Ways and Means; Commerce; Environmental Preservation and Conservation; Ethics and Elections; and *Joint Legislative Sunset Committee*

RICHTER, GARRETT S.—37th District
Introduced: 752, 1114, 1116, 1126, 1192, 1220, 1222, 1908, 1916, 1918, 1944, 1946, 1948, 1950, 1952, 1954, 2072, 2320, **2330**
Co-introduced: **216**, **316**, **360**, **662**, 1502, **2134**, **2226**, 2254, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Banking and Insurance, Chair; Policy and Steering Committee on Commerce and Industry; Communications, Energy, and Public Utilities; Education Pre-K - 12 Appropriations; Ethics and Elections; Judiciary; *Select Committee on Florida's Economy*; and *Joint Legislative Committee on Everglades Oversight*

RING, JEREMY—32nd District
Introduced: 154, 156, 158, 160, **162**, 164, **166**, 218, 242, 244, 246, 248, 268, 308, 312, 340, 384, 388, 998, 1010, 1016, 1262, 1314, **1580**, 1644, 2192, 2326, 2566, **2720**
Co-introduced: **102**, **360**, **662**, **714**, 880, **1000**, 1126, 1404, 2012, **2134**, **2626**, **2726**, **2742**, **2780**, **2782**
Local Bills Introduced: **46**, 2786, 2788, 2792, 2816, 2818

Committees: Policy and Steering Committee on Commerce and Industry, Vice Chair; Policy and Steering Committee on Governmental Operations; Banking and Insurance; Community Affairs; Finance and Tax; Governmental Oversight and Accountability; Judiciary; *Select Committee on Florida's Economy, Vice Chair*; and *Joint Legislative Auditing Committee*

SIPLIN, GARY—19th District
Introduced: 254, 390, 776, 778, 780, 782, 784, 786, 1316, 1846, 1850, 2204, 2206, 2220, 2222, 2224, 2228, 2232, 2234, 2236, 2590, 2644, 2672
Co-introduced: 150, 556, **662**, 910, 1022, 1310, 1480, 1828, 2018, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bill Introduced: 54

Committees: Community Affairs, Vice Chair; Education Pre-K - 12 Appropriations, Vice Chair; Governmental Oversight and Accountability, Vice Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Criminal Justice; Rules; Transportation; and *Joint Legislative Committee on Everglades Oversight, Chair*

SMITH, CHRISTOPHER L. "CHRIS"—29th District
Introduced: 726, 732, **872**, 874, 898, 906, 974, 1044, 1080, 1956, 2484, 2562, 2676, 2680
Co-introduced: **102**, **198**, 500, 556, **662**, 910, **918**, 1008, 2012, **2134**, **2626**, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bills Introduced: 522, **524**

Committees: Banking and Insurance, Vice Chair; Higher Education, Vice Chair; Reapportionment, Vice Chair; Policy and Steering Committee on Commerce and Industry; Communications, Energy, and Public Utilities; Rules; Transportation and Economic Development Appropriations; and *Joint Committee on Public Counsel Oversight*

SOBEL, ELEANOR—31st District
Introduced: 302, 314, **318**, 398, 402, 404, 406, 418, 476, 490, 492, 544, 546, 548, 664, 670, 870, 942, 976, 1028, 1130, 1250, 1642, 1936, 2056, 2464, 2610, 2790
Co-introduced: **102**, 150, 220, 254, 274, 306, 310, 346, 350, **420**, 500, **662**, **720**, **766**, **918**, 1008, **1122**, 1124, 1404, 1502, **1540**, 1964, 2012, **2134**, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Environmental Preservation and Conservation, Vice Chair; Health Regulation, Vice Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Commerce; Education Pre-K - 12; Health and Human Services Appropriations; Rules; *Select Committee on Florida's Economy*; and *Joint Legislative Sunset Committee*

STORMS, RONDA—10th District
Introduced: 1102, 1104, 1196, 1198, 1200, 1202, 1204, 1208, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1270, 1272, 1274, 1276, 1294, 1360, 1408, 1432, 1522, 1524, 1532, **1534**, 1886, 1888, 1890, 1972, 1980, 2020, 2086, 2162, 2168, 2264, 2288, 2290, 2292, 2306, 2310, 2404, 2422, 2472, 2632, 2634, **2796**
Co-introduced: **198**, 270, **344**, **606**, 642, **662**, 742, 744, 878, 960, 962, 1032, 1126, 1310, 1468, 1502, **1796**, 1848, 1854, 1908, 1978, **2134**, 2240, 2378, 2408, 2462, **2726**, **2742**, **2780**, **2782**, **2800**
Local Bill Introduced: 2718

Committees: Children, Families, and Elder Affairs, Chair; Policy and Steering Committee on Social Responsibility; Banking and Insurance; Community Affairs; Education Pre-K - 12; Rules; Transportation and Economic Development Appropriations; and *Joint Legislative Sunset Committee, Co-Chair*

VILLALOBOS, J. ALEX—38th District
Introduced: **1280**, **1282**, **1284**, 1574, 1576, 2466, 2468, **2726**, **2730**
Co-introduced: **662**, **2134**, **2742**, **2780**, **2782**, **2800**

Committees: Rules, Chair; Policy and Steering Committee on Energy, Environment, and Land Use; Policy and Steering Committee

on Ways and Means; Banking and Insurance; Criminal and Civil Justice Appropriations; Criminal Justice; Military Affairs and Domestic Security; and *Joint Administrative Procedures Committee*

WILSON, FREDERICA S.—33rd District

Introduced: **72**, 74, 76, 78, 80, 82, 84, 86, 88, **90**, 92, 94, **96**, 98, 100, **102**, 104, 106, 108, 172, 174, 176, 178, **180**, **182**, 184, 186, 188, 190, 192, 194, 196, 222, 230, 232, 328, 330, 332, 334, 338, 908, 910, 916, 938, 1118, 1206, 2110, 2210, 2212, 2380, 2382, **2822**

Co-introduced: 150, **168**, 170, **198**, 220, 290, 310, **662**, 1008, **1128**, 1548, 1576, 2018, **2112**, **2134**, **2726**, **2742**, **2764**, **2780**, **2782**

Committees: Criminal and Civil Justice Appropriations, Vice Chair; Criminal Justice, Vice Chair; Education Pre-K - 12, Vice Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; and *Florida Legislative Committee on Intergovernmental Relations*

WISE, STEPHEN R.—5th District

Introduced: 238, 256, **258**, 260, 262, 300, 466, 552, 590, **606**, 610, 802, 804, 984, 1070, 1142, 1166, 1174, 1176, 1180, 1188, **1248**, 1426, 1538, **1540**, 1564, 1586, **1676**, 1678, 1680, 1682, 1684, 1686, 1688, 1690, 1692, 1694, 1828, 1870, 1988, 1992, 2084, 2124, 2172, 2174, 2218, 2272, 2294, 2314, 2368, 2396, 2400, 2420, 2428, 2482, 2486, 2570, 2596, **2612**, 2628, 2660, 2692, **2716**, **2736**, **2784**, **2802**

Co-introduced: **198**, 342, 442, 556, **662**, 878, 1010, 1310, 1908, 2018, **2134**, 2458, 2540, 2654, **2726**, **2742**, **2780**, **2782**, **2800**

Committees: Education Pre-K - 12 Appropriations, Chair; Policy and Steering Committee on Social Responsibility; Policy and Steering Committee on Ways and Means; Children, Families, and Elder Affairs; Community Affairs; Education Pre-K - 12; Regulated Industries; Rules; and *Joint Legislative Auditing Committee*

JOURNAL OF THE SENATE

BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED BY COMMITTEES

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[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

AGRICULTURE
Introduced: 1210
Committee Substitutes: 448, 798, 868, 1560, 2312, 2572

BANKING AND INSURANCE
Introduced: **2226**
Committee Substitutes: 170, **198**, 308, 354, 702, **742**, **926**, 1022, 1132, 1372, **1552**, 1606, 1646, 1950, 1958, 2036, 2078, **2226**, **2252**, **2282**

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Introduced: 748, 750
Committee Substitutes: **126**, 242, 260, 348, **456**, 666, 770, 878, 892, **904**, 1052, 1054, **1128**, 1180, 1272, 1276, 1666, 1888, 1980, 2094, 2128, 2166, 2240, 2306, 2404, 2422, **2612**

COMMERCE
Introduced: 1308, 2032, 2034
Committee Substitutes: 164, 306, 478, 516, 618, 660, 806, **810**, 816, 852, 888, 942, 1024, **1062**, 1088, 1288, 1308, 1502, 1526, 1570, 1644, 1970, 2000, 2034, 2062, 2156, 2322, 2376, 2570, 2592, **2626**, **2630**, **2700**

COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES
Committee Substitutes: 1138, 1154, 1156, 1380, 2092, 2126, 2326, **2626**

COMMUNITY AFFAIRS
Introduced: 1824, 1826
Committee Substitutes: 148, 270, 320, **360**, 362, 364, 422, 478, **494**, 616, **624**, 630, **712**, 992, 1040, 1042, 1088, 1182, 1306, 1468, 1502, 1602, 2002, 2016, 2026, 2040, 2100, 2104, 2148, 2190, 2262, 2314

CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Introduced: 2758
Committee Substitutes: 236, **412**, 448, 502, **526**, 1548, 1716, **1718**, **1720**, **1722**, 1724, **1726**, 1728, 2094, 2684

CRIMINAL JUSTICE
Committee Substitutes: 160, **168**, 236, 320, 340, 388, 448, 478, 508, **526**, 596, 604, 908, 968, 1064, 1072, 1114, **1312**, 1322, 1340, 1372, 1404, 1430, **1540**, 1548, 1892, **1986**, 1998, 2004, 2018, 2078, 2218, **2658**, 2680, 2684
LOCAL BILLS, GEN. BILLS/LOCAL APP.–COMM. SUBSTITUTE 40, 52

EDUCATION PRE-K - 12
Committee Substitutes: 114, 254, **278**, 784, **1128**, 1310, **1540**, **1616**, 1912, 1914, 1978, 2066, 2272, 2374, 2426, 2458, 2466, 2482, **2538**, 2654
LOCAL BILLS, GEN. BILLS/LOCAL APP.–COMM. SUBSTITUTE **522**

EDUCATION PRE-K - 12 APPROPRIATIONS
Introduced: 2752
Committee Substitutes: **278**, 552, **1540**, **1616**, **1676**, 1680, 1682, 1978, 2066, 2482, **2538**

ENVIRONMENTAL PRESERVATION AND CONSERVATION
Introduced: 1268, 1898
Committee Substitutes: 114, 144, 148, 274, 488, **494**, 1004, 1012, 1154, 1156, 1462, 1898, 1994, 2026, 2104, **2150**, 2244, 2530, 2536, 2636

ETHICS AND ELECTIONS
Introduced: 1348
Committee Substitutes: 240, 264, 956, 1182, 1550

FINANCE AND TAX
Committee Substitutes: 392, 418, 424, **532**, 728, 744, 752, 800, 942, 978, 1006, 1042, 1302, 1310, 1468, **1534**, **1580**, **1840**, 1894, 1992, 1996, 2034, 2160, 2244, 2248, **2430**, 2454, **2504**, 2518, 2546, 2578, **2700**

GENERAL GOVERNMENT APPROPRIATIONS
Introduced: 2760
Committee Substitutes: **494**, **538**, 650, 682, **714**, 752, 1004, 1012, **1078**, 1104, 1296, **1640**, 1738, **1740**, **1742**, **1744**, **1748**, **1750**, **1754**, **1758**, 2072, 2104, **2150**, **2252**, 2334, **2666**

GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Introduced: 1832, 1834, 1836, 1838, 1852
Committee Substitutes: **162**, 398, **440**, **462**, 732, **746**, 748, 750, 770, 792, 910, 1180, 1182, 1268, 1276, 1278, 1290, 1348, 1368, 1614, **1796**, 1824, 1826, 1832, 1834, 1838, 1898, 1902, 2032, 2034, 2038, 2088, 2126, **2158**, **2188**, **2276**, 2404, **2574**, **2694**

HEALTH AND HUMAN SERVICES APPROPRIATIONS
Introduced: 2756
Committee Substitutes: 260, **462**, 642, **918**, **1144**, 1276, 1346, 1656, **1658**, **1660**, **1662**, **1664**, 1666, **1868**, **1986**, 2284, 2404, 2614

HEALTH REGULATION
Introduced: 1896
Committee Substitutes: **152**, **162**, 274, 308, **414**, **440**, **456**, **462**, 552, 556, 574, 578, 614, **620**, **718**, **720**, **766**, **858**, **918**, **948**, 1022, **1122**, **1144**, 1562, 1592, 1604, **1868**, 1880, 1926, **1986**, 2030, 2040, 2286, 2296, 2422, **2612**, 2614, 2620, **2658**
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HIGHER EDUCATION
Introduced: 1902
Committee Substitutes: 156, 158, **168**, **606**, 622, **762**, 844, 1138, 1304, 1364, 1576, 1996, 2096, 2256, 2284, 2318, **2682**

HIGHER EDUCATION APPROPRIATIONS
Introduced: 2754
Committee Substitutes: **554**, **606**, 622, **762**, **926**, 1304, **1696**, **2682**

JUDICIARY
Introduced: 1338, 1342
Committee Substitutes: **126**, 160, 164, 206, 236, 248, **258**, 340, 352, **408**, **462**, 580, 604, 728, **766**, 878, 880, 886, **904**, 906, **1000**, 1004, **1018**, 1040, 1052, **1078**, 1126, **1128**, 1180, 1212, 1276, 1288, 1318,

1342, 1400, 1424, **1540**, **1552**, 1602, 1646, 1864, 1888, 1894, 1958, 2000, 2072, 2074, **2108**, 2166, **2198**, **2226**, **2276**, 2286, 2298, 2408, **2430**, 2536, **2630**

MILITARY AFFAIRS AND DOMESTIC SECURITY
Introduced: 754, 2684
Committee Substitutes: 110, 206, **1000**, 2322, 2324, 2462, 2684

POLICY AND STEERING COMMITTEE ON WAYS AND MEANS
Introduced: **2600**, **2602**
Committee Substitutes: **58**, **360**, 556, 564, **712**, 732, **788**, **810**, 836, **904**, 1022, 1114, 1138, 1154, 1302, **1676**, **1696**, 1724, **1778**, **1780**, **1796**, **1798**, 1800, **1802**, **1804**, **1806**, **1840**, 1950, 2004, 2088, **2108**, 2160, 2244, **2430**, **2694**

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Committee Substitutes: **1282**

TRANSPORTATION
Introduced: 932, 986, **1100**, 1290, 1596
Committee Substitutes: 210, **344**, 362, 422, 424, 484, 582, 672, 798, 856, 1088, **1100**, 1306, 1404, 1528, 1560, 1588, 1624, 1998, 2004, 2210, 2248, 2326, **2630**

TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS
Introduced: 2762
Committee Substitutes: 342, 564, **1062**, **1100**, 1212, 1776, **1778**, **1780**, **1782**, 1786, 2572

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[Source: Office of Legislative Services]

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Abbreviations

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute
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Types of Bills

SB/HB — Senate/House Bill
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Final Disposition

Adopted
CSP — Companion or Similar Bill Passed
DCC — Died in Conference Committee
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
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206 Military Affairs (Judiciary and others) (FR)17, (CS)114, (RC) 116, (CR)118, (CR)164, (CS/CS)216, (CO)235, (CR)308, (CR) 455, (MO)485, (MO)836, (BA)877 LTS/CSP-CS/HB 635
208 Veterans' Tuition Assistance (Crist) (FR)17 DSC
210 Commercial Vehicles/Weight Limits/School Zones (Transportation and others) (FR)17, (CS)114, (CR)118, (CR)412, (CR)642, (BA)683, (BA)**749** DM
212 Electronic Wireless Communications Use/Driving (Baker and others) (FR)17 DSC
214 Hurricane Preparedness/Sales Tax Exemption (Baker) (FR)18, (CR)117 DSC
216 Campaign Financing/Local Government Expenditures (Justice and others) (FR)18, (CR)162, (CO)235, (CO)248, (CR)250, (CR) 455, (BA)568, (CR)589, (BA)**604**, (BA)**975** Ch. 2009-125

SB
218 Homeless/Employment/Corporate Income Tax Credit (Ring) (FR)18 DSC
220 Public Schools/Human Sexuality Education (Deutch and others) (FR)18, (CO)235, (CO)411 DSC
222 Miccosukee Tribe of Indians/State Jurisdiction (Wilson) 18 WNI
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224 Women's History Month (Joyner and others) (FR)**137** Adopted
226 Black History Month (Joyner and others) (FR)138, **139** Adopted
SB
228 Judicial and Execution Sales of Property (Joyner) (FR)18 DSC
230 Elections/Qualifying Fee for Write-in Candidates (Wilson) (FR) 18 DSC
SJR
232 Full-time Public School Teachers/Minimum Salaries (Wilson) (FR)18 DSC
SB
234 State University Presidents (Gaetz and others) (FR)18, (CR) 117, (CR)163, (CR)164, (CR)507, (BA)632, (BA)639, (CR)642, (BA)**674**, 839, (CO)991 Ch. 2009-213
236 Utility Services/Unlawful Use/Controlled Substance (Criminal and Civil Justice Appropriations and others) (FR)18, (CS)114, (CR)118, (CR)164, (CS/CS)216, (CO)235, (CO)444, (CR)455, (CS/CS/CS)456, (BA)632, (CR)642, (CO)991 LTS/CSP-CS/CS/ CS/HB 29
238 Wounded Warrior Project Participants/Tuition (Wise and others) 19, (CO)235 WNI
240 Ballots/Selection of I Choose Not to Vote (Ethics and Elections and Bennett) (FR)19, (CR)166, (CS)216 DSC
242 Human Vaccinations (Children, Families, and Elder Affairs and Ring) (FR)19, (CR)163, (CR)291, (RC)319, (CR)413, (CS) 414, (RC)437, (CO)444 DSC
244 Fire Safety Requirements/Condominiums (Ring) 19 WNI
246 Noncriminal Moving Traffic Violations Surcharge (Ring) 19 WNI
248 Clerks of the Circuit Court (Judiciary and Ring) (FR)19, (CR) 165, (CS)217, (RC)231 DSC/CSP-CS/SB 1718, CS/CS/SB 2108
250 Funeral and Burial Arrangements (Bullard) (FR)19 DSC
252 Local Government/Code of Ethics (Constantine and others) (FR)19, (CR)117, (CR)164, (BA)287, (BA)288, (CR)291, (BA) **333**, 839 Ch. 2009-126
254 School Food Service Programs (Education Pre-K - 12 and others) (FR)19, (CR)251, (CS)253, (RC)272, (CO)280, (CR)308, (CR)455, (MO)722, (MO)836, (BA)877, (BA)**1003** DM
256 Electrical Journeymen/New Construction Sites (Wise) (FR) 19 DSC
258 Name Change/Petition/Criminal History Check (Judiciary and Wise) (FR)19, (CS)114, (CR)118, (CR)162, (MO)471, (BA)700, (BA)701, (CR)725, (BA)**754**, 991 Ch. 2009-173
260 Alzheimer's Disease (Health and Human Services Appropriations and others) (FR)19, (CR)165, (CS)217, (CR)413, (CS/CS) 414 DSC
262 Traffic Accidents/Blood Testing (Wise) (FR)20 DSC
264 Voter Information Cards (Ethics and Elections and Joyner) (FR)20, (CR)165, (CS)217, (CR)250, (MO)471, (BA)709, (CR) 725, (BA)**760** DHC
266 Voting/Challenging a Person Desiring to Vote (Justice) (FR) 20 DSC
268 Public K-12 Health Education/Human Sexuality (Ring) (FR) 20 DSC
270 Pub. Rec./Insured Dependents/Agency Group Plan (Community Affairs and others) (FR)20, (CR)141, (CS)158, (CO)161, (CO)235, (CR)338, (CO)358, (MO)471, (BA)693, (CR)725, (CO) 991 LTS/CSP-CS/HB 135
272 Wine Shipments (Dockery) (FR)20, (MO)243 DSC
274 Water Resources (Health Regulation and others) (FR)20, (CR) 164, (CS)217, (CO)235, (CO)248, (CR)338, (CR)413, (CS/CS) 415, (CO)517, (MO)588, (BA)705, (BA)707, (CR)725, (BA)757, (BA)883, (BA)886, (BA)1103 DCS/CSP-CS/CS/CS/SB 494
276 Contract Carriers Transporting Railroad Employees (Crist) (FR)21 DSC
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278 Charter Schools (Education Pre-K - 12 Appropriations and others) (FR)21, (CS)115, (CR)118, (CR)396, (CS/CS)397, (BA) 481, (BA)482, (CR)506, (BA)**526**, 839 Ch. 2009-214
280 Electric Utilities/Farms (Bullard) 21 WNI
282 Congenital Craniofacial Anomalies/Insurance Study (Bullard) (FR)21 DSC
284 Department of Transportation (Bullard) (FR)21 DSC
286 Super Enterprise Zones (Bullard) (FR)21 DSC
288 Sale of Dogs and Cats (Bullard) (FR)22, (CR)308 DSC
290 Florida Comprehensive Assessment Test (FCAT) (Bullard and others) (FR)22, (CO)161 DSC
292 Statewide Legacy Communities Initiative (Bullard) (FR)22 DSC
294 Interstate 95/Alternative Routes Study (Bullard) (FR)22 DSC/CSP-HB 1021
SR
296 All Mothers (Bullard) (FR)**283** Adopted
298 All Fathers (Bullard) (FR)**283** Adopted
SB
300 Use Tax Exemption/Aircraft Temporarily in State (Wise) (FR) 22, (CR)249, (CR)395 DSC
302 Slot Machine Revenue Tax/K-12 Education Funding (Sobel) (FR)22 DSC
304 Homestead Property Assessments/Increase/Just Value (Bennett and others) (FR)22 DSC
306 Vessel and Personal Watercraft Safety (Commerce and others) (FR)22, (CR)117, (CR)165, (CS)217, (CR)412, (BA)505, (CR) 507, (BA)536, (BA)**537** FPS
308 Developmental Disabilities (Banking and Insurance and others) (FR)23, (CR)308, (CS)310, (RC)319, (CR)395, (CS/CS)397, (RC)408, (MO)588, (BA)709, (BA)710, (BA)711, (CR)725, (BA) **760**, (CO)991 DHC
310 Reproductive Health Services and Family Planning (Rich and others) (FR)23, (CO)235, (CO)248, (CO)411 DSC
312 Entertainment Industry (Ring) (FR)23 DSC
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314 Basic Rights (Sobel and others) (FR)23, (CR)117, (CR)164, (CO) 235 DSC
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316 High School Diplomas/Vietnam War Veterans (Constantine and others) (FR)23, (CR)117, (CR)118, (BA)138, (CR)140, (CO) 161, (CO)235, (BA)**242**, (CO)248, (CO)470, 839, 1495 Ch. 2009-37
318 Criminal Usury Laws/Discriminatory Language (Sobel and others) (FR)23, (CR)117, (BA)138, (CR)140, (CO)235, (BA)**242**, 411, 470, 642 Ch. 2009-22
320 Sexual Offenders and Predators (Community Affairs) (FR)23, (CS)115, (CR)118, (CR)396, (CS/CS)397 DSC
322 Pest Control Compact (Alexander) 24 WNI/CSP-HB 255
324 Public Libraries/Internet Safety Education Program (Crist) (FR)24, (CR)162, (CR)250, (CR)412, (BA)568, (BA)572, (CR) 589, (BA)**604** DHC/CSP-CS/HB 115
326 Optometry (Dean) (FR)24, (CR)166 USC/LTS
328 Low-income & Moderate-income Homeowners/Insurance (Wilson) (FR)24 DSC
330 School Nurse Services (Wilson) (FR)24 DSC
332 Ex-offenders/Restrictions on Employment (Wilson) (FR)24 DSC
334 State Housing Trust Fund (Wilson) (FR)24 DSC
336 Election Contributions (Aronberg) (FR)24 DSC
338 Kidcare Outreach Program Study/Uninsured Children (Wilson) (FR)25, (CR)394, (CR)412, (MO)690, (MO)990, (MO)991, (BA)996 LTS/CSP-HB 807
340 Sexual Offenders & Predators (Judiciary and others) (FR)25, (CR)293, (CS)293, (RC)320, (CR)507, (CS/CS)507, (MO)588, (CR)725, (BA)824, (BA)828, (CO)991 LTS/CSP-CS/HB 115
342 St. Johns River License Plate (Transportation and Economic Development Appropriations and others) (FR)25, (CR)249, (CR)338, (CR)456, (CS)456, (BA)538, (CR)589, (BA)599, **600** DHC
344 Dori Slosberg and Katie Marchetti Safety Belt Law (Transportation and others) (FR)25, (CO)161, (CR)165, (CS)217, (CO) 235, (CR)455, (MO)588, (BA)**691**, (CR)725, 839, (CO)1112, 1494 Ch. 2009-32
346 High School Graduation Requirements/Health Educ. (Justice and others) (FR)25 DSC

SB
348 Medicaid Buy-in Program/Persons with Disabilities (Children, Families, and Elder Affairs and others) (FR)25, (CR)162, (CR) 165, (CS)218, (RC)246, (CO)444 DSC
350 Entertainment Industry Economic Development (Haridopolos and others) (FR)25, (CR)162, (CO)235, (CO)732 DSC
352 Inmates/Illegal or Undocumented Aliens/Deportation (Judiciary and others) (FR)25, (CR)117, (CR)413, (CS)415 DSC
354 Mental and Nervous Disorders/Health Insurance (Banking and Insurance and Crist) (FR)25, (CR)165, (CS)218 DSC
356 Local Government Officers and Employees (Justice) (FR)26 DSC
358 Pub. Rec./Proprietary Confidential Business Info. (Dockery) (FR)26 DSC
360 Growth Management (Policy & Steering Committee on Ways and Means and others) (FR)26, (CS)115, (CR)117, (CR)118, (CR)166, (CS/CS)218, (BA)242, (BA)243, (CR)244, (BA)284, **285**, (BA)929, **938**, (BA)1092, **1100**, 1112 Ch. 2009-96 CSP-CS/HB 597
362 Growth Management (Transportation and others) (FR)26, (CR) 308, (CS)310, (RC)354, (CR)396, (CS/CS)397, (RC)437, (MO) 485, (BA)708, (CR)725, (BA)831, (BA)871 DCS/CSP-CS/CS/ SB 360
364 Regulatory Reform (Community Affairs and others) (FR)26, (CR)396, (CS)398, (RC)408, (CO)411 DSC
366 Building Codes (Bennett) (FR)26 DSC
368 Building Codes (Bennett) (FR)26 DSC
370 Growth Management (Bennett) (FR)26 DSC
372 Damage by Dogs (Bennett) (FR)26 DSC
374 Affordable Housing (Bennett) (FR)26 DSC
376 Property Taxes (Bennett) (FR)26 DSC
378 Affordable Housing (Bennett) (FR)27 DSC
380 Property Taxes (Bennett) (FR)27 DSC
382 Corporations/Board Of Directors/Minimum Age (Bennett) (FR) 27, (MO)140 WS/CSP-SB 2330
384 Firefighters/Rights/Disciplinary Action Notice (Ring) (FR)27 DSC
386 Korean War Veterans License Plate (Deutch) (FR)27 DSC
388 Statutes of Limitation (Criminal Justice and others) (FR)27, (CR)141, (CS)158, (CR)249, (CO)653 DSC
390 Public School Dress Requirements (Siplin) (FR)27 DSC
392 Timeshares (Finance and Tax and Haridopolos) (FR)27, (CR) 162, (CR)291, (CR)413, (CS)415, (MO)471, (BA)709, (CR)725 LTS/CSP-CS/HB 61
394 Credit Cards Marketing/Undergraduate Students (Baker) (FR) 27 DSC
396 Sales Tax Exemption/Books/Clothing/School Supplies (Baker) (FR)27 DSC
398 District and School Advisory Councils (Governmental Oversight and Accountability and Sobel) (FR)27, (CR)308, (CR)507, (CS)507, (BA)709, (CR)725, (BA)**759** DHC
400 Bingo Games/Drawings by Chance (Fasano) (FR)27, (MO) 337 WS
402 Teen Drivers (Sobel) (FR)28 DSC
404 Commissioner of Education/Student Final Exams (Sobel) (FR) 28 DSC
406 School Safety/Zero Tolerance (Sobel) (FR)28 DSC/CSP-CS/ CS/CS/CS/SB 1540
408 Clinical Laboratories/Drug Tests/Human Specimens (Judiciary and others) (FR)28, (CR)117, (CR)166, (CS)218, (RC)231, (CR) 251, (CO)280, (BA)288, (CR)291, (BA)**334**, 839 Ch. 2009-127
410 Insurance/Unfair Competition/Deceptive Acts (Fasano and others) (FR)28, (MO)337 WS
412 Service of Process (Criminal and Civil Justice Appropriations and Crist) (FR)28, (CR)117, (CR)140, (CR)162, (CR)396, (CS) 398, (BA)489, (BA)490, (CR)506, (BA)**535**, (BA)**552**, 839 Ch. 2009-215 CSP-CS/SB 1718
414 Conveyance of Bodies Into or Out of the State (Health Regulation and Crist) (FR)28, (CR)163, (CR)309, (CS)311, (BA)387, (BA)392, (BA)393, (CR)394, (BA)**449**, (BA)994, **995** Ch. 2009-128
416 Health Care Management (Fasano) (FR)28 DSC
418 Enterprise Zones (Finance and Tax) (FR)29, (CR)162, (CR)338, (MO)394, (CR)455, (CS)456 DSC/CSP-HB 5013

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420 Florida Commission on Human Relations (Joyner and others) (FR)**139** Adopted

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422 Transportation (Community Affairs and others) (FR)29, (CR) 309, (CS)311, (RC)320, (CR)455, (CS/CS)456 DSC/CSP-HB 1021, HB 5013
424 Transportation (Finance and Tax and others) (FR)29, (CR)164, (CS)218, (CR)249, (CR)455, (CS/CS)457, (MO)588, (CR)725, (BA)820, (BA)850, (BA)975, (BA)976, (BA)977 LTS/CSP-HB 1021, HB 5013
426 Advanced Registered Nurse Practitioners (Bennett) (FR)29 DSC
428 Department of Highway Safety and Motor Vehicles (Gardiner) (FR)29 DSC
430 Highway Safety (Gardiner) (FR)29 DSC
432 Agriculture (Dean) (FR)29 DSC
434 Domestic Violence/Injunction for Protection (Fasano and others) (FR)29, (CR)117, (CO)444 DSC
436 Agriculture (Dean) (FR)29 DSC
438 Agriculture (Dean) (FR)29 DSC
440 Pub. Rec./DOH Prescription Drug Monitoring Program (Governmental Oversight and Accountability and others) (FR)29, (CR)141, (CS)158, (CR)293, (CS/CS)293, (MO)521, (BA)698, (BA)700, (CR)725, (BA)**753**, (CO)991 Ch. 2009-197 CSP- CS/ CS/CS/CS/SB 462
442 Education Dollars for Duty Program (Fasano and others) (FR) 29, (CR)250, (CO)280, (CR)395, (CR)412, (MO)588, (CR)725, (BA)824, (BA)865, (BA)869, (BA)870, (CO)991, (CO)1495 LTS/CSP-CS/CS/HB 685
444 Title Insurance (Bennett) (FR)30, (CR)395 DSC
446 Florida Farm Winery Program (Baker) (FR)30 DSC
448 Sexual Activities Involving Animals (Criminal and Civil Justice Appropriations and others) (FR)30, (CS)115, (CR)118, (CR) 165, (CS/CS)219, (CR)307, (CR)455, (CS/CS/CS)458, (BA)632, (CR)642, (BA)**674** DM
450 Service-learning Programs/Grades K-12 (Fasano and others) (FR)30, (CO)235 DSC/CSP-SB 1248
452 Orange Bowl Way/Miami Lakes (Garcia) (FR)31 DSC
454 Nonforeclosure/Pending Foreclosure Statements (Fasano and others) (FR)31 DSC
456 Mental Illness/Deputy Anthony Forgione Act (Health Regulation and others) (FR)31, (CR)141, (CS)159, (CR)252, (CS/CS) 254, (CR)395, (CO)444, (BA)480, (CR)506, (BA)524, **525**, (BA) 542, **543**, (CO)596, 839, (CO)991 Ch. 2009-38
458 Agriculture (Dean) (FR)31 DSC
460 Adoption (Rich) (FR)31 DSC
462 Prescription Drugs/Electronic Monitoring/DOH (Health and Human Services Appropriations and others) (FR)31, (CR)165, (CS)219, (CR)252, (CS/CS)254, (CR)292, (CS/CS/CS)293, (CO) 358, (CR)414, (CS/CS/CS/CS)416, (BA)484, (BA)485, (CR)506, (BA)530, **531**, (CO)991 Ch. 2009-198 CSP-CS/CS/SB 440
464 Homestead Assessments/Additional Limitations (Fasano) (FR) 31, (MO)337 WS
466 Construction Contracts/Construction Lien Law (Wise) (FR) 31 DSC
468 Pub. Rec./School Employee I.D./Health & Benefits (Fasano) (FR)31 DSC
470 Driving Under the Influence Penalties (Crist) (FR)31 DSC/ CSP-CS/CS/HB 481
472 Early Voting Sites (Aronberg) (FR)32 DSC
474 Public Moneys & Property/Professional Sports Teams (Bennett) (FR)32 DSC
476 Emergency Management (Sobel) (FR)32 DSC
478 Secondhand Dealers/Secondary Metals Recyclers (Criminal Justice and others) (FR)32, (CR)164, (CS)219, (CR)308, (CS/ CS)311, (CO)358, (CR)456, (CS/CS/CS)458, (CR)642, (BA)681, (BA)682 LTS/CSP-CS/CS/HB 339, CS/CS/SB 2700
480 Tax Certificate Sales/Advertisement (Baker) (FR)32 DSC
482 Auctioneers and Apprentices (Regulated Industries and Baker) (FR)32, (CR)164, (CS)219, (CR)308, (CR)412, (BA)452, (CR) 454, (BA)478 LTS
484 Motor Vehicle Operators/Multiple Crashes (Transportation and Gaetz) (FR)32, (CR)166, (CS)219 DSC/CSP-CS/CS/SB 1100
486 Driving/Suspended or Revoked License (Gaetz) (FR)32, (CR) 162 DSC

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488 Beaches/Public Access (Environmental Preservation and Conservation and Justice) (FR)33, (CR)292, (CS)294 DSC
490 Nondenominational Television Stations/PBPS (Sobel) (FR) 33 DSC
492 Revised Uniform Anatomical Gift Act (Sobel) (FR)33 DSC/ CSP-CS/CS/SB 766
494 Water Conservation (General Government Appropriations and others) (FR)34, (CS)115, (CR)118, (CR)141, (CS/CS)159, (CR) 414, (CS/CS/CS)416, (CO)517, (BA)571, (BA)572, (CR)589, (BA) 606, **607**, 991 Ch. 2009-199
496 Collective Bargaining Impasse/Legislative Body (Oelrich) (FR) 34 DSC
498 Clinical, Counseling, and Psychotherapy Services (Baker) (FR) 34, (CR)395, (CR)455, (BA)585, (CR)589, (BA)607 LTS/CSP-HB 109
500 Adoption (Rich and others) (FR)34, (CO)235, (CO)280, (CO) 653 DSC
502 Human Smuggling (Criminal and Civil Justice Appropriations and others) (FR)34, (CR)117, (CR)140, (CR)455, (CS)458, (CO) 470, (BA)632, (CR)642, (CO)653, (CO)991 LTS/CSP-CS/HB 123
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504 Energy Security (Oelrich) (FR)34 DSC
506 Employee Free Choice Act (Hill) (FR)34 DSC
SB
508 Law Enforcement Explorers (Criminal Justice and others) (FR) 34, (CR)251, (CS)254, (CO)470, (MO)588, (BA)698, (CR)725 LTS/CSP-CS/CS/HB 57
510 Injunctions for Protection/Violence (Hill) (FR)34, (CR)308 DSC
512 Child Abuse/False Reports (Hill) (FR)34 DSC
514 Forensic Services/Misdemeanants (Hill) (FR)34 DSC
516 Unemployment Compensation (Commerce and Hill) (FR)34, (CR)396, (CS)398, (RC)437 DSC
518 Presidential Elections/Popular Vote (Hill) (FR)35 DSC
520 Public School Attendance (Hill) (FR)35 DSC
522 Relief/V. Merriweather/Palm Beach Co. School Board (Education Pre-K - 12) (FR)35, (CR)249, (RC)273, (CR)414, (CS)416, (BA)**533**, (CR)589, 839 Ch. 2009-247
524 Relief/Fatta Family/Broward Co. Sheriff's Office (Smith) (FR) 35, (CR)249, (RC)273, (CR)412, (BA)**534**, (CR)589, 839 Ch. 2009-248
526 Court Costs (Criminal and Civil Justice Appropriations and others) (FR)35, (CR)162, (CR)164, (CS)219, (MO)394, (CR)455, (CS/CS)458, (CO)470, (BA)633, (CR)642, (BA)**675**, 839 Ch. 2009-174
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530 Florida Education Finance Program/Requirements (Lynn) (FR) 35 DSC/CSP-CS/CS/SB 1676
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532 Property Tax Limit/Additional Homestead Exemption (Finance and Tax and others) (FR)35, (CR)162, (CR)413, (CS)416, (MO)762, (MO)836, (BA)878, (BA)957, (BA)960, (BA)1027, **1030**, (CO)1112, (CO)1495 Passed
SB
534 Defined Contribution Retirement Program (Fasano) (FR)35, (MO)337 WS
536 Elections/Supervisor of Elections (Justice) (FR)36, (CR)117, (CR)140 DSC
538 Publicly Funded Retirement Programs (General Government Appropriations and others) (FR)36, (CR)163, (CO)235, (CR) 338, (CR)413, (CS)416, (MO)588, (CR)725, (BA)796, (BA)797, (BA)899, **900**, 1112, (CO)1495 Ch. 2009-97
540 Health Care Representatives/Surrogates (Fasano) (FR)36, (MO)337 WS
542 Advisory Committee on State Procurement (Fasano and others) (FR)37 DSC
544 Class Size Requirements/Extracurricular Courses (Sobel) (FR) 37 DSC
546 Tanning Facilities/Use by Minors (Sobel and others) (FR)37, (CR)250, (CO)280 DSC
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548 Department of Elder Affairs (Sobel) (FR)37 DSC
SB
550 Florida Retirement System (Aronberg and others) (FR)37, (CR) 117, (CO)235 DSC
552 Prescribed Pancreatic Enzyme Supplements/Use (Education Pre-K - 12 Appropriations and Wise) (FR)37, (CR)117, (CR)141, (CS)159, (CR)166, (CS/CS)220, (BA)288, (CR)291, (BA)**332** DHC
554 Legal Jurisdiction of Campus Police (Higher Education Appropriations and others) (FR)37, (CR)162, (CR)250, (CR)396, (CS)399, (BA)481, (CR)506, (BA)**529**, 839, (CO)1495 Ch. 2009-216
556 Medicaid Program/Low-Income Pool Council (Policy & Steering Committee on Ways and Means and others) (FR)37, (CR) 163, (CR)165, (CS)220, (CO)235, (CR)339, (CS/CS)341, (BA) 587, (CR)589 LTS/CSP-CS/HB 285
558 Insurance Coverage for Prescription Drugs (Fasano) (FR)37 DSC
560 Construction Bonds (Regulated Industries and Bennett) (FR) 37, (CR)308, (CS)311 DSC
562 Travel Buying Clubs and Travel Buying Services (Fasano) (FR) 38, (MO)337 WS
564 Public Campaign Financing (Policy & Steering Committee on Ways and Means and others) (FR)38, (CR)117, (CR)165, (CS) 220, (CR)252, (CS/CS)254, (MO)589, (CR)725, (BA)829, (BA) 831, (BA)832, (BA)**928** DM/CSP-HJR 81
SJR
566 Public Campaign Financing (Haridopolos and others) (FR)38, (CR)117, (CR)164, (CR)244, (MO)589, (CR)725, (BA)831, (BA) 832 LTS/CSP-HJR 81
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568 Medicaid (Gaetz) (FR)38 DSC
570 Health Care Facilities and Services (Gaetz) (FR)38 DSC
572 Health Care Practitioners (Gaetz) (FR)38 DSC
574 Prescription Drugs/Purchase (Health Regulation and Gaetz) (FR)38, (CR)141, (CS)159, (RC)231, (CR)251, (BA)288, (BA) 289, (CR)291, (BA)**334**, (MO)394 DS
576 Health Insurance (Gaetz) (FR)38 DSC
578 State Pharmacy Services (Health Regulation and others) (FR) 38, (CR)292, (CS)294, (CO)305, (CR)455 DSC
580 Impact Fees/Challenges (Judiciary and others) (FR)38, (CR) 140, (CO)235, (CR)309, (CS)312, (CO)330, (CR)395, (CR)412, (CR)642, (BA)682 LTS/CSP-CS/CS/HB 227
582 Transportation (Transportation and Baker) (FR)39, (CR)141, (CS)159, (CR)162, (CR)250, (CR)395, (BA)452, (CR)454, (BA) 546, (BA)551, (CR)589, (BA)602, (BA)611, **614**, (BA)1067, (BA) 1090, (BA)1091, **1092** DM/CSP-HB 1021, CS/HB 1213, HB 5013
584 Public Records and Meetings (Gaetz) (FR)39 DSC
586 Agency for Health Care Administration (Gaetz) (FR)39 DSC
588 Department of Health (Gaetz) (FR)39 DSC
590 Pregnancy Termination/Nonresident Minor (Wise) (FR)39, (CO)235 DSC
592 Automated External Defibrillators/Public Schools (Constantine) (FR)39 DSC
594 Searchable Budget Data Website (Aronberg) (FR)39 DSC/ CSP-CS/CS/SB 1796
596 Residential Tenancies/Violence (Criminal Justice and others) (FR)39, (CR)293, (CS)294, (CO)330 DSC
598 Schools/Funds for Operation (Baker) (FR)39 DSC
600 State University System/Optional Retirement Prog. (Fasano) (FR)39, (CR)250 DSC
602 Prekindergarten Instructors/Credentials (Fasano and others) (FR)39, (CO)161 DSC
604 Confidential Informants/Rachael's Law (Judiciary and others) (FR)39, (CR)165, (CS)220, (CR)338, (CS/CS)341, (MO)471, (CR) 725, (BA)828, (BA)836 LTS/CSP-CS/CS/HB 271
606 Florida Prepaid College Program (Higher Education Appropriations and others) (FR)40, (CR)141, (CS)159, (CO)161, (CR) 244, (CS/CS)244, (CO)280, (BA)289, (CR)291, (BA)**332**, 839, (CO)1495 Ch. 2009-175
608 Driver's License Restrictions/Under 18 Years (Lynn) (FR)40 DSC
610 Florida Schools of Excellence (FSE) (Wise) (FR)40 DSC
612 Pub. Rec./DOH/Controlled Substances (Aronberg) (FR)40 DSC

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614 Monitoring the Dispensing of Controlled Substances (Health Regulation and Aronberg) (FR)40, (CR)308, (CS)312 DSC/CSP-CS/CS/CS/CS/SB 462
616 Public Construction Projects (Community Affairs and Haridopolos) (FR)41, (CR)309, (CS)312, (CR)412, (MO)485, (CR)725, (BA)820 LTS/CSP-CS/CS/HB 611
618 Sales Tax/Fractional Aircraft Ownership Program (Commerce and Altman) (FR)41, (CR)251, (CS)254, (CR)395 DSC
620 Health Facilities (Health Regulation and Oelrich) (FR)41, (CS)115, (RC)117, (CR)118, (CR)140, (BA)289, (CR)291, (BA)**334**, 839 Ch. 2009-176
622 Community College Student Fees (Higher Education Appropriations and others) (FR)41, (CR)141, (CS)159, (CR)396, (CS/CS)399, (BA)633, (CR)642 LTS
624 Law Enforcement Officers and Correctional Officers (Community Affairs and Fasano) (FR)41, (CR)339, (CS)341, (RC)355, (CR)412, (BA)572, (BA)573, (CR)589, (BA)607, (BA)610, **611**, 839 Ch. 2009-200
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628 Enterprise Zones/City of Ocala (Lynn and others) (FR)41, (CR)162, (CR)307, (MO)394, (CR)412, (MO)588, (CR)725, (BA)828, (CO)1495 LTS/CSP-CS/CS/HB 127
630 Local Taxes (Community Affairs and Bennett) (FR)41, (CR)395, (CS)399 DSC
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638 Law Enforcement Photographs & Video Recordings/Use (Dean) (FR)42 DSC
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642 License Plates (Health and Human Services Appropriations and others) (FR)42, (CO)235, (CR)249, (CR)308, (CR)414, (CS)417, (BA)538, (BA)542, (BA)544, (BA)545, (CR)589, (BA)600, (BA)656, (BA)743, (BA)880, (BA)1103 DCS/CSP-CS/CS/SB 1778
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646 Residential Foreclosure Proceedings (Fasano) (FR)42 DSC
648 Pub. Rec./DOEA Direct-Support Organization Donors (Fasano) (FR)42, (CR)117 DSC/CSP-CS/SB 746
650 Catch Me, Release Me License Plate (General Government Appropriations and Garcia) (FR)43, (CR)249, (CR)338, (CR)414, (CS)417, (BA)543, (CR)589, (BA)**600** DHC
652 Credit Cards/Fraudulently Taking or Using (Crist) (FR)43, (CR)394 DSC
654 Juvenile Justice (Dean) (FR)43, (CR)414 USC/LTS
656 Enterprise Zones/Lake City/Columbia County (Dean and others) (FR)43, (CR)162, (CR)338 DSC
658 Sale and Delivery of Firearms (Baker) (FR)43, (CR)140, (CR)395, (MO)471, (BA)703, (CR)725 LTS/CSP-HB 1003
660 Service Contracts/Automatic Renewal (Commerce and Justice) (FR)43, (CS)116, (CR)118, (CR)291 DSC
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662 NAACP Day (Hill and others) (CO)470, (FR)474, **475** Adopted
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664 Condominiums/Handrails and Guardrails (Sobel) (FR)43 DSC
666 Senior Services/Independent Special District (Children, Families, and Elder Affairs and others) (FR)43, (CR)162, (CO)235, (CR)251, (CS)254 DSC
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670 Women's Health (Sobel) (FR)44 DSC
672 Road and Bridge Designations (Transportation and Pruitt) (FR)44, (CR)339, (CS)341, (BA)393, (CR)394, (BA)449, (BA)451, (BA)**454**, (BA)**476** DHC
674 Construction Contracting (Regulated Industries and Constantine) (FR)44, (CR)292, (CS)294, (RC)321, (CR)338, (CR)455, (BA)543, (CR)589, (BA)**600** DHC/CSP-CS/CS/CS/CS/HB 425
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678 Criminal Penalties (Dockery) (FR)44 DSC
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684 Arcade Amusement Centers (Jones) (FR)44, (MO)454 WS
686 Construction Contracting (Jones) (FR)44, (MO)454 WS
688 Juneteenth Independence Day (Hill) (FR)45, (CR)163 DSC
690 Parole (Dockery) (FR)45 DSC
692 Motor Vehicles/Lake Beds (Lynn) (FR)45 DSC
694 Elevator Safety (Jones) (FR)45, (MO)454 WS
696 Construction Lien Law (Jones) (FR)45, (MO)454 WS
698 Alcoholic Beverages (Jones) (FR)45, (MO)454 WS
700 Community Associations (Jones) (FR)45, (MO)454 WS
702 Health Care Access (Banking and Insurance and Gaetz) (FR)45, (CR)117, (CR)141, (CS)159, (CR)164, (BA)289, (CR)291, (BA)334, (BA)366 LTS/CSP-CS/HB 185
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712 Special Districts/Commodities/Contractual Services (Policy & Steering Committee on Ways and Means and others) (FR)45, (CR)141, (CS)159, (CR)292, (CR)507, (CS/CS)508, (CR)642, (BA)682, (BA)**748**, (CO)991 Ch. 2009-217
714 Condominiums (General Government Appropriations and others) (FR)46, (CR)164, (CR)165, (CS)220, (CO)235, (CO)248, (CR)414, (CS/CS)417, (BA)543, (BA)544, (CR)589, (BA)600, **601**, 839 Vetoed
716 Gambling (Jones) (FR)46, (MO)454 WS
718 Discretionary Sales Surtaxes (Health Regulation and King) (FR)46, (CR)165, (CS)220, (RC)246, (CR)250, (CR)507, (BA)624, (CR)642, (BA)**657**, 839 Vetoed
720 Physician Practice (Health Regulation and others) (FR)46, (CO)235, (CR)412, (CR)413, (CS)417, (BA)585, (BA)586, (CR)589, (BA)**608**, 839 Ch. 2009-177
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724 Annuity Contracts for Senior Consumers (Bennett) (FR)46 DSC
726 Homeless Housing Assistance Grants (Smith) (FR)46, (CR)307, (CR)412 DSC/CSP-CS/CS/SB 360
728 Excise Tax on Documents (Finance and Tax and Bennett) (FR)46, (CS)116, (CR)118, (CR)309, (CS/CS)312, (RC)321, (CR)507, (BA)624, (CR)642 LTS
730 Department of Community Affairs (Bennett) (FR)46 DSC
732 Financial Instruments (Policy & Steering Committee on Ways and Means and Smith) (FR)46, (CR)163, (CR)292, (CS)294, (CR)412, (MO)472, (CR)589, (CS/CS)589, (BA)701, (BA)703, (BA)705, (CR)725, (BA)754 LTS/CSP-CS/CS/CS/HB 569, CS/CS/CS/HB 1495
734 Identification Cards/Surrender of Driver's License (Lynn) (FR)46 DSC
736 Traffic Control Synchronization (Garcia) (FR)47, (MO)454 WS
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738 Limitation on Amount of Combined Ad Valorem Taxes (Bennett) (FR)47, (CR)162 DSC
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740 Summer Camp Personnel/Fingerprint Requirements (Aronberg) (FR)47 DSC
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744 Homestead Assessments (Finance and Tax and others) (FR)47, (CR)249, (CO)280, (CR)339, (CS)342, (MO)471 DSC
746 Direct-Support Organizations (Governmental Oversight and Accountability and Fasano) (FR)47, (CR)117, (CR)413, (CS)

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748 OGSR/Children's Services Council or Similar Entity (Governmental Oversight and Accountability) (FR)47, (CR)117, (CR)252, (CS)255, (MO)471, (BA)703, (CR)725 LTS/CSP-HB 7021
750 OGSR/Insurance Claim Data Exchange Information (Governmental Oversight and Accountability) (FR)47, (CR)117, (CR)252, (CS)255, (MO)471, (BA)707, (CR)725 LTS/CSP-HB 7039
752 Proposed Property Tax Notice (General Government Appropriations and others) (FR)47, (CR)162, (CR)413, (CS)418, (CR)456, (CS/CS)458, (CR)642, (BA)682 LTS/CSP-HB 701
754 OGSR/Building Plans, Blueprints Held by an Agency (Military Affairs and Domestic Security) (FR)47, (CR)117, (CR)140, (MO)471, (BA)701, (CR)725 LTS/CSP-HB 7017
756 Education (Detert) (FR)47 DSC
758 Education (Detert) (FR)47 DSC
760 Education (Detert) (FR)48 DSC
762 State University Tuition and Fees (Higher Education Appropriations and others) (FR)48, (CS)116, (CR)118, (CO)235, (CR)293, (CS/CS)294, (CR)412, (BA)483, (CR)506, (BA)529, (BA)**599**, 839, (CO)991 Ch. 2009-98
764 Wine Production and Shipment (Regulated Industries and others) (FR)48, (CR)165, (CS)220, (CR)250, (CR)412 DSC
766 Anatomical Gifts (Judiciary and others) (FR)48, (CS)116, (CR)118, (CR)244, (CS/CS)244, (RC)246, (CO)280, (BA)289, (BA)290, (CR)291, (BA)334, **335**, 839 Ch. 2009-218
768 Tax Credits for Research and Development (Oelrich and others) (FR)48, (CO)161 DSC
770 Area Agencies on Aging (Governmental Oversight and Accountability and Fasano) (FR)48, (CR)165, (CS)220, (CR)292, (CS/CS)294, (CR)395, (BA)480, (CR)506, (BA)525 LTS/CSP-CS/CS/CS/HB 935
772 Credit Card Rates (Justice) (FR)48 DSC
774 Health Insurance/Loss Ratio (Justice) (FR)48 DSC
776 K-12 Public Schools/Character-Development Programs (Siplin) (FR)49 DSC
778 Paintball Guns & Markers (Siplin) (FR)49 DSC
780 Hispanics Settled Florida in 1513 License Plate (Siplin) (FR)49 DSC
782 District School Boards (Siplin) (FR)49 DSC
784 Job Opportunities for Youth (Education Pre-K - 12 and Siplin) (FR)49, (CR)251, (CS)255, (RC)304, (MO)836, (BA)878, (BA)879, (BA)**1030** DM
786 Juvenile Proceedings (Siplin) (FR)49 DSC
788 Gaming (Policy & Steering Committee on Ways and Means and others) (FR)49, (CR)252, (CS)255, (RC)273, (CO)280, (CR)339, (CS/CS)342, (BA)382, **383**, (MO)392, (CR)394, (BA)733, (BA)742, (MO)742, 838, 839, 1348, (BA)**1368**, 1495 Ch. 2009-170 CSP-SB 2600
790 Slot Machines (Jones) (FR)49, (MO)454 WS
792 Firefighter Death Benefits (Governmental Oversight and Accountability and others) (FR)49, (CR)163, (CO)411, (CR)507, (CS)508 DSC
794 Police Technology Fee (Baker) (FR)49 DSC
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798 Off-highway Vehicles (Transportation and Baker) (FR)50, (CR)166, (CS)220, (CR)309, (CS/CS)312, (CR)507, (CR)642, (BA)683 LTS/CSP-CS/CS/HB 333
800 Property Appraiser/Assessments/Homestead Exemption (Finance and Tax and Baker) (FR)50, (CR)140, (CR)165, (CS)221, (RC)247, (CR)507, (BA)625, (CR)642 LTS/CSP-CS/CS/HB 179
802 Drug Paraphernalia Sales Surtax (Wise) (FR)50 DSC
804 School Food Service Programs (Wise) (FR)50 DSC/CSP-CS/CS/SB 1676
806 Novelty Lighters (Commerce and Constantine) (FR)50, (CR)164, (CS)221 DSC
808 Workforce Development (Garcia) (FR)50 DSC
810 Unemployment Compensation (Policy & Steering Committee on Ways and Means and others) (FR)50, (CR)395, (CS)399, (CO)411, (RC)438, (CR)507, (CS/CS)508, (CR)642, (BA)683, (BA)686, (BA)**749**, 839, (CO)991 Ch. 2009-99
812 Economic Development (Garcia) (FR)50 DSC
SB
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816 Legislative Sunset Review/OTTED (Commerce and Garcia) (FR)50, (CR)166, (CS)221, (RC)232 DSC
818 Economic Development (Garcia) (FR)50 DSC
820 Economic Development (Garcia) (FR)50 DSC
822 Insurance Rates/Carbon Monoxide Detectors (Garcia) (FR)50, (MO)454 WS
824 Department of State (Garcia) (FR)51 DSC
826 Electronic Gaming Machines (Jones) (FR)51, (MO)454 WS
828 Video Lotteries (Jones) (FR)51, (MO)454 WS
830 Cardrooms (Jones) (FR)51, (MO)454 WS
832 Gaming Promotions (Jones) (FR)51, (MO)454 WS
834 Quarter Horse Racing (Jones) (FR)51, (MO)454 WS
836 Gaming (Policy & Steering Committee on Ways and Means and others) (FR)51, (CR)252, (CS)255, (RC)273, (CS)280, (BA)393, (CR)394, (CR)414, (CS/CS)418, (CR)725, (BA)796, (BA)797, (BA)798 LTS/CSP-CS/CS/SB 788
838 Professional and Business Regulation (Jones) (FR)51, (MO)454 WS
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844 Postsecondary Distance Learning (Higher Education) (FR)51, (CR)339, (CS)342, (RC)355, (CR)395, (BA)483, (CR)506 LTS/CSP-HB 7121
846 Higher Education (Oelrich) (FR)51 DSC
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850 Cigarette Tax Revenues/Moffitt Cancer Center (Fasano) (FR)51 DSC
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854 Hatch Act (Detert and others) (FR)52, (CR)250, (CO)280 DSC
SB
856 Developments of Regional Impact (Transportation and Bennett) (FR)52, (CR)140, (CR)292, (CR)396, (CS)399 DSC/CSP-HB 1021, CS/CS/SB 360
858 Driver Licenses/Contribution to Stop Heart Disease (Health Regulation and Garcia) (FR)52, (CR)163, (CR)252, (CS)256, (CR)395, (BA)452, (BA)454, (CR)454, (BA)**478**, 839 Ch. 2009-100
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862 Insurance (Fasano) (FR)52 DSC
864 Corporal Discipline (Detert) (FR)52, (CR)249 DSC
866 Veterans/Resident Status for Tuition Purposes (Hill) (FR)52 DSC
868 Department of Agriculture and Consumer Services (Regulated Industries and Dean) (FR)52, (CR)165, (CS)221, (RC)232, (CR)309, (MO)471, (MO)722 DCS
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872 Fictitious Names (Smith) (FR)52, (CR)291, (CR)455, (BA)544, (CR)589, (BA)**601**, 839 Ch. 2009-129
874 Real Property Registration (Smith) (FR)53 DSC
876 Health Care Information (Gaetz) (FR)53 DSC/CSP-CS/CS/SB 162
878 Court Actions Involving Families (Judiciary and others) (FR)53, (CS)116, (CR)118, (CR)141, (CS/CS)159, (CO)161 DSC
880 Community Associations (Judiciary and others) (FR)53, (CO)235, (CR)308, (RC)321, (CR)395, (CR)507, (CS/CS)508, (BA)691, (BA)692, (BA)693, (CR)725, (BA)762, (BA)850 DCS/CSP-CS/HB 61
882 Government Contractors/Contractual Relationships (Fasano) (FR)54, (MO)337 WS
884 H. Lee Moffitt Cancer Center & Research Institute (Fasano) (FR)54 DSC
886 Liability Releases (Judiciary and others) (FR)54, (RC)412, (CS)419 DSC
888 Space Industry (Commerce and others) (FR)54, (CO)161, (CR)309, (CS)312, (CR)395, (MO)656 DCS
890 Florida Funeral, Cemetery, & Consumer Services Act (Crist) (FR)54 DSC

SB
892 Mental Health and Substance Abuse Services (Children, Families, and Elder Affairs and others) (FR)55, (CR)165, (CS)222, (CR)308, (CR)395, (BA)480, (CR)506 LTS/CSP-HB 767
894 Medicaid Prescribed Drugs/Purchasing (Bennett) (FR)55, (MO) 243 WS
896 Parental Rights Termination/Incarceration (Rich) (FR)55 DSC
898 Early Voting Task Force (Smith) (FR)55 DSC
900 Procurement of Contractual Services (Bennett) (FR)55 DSC
902 Public Health (Deutch) (FR)55, (CR)163, (CR)395, (BA)486, (CR)506, (BA)531, (BA)599, (BA)656, (BA)678 LTS/CSP-HB 331
904 Parental Responsibility and Time-sharing (Policy & Steering Committee on Ways and Means and others) (FR)55, (CR)165, (CS)222, (CR)339, (CS/CS)342, (CR)507, (CS/CS/CS)509, (CR) 725, (BA)829, (BA)**925**, (CO)991, (BA)**1106**, (CO)1112 Ch. 2009-180
906 Motor Vehicle Title Transfer (Judiciary and Smith) (FR)56, (CR)291, (CR)414, (CS)419, (MO)762, (MO)990, (MO)991, (BA) 997 LTS/CSP-CS/CS/HB 293
SJR
908 Restoration of Civil Rights/Clemency (Criminal Justice and Wilson) (FR)56, (CR)309, (CS)313 DSC
SB
910 Criminal Justice/Keep Florida Working Act (Governmental Oversight and Accountability and others) (FR)56, (CR)292, (CS)294, (CR)308, (CR)395, (MO)624, (MO)836, (BA)871, (BA) 872, (CO)991, (BA)1035, **1036**, (CO)1112 DM
912 Affordable Housing for Seniors (Deutch) (FR)56 DSC
914 Motor Vehicle License Plates/Validation Stickers (Garcia) (FR) 56, (MO)290 WS
916 Corporate Tax Credit Scholarship Program (Wilson) (FR)56 DSC
918 Florida Kidcare Program (Health and Human Services Appropriations and others) (FR)56, (CO)235, (CO)248, (CR)338, (CS)342, (CR)394, (CO)411, (CR)413, (CS/CS)419, (MO)485, (BA)708, (CR)725, (BA)**758**, (CO)1112 Ch. 2009-113
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922 Dangerous Dogs/Breed-specific Regulation (Hill) (FR)57 DSC
924 Mosquito Control Dist./Outstanding Florida Waters (Dean) (FR)57 DSC
926 Cemeteries (Higher Education Appropriations and others) (FR) 57, (CR)141, (CS)160, (CR)291, (CR)396, (CS/CS)399, (BA)452, (CR)454, (BA)**478**, **995** Ch. 2009-219
928 Statewide Mortgage Fraud Task Force Trust Fund/DLA (Fasano) (FR)57 DSC
930 Statewide Mortgage Fraud Task Force (Fasano) (FR)57 DSC
932 Transportation (Transportation) (FR)57 DSC/CSP-HB 1021, HB 5013
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934 The Omega Psi Phi Fraternity, Inc. (Hill) (FR)**447** Adopted
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936 Homestead Property/Minors (Dean) (FR)58 DSC
938 HIV Testing/Health Care/Routine Annual Examination (Wilson) (FR)58 DSC
940 Retired Justices and Judges (Dean) (FR)58 DSC
942 Energy-efficient Appliance Rebate Program (Finance and Tax and others) (FR)58, (CO)280, (CR)308, (CS)313, (MO)394, (CR) 455, (CS/CS)458, (MO)485, (CO)653, (CR)725, (BA)823, (BA) 824 LTS/CSP-CS/CS/HB 167
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944 Fair Housing Month (Garcia) (FR)518, **519** Adopted
946 Workers' Memorial Day (Hill) (FR)**655** Adopted
SB
948 Emergency Medical Services (Health Regulation and Jones) (FR)58, (CR)141, (CS)160, (CR)308, (BA)486, (CR)506, (BA) **531**, 839 Ch. 2009-181
950 Elections (Alexander) (FR)58 DSC
952 Ethics in Government (Alexander) (FR)59 DSC
954 Elections (Alexander) (FR)59 DSC
956 Elections (Ethics and Elections and Alexander) (FR)59, (CR) 414, (CS)419, (RC)438, (MO)598 DCS/CSP-SB 216
958 Ethics in Government (Alexander) (FR)59 DSC
SB
960 Civil Remedies Against Insurers (Gaetz and others) (FR)59, (CO)248, (CO)280 DSC
962 Insurance (Gaetz and others) (FR)59, (CO)248, (CO)280 DSC
964 Insurance/Fiduciary Duty (Gaetz) (FR)59 DSC
966 Minors/Protection Online (Fasano) (FR)59, (MO)337 WS
968 Traffic Offenses (Criminal Justice and Garcia) (FR)59, (CR) 309, (CS)313, (MO)521 DSC
SR
970 Prostate Cancer Awareness Month/September 2009 (Hill) (FR) 447, **448** Adopted
972 Power to End Stroke Campaign (Hill) (FR)840, **841** Adopted
SB
974 Sale of Assets by Corporations and LLCs (Smith) (FR)59 DSC
976 Sales Tax Exemption/Energy-efficient Products (Sobel) (FR) 60 DSC
978 Oil and Gas Production Taxes (Finance and Tax and Pruitt) (FR)60, (CR)162, (CR)252, (CS)256, (CR)412, (MO)521, (BA) 690, (CR)725 LTS/CSP-CS/HB 515
980 Elections (Alexander) (FR)60 DSC
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984 Drug Donation Program Act (Wise) (FR)60, (CR)291, (CR) 395 DSC
986 Department of Highway Safety and Motor Vehicles (Transportation) (FR)60 DSC/CSP-CS/CS/SB 1100, CS/CS/SB 1778
988 Nursing Homes (Fasano) (FR)61 DSC
990 Elections (Rich) (FR)61 DSC
992 Dogs and Cats/Sterilization (Community Affairs and Rich) (FR)61, (CR)165, (CS)222 DSC
994 Sexual Battery on a Minor (Aronberg) (FR)61 DSC
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996 Spinal Cord Injury Awareness Week (Rich) (FR)**364** Adopted
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998 Condominiums and Homeowners' Associations (Regulated Industries and Ring) (FR)61, (CR)308, (CS)313, (CR)338 DSC
1000 Discretionary Sales Surtaxes/Fire Rescue Services (Judiciary and others) (FR)62, (CR)163, (CO)235, (CR)252, (CS)256, (CO) 280, (CR)339, (CS/CS)342, (MO)394, (CR)412, (RC)590, (BA) 708, (BA)709, (CR)725, (BA)**759**, 991 Ch. 2009-182
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1004 Coral Reefs (General Government Appropriations and others) (FR)62, (CR)252, (CS)256, (RC)274, (CR)339, (CS/CS)343, (CR) 414, (CS/CS/CS)421, (BA)505, (CR)507, (BA)536, (BA)599, (CO) 653, (BA)656, (CO)732, (BA)**743** DHC/CSP-CS/CS/HB 1423
1006 Ad Valorem Assessments/Challenges (Finance and Tax and others) (FR)62, (CR)163, (CO)235, (CR)250, (CR)413, (CS)421, (MO)836, (BA)878, (CO)991, (CO)1112 LTS/CSP-CS/CS/HB 521
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1008 Equal Rights for Men and Women (Joyner and others) (FR)62, (CO)161, (CO)235, (CO)248 DSC
SB
1010 McKay Scholarships for Students with Disabilities (Ring and others) (FR)62, (CO)280 DSC
1012 State Lands (General Government Appropriations and Constantine) (FR)62, (CR)165, (CS)222, (RC)233, (CR)293, (CS/CS) 295, (BA)383, (BA)385, (BA)**392**, (MO)392, (CR)394, 469, 1494 DCC
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1016 Research University/Study Committee (Ring) (FR)63 DSC
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1020 Articulation Accountability Process (Lynn) (FR)63 DSC
1022 Medicare Supplement/Disability/Renal Disease (Policy & Steering Committee on Ways and Means and others) (FR)63, (CR)165, (CS)222, (CO)235, (CR)293, (CS/CS)295, (CR)507, (CS/CS/CS)509, (CR)642, (BA)686, (CO)991 LTS/CSP-CS/CS/HB 675

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1024 Federal Excise Taxes on Motor Fuel/Reimbursement (Commerce and others) (FR)63, (CR)165, (CS)222, (CO)235, (CR)291, (CR)412, (MO)485, (BA)703, (CR)725, (CO)732 LTS/CSP-CS/CS/HB 375
1026 Enterprise Zones/Martin County (Pruitt) (FR)63, (CR)162, (CR)338, (MO)394, (CR)412 DSC
1028 Racial and Ethnic Minority Health Care (Sobel) (FR)63 DSC
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1034 Florida 211 Network (Fasano) (FR)64 DSC
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1040 Affordable Housing (Judiciary and Bennett) (FR)64, (CR)165, (CS)223, (CR)507, (CS/CS)509 DSC/CSP-CS/CS/SB 360
1042 Affordable Housing (Finance and Tax and others) (FR)64, (CR)251, (CS)256, (RC)321, (CR)455, (CS/CS)458, (CO)517 DSC/CSP-CS/HB 597, CS/CS/SB 360
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1054 Homelessness (Children, Families, and Elder Affairs and Crist) (FR)65, (CR)292, (CS)295, (CR)338, (MO)588, (CR)725, (BA)829, (BA)833 LTS/CSP-CS/HB 597, CS/CS/SB 360
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1068 Spinal Muscular Atrophy Awareness Month (Rich) (FR)**364** Adopted
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1084 Federal Grants Trust Fund/FDLE (Crist) (FR)67, (CR)117, (BA)243, (CR)244, (BA)285 LTS/CSP-HB 7073
1086 Federal Grants Trust Fund/State Courts System (Crist) (FR)67, (CR)117, (BA)243, (CR)244, (BA)285 LTS/CSP-HB 7069
1088 Delivery Vehicles (Commerce and Altman) (FR)67, (CR)251, (CS)257, (CR)308, (CS/CS)313, (CR)396, (CS/CS/CS)399, (CR)412, (BA)544, (CR)589 LTS/CSP-CS/CS/HB 405
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1112 Corporate Income Tax (Altman and others) (BA)5, **6**, (FR)68, (CR)117, 161, 234, (CO)235 Ch. 2009-18 CSP-CS/SB 2504
1114 Highway Safety Violations (Policy & Steering Committee on Ways and Means and others) (FR)68, (CR)291, (CR)413, (CS)422, (RC)439, (MO)472, (CR)589, (CS/CS)589, (BA)709, (BA)724, (CR)725, (CO)1495 LTS/CSP-CS/CS/HB 481
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1130 Tattoo Practice and Tattoo Establishment Act (Sobel) (FR)70 DSC
1132 Credit Counseling Services (Banking and Insurance and others) (FR)70, (CR)164, (CS)223, (CO)235 DSC
1134 Streamlined Sales and Use Tax Agreement (Lynn and others) (FR)70, (CO)161 DSC
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1160 Land Management Funding Formulas (Constantine) (FR)71 DSC
1162 Public Records and Meetings (Jones) (FR)71, (MO)506 WS
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1164 Homestead Property Assessment/Declining Value (Fasano) (FR)71, (CR)162 DSC
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1166 Proceeds of Forfeitures (Wise) (FR)72 DSC
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1170 Fla. & Caribbean Chapter/Special Libraries Assoc. (Lawson) (FR)**240** Adopted
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1172 Tobacco Tax (Jones) (FR)72, (MO)454 WS
1174 Florida School for the Deaf & the Blind (Wise) (FR)72 DSC
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1214 State Retirement/Elected Officers' Class (Fasano and others) (FR)74, (MO)337 WS/CSP-CS/CS/HB 479
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1220 Expert Testimony (Richter) (FR)74 DSC
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1226 Persons with Disabilities (Storms) (FR)75 DSC
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1254 Wrongful Death Coverage (Hill) (FR)76 DSC
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1258 FRS/Special Risk Class/Public Acute Care Hospitals (Hill) (FR) 76 DSC
1260 Pub. Rec./Public Educational Institution Employees (Hill and others) (FR)76, (CO)161 DSC
1262 Sale or Lease of Business Opportunities (Ring) (FR)76, (CR) 163 DSC
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1264 Florida Nurses Association 100th Anniversary (Bennett) (FR) **240** Adopted
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1266 Land Conservation (Constantine) (FR)76 DSC
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1272 Persons with Disabilities (Children, Families, and Elder Affairs and Storms) (FR)77, (CR)162, (CR)252, (CS)258 DSC
1274 Child Support Enforcement (Storms) (FR)77 DSC
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1280 Official Florida Statutes (Villalobos) (BA)5, (FR)77, (CR)117, (CR)118, (BA)**137**, 161, 234, 235 Ch. 2009-19
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1288 Corporations (Judiciary and others) (FR)78, (CO)161, (CR)165, (CS)224, (RC)233, (CO)235, (CR)252, (CS/CS)258 DSC/CSP-SB 2330, CS/HB 1517
1290 OGSR/Motor Vehicle Records (Governmental Oversight and Accountability) (FR)79, (CR)163, (CR)339, (CS)344, (MO)471, (BA)707, (CR)725 LTS/CSP-CS/HB 7027
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1294 Student Financial Assistance (Storms) (FR)79 DSC
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1302 Property Tax Exemption/Military Personnel (Policy & Steering Committee on Ways and Means and others) (FR)80, (CR)163, (CO)235, (CR)293, (CS)295, (CO)470, (CR)507, (CS/CS)510, (MO)588, (MO)836, (BA)879 LTS/CSP-CS/HJR 833
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1304 Byrd Alzheimer's Center and Research Institute (Higher Education Appropriations and Joyner) (FR)80, (CR)244, (CS) 245, (CR)338, (CR)413, (CS/CS)423 DHC/CSP-CS/CS/SB 1696
1306 Growth Management (Transportation and Bennett) (FR)80, (CR)252, (CS)260, (MO)394, (CR)396, (CS/CS)400 DS/CSP-CS/CS/SB 360

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1310 Tax Credits/Nonprofit Scholarship-funding Orgs. (Finance and Tax and others) (FR)81, (CO)235, (CR)251, (CS)260, (CR)292, (CS/CS)295, (CR)395, (CR)507, (BA)631, (CR)642 LTS/CSP-CS/CS/HB 453
1312 Sexual Battery (Criminal Justice and others) (FR)81, (CR)164, (CS)225, (RC)234, (BA)290, (CR)291, (CO)330, (BA)**335**, 1112 Ch. 2009-184
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1320 School Bus Stops (Bullard) (FR)81 DSC
1322 Use of Deadly Force/Dart-firing Stun Gun (Criminal Justice and Deutch) (FR)81, (CR)293, (CS)295 DSC
1324 Direct-mail Marketing Solicitations (Aronberg) (FR)81 DSC
1326 Bingo (Regulated Industries and Fasano) (FR)82, (CR)165, (CS)225 DSC
1328 Commercial Fertilizer Application (Baker) (FR)82, (CR)249 DSC/CSP-CS/CS/CS/SB 494
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1330 Silver Alert Grant Program (Jones and others) (FR)82, (CR) 164, (MO)521, (BA)**700**, (CR)725, 839, (CO)1495 Adopted
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1332 Elevator Safety (Regulated Industries and Jones) (FR)82, (CR) 308, (CS)313 DSC
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1334 Swimming Pool Safety Month (Detert) (FR)364, **365** Adopted
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1340 Firearms Transactions (Criminal Justice and others) (FR)83, (CR)164, (CS)225, (CR)412, (BA)636, (CR)642, (CO)1495 LTS/CSP-CS/HB 177
1342 OGSR/Certain Agency Personnel Information (Judiciary) (FR) 83, (CR)165, (CS)226, (CR)412, (MO)471, (BA)700, (CR)725 LTS/CSP-HB 7037
1344 My Safe Florida Home Program (Bennett) (FR)83 DSC
1346 Trust Funds/AHCA/Lawton Chiles Endowment Fund/DCFS (Health and Human Services Appropriations and Peaden) (FR) 83, (CR)140, (CR)414, (CS)423, (BA)489, (CR)506 LTS/CSP-HB 7077, CS/SB 1658
1348 OGSR/Campaign Finance Reports (Governmental Oversight and Accountability) (FR)83, (CR)163, (CR)413, (CS)423, (MO) 471, (BA)708, (CR)725 LTS/CSP-HB 7015
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1352 Elections (Alexander) (FR)83 DSC
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1364 Florida Bright Futures Scholarship Program (Higher Education and Pruitt) (FR)84, (CR)251, (CS)260, (RC)274 DSC/CSP-CS/CS/SB 1696
1366 Data Destruction (Fasano) (FR)84, (MO)337 WS
1368 Local Government Budgets (Governmental Oversight and Accountability and Dean) (FR)84, (CR)250, (CR)413, (CS)423 DSC/CSP-CS/CS/SB 278
1370 Contingency Fee Agreements (Fasano and others) (FR)84, (CR) 250, (CR)412, (MO)588, (CO)653, (BA)707, (BA)708, (CR)725, (BA)758 LTS
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1388 Point-of-Purchase Messaging/Alcohol and Pregnancy (Bennett) (FR)85 DSC
1390 MacKay and Williams Memorial Bridge (Oelrich) (FR)85 DSC
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1394 Motor Vehicle Registration Applications (Oelrich and others) (FR)86, (CR)163, (CR)250, (CR)395, (BA)452, (CR)454, (CO) 1495 LTS/CSP-HB 687
1396 Administration of Estates (Aronberg) (FR)86, (CR)164, (MO) 394, (BA)490, (CR)506 LTS/CSP-CS/HB 599, CS/HB 631
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1400 Pub. Rec./Estate Inventories and Accountings (Judiciary and Aronberg) (FR)86, (CR)165, (CS)226, (CR)412, (MO)471, (BA) 704, (CR)725, (BA)763 LTS/CSP-CS/HB 631, CS/HB 599
1402 Drug Prescription Information/Commercial Use (Aronberg and others) (FR)86 DSC
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1414 Managed Care Plans/Medicaid-eligible Children (Rich) (FR) 87 DSC
1416 Collaborative Process/Dispute Resolution (Rich) (FR)87 DSC
1418 Hospitality Education Program (Regulated Industries and Jones) (FR)87, (CR)396, (CS)400, (MO)521 DSC/CSP-CS/CS/CS/CS/HB 425
1420 Commercial Motor Vehicles (Fasano) (FR)87, (MO)337 WS
1422 Construction Contracting Requirements/Exemptions (Baker) (FR)87, (CR)292 LTS, refer to combined CS/SB 674
1424 Summary Judgment/Florida Supreme Court (Judiciary and others) (FR)87, (CR)244, (CS)245 DSC
1426 Prepaid College Programs (Wise and others) (FR)87, (CR)250, (MO)471, (MO)588, (BA)704, (CR)725, (CO)1495 LTS/CSP-CS/HB 281
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1436 Water Management Districts (Bennett) (FR)88, (CR)250 DSC
1438 Injection Wells (Bullard) (FR)88, (CR)163, (CR)394, (MO)690 DCS
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1440 Delta Sigma Theta Sorority, Inc. (Bullard and others) (FR)**238**, (CO)248 Adopted
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1442 Drainage and Water Control (Constantine) (FR)88 DSC
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1744 Department of Agriculture and Consumer Services (General Government Appropriations and Baker) (FR)104, (CR)292, (CS)299, (RC)327, (CR)338, (BA)**374**, (MO)392, (CR)394, 469, 1370, (BA)**1386**, 1494, 1495 Ch. 2009-66 CSP-SB 2600
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1794 Governmental Operations (Fasano) (FR)106 DSC
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1798 State Employees (Policy & Steering Committee on Ways and Means and Alexander) (FR)106, (CR)339, (CS)347, (RC)355, (BA)**379**, (MO)392, (CR)394, 469, 596, 1422, (BA)**1423**, 1494, 1495 Ch. 2009-75 CSP-SB 2600
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1828 Revision of Class Size Requirements/Public Schools (Wise and others) (FR)108, (CR)162, (CO)235, (CR)412, (CO)444, (MO)836, (BA)878 DCS
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1830 Power Plants/Nuclear/Cost Recovery (Fasano) (FR)108 DSC
1832 Retirement (Governmental Oversight and Accountability) (FR)108, (CR)165, (CS)228 DSC/CSP-CS/SB 1802
1834 OGSR/Archival Material (Governmental Oversight and Accountability) (FR)108, (CR)164, (CS)228, (CR)338, (MO)471, (BA)698, (CR)725 LTS/CSP-HB 7025
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1838 OGSR/Social Security Numbers (Governmental Oversight and Accountability) (FR)108, (CR)507, (CS)510, (MO)521, (CR)725, (BA)795 LTS/CSP-CS/HB 7051
1840 Protecting Health/Surcharge on Tobacco Products (Policy & Steering Committee on Ways and Means and others) (FR)108, (CR)252, (CS)263, (RC)329, (CR)339, (CS/CS)348, (BA)380, (BA)382, (BA)388, (MO)**392**, (CR)394, 469, 1342, (BA)**1348**, 1494, 1495 Ch. 2009-79 CSP-SB 2600
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2770 Jade Thomas Moore (Jones) (FR)475, **476** Adopted
2772 Sexual Assault Awareness Month/April 2009 (Fasano) (FR) **598** Adopted
2774 Breast Cancer Awareness Month (Joyner) (FR)**365** Adopted
2776 Drowsy Driver Prevention Week/September 1-7, 2009 (Lawson) (FR)**448** Adopted
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2778 Children's Mental Health Awareness Day/May 7, 2009 (Detert) (FR)**476** Adopted
2780 Leonard Hamilton (Lawson and others) (FR)**474** Adopted
2782 Sue Semrau (Lawson and others) (FR)**474** Adopted
2784 White House Conference on Children & Youth (Wise) (FR) **520** Adopted
SB
2786 DNI/CSP-CS/HB 1095
2788 DNI/CSP-HB 773
SR
2790 DNI/CSP-HR 9129
SB
2792 DNI/CSP-CS/HB 1059
SR
2794 Panama City/Centennial Year (Gaetz) (FR)**655** Adopted
2796 Florida Strawberry Festival (Storms) (FR)**520** Adopted
2798 50th Anniversary of Florida Special Olympics (Gaetz) (FR)654, **655** Adopted
2800 Mallory E. Horne (Atwater and others) (FR)359, **360** Adopted
2802 Florida Society of Association Executives (Wise) (FR)**521** Adopted
2804 Lawrence "Ed" Hoffman (Fasano) (FR)655, **656** Adopted
2806 Out-of-state Sellers/Collection of Sales & Use Tax (Lynn) (FR) 742, **743** Adopted
2808 "Bullet" Bob Hayes Day (Hill) (FR)**841** Adopted
2810 Fibromyalgia Awareness Day (Hill) (FR)**841** Adopted
2812 Sam Horton (Joyner) (FR)**993** Adopted
2814 USF Bulls/Women's Basketball Program (Crist) (FR)**993** Adopted
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2816 DNI/CSP-CS/HB 775
2818 DNI/CSP-HB 777
SR
2820 Animal Agribusiness (Dean) (FR)**993** Adopted
2822 AIDS Vaccine Advocacy Day (Wilson) (FR)**656** Adopted
2824 Imported Drywall (Bennett and others) (FR)993, **994** Adopted
2826 Paul Vasquez (Hill) (FR)**994** Adopted
2828 DNI/CSP-SR 2832, HR 9095
2830 Okaloosa Co. Sheriff Deputies/Forgione/Lopez/York (Gaetz) (FR)1113, **1114** Adopted
2832 Eye Safety Devices/Use in Youth Sports (Crist) (FR)**1114** Adopted

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27 Residential Properties (Finance & Tax Council and others) (FR)725 DSC

29 Unlawful Use of Utility Services (Criminal & Civil Justice Policy Council and others) (BA)632, 642, (FR)645, (BA)**674** Ch. 2009-159

55 Excise Tax on Documents (Finance & Tax Council and others) 515, (FR)516, (BA)624, (MO)624, (BA)679, (MO)725, (BA)831, (MO)836, (BA)871, (MO)991, (BA)1103, **1105** DM

57 Law Enforcement Explorers (Criminal & Civil Justice Policy Council and others) (FR)642, (BA)698, (BA)**753** Ch. 2009-102

61 Temporary Accommodations (Economic Development Policy (EDCA) and others) 642, (FR)645, (BA)709, (BA)**760** Ch. 2009-133

63 Auctioneers (General Government Policy Council and others) (FR)466, (BA)477, **478** Vetoed

73 Permit Process for Economic Development Projects (Schenck and others) (FR)466, (BA)575, (BA)576, (BA)607, (BA)**611** Ch. 2009-134

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81 Repeal of Public Campaign Financing Requirement (Hays and others) 642, (FR)653, (BA)832, (BA)**928** Passed

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109 Clinical, Counseling, and Psychotherapy Services (Bembry and others) (BA)**607**, (FR)642 Ch. 2009-103

115 Sexual Offenders and Predators (Public Safety & Domestic Security Policy (CCJP) and others) 642, (FR)645, (BA)828, (BA)**922** Ch. 2009-194

123 Human Smuggling (Full Appropriations Council on General Government & Health Care and others) 591, (FR)593, (BA)632, (BA)**674** Ch. 2009-160

127 Enterprise Zones (Economic Development & Community Affairs Policy Council and others) (FR)591, (BA)828, (BA)829, (BA)**924** Ch. 2009-48

135 Pub. Rec./Insured Dependents/Agency Group Plan (Insurance, Business, & Financial Affairs Policy (GGPC) and others) 591, (FR)595, (BA)693, (BA)**752** Ch. 2009-104

167 Energy-efficient Appliance Rebate Program (Finance & Tax Council and others) (FR)642, (BA)824, (BA)**920** Ch. 2009-36

169 Equine Activities (Policy Council and others) 642, (FR)645, (BA)**656** Ch. 2009-105

177 Firearms Transactions (Policy Council and others) (FR)515, (BA)636, (BA)**676** Ch. 2009-229

179 Property Appraisers (Finance & Tax Council and others) (FR) 515, (BA)624, (BA)625, (BA)**657** Ch. 2009-135

185 Access to Health Care (Health Care Regulation Policy (HFPC) and others) (BA)365, **366**, (FR)411 Ch. 2009-41

215 Contingency Fee Agreements/DLA & Private Attorneys (Policy Council and others) (FR)591, (BA)758, **759** DM

227 Impact Fees (Economic Development & Community Affairs Policy Council and others) 591, (FR)593, (BA)682, (BA)**748**, 991 Ch. 2009-49

239 Motor Vehicles (Economic Development & Community Affairs Policy Council and others) 725, (FR)726 DSC/CSP-CS/CS/SB 1778

255 Pest Control (Bembry and others) (FR)466, (BA)506, (BA)**537** Ch. 2009-106

271 Confidential Informants (Criminal & Civil Justice Policy Council and others) 642, (FR)646, (BA)836, (BA)**923** Ch. 2009-33

281 Prepaid College Programs (State Universities & Private Colleges Policy (EPC) and others) (FR)591, (BA)704, (BA)**756** Ch. 2009-136

285 Medicaid Low-Income Pool/Disproportionate Share (Health Care Regulation Policy (HFPC) and others) 466, (FR)467, (BA) 587, (BA)**609** Ch. 2009-42

293 Motor Vehicle and Mobile Home Title Transfer (Full Appropriations Council on Education & Economic Development and others) (BA)996, **1000**, (FR)1111, 1112 Ch. 2009-206

319 Recertification of Minority Business Enterprises (Carroll and others) (FR)443, (BA)454, (BA)**477** Ch. 2009-83

331 Public Health Initiatives (Skidmore and others) (BA)**678**, 725, (FR)727, 991 Ch. 2009-161

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333 Off-Highway Vehicles (Economic Development & Community Affairs Policy Council and others) (FR)515, (BA)683, (BA)**748** Ch. 2009-137

339 Secondhand Dealers and Secondary Metals Recyclers (Economic Development & Community Affairs Policy Council and others) (BA)681, (BA)682, 725, (FR)727, (BA)**747** Ch. 2009-162 CSP-CS/CS/SB 2700

375 Reimbursement of Fed. Excise Taxes on Motor Fuel (Civil Justice & Courts Policy (CCJP) and others) (FR)642, (BA)703, (BA)**755** Ch. 2009-163

379 Florida Uniform Principal and Income Act (Wood) (FR)642, (BA)686, (BA)687, (BA)**750** Ch. 2009-207

381 Care of Children (N. Thompson and others) (BA)638, (BA)639, 642, (FR)646, (BA)677, **678** Ch. 2009-43 CSP-CS/CS/SB 126

387 Medical Faculty Certificates (Rivera and others) (FR)836, (BA) 871, (BA)1026, (BA)**1100** Ch. 2009-107

393 Viera Stewardship District, Brevard County (Poppell) 466, (FR)467, (BA)**620**, (MO)620, (CR)642 Ch. 2009-249

405 Delivery Vehicles (Economic Development & Community Affairs Policy Council and others) 466, (FR)469, (BA)544, (BA)**601** Ch. 2009-208

425 Department of Business & Professional Regulation (Full Appropriations Council on General Government & Health Care and others) 725, (FR)727, (BA)821, (BA)823, (BA)918, **919** Ch. 2009-195 CSP-CS/CS/SB 1640, CS/SB 1754

439 Uniform Traffic Control (Finance & Tax Council and others) 642, (FR)646, (BA)693, (BA)697, (BA)763, (BA)850, (BA)960, (BA)961, (BA)**1026**, (BA)1106, (BA)1107 DM

453 Tax Credits/Nonprofit Scholarship-funding Org. (Finance & Tax Council and others) (FR)515, (BA)631, (BA)632, (BA)**673** Ch. 2009-108

479 Retirement (Economic Development & Community Affairs Policy Council and others) 642, (FR)647, (BA)851, (BA)865, (BA)939, (BA)957, (BA)961, (BA)964, (BA)971, (BA)1030, **1031**, 1112 Ch. 2009-209

481 Highway Safety (Full Appropriations Council on General Government & Health Care and others) 642, (FR)647, (BA)724, (BA)725, (BA)**759**, 1495 Ch. 2009-138

483 Investor Protection (General Government Policy Council and others) 642, (FR)643, (BA)823, (BA)**920** Ch. 2009-242

485 Fast Track Economic Stimulus for Small Businesses (Finance & Tax Council and others) 642, (FR)647, (BA)831, (BA)832, (BA)**929** Ch. 2009-50

509 Veterans (Zapata and others) 642, (FR)643, (BA)707, (BA)**757** Ch. 2009-109 CSP-CS/CS/SB 1696

515 Oil and Gas Production Taxes (General Government Policy Council and others) 591, (FR)593, (BA)690, (BA)751, **752** Ch. 2009-139

521 Ad Valorem Assessments (Economic Development & Community Affairs Policy Council and others) (BA)877, (BA)878, (FR) 991, (BA)1031, **1033**, 1112 Ch. 2009-121

569 Financial Instruments (Finance & Tax Council and others) 725, (FR)728, (BA)**754** Ch. 2009-140 CSP-CS/CS/CS/HB 1495

597 Homelessness (Health & Family Services Policy Council and others) 642, (FR)648, (BA)832, (BA)835, (BA)**928**, 1112 Ch. 2009-164 CSP-CS/CS/SB 360

599 Administration of Estates (Governmental Affairs Policy (EDCA) and others) 466, (FR)467, (BA)490, (BA)535, **536** Ch. 2009-115 CSP-CS/HB 631

611 Public Construction Projects (Economic Development & Community Affairs Policy Council and others) 642, (FR)648, (BA) 820, (BA)**917** Ch. 2009-210

631 Pub. Rec./Estate Inventories and Accountings (Civil Justice & Courts Policy (CCJP) and others) 591, (FR)595, (BA)763, (BA)**887** Ch. 2009-230 CSP-CS/HB 599

635 Military Affairs (Military & Local Affairs Policy (EDCA) and others) 836, (FR)837, (BA)877, (BA)**1033** Ch. 2009-122

675 Medicare Supplement Policies (General Government Policy Council and others) 642, (FR)648, (BA)686, (BA)**749** Ch. 2009-141

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685 Educational Dollars for Duty Program (Economic Development & Community Affairs Policy Council and others) 642, (FR)643, (BA)870, (BA)1100, **1101** Ch. 2009-123
687 Motor Vehicle Registration Applications (Boyd and others) 443, (FR)444, (BA)452, (BA)**479** Ch. 2009-110
701 Notices of Proposed Property Taxes (Hudson and others) 591, (FR)593, (BA)682, (BA)**748**, 1495 Ch. 2009-165
707 Management of Wastewater (Aubuchon and others) 642, (FR) 648, (BA)704, (BA)**756** Ch. 2009-231
713 Lake Asbury Municipal Service Benefit/Clay County (Proctor and others) 466, (FR)467, (BA)**620**, (MO)620, (CR)642 Vetoed
739 Community College Student Fees (State & Community Colleges & Workforce Policy (EPC) and others) 515, (FR)516, (BA) 633, (BA)**675** Vetoed
741 Insurance Premium Financing (Patterson and others) (BA) **365**, (FR)411 Ch. 2009-84
743 South Indian River Water Control/Palm Beach County (Domino) 466, (FR)467, (BA)**620**, (MO)620, (CR)642 Ch. 2009-250
767 Mental Health and Substance Abuse Services (Fitzgerald and others) (BA)480, 515, (FR)516, (BA)**521** Ch. 2009-44
773 Plantation Acres Improvement District, Broward Co. (Porth) 466, (FR)467, (BA)**620**, (MO)620, (CR)642 Ch. 2009-251
775 City of Tamarac, Broward County (Military & Local Affairs Policy (EDCA) and others) 836, (FR)837, (BA)**875**, (MO)875, (CR)991 Ch. 2009-252
777 City of West Park/Broward County (Porth and others) 836, (FR)837, (BA)**875**, (MO)875, (CR)991 Ch. 2009-253
801 Broward County (Military & Local Affairs Policy (EDCA) and Porth) 466, (FR)467, (MO)620, (BA)**621**, (CR)642 Ch. 2009-254
807 Florida Kidcare Program (Clarke-Reed and others) (FR)991, (BA)**996** Ch. 2009-211
821 Community Development Districts (Economic Development & Community Affairs Policy Council and others) (FR)591, (BA) 795, (BA)**888** Ch. 2009-142
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833 Homestead Ad Valorem Tax Credit/Deployed Military (Finance & Tax Council and others) 836, (FR)838, (BA)879, (BA) 1002, **1003** Passed
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845 Self-Insurance Funds (General Government Policy Council and others) 515, (FR)516, (BA)686, (BA)**750** Ch. 2009-116
853 Surplus Lines Insurers (General Government Policy Council and others) 725, (FR)728, (BA)1102, **1103** Ch. 2009-166
873 Inactive Licenses/Certificates of Need/Health Care (Health & Family Services Policy Council and others) 466, (FR)469, (BA) 586, (BA)**599** Ch. 2009-45
877 City of Jacksonville, Duval County (Weinstein and others) 466, (FR)467, (MO)620, (BA)**621**, (CR)642 Ch. 2009-255
895 Pub. Rec./Education Testing/Investigation by DOE (PreK-12 Policy (EPC) and K. Roberson) 591, (FR)595, (BA)824, (BA) **921** Ch. 2009-143
903 Attorney's Fees in Workers' Compensation Cases (General Government Policy Council and others) (BA)926, **927**, (FR)991, (BA)**1066** Ch. 2009-94
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919 Revision of Class Size Requirements/Public Schools (Rules and Calendar Council and others) 836, (FR)838 DSC
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935 Area Agencies on Aging (Healthy Seniors Appropriations (CGHC) and others) (BA)**525**, 591, (FR)593 Ch. 2009-46
949 Nonrecognition of Foreign Defamation Judgments (Van Zant and others) 591, (FR)592, (BA)828, (BA)**921** Ch. 2009-232
965 Trust Administration (Civil Justice & Courts Policy (CCJP) and others) 466, (FR)467, (BA)490, (BA)**536** Ch. 2009-117
967 Northern Palm Beach County Improvement District (Domino) 466, (FR)468, (MO)620, (BA)**621**, (CR)642 Ch. 2009-256
991 School Improvement and Accountability (Full Appropriations Council on Education & Economic Development and others) 515, (FR)516, (BA)587, (BA)**609** Ch. 2009-144 CSP-CS/CS/SB 1676
1003 Sale and Delivery of Firearms (Drake and others) 642, (FR) 643, (BA)703, (BA)**755** Ch. 2009-233
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1021 Transportation (Aubuchon and others) 642, (FR)648, (BA)976, (BA)990, (BA)1001, **1002**, 1112 Ch. 2009-85 CSP-HB 5013
1059 Central Broward Water Control District/Broward Co. (Military & Local Affairs Policy (EDCA) and Porth) 466, (FR)468, (MO) 620, (BA)**621**, (CR)642 Ch. 2009-257
1063 Lake Worth Drainage District, Palm Beach County (Abruzzo) 466, (FR)468, (MO)620, (BA)**621**, (CR)642 Ch. 2009-258
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1095 Broward County Tourist Development Council (Military & Local Affairs Policy (EDCA) and others) 836, (FR)837, (MO) 875, (BA)**876**, (CR)991 Ch. 2009-259
1113 East County Water Control Dist./Lee and Hendry Co. (Military & Local Affairs Policy (EDCA) and Kreegal) 836, (FR)837, (MO) 875, (BA)**876**, (CR)991 Ch. 2009-260
1139 Florida Center for Nursing (Health Care Regulation Policy (HFPC) and others) 591, (FR)592, (BA)823, (BA)**920** Ch. 2009-145
1147 Spring Hill Fire Rescue/Emergency Medical/Hernando (Finance & Tax Council and others) 466, (FR)468, (MO)620, (BA) **622**, (CR)642 Ch. 2009-261
1169 City of Leesburg, Lake County (Military & Local Affairs Policy (EDCA) and O'Toole) 836, (FR)837, (MO)875, (BA)**876**, (CR) 991 Ch. 2009-262
1171 Residential Property Insurance (General Government Policy Council and others) 591, (FR)594, (BA)961, (BA)**1101** Vetoed
1205 Charter County Transit System Surtax (Economic Development & Community Affairs Policy Council and others) 591, (FR)592, (BA)**602** Ch. 2009-146
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1213 Jacksonville Transportation Authority (Roads, Bridges, & Ports Policy (EDCA) and others) 591, (FR)592, (BA)793, (BA) 795, (BA)887, **888**, 1112 Ch. 2009-111
1235 Lakewood Ranch Stewardship/Manatee/Sarasota Co. (Military & Local Affairs Policy (EDCA) and Reagan) 466, (FR)468, (MO) 620, (BA)**622**, (CR)642 Ch. 2009-263
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1269 Breast Cancer Detection and Screening (Health & Family Services Policy Council and others) 515, (FR)516, (BA)636, (BA)637, (BA)641, (BA)**676** Ch. 2009-120
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7157 Real Property Used for Conservation Purposes (Finance & Tax Council and Bogdanoff) (BA)770, (BA)777, 836, (FR)838, (BA) **887**, (BA)1062, **1066** Ch. 2009-157
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8001 Joint Session/Receiving Governor's Message (Galvano) (FR)2, **3** Adopted
8005 Extension/2009 Regular Session of the Legislature (Galvano) (FR)1090, (BA)**1091** Adopted